Imperial Irrigation District Water Conservation and Transfer Project

Final Environmental Impact Report/ Environmental Impact Statement

Volume 4

Prepared for

Imperial Irrigation District

U.S. Bureau of Reclamation

Prepared by

CH2MHILL

October 2002

Final Environmental Impact Report/
Environmental Impact Statement

Imperial Irrigation District
Water Conservation and Transfer Project

VOLUME 4 of 6
(Section 10.6 – Section 14)

See Volume 1 for Table of Contents

Prepared for

Bureau of Reclamation
Imperial Irrigation District

October 2002

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8.2

FISH PARTNERS

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92257

eir-eisiidltr 3-19-02

March 19, 2002

Mrs. Stella Mendoza, President
Imperial Irrigation District Board of Directors
P. O. Box 937
Imperial, CA 92251

A: RPM

SUBJECT: Draft EIR/EIS

Dear Mrs. Mendoza:

I am greatly concerned about certain proposals found in the Draft EIR/EIS and Habitat Conservation Plan relating to the IID Water Conservation and Transfer Project. I will began with some general comments, then comments about the proposed fish hatchery, and lastly, I will urge the consideration of third alternative for dealing with the problem of the Salton Sea and the birds and the fish of the Salton Sea.

G1-1 Outside forces are determined that additional water transfers will occur, and that these transfers will occur in a fashion that will facilitate further economic development in California's southern coastal plane and the Coachella Valley. Imperial Valley residents do not have the votes or the financial resources to match these forces. It remains to be seen if Imperial Valley residents have the will to withstand these forces. One thing is clear, if we do not stand together, we will surely lose and lose badly.

G1-2 I am resigned to the fact that agriculture will likely lose even more of IID's water entitlement. Already over 100,000 acre feet of IID's entitlement now goes to the Metropolitan service area to benefit economic development there, rather than the Imperial Valley. With the proposed SDCWA water transfer and the proposed Quantification Settlement Agreement, we stand to lose in-valley use of another 300,000 acre feet of water.

Mr. Gilbert has presented a conservation plan which, if a transfer occurs, I can support. It is doable. It is more equitable than the current IID proposal and is more likely to survive court challenges.

EIR/EIS & HCP

G1-3 The draft EIR/EIS documents are lacking in many respects. The draft EIR/EIS does not adequately recognize natural fluctuations in wildlife populations or the adaptability and mobility of some wildlife species. Most of the proposed mitigation measures in the EIR/EIS **benefit some wildlife species to the detriment of other wildlife species,** G1-4 yet this relationship **is not adequately acknowledged, identified or discussed.** Several mitigation proposals in the draft EIR/EIS advocate the spread of such exotic species such as Tamerisk (a shrub from the Mediterranean area), the hatchery production of tilapia (a fish from Africa), and mitigation for G1-5 the black-skimmer, a species not reported in California untill 1962 or at the Salton Sea until 1972. Why are government officials promoting these exotic species? IID should not party to such projects.

RECEIVED
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RESI
& MASA

(760) 359-3474
GEORGE RAY / FERN RAY, PTRS.

Letter - G1. Fish Partners. Signatory - George Ray.

Response to Comment G1-1

Comment noted. Please refer to the Socioeconomics section of the Draft EIR/EIS (Section 3.14) for the discussion of potential impacts to economics and socioeconomics as a result of implementation of the Proposed Project.

Response to Comment G1-2

Comment noted. The Proposed Project includes the conservation and transfer of up to 300 KAFY.

Response to Comment G1-3

The HCP employs both habitat-based and species-specific conservation strategies for species covered under the HCP. The habitat-based strategies conserve species that exhibit high mobility, adaptability and fluctuating populations through the creation or acquisition of on-site replacement habitat of equal or greater quality and quantity than that which would be adversely affected under the Proposed Project. The overall conservation strategy for the IID HCP is to maintain or increase the value (amount and/or quality) of each habitat in the HCP area in addition to implementing measures to minimize direct effects to covered species from O&M and construction activities. The habitat-based conservation approach is suitable for the majority of species covered under the HCP. It is augmented by species-specific treatment for individual species (i.e., burrowing owls, desert pupfish, razorback sucker) that are not easily accommodated by the habitat approach. Therefore, contrary to the assertion made in the comment, the IID HCP would not benefit some species to the detriment of others.

Response to Comment G1-4

Regulatory requirements under the ESA and CESA necessitate that priority be given to special-status species. In addition, IID has elected to cover certain special-status species in its HCP in order to provide long-term certainty with respect to ESA and CESA requirements. Species-specific conservation measures have been developed for some of the special-status species covered under the HCP. These measures may

Response to Comment G1-4 (continued)

provide ancillary benefits to some species not covered by the HCP, while for others, they may provide little or no benefit. None of the species-specific conservation measures are believed to adversely affect non-listed species. The habitat-based strategies conserve wildlife species that exhibit high mobility, adaptability and fluctuating populations through the creation or acquisition of on-site replacement habitat of equal or greater quality and quantity than that which would be adversely affected under the Proposed Project. The habitat-based conservation strategies and minimization measures described in the HCP would benefit species not covered by the HCP associated with each habitat. No adverse effects to other species are anticipated.

Response to Comment G1-5

Under existing conditions, the majority of habitats in the IID Service Area and Salton Sea are comprised primarily of invasive, non-native plant species such as tamarisk (also known as saltcedar). Under the HCP, impacts to tamarisk scrub habitat will be mitigated through creation or acquisition of native tree habitat consisting of mesquite bosque or cottonwood-willow habitat. Impacts to drain vegetation will be mitigated through the creation of managed marsh consisting of native cattail/bulrush vegetation. The HCP does not advocate the further spread of exotic species that are already well established in the Project Area.

Black skimmers have undergone a natural range expansion in California since 1962. Because black skimmers were not introduced to the Salton Sea and began breeding there without human intervention, they are not considered an introduced species.

Approach 1 is no longer under consideration. See Master Response for *Biology—Approach to the Salton Sea Habitat Conservation Strategy* in Section 9 of this Final EIR/EIS.

HATCHERY PLAN

Approach 1 of the EIR Section "2.2.6.7 (Implementation of the HCP Conservation Strategies"), specifically titled **"Hatchery and Habitat Replacement"** is seriously flawed. This is the section calling for the construction and operation of a tilapia hatchery by IID (pages 2-50 to 2-52 of the EIR/EIS). The tilapia hatchery is not for the purpose of recreational fishing, not for the benefit of fish, but for the benefit of **"the birds"**. According to the draft EIR/EIS this approach was **proposed by USFWS and CDFG.**

G1-6 Exactly what is the problem with this tilapia hatchery proposal? Tilapia, although they have a high tolerance for a wide range of water salinity levels, do not have a high tolerance for a wide range of water temperatures. The tilapia immune system does not function well at temperatures around 60 degrees F. and below. When exposed to low temperatures for a few days, tilapia began to die, usually from parasites and other diseases. Tilapia almost never survive through the 1st of January in IID's irrigation delivery canals, in the New River and the Alamo River, and in my ponds, which average about 4 feet deep. Frequently, tilapia began dying in early December. Two year ago tilapia began dying in my ponds as early as the middle of November. **Typically tilapia do not survived in my ponds during the winter!** Only when we have an unusually warm winter do tilapia survive in these systems throughout our winter months.

Some tilapia do, however, survive winters here in the valley. But these tilapia survive only in warm waters associated with tile drains, springs or wells, and, as you know, the Salton Sea.

Why are tilapia able survive in the Salton Sea during the winter? I do not have a definitive scientific answer to this question. But probably because of a combination of three factors: (Number 1) water the Salton Sea does not get as cold as water in shallow ponds and most IID canals, (Number 2) the high salt level may help protect tilapia from parasites and diseases, and (Number 3) tilapia probably retreat to refuges where the water is warmer than the rest of the Salton Sea. This warmer water may be the result of incoming warm water, under sea warm water springs or wells, or geothermally heated sea bottom.

G1-7 We know the Salton Sea will get saltier and eventually normal recruitment of tilapia will cease in the Salton Sea. Recruitment will fail because of poor fry survival, egg damage, and, eventually, the lack of spawning activity. But the question I raise is: "What will happens to the large population of tilapia in the Salton Sea as a result of a drop in the average water temperature that will occur when the sea level begins to drop?" As the sea level begins to drop, first 1 ft. then 5 ft., and perhaps eventually 18 ft., the average water temperature of the Salton Sea during the winter will also continue to drop. What effect will lower winter water temperatures of the Salton Sea have on tilapia survival?

G1-8 There is no discussion in the draft EIR/EIS regarding this issue of water temperature on the sustainability of tilapia in the Salton Sea. There is no discussion in the draft EIR/EIS regarding winter survival of tilapia in the proposed 5,000 acres of shallow fish ponds. The draft EIR/EIS does not address the problems and cost of operating a tilapia hatchery with heated water during the winter.

G1-9 Additionally, the 5,000 acres of ponds **are required** to use first-use canal water rather that drain water or river water -- no reclaimed water -- so much for conservation. The 5,000 acres of ponds are to be sited on productive farm land rather than exposed seabed -- so much for

Response to Comment G1-6

Approach 1, which included stocking tilapia in the Salton Sea and constructed ponds, has been eliminated from consideration. See Master Response for *Biology—Approach to Salton Sea Habitat Conservation Strategy* in Section 9 of this Final EIR/EIS.

Response to Comment G1-7

The comment correctly identifies water temperature as an important determinant of fish health. While the EIR/EIS focuses on salinity as the most likely factor influencing the ability of the fishery to be sustained in the Salton Sea, water temperature also could contribute alone or synergistically to rendering the Sea unsuitable for fish. Under the Salton Sea Habitat Conservation Strategy, no reduction in inflow attributable to the Proposed Project would occur until after 2030, when fish are not projected to remain in the Salton Sea under the Baseline. Thus, this strategy would avoid water temperature and other potential effects to fish attributable to water conservation and transfer. See the Master Response for *Biology—Approach to Salton Sea Habitat Conservation Strategy* in Section 9 of this Final EIR/EIS.

Response to Comment G1-8

Please refer to the response given for Comment G1-7.

Response to Comment G1-9

Since the development of the approaches described in the HCP and Draft EIR/EIS, IID has eliminated the HCP Approach 1 from further consideration. Please see the Master Response for *Biology—Approach to the Salton Sea Conservation Strategy* in Section 9 of this Final EIR/EIS.

G1-9 conservation. Its not just San Diego that wants our water -- USFWS and CDFG are just as eager to stake their claim to our water, and our farmland.

PUPFISH

My second issue with the proposed tilapia hatchery deals with desert pupfish. An elaborate species-specific conservation plan is found in Section 3.7.2 of the HCP. This plan proposes to maintain ready access for movement of desert pupfish between the Salton Sea and certain IID drains and between various IID drains. Page 3-121 of the HCP contains the following sentence: **"Pupfish populations also are influenced by interactions with exotic species."**

G1-10 **These exotic species are not identified nor are these interactions properly discussed.** Why not! Why is that significant? Perhaps it is because the purpose of the proposed tilapia hatchery is to maintain an exotic tilapia fishery in the Salton Sea as long as possible. Perhaps it is because the exotic tilapia compete with desert pupfish and eat small fish. Tilapia are probably a greater threat to the desert pupfish in these drains than other wildlife species, including fish eating birds. Perhaps it is because the proposed hatchery HCP and the proposed desert pupfish HCP are counterproductive to each other. Does it make sense to encourage the survival of tilapia in the Salton Sea to the detriment of the desert pupfish? Does it make sense to promote the hatchery production of exotic tilapia to the detriment of the desert pupfish -- a species singled out for special concern?

Remember that popular saying: "A chain is only as strong as its weakest link." I hope for the sake of the Imperial Irrigation District and the sake of all Imperial Valley residents this omission is the weakest link in the EIR/EIS. I fear this omission may not be the weakest link. I fear that it may be only one of many weak links.

APPROACH 3 -- MANAGED DELTA HABITAT

G1-11 There may be a better, less expensive alternative to the two approaches proposed to mitigate for Salton Sea area impacts: Approach 1 – tilapia hatchery- and Approach 2 - conservation/fallowing – [Section 2.2.6.7 in the EIR and Section 3.3 of the HCP (Appendix C of the EIR/EIS)].

Please consider a third approach -- delta improvement. Why not, allow the sea to evaporate naturally? As the shoreline recedes, why not, construct and manage river delta like landforms such as meandering streambeds, islands, marshes, shallow fresh water lakes, and other landforms associated with nearly flat river delta landscapes. As the shoreline recedes, why not, populate these river delta landforms with suitable plant species to attract animal wildlife suitable for this environment -- an environment approximating the environment that once existed in this sea bed not so long ago. On the South end of the basin, the mouths of the New River, the Alamo River, and numerous IID drain canals could be extended and landscaped to better resemble rivers and streams meandering across the bottom of a drying sea. Similarly, the Whitewater flood control ditch and other irrigation and storm drains could be extended to better resemble a rivers and streams meandering across the North end of the basin, creating an attractive landforms and useful habitat for many wildlife species. Managed delta habitats will benefit mamals, fish, and other wildlife, as well as birds. In other words, mitigate for the receding shoreline, mitigate for water quality! The managed deltas should be intended to complement, not duplicate the Sonny Bono National Wildlife Refuge.

Response to Comment G1-10

The comment speculates on the potential effects of exotic species (e.g., tilapia and bass) on populations of desert pupfish in the drains. The HCP (Appendix C to this Final EIR/EIS) describes competition and predation by exotic species as potential factors influencing the status of the desert pupfish population in the drains. The intent of this discussion was to provide the reader with the background necessary to understand the context within which the impacts were evaluated. Although it has been hypothesized that competition or predation by exotics could adversely affect pupfish, studies conducted by Sutton (1999) also suggest that pupfish appear to survive well in certain drains that also contain populations of exotic fish. It is likely that habitat characteristics (e.g., vegetation structure) also play an important role in the suitability of pupfish habitat. Also, please see Master Response for *Biology—Approach to Salton Sea Habitat Conservation Strategy* in Section 9 of this Final EIR/EIS.

Response to Comment G1-11

The comment recommends consideration of an additional approach for mitigating impacts of a declining Sea elevation on a variety of fish and wildlife species. The recommended approach outlines the potential benefits of actively working with freshwater (drain water) discharges to the Sea to create a network of vegetated channels that would support fish and wildlife. This approach is consistent with the proposed pupfish and tamarisk scrub habitat conservation strategies. As identified in measure Pupfish -3 and the subsequent discussion of its justification, the HCP directs IID to manage the drain channels (including the New and Alamo Rivers) as they extend over exposed seabed. This is specifically intended to benefit pupfish, but also would be expected to benefit other species as well. In addition to the management of these new channels for the benefit of pupfish, the conservation strategy for tamarisk scrub in the HCP outlines measures that would require IID to create native tree habitat (up to 1,421.5 acres). If the soil characteristics of the exposed seabed and water quality were appropriate to support native trees, these new channels could be used for these plantings. The HCP IT would determine the locations and specific characteristics of native tree habitat. The concepts recommended for inclusion are already elements of the currently proposed HCP.

G1-11 The managed delta approach will leave our valley with an attractive sustainable wildlife refuge we can be proud of -- a refuge that favors native species over exotic species. This approach can offer a wide variety of sustainable recreational opportunities for valley residents and others. This approach puts to productive use thousands of acres of seabed and shoreline the IID already owns. This approach will go a long way in dealing with alleged dust problems that may result as the shore line of the Salton Sea recedes and water quality problems arising from conservation. If done properly, it may attract funding from a variety of non-profit foundations.

G1-12 The HCP does propose a 160 to 652 acres of managed marsh to offset impacts of water quality changes and to mitigate for operation and maintance activities on drains. **However**, the HCP proposal places the marsh on farmland, not drying seabed, and would use drain water with less than 2 ppb selenium. **This managed marsh should be located in the drying seabed and integrated into the proposed managed deltas.**

G1-13 Best of all, Approach 3 will not leave our valley landscape covered with huge piles of salt, evaporating salt ponds, energy consuming evaporators, and even more idle farmland. It will partly mitigate for the esthetics of a drying seabed and possible dust problems, help mitigate for odor problems, help mitigate for lowered water quality, and help mitigate for a retreating shoreline.

A managed delta can put thousands of acres of idle IID land and government land to good use and allow more Colorado River water to be used for economic development in Imperial Valley.

G1-14 In closing, I am compelled to note the portion of the HCP relating to the Salton Sea promotes **political ecology rather than wildlife ecology.** Environmental law and HCPs should have a bias towards sustaining native species and a bias towards returning the environment to its more natural state. The HCP places far greater emphasis on what is perceived to be good for a few species, the American white pelican and black-skimmer, than all of the remaining species proposed for coverage in the HCP. Ladies and gentlemen we need a balanced approach.

G1-15 Approaches #1 #2 are not in the best interest of most of our native wildlife. Approaches #1 & #2 are not in the best interest of most Imperial County residents. Approaches #1 & #2 are not in the best interest of the Imperial Irrigation District. Approaches #1 & #2 are not in my best interest.

G1-16 The proposed managed delta (Approach 3) is not a perfect solution, nor is this a perfect world. Regardless of whether a managed delta was previously examined or not, it merits a thorough analysis in the EIR/EIS. I urge you to order the inclusion of an analysis of a managed delta approach in the EIR/EIS to mitigate for impacts on the Salton Sea region. Lets stand together on this issue.

Sincerely

George Ray

George Ray

cc. Rudy Maldonado, IID -- Andy Horne, IID -- Lloyd Allen, IID -- Bruce Kuhn, IID -- Jessie Silva, IID -- Mike Cox, Imperial County Farm Bureau -- John Hawk, Imperial Vallley Vegetable Growers Assosciation

Response to Comment G1-12

The commenter recommends integrating the managed marsh required to be constructed under the HCP with the commenter's proposed managed delta approach for addressing impacts to birds that use the Salton Sea. A managed delta approach is not proposed as part of the Proposed Project and therefore is not a consideration as to where the managed marsh units will be located. However, if the Salton Sea Restoration Project adopts the managed delta recommendations, there will be an opportunity to integrate the approaches. In implementing the HCP, the HCP Implementation Team will be involved in locating the managed marsh units and could recommend installing managed marsh units in areas of exposed seabed if sufficient area is available and soil characteristics are appropriate.

Response to Comment G1-13

Please refer to the response given for Comment G1-11.

Response to Comment G1-14

The comment correctly states that the HCP places considerable emphasis on the mitigation requirements for piscivorous birds. However, this emphasis does not represent a bias for these species. Under the requirements of the federal Endangered Species Act, the impacts of the taking (i.e., earlier loss of piscivorous birds due to the absence of fish resources) must be minimized and mitigated to the maximum extent practicable. Because adequate mitigation depends on maintaining fish resources in the HCP area, the mitigation effort and costs are considerable and feasible. Lower-cost alternatives to maintaining a forage base have not been identified.

Response to Comment G1-15

Please refer to the Master Response on *Biology —Approach to the Salton Sea Habitat Conservation Strategy* in Section 9 of this Final EIR/EIS.

Response to Comment G1-16

Comments noted. Also, please refer to the response given for Comment G1-11.

United Farm Workers of America, AFL-CIO

February 26, 2002

To CCUE Board APM

Imperial Irrigation District
Board of Directors
1285 Broadway
El Centro, CA 92243

Dear Board of Directors:

Re: Community Impacts from IID-San Diego Water Transfer

G2-1 Water is central to every economy. Reliable irrigation water is essential for agriculturally dependent economies and clean and safe drinking water are necessary for the success of non-agricultural economies. The transfer of water from Imperial Irrigation District to San Diego could potentially meet all of these needs, but as the Valley becomes less dependent on an agricultural economy, basic infrastructure is needed to diverse their economies. How will our rural communities develop economically without this essential resource to development? How can we think of meeting San Diego's needs, without first meeting our local needs? For this transfer to truly stimulate diversified investments in the local economy, basic water infrastructure and reliability should be in place for all communities of the Valley, especially those unincorporated areas that will be directly impacted by the reduction in agricultural production.

G2-2 In addition, to ensuring proper infrastructure is in place for the ability to transition to a more diversified economy, farm workers will need immediate tools to make their individual transition. The draft EIR forecasts different ranges of displaced workers. Mitigation of displaced farm workers needs to be included as part of this transfer. There are mitigation models that are currently in place and have been used in the past to mitigate for socio-economic impacts.[1] The mitigation should include: up to $15,000 for retraining, severance of 15% of their annual earnings and extended unemployment for up to 78 weeks.

G2-3 We are confident that through the leadership of this board, farm workers in this Valley will be assured a better life through this transfer by: 1) providing a direct severance and mitigation package for all farm workers who are displaced and 2) meeting the drinking water needs of the unincorporated communities to ensure economic development is plausible.

Please contact Martha Guzman at (916) 341-0612 for any questions regarding this letter or any further matters. We look forward to working with you on developing the mitigation components of making this transfers successful.

Sincerely,

Rosalinda Guillen
National Vice-President
United Farm Workers of America, AFL-CIO

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MAR 22 2002
RESOURCES PLANNING & MANAGEMENT DEPARTMENT

[1] a) DWR State Water Transfers: up to 5% of water cost goes towards third party mitigation.
b) Watershed Restoration, Jobs-in-the-Woods, and Community Assistance: Redwood National Park and the Northwest Forest Plan
c) NAFTA- Transitional Adjustment Assistance Program
d) MWD-PVID Land Management, Crop Rotation, and Water Supply Program: Community Fund

¡Si Se Puede!

Letter - G2. Signatory - Rosalinda Guillen.

Response to Comment G2-1

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.

Response to Comment G2-2

As described in the Draft EIR/EIS, depending on the eventual implementation of the water conservation program, there could either be beneficial or adverse impacts to the regional economy. If water is conserved using on-farm and water delivery system improvements, it is anticipated that there would be beneficial effects to regional employment; therefore, there would not be any adverse effects to mitigate. If fallowing is used to conserve all or a portion of the water to be transferred, there would be adverse effects to the regional economy and farm workers as identified in the Draft 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 G2-3

Comment noted.

e

ENVIRONMENTAL DEFENSE

finding the ways that work

April 18, 2002

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APR 22 2002
RESOURCES PLANNING
& MANAGEMENT DEPARTMENT

Bruce D. Ellis
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Elston Grubaugh
Manager of Resources
Imperial Irrigation District
P.O. Box 937
Imperial, CA 92251

Re: **Imperial Irrigation District Water Conservation and Transfer Project**
Draft Habitat Conservation Plan: Draft EIR/EIS

Gentlemen:

Environmental Defense supports the Imperial Irrigation District's Water Conservation and Transfer Project (WCTP). Environmental Defense supports the Quantification Settlement Agreement (QSA). Environmental Defense supports the Bureau of Reclamation's Implementation Agreement (IA).

G3-1 Our support for these projects and agreements derives from our long-standing endorsement of the concept of "Trading Conservation Investments for Water", the title of a report the Environmental Defense Fund published in 1983. The cover page of that report is reproduced as Attachment 1 to these comments, as is the report's Foreword (Attachment 2), written by Harvey O. Banks, the Director of the California Department of Water Resources, 1956-61.

G3-2 California needs to reduce its diversions from the Colorado River. The historic priorities within California to Colorado River water require adjustments of the sort adopted in the WCTP, the QSA, and the IA. Voluntary compensated transfers of water are clearly preferable to an alternative in which reductions in California's Colorado River water deliveries would simply follow the historic priorities. Voluntary compensated transfers are also clearly preferable to an alternative in which regulatory and/or management

California Office · 5655 College Avenue · Oakland, CA 94618 · Tel 510 658 8008 · Fax 510 658 0630 · ww
New York, NY · Washington, DC · Boulder, CO · Raleigh, NC · Austin, TX · Project Offices · Boston,

Letter - G3. Environmental Defense. Signatory - Thomas J. Graff.

Response to Comment G3-1

Comment noted.

Response to Comment G3-2

Comment noted.

G3-2 agencies, federal and/or state, attempt to mandate changes in use priorities via litigation or by administrative means.

G3-3 On the other hand, Environmental Defense (and, we hope, many others) have learned a few things since we published our report in 1983. Most significantly, the principal implementing entities and agencies benefiting from the WCTP, the QSA, and the IA, (the federal government, the State of California and the four southern California agencies, IID, SDCWA, MWD, and CVWD) must deal with the impacts of these projects and agreements on the environment and on the economic and social well-being of affected communities within the Imperial Valley. The Draft EIR/EIS published in late January hardly qualifies even as a foundation for a serious remedial program.

G3-4 What environmental and socio-economic remedies are appropriate under the circumstances and which agencies in what proportion should be responsible for carrying out and financing those remedies are open questions. It is highly unfortunate that resolution of these questions has been postponed to what many believe is the eleventh hour for approval and for the start of implementation of the WCTP, the QSA, and the IA. Blame for this state of affairs is widely shared. It harkens back to the prior federal Administration. All the California entities, including the state government, and federal and state legislatures, have been complicit as well. Finally, the current federal Administration has not yet distinguished itself either. Least to blame are the leading environmental organizations. Environmental Defense presented itself at the beginning of the negotiations that followed upon the original announcement of a tentative IID-San Diego agreement and a competing MWD-DOI-Las Vegas agreement and was purposefully precluded from participation in those negotiations. Other environmental organizations have been raising objections off and on for years and intensively for at least eight months.

G3-5 What is required now is a decision-making process that is jointly sponsored and led by executives at the highest levels of the federal and state governments, that is endorsed by the four regional agencies, and that incorporates representation of the views of those concerned about the situation's environmental and socio-economic aspects. Such a process should be launched immediately. Meanwhile, any further approvals of the WCTP, the QSA, and the IA should be made contingent on the prompt and successful resolution of the environmental/socio-economic process and amendments or other changes to these projects and agreements should be contemplated as likely outcomes of this process. Short term partial implementation of California's commitment to scheduled reductions in its Colorado River diversion can and should begin in any event. And Congress and the State legislature should be apprised of the process' particulars as they emerge and their participation, formal or informal, solicited and welcomed.

Response to Comment G3-3

The EIR/EIS for the Proposed Project discloses the environmental impacts that could result from implementing the Proposed Project. It was prepared in accordance with CEQA and NEPA to inform the public and meet the needs of local, state, and federal permitting agencies. Also see the Master Response on *Other—Relationship Between the Proposed Project, QSA, IA, IOP, and CVWD Groundwater Management Plan* in Section 9 of this Final EIR/EIS.

Response to Comment G3-4

The EIR/EIS includes measures, as appropriate and feasible, to mitigate the impacts of the Proposed Project. In accordance with CEQA, the IID Board will adopt a program for reporting and monitoring its mitigation program when it considers whether to approve the Project. In addition, the Lead Agencies will consider all public comments submitted on the water conservation and transfer program prior to making a decision on how it will choose to implement the program. For additional information about the IA and QSA, see the final environmental documentation for those related projects. Also see the Master Response on *Other—Relationship Between the Proposed Project, QSA, IOP, and CVWD Groundwater Management Plan* in Section 9 of this Final EIR/EIS. Evaluation of the impacts of the MWD-DOI-Las Vegas Agreement is outside of the scope of this EIR/EIS.

Response to Comment G3-5

Comment noted.

G3-6 To approach anything like an optimal outcome here will require the good faith commitments of a wide range of interested parties. It will also require a creative can-do problem-solving orientation from many sectors.

G3-7 We've come a long way since the day in 1981 when a public member of the Colorado River Board of California was rebuked by his fellow board members for publicly endorsing a package of proposals much like those now incorporated in the WCTP, the QSA, and the IA (see Attachment 3). But we've also still got a long way to go to implement such a package in a manner that is consistent with contemporary values regarding the environment and social justice.

Sincerely yours,

Thomas J. Graff
Regional Director

TJG:ypc

Enclosures

Response to Comment G3-6

Comment noted.

Response to Comment G3-7

Comment noted.

G3-8

TRADING CONSERVATION INVESTMENTS FOR WATER

A Proposal for the Metropolitan Water District of Southern California
to Obtain Additional Colorado River Water
by Financing Water Conservation Investments
for the Imperial Irrigation District

by

The Environmental Defense Fund

Robert Stavins
Principal Author

With a Foreword by
Harvey O. Banks

March 1983

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Response to Comment G3-8

Please refer to the response given for Comment G3-1.

FOREWORD

by Harvey O. Banks, P.E.*

Studies by the California Department of Water Resources, the U.S. Bureau of Reclamation and other agencies, indicate that substantial amounts of Colorado River water, possibly as much as 438,000 acre-feet per year, which the Imperial Irrigation District (IID) is entitled to divert under its water rights, could be conserved and used elsewhere without significantly impairing present agricultural production within IID. Most of this excess water now flows to the Salton Sea, where it serves to slow the build-up of salinity, but is finally dissipated through evaporation. Some is lost by seepage from the All-American Canal to ground water.

This study by the Environmental Defense Fund (EDF) indicates that it would be legally permissible and economically advantageous to both the Metropolitan Water District of Southern California (MWD) and its customers, and IID, if MWD were to enter into an equitable agreement with IID to salvage some of the water now lost, for use by MWD. MWD would make the required investments and pay the costs, including opportunity costs, involved in implementing the conservation measures within IID necessary to salvage the water. The conserved water would be diverted by MWD to make up in part for the prospective loss of a large portion of MWD's entitlement to Colorado River water by the pending operation of the Central Arizona Project, and by use under Indian water rights. The EDF study assumes that at the end of a 10 or 20 year period, the water would revert to IID to be used as that District saw fit.

While, as envisioned by EDF, this would be a temporary measure, the concept has certain definite advantages, apart from the economies projected by EDF. The initial investments would be relatively low. It could be implemented at an early date, barring unforseen legal or institutional difficulties, whereas any substantial augmentation of State Water Project (SWP) supplies probably will take at least 10 years, and quite possibly longer. It would not obviate the necessity to take other actions at some time in the future to augment SWP supplies, but it would delay them for a time insofar as MWD is concerned.

It is possible that MWD's entitlement to the salvaged water could be made permanent by MWD buying up irrigation development rights to presently non-irrigated, poorer quality lands within IID. This should be explored.

It is noted that delay in construction of the facilities to augment SWP supplies from Northern California sources for a substantial period of time,

G3-8

*Harvey O. Banks, P.E., is President, Harvey O. Banks Consulting Engineer, Inc., and was Director, California Department of Water Resources, 1956 - 1961.