

Attachment G

Comments Received on the Previous (1994) Draft EIS/EIR

Attachment G

LETTERS OF COMMENT RECEIVED ON THE COACHELLA CANAL DEIS:

(Listed in the Order Received)

AGENCY

International Boundary and Water Commission, El Paso TX

Department of Parks and Recreation State of California, North Shore CA

South Coast Air Quality Management District, Diamond Bar CA

Brad Davis, Niland CA

Brad Davis, Niland CA

D.L. Hess, U.S. Navy, Naval Air Facility, Dept of the Navy, El Centro CA 92243

Ben Yellen, M.D., 128 S. 8th Street, Brawley CA 92227

Ben Yellen, M.D., 128 S. 8th Street, Brawley CA 92227

Lowell O. Weeks, 74-420 Covered Wagon Trail, Palm Desert CA 92260

Bureau of Land Management Palm Springs-South Coast Resource Area, N. Palm Springs CA

The Resource Agency of CA, The Resource Building, Sacramento CA 95814

Dov Grajcer, Ph.D, President, Aquafarms International Inc., PO Box 157, Mecca CA 92254

Environmental Protection Agency, Region IX, 75 Hawthorne St., San Francisco CA 94105-3901

Concerned Residents:

Helen W. Gilbert,

Ed Saction	Frank Pinta
Fred Bartlett	Georgia Bott
Helen Eaton	Nola Terry
Bill Engler	Leo F. Bott
Ron Duncombe	Gerald B. Man
Charles Johnson	Thelma Johnson
Ronald Johnson	Robert J. Renville

(no address)

Imperial County Fish and Game Commission, 155 S. 11th St., Suite C, El Centro CA 92243-2851

Bureau of Land Management, El Centro Resource Area, 1661 S. 4th St., El Centro CA 92243-4561

Bureau of Indian Affairs, Colorado River Agency, Route 1 Box 9C, Parker AZ 85344

Bureau of Indian Affairs, Southern California Agency, 3600 Lime St., Suite 722, Riverside CA 92501

John Turner, California Dept of Fish and Game, 1416 Ninth St., PO Box 944209, Sacramento CA
94244-2090

Ron Christofferson, Project Evaluation Coordinator, Habitat Branch, Arizona Game and Fish
Department, 2222 W. Greenway Road, Phoenix AZ 85023-4399



OFFICE OF THE COMMISSIONER
UNITED STATES SECTION

INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO

RECEIVED FEB 3 1994

DATE	INITIALS	CODE
2/4	PID	AT
3/7	J	2010
2/8	M	700
Classification TNU (S)		
Project		
Contract No. 9412241		
100-154		

Mr. Robert J. Towles
Regional Director
United States Department of Interior
Bureau of Reclamation
Lower Colorado Regional Office
P.O. Box 61470
Boulder City, Nevada 89906-1470

Dear Mr. Towles:

Thank you for the opportunity to review and comment on the Draft Environmental Impact Statement/Draft Environmental Impact Report (DEIS/DEIR) for Coachella Canal Lining Project, Riverside and Imperial Counties, California, provided by your January 12, 1994, letter (Reference: LC-711; RES-3.40; X-ENV-6.00). The DEIS/DEIR addresses the impacts of lining approximately 53 kilometers or 33 miles of earthen sections of the Coachella Canal between Siphon 7 and Siphon 32 not including the section between Siphon 14 and Siphon 15 which is already lined. The project as proposed will be accomplished while the canal continues to deliver Colorado River water to the Coachella Valley Water District for irrigated agriculture. Four alternatives are evaluated by the DEIS/DEIR including the preferred Conventional Lining alternative, Underwater Lining, Parallel Canal, and No Action.

On June 8, 1990, I provided scoping comments of the United States Section, International Boundary and Water Commission, United States and Mexico (USIBWC), regarding the proposed project. In that letter and earlier correspondence on April 14, 1988, the USIBWC advised the Bureau of Reclamation that we perceived no adverse international impact from the proposed lining of the canal. During subsequent consultations with Mexico regarding the proposed All American Canal lining, technical experts for the Government of Mexico concurred that there would not be an impact in Mexico from lining this reach of the Coachilla Canal.

The USIBWC concurs in the finding of the DEIS/DEIR environmental consequences analysis of alternatives which indicates that the proposed project will result in a reduction of about one-third of 1 percent of the average flow of the Colorado River resulting in an insignificant river level reduction downstream from Blythe, California, of about 3 millimeters (one-tenth of an inch). An increase in salinity, estimated at about one-tenth of a milligram per liter, downstream from Parker Dam because flow reduction would tend to provide less dilution for drainage inflow to the

river from irrigated areas between Parker Dam and Imperial Dam is also considered to be insignificant.

Thank you again for considering our comments on the DEIS/DEIR. Please send three copies of the final EIS/EIR to me when it is available, and send one copy to Mr. Al Goff, USIBWC Project Manager, P.O. Box 5737, Yuma, Arizona 85364.

Sincerely,



Conrad G. Keyes, Jr.
Principal Engineer, Planning

cc: Mr. Dave Gudgel
Project Manager
United States Department of Interior
Bureau of Reclamation
Yuma Projects Office
7301 Calle Agua Salada P.O. Box D
Yuma, Arizona 85366

Mr. Tom Levy
General Manager-Chief Engineer
Coachella Valley Water District
P.O. Box 1058
Coachella, California 92236

DEPARTMENT OF PARKS AND RECREATION

San Diego Sea Sector
 100 - 225 State Park Road
 North Shore, CA 92254
 (619) 393-3059

February 9, 1994

Robert J. Towles
 Regional Director
 Bureau of Reclamation
 Lower Colorado Regional Office
 P.O. Box 61470
 Boulder City, NV 89006-1470

Re.: Draft EIS/EIR for the Coachella Canal Lining Project

Dear Mr. Towles:

I appreciate the opportunity to comment on the draft environmental impact statement/draft environmental impact report for the Coachella Canal lining project in Riverside and Imperial Counties. Following are my concerns.

- ♦ **Affect upon Salt Creek:** There is a *net loss* of acreage used for habitat in favor of *enhanced habitat* which will support an increased natural population. I prefer habitat mitigation, acre for acre.

Also, while mitigation plans address the need to maintain consistent water flow into Salt Creek - because of the critical nature of the creek, I must voice concern that this indeed is the result. The species' dependent upon Salt Creek are too sensitive to allow a stressed environment.

- ♦ **Net loss of water that flows into the Sea:** There will be a loss of water that flows into the Salton Sea. Albeit low. Loss of water into the Sea has potential of increasing saline levels. Efforts should ensure that this does not negatively affect the Sea's systems.
- ♦ **Loss of riparian habitat due to reduced seepage:** This suggests a negative effect upon those birds that might frequent the Sea and these seepage habitats. This should be avoided.
- ♦ **The California State Park Service is not listed as a specific agency with property interest at Salt Creek:** We have management responsibility for the area from the Railroad tracks to the Salton Sea.
- ♦ **Mitigation fees:** I support fees paid by MWD to the Salton Sea Authority for use of water collected that once was seepage.

B OFFICIAL FILE COPY		
RECEIVED FEB 11 1994		
REPLY DATE		
DATE	INITIALS	CODE
2/14	[Signature]	150
2/15/94	JAS	700
2/16/94	MM	711
Classification		
Project		
Control No.		
Folio ID		
Keyword		

Mr. R. Towles
2/9/94 - page: 2

- ♦ **Social economic impacts upon the State Park.** Discussion in the draft report did not include the State Park. Impacts will be small - however, they should be considered.
- ♦ **Siltation/water flow restriction in the Colorado River.** This project will have a minor effect upon the Colorado River, yet the cumulative effect of all proposed and approved projects must be mitigated. The river already suffers siltation and reduced water flow in its back water lakes. No effect upon the river should result in the lining project, even what is considered negligible effect. The Department has management interests on the Colorado River at Picacho State Recreation Area.
- ♦ **And finally: Mitigation land:** We would like to stand in line for any mitigated land disbursement, especially if the Salt Creek habitat is affected.

I have sent the draft statement/report to our resource department. They may respond to you beyond this letter. Whenever the ecosystems of the Salton Sea or the Colorado River are impacted our interest is peaked. The project must ensure no detrimental effect occurs.

↳ peaked?

Again, thank you for the chance to respond to the project. If I or my office can be of service in the future, please let me know.

Sincerely,



Steve Horvitz
Park Superintendent

cc: Mr. Paul Jorgensen



South Coast AIR QUALITY MANAGEMENT DISTRICT

21865 E. Copley Drive, Diamond Bar, CA 91765-4182 (909) 396-2000

B OFFICIAL FILE COPY		
RECEIVED FEB 14 1994		
REPLY DATE		
DATE	INITIALS	CODE
2/14/94	AM	150
2/15	AM	711
2/16	AM	150
Classification	RES-347	
Project	99002691	
Order I.D.	4493	
Keyword		

February 7, 1994

Martin Einert
Bureau of Reclamation
Lower Colorado Regional Office
P.O. Box 61470
Boulder City, NV 89006-1470

Dear Mr. Einert:

RE: Coachella Canal Lining Project

SCAQMD# RVC944018-01

Due to staffing cutbacks the SCAQMD is unable to comment on your project at this time. SCAQMD staff recommends that you follow the procedures and methodologies set out in the SCAQMD CEQA Air Quality Handbook (April 1993). Utilizing the information in the Handbook will assist you in adequately addressing the potential air quality impacts of your project. The Handbook will be updated periodically, in an effort to assist your staff in evaluating air quality impacts that may result from land use projects.

The District staff will, however, make every effort to evaluate projects of a regional nature. We are available to answer any questions you may have regarding the use of the CEQA Handbook. Please feel free to contact the Local Government - CEQA section at (909) 396-3109 for assistance.

Sincerely,

Connie A. Day
Program Supervisor
Planning & Technology Advancement

7 Feb 94

To: Bureau Of Reclamation
Lower Colorado Regional Office
P.O. Box 61470
Boulder City, NV 89006-1470

Attn: Mr. Robert J. Towles
Regional Director

Re: Lining Coachella Canal in Imperial and Riverside Counties, California

From: Brad Davis
HCO 1, Box 34
Ninland, CA. 92257-9708

FEB 10 1994		
MTW/ML		
2/11/94	JP	150
Classification /		
Project		
Contract No.		
Order No.		
Revised		

Dear Mr. Towles:

I have a residence on Paradise Lane in the northern section of Imperial county. Through my property runs a stream that has been there for approximately 65 years. From what I can find out it was marked as a blue line stream before the canal was built. When the canal was constructed it cut through the stream.

There is a lake (Hidden Lake) which also feeds off of this stream. There are fish, frogs, plus many more of Gods creatures that call the lake and stream home. The stream runs for quite a few miles on its way to the Salton Sea. Along its route are many Cottonwood trees, which give much needed shade to man and animal. I don't know if you are familiar with this part of the country, but shade and water are hard to come by.

I understand from your letter that there is approximately 5,000 acre-feet of water allowed for wetlands habitat. My request is that a small portion of this be allotted to keep the habitat intact around Hidden Lake and along Paradise Lane.

There are not many people that live in our part of the desert, so we would really appreciate your consideration in this matter.

Thanks for your time.

Yours Truly,



Brad Davis

RECEIVED
FEB 17 1994
C.V.W.D.

7 Feb 94

To: Coachella Valley Water District
P.O. Box 5000
Coachella, CA. 92236-2651

Attn: Mr. Dennis Mahr
Resources Director

Re: Lining Coachella Canal in Imperial and Riverside Counties, California

From: Brad Davis
HCO 1, Box 34
Niland, CA. 92257-9708

Dear Mr. Mahr:

The reason for this correspondence is because my neighbors and myself are very concerned about the lining of the Coachella canal.

I have a residence on Paradise Lane in the northern section of Imperial county. Through my property and my neighbor's runs a stream that has been there for approximately 65 years. From what I can find out it was marked as a blue line stream before the canal was built. When the canal was constructed it cut through the stream.

There is a lake (Hidden Lake) which also is fed from this stream. There are fish, frogs, plus many more of Gods creatures that call the lake and stream home. The stream runs for quite a few miles on its way to the Salton Sea. Along its route are many Cottonwood trees, plants and other shade bearing trees that help the habitat survive.

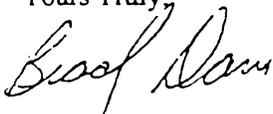
The stream is one of the many reasons for myself and my neighbors to purchase property along Paradise Lane. Without it our landscape will drastically change, along with the rest of the desert that has come to enjoy the water.

I understand from Mr. Towles letter that there is approximately 5,000 acre-feet of water allowed for wetlands habitat. My request is that a small portion of this be allotted to keep the habitat functioning around Hidden Lake and along Paradise Lane.

As you are aware there are not many people that live in our part of the desert, so we would really appreciate your consideration in this matter.

Thank you for your time.

Yours Truly



Brad Davis

HANDLE	ACTION
1	SEE BR MGR
2	DRAFT REPLY
3	FOR CAN
4	FOR PUMP FOR CAN
5	FOR PUMP
6	FOR PUMP
7	FOR PUMP
8	FOR PUMP
9	FOR PUMP
10	FOR PUMP
11	FOR PUMP
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16	FOR PUMP
17	FOR PUMP
18	FOR PUMP
19	FOR PUMP
20	FOR PUMP

ENG

SEARCHED	INDEXED
SERIALIZED	FILED
FEB 24 1994	
RECEIVED	
REPLY DATE	
DATE	
FILE	
CLASS	
NO.	
KEYWORD	

5	SEARCHED	INDEXED
6	SERIALIZED	FILED
FEB 24 1994		
RECEIVED		
REPLY DATE		
DATE		
FILE		
CLASS		
NO.		
KEYWORD		



Regional Environmental Officer
 Lower Colorado Region
 Mr. William E. Rinne
 Bureau of Reclamation
 P.O. Box 61470
 Boulder City, NV 89006-1470

Gentlemen:

Bureau of Reclamation Department letter of 12 January 1994.

Thank you for the opportunity to comment on the Coachella Canal Lining Project's Draft Environmental Impact Statement/Draft Environmental Impact Report. We have reviewed the documents and have no comments.

Sincerely,

D. L. HESS
 Lieutenant Commander, CEC, USN
 Public Works Officer
 By direction of
 the Commanding Officer

B OFFICIAL FILE COPY

RECEIVED MAR 4 1994

DEPARTMENT OF THE NAVY

NAVAL AIR FACILITY

EL CENTRO, CALIFORNIA 92243

INITIALS	CODE
3/4 MWA	150
	700
Classification	REC-3.45
Project	
Case No.	900-3700
Folder ID.	6000
Keyword	

IN REPLY REFER TO:
 5900
 Ser 30/ 106
 01 MAR 1994

MAR. 1, 1994

DEAR LC-150, RE: COACHELLA CANAL LIFTING

YOUR PROJECT WHEN THE COACHELLA FARM AREA IS ABOUT 50,000 ACRES, WOULD WITH YOUR ARITHMETIC, CONSERVE 31,000 ACRE FEET OF WATER YEARLY.

BUT THE IMPERIAL IRRIGATION DISTRICT WITH 600,000 ACRES IN CULTIVATION, GETS ~~2.5~~ ^{2.5} MILLIONS ACRE FEET OF WATER. IN ADDITION IT CARRIES AS A FAVOR TO TIJUANA, MEXICO ABOUT 250,000 ACRE FEET OF WATER. THIS IS DIVERTED JUST WEST OF ECCELTO TO A CANAL WHICH RUNS ON MEXICAN SOIL TO TIJUANA.

SO THE TOTAL WATER GOING THROUGH THE ALL-AMERICAN CANAL IS 3 MILLION ACRE FEET.

NOW YOU GIVE THE COACHELLA CANAL TO LENGTH AS 33 MILES. BUT THE ALL-AMERICAN CANAL RUNS 60 MILES.

NOW A SIMILAR PROJECT IS GOING TO BE DONE ON THE ALL-AMERICAN CANAL AND THE EXPENSE IS TO BE PAID BY THE METROPOLITAN ~~WATER~~ ^{WATER} DISTRICT WHICH IS GOING TO GET THE CONSERVED WATER.

MY MEMORY IS HAZY BUT AS I RECALL IT THE CONSERVED WATER FROM THE ALL-AMERICAN CANAL IS GOING TO BE FROM 60,000 TO 80,000 ACRE FEET.

IF THE ALL-AMERICAN FIGURES ARE

(COVER)

LOWEST (I AM POSITIVE IT IS NOT OVER
83,000 ACRE FEET), THE FIGURE GIVEN FOR
THE COACHELLA VALLEY CANAL ARE INCORRECT

1 FIGURE THAT 600,000 ACRES AGAINST
50,000 ACRES IS 12, WHEN DIVIDED INTO
31,000 GIVES ABOUT 2,600 ACRE FEET OF WATER
NOT CONSIDERING THAT THE ALL-AMERICAN
CANAL RUNS TWICE THE DISTANCE OF THE
31 MILES OF THE COACHELLA VALLEY PROJECT.

THIS 2,600 ACRES ^{FEET} OF WATER, IS $\frac{1}{2}$ HALF OF
THE 5,000 ACRE FEET DONATED TO THE WETLANDS,

SO DEPENDING ON WHO IS CORRECT, THE
METROPOLITAN WATER DISTRICT OR THE
COACHELLA VALLEY WATER DISTRICT, YOU
HAVE A BIG PROBLEM.

I HAVE TOSSED A COIN AND DECIDED THE
M.W.D. IS CORRECT SINCE IT HAS MANY CANALS
AND HAS MUCH EXPERIENCE WITH CANALS.

THE COACHELLA VALLEY IRRIGATION DISTRICT
DOES NOT.

SO I HAVE AN ALTERNATIVE SUGGESTION. THE
COLORADO RIVER WATER HAS 700 PARTS PER
MILLION, THIS INCREASES THE ALKALINITY OF THE
SOIL AND SPOILS CROPS.

AROUND COACHELLA ARE AQUIFERS THAT HAVE
WATER WITH MUCH LOWER ACIDITY, WHY DOES
NOT THE DISTRICT USE ITS MONEY TO DIG MORE
WELLS AND MIX THIS WATER WITH THE COLORADO
RIVER WATER TO DECREASE SALINITY AND SAVE
THE SOIL FOR THE CROPS?

NO CHARGE BY A RETIRED
FAMILY DOCTOR,
BEN VEILIN, M.D.

BUREAU OF RECLAMATION

MAR. 12, 1994

RE: LITING OF COACHUELLA CANAL

DEAR SIR:

I SENT YOU A PREVIOUS LETTER ON THIS SUBJECT.

IN THE PAST WEEK, THE I. U. PRESS HAS AN ARTICLE ON THE ARAL SEA.

SOIL SCIENTISTS FROM UZBEKISTAN TOLD HOW WATER FROM THE MOUNTAINS ON THE SOUTH BORDER, FLOW NORTH TO THE ARAL SEA.

PREVIOUSLY THE RUSSIAN GOVT. TO THEM TO STOP GROWING VEGETABLES AND GROW COTTON IN BIG AREAS.

THIS WAS DONE TO GET BIG EXPORT FOR COTTON. UNDER PRESENT CONDITION THE GROWTH OF COTTON HAS STOPPED.

SO A PORTION OF THE LAND WAS STARTED IN VEGETABLES AGAIN.

BUT THE LAND WOULD NOT GROW

OFFICIAL FILE COPY

RECEIVED MAR 15 1994

REPLY DATE

DATE	INITIALS	AMOUNT
3/17	W	100
		71
		150

VEGETABLES BECAUSE THE LAND IS

OF SOIL. THERE ARE TILES THERE
WHICH WERE BROUGHT IN WHEN
COTTON WAS BEING GROWN.

(COVER)

LOOK AT MY PREVIOUS ^{LETTER} WHERE I ADVISED
AGAINST LIVING THE COACHELLA CATAL.
I ADVISED THAT THE MONEY BE SPENT
BUILDING MORE WELLS TO PRODUCE LOW
SALT WELL WATER. THIS LOW SALT WATER
IS TO BE MIXED WITH THE COACHELLA
WATER OF 700 PARTS PER MILLION SALIN
SO THAT THE ACREAGE AT COACHELLA
NOT GET SPOILED BY HIGH SALT.

IN THE U.S. THEY USE A SPECIAL
METHOD WHICH IS EXPENSIVE BUT THE
WATER IS SOLD AT \$1 1/2 PER ACRE FOOT.

THE CENTRAL ARIZONA PROJECT
HAS THE PROBLEM IT GETS COLORADO
RIVER WATER WITH 700 PARTS OF SALIN
BUT IT PAYS \$52 PER ACRE FOOT,
SO UNLESS THE CAP PROJECT HAS SOME
FRESH WELL WATER TO DILUTE THE
COLORADO RIVER WATER, IT WILL GET
SALT LADEN AND UNPRODUCTIVE.

I UNDERSTAND THIS ALSO HAPPENS
THE NILE AND IN THE BLUE RIVER IN
PAKISTAN.

FROM A CITY BOY THAT DOES NOT
KNOW HOW TO USE A SHOVEL.

BETH YELLEN M.D.

OFFICIAL FILE COPY

RECEIVED MAR 16 1994

REPLY DATE		
DATE	INITIALS	CODE
3-17	ML	711
		150
Classification 3-3-80		
Project		
Contract No. 074004201		
1994		

74-420 Covered Wagon Trail
 Palm Desert, CA 92260
 March 14, 1994

Regional Director
 Bureau of Reclamation
 Attention: Mr. Martin Binert
 P.O. Box 61470
 Boulder City, Nevada 89006-1470

Reference: Coachella Canal Lining Project Summary

The first sentence in Background should be changed as follows:
 "The Coachella Canal delivers an average of 300,000 acre-feet of Colorado River Water each year to the Coachella Valley Water District (CVWD) with a high of _____ acre-feet in 19____, to a low of _____ acre feet in 19____. This District is situated on the north end of the Salton Sea."

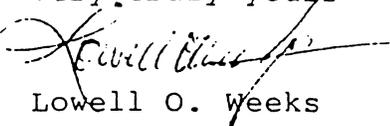
Comments:

The average does not give an adequate understanding of the quantity of river water that has been used by CVWD.

The second sentence in Purpose and Need should be changed as follows: "In particular, the recent ability of the State of Arizona to divert more Colorado River water might cause increased river diversions."

Comments:

Arizona is having a difficult time trying to use their apportionment of Colorado River. It is my understanding that MWD of Southern California has already entered into an exchange and groundwater storage agreement with Arizona.

Very truly yours

 Lowell O. Weeks



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Palm Springs — South Coast Resource Area
63-500 Garnet Avenue
Post Office Box 2000
North Palm Springs, CA 92258-2000



IN REPLY REFER TO:

6000
066.35

RECEIVED	DATE
MAR 17 1994	
CLASSIFICATION	PROJECT
EW-600	
CONTROL NO.	FOLDER NO.
7785	4547
KEYWORD	
X RES-3.47	

Robert J. Towles
Regional Director
Lower Colorado Region
Bureau of Reclamation
(Attention: LC-150)
P.O. Box 61470
Boulder City, Nevada 89006-1470

Subject: Comments on Draft EIS/EIR for Coachella Canal Lining Project located east of the Salton Sea.

Dear Mr. Towles:

This letter constitutes written comments from BLM's Palm Springs -South Coast Resource Area regarding the Draft EIS/EIR for the proposed Coachella Canal Lining Project authorized under Public Law 100-675. Our area of specific concern is that portion of the canal located upslope from the Salt Creek Pupfish/Rail Habitat Area of Critical Environmental Concern (ACEC) commonly referred to as Dos Palmas.

As indicated in the Draft EIS/EIR, the BLM and The Nature Conservancy (TNC) are managing partners of the ACEC and are currently developing an Ecosystem Management Plan (EMP) for wildlife habitat. Planned actions will be consistent with the primary goal for which the ACEC was established, which is to provide for the protection and enhancement of habitat for the federally endangered desert pupfish and Yuma clapper rail and other candidate species in the area. Thus it is important that the mitigation measures be generally consistent with the qualitative analysis adopted by the Biological Work Group and at the same time be compatible with BLM's long term restoration and management objectives for the ACEC.

Due to the biological importance of Dos Palmas and the complexity of the proposed canal lining action, we recommend the following steps be taken to facilitate a coordinated effort:

- 1) **Proceed with a joint Bureau of Reclamation / BLM Section 7 Consultation with U.S. Fish & Wildlife Service for the canal lining project and the EMP.** The rationale for this is that both agencies are considering mitigation measures for the same area at the same time.

- 2) **Schedule a field visit with the participating agencies in the subject area to provide an on-the-ground orientation and initiate the informal consultation with USF&WS.** We believe this is necessary in part because there are new people in the coordinating agencies and additional information has become available since the Biological Work Group planned mitigation measures for the canal project. Also, there are questions concerning the status and location of the existing marsh habitat which may be affected by the proposed action. This field visit would also provide BLM and TNC with an opportunity to point out some of the habitat restoration and pond re-configuration projects that are currently on the drawing board.
- 3) **Incorporate into the Final EIS/EIR for the lining project, by reference or in full, the mitigation measures agreed to in the joint Section 7 consultation and the approved Biological Opinion as submitted by USF&WS.** This would require that site specific mitigation measures, revegetation plans, etc. be described generally, until the Biological Opinion and the Dos Palmas planning process is completed. The Plan is scheduled to be completed prior to the close of FY 1994 and is currently on schedule.

The assessment provided in your document of project impacts to wetland habitat along the Coachella Canal is very informative and will assist in our future planning scenarios. We generally agree with the concept of no net loss of habitat values for the desert riparian component of the project. Substantial wildlife habitat improvements can be gained through appropriate mitigation and restoration measures. There are, however, several details of concern to us which relate to the mitigation measures as proposed. The following comments outline these specific concerns:

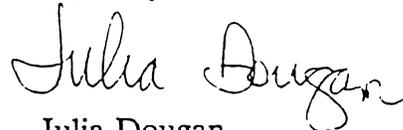
- 4) **Unavoidable impacts to marsh and desert riparian habitat could be met by establishing 16 acres of riparian trees and shrubs and approximately 1,276 acres of honey mesquite, screwbean mesquite, cottonwood/willow, and California fan palm in the ACEC.** (Chapter III, page 36.) The Draft EIS/EIR does state that specific planting sites would be selected on the basis of physical and biological suitability criteria. Exact acreage, revegetation locations and species composition will depend on results of site suitability analysis. This is positive but does pose the question of whether it is desirable to continue the maintenance of artificially induced wetlands and who would bear the burden of costs for their long term maintenance.
- 5) **The reduction in salt cedar infestation is highly desirable for the future amelioration of wildlife habitat.** BLM supports the complete eradication of this invasive plant species within the ACEC. The loss of salt cedar due to reduction in ground water levels and subsequent desiccation may create a need to dispose of the dried tree piles.
- 6) **Water Supply for Mitigation Plan - As an alternative, the EIS/EIR states that additional water for mitigation could be obtained by drilling additional wells to develop artesian aquifer water.** (Chapter III, page 38.) Use of this deep water

for the purpose of planting replacement species, maintaining marshes and live stream conditions is of serious concern to BLM. As research indicates the aquifer at Dos Palmas is a relatively finite source of water. Drawdown or mining of the water for mitigation purposes could cause negative impacts on the natural riparian areas and also deplete available water supply for other less demanding activities.

- 7) **In the context of the maintenance of natural systems, including conservation and long term productivity of existing flora and fauna, species and habitat diversity and stability at Dos Palmas, reliance on naturally occurring processes should be given favorable consideration. As stated in the minutes of the All-American Project Biological Work Group Meeting, dated October 23, 1988: "Riparian vegetation establishment is difficult and expensive at best, and that its success must be demonstrated prior to acceptance as a mitigation measure." Pond re-configuration, natural die-back of salt cedar stands and the subsequent natural re-colonization of parts of the basin by native species as a result of canal lining may ultimately contribute to a more natural and desirable desert riparian habitat.**
- 8) **The EIS/EIR specifies that loss of 7 acres of marsh habitat in hydrological units B,C and D will be an unavoidable impact of the project. (Chapter III, page 36.) BLM staff specialists familiar with the project area have reviewed the document and are uncertain as to the actual location of the marsh habitat as characterized by the Draft EIS/EIR. This question should be resolved during the field visit as recommended in item (2) above.**
- 9) **Clarification is needed regarding marsh habitat for Yuma clapper rail and black rail. It is not obvious or clear which rail habitat areas will be impacted and what is the source and the percentage of canal augmented wetlands associated with that habitat. A map which clearly indicates such habitat should be provided.**

These comprise our general recommendations and specific comments in response to the Draft EIS/EIR. We look forward to discussing these items with you and would welcome the opportunity to coordinate our efforts and refine a mitigation plan which addresses our mutual concerns. Thank you for the opportunity to comment on the proposed Coachella Canal Lining Project.

Sincerely,



Julia Dougan
Area Manager

cc: Ray Bransfield, USF&WS
Cameron Barrows, TNC

The Resources Agency

Pete Wilson
Governor



of California

California Conservation Corps • Department of Boating & Waterways • Department of Conservation
Department of Fish & Game • Department of Forestry & Fire Protection • Department of Parks & Recreation • Department of Water Resources

March 15, 1994

U. S. Bureau of Reclamation
Lower Colorado Regional Office
ATTN: Robert J. Towles (LC-150)
P. O. Box 61470
Boulder City, Nevada 89006-1470

OFFICIAL FILE COPY		
RECEIVED MAR 17 1994		
REPLICATE	DATE	INITIALS
Classification	EPA-5-70	
Project		
Control No.	940401	
Folder ID.	455	
Keyword		

Dear Mr. Towles:

The State has reviewed the Draft Environmental Impact Statement/Environmental Impact Report, Coachella Canal Lining Project, Riverside and Imperial Counties, submitted through the Office of Planning and Research.

We coordinated review of this document with the Air Resources, Colorado River, Santa Ana Regional Water Quality, and State Water Resources Control Boards; the State Lands Commission; and the Departments of Conservation, Fish and Game, Parks and Recreation, Transportation, and Water Resources.

None of the above-listed reviewers has provided a comment regarding this document. Consequently, the State will have no comments or recommendations to offer.

Thank you for providing an opportunity to review this project.

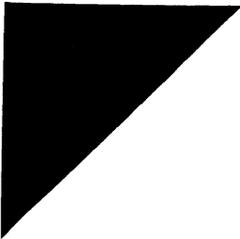
Sincerely,

for James T. Burroughs
Deputy Secretary and General Counsel

cc: (See attached list.)
(SCH 90020408)

The Resources Building Sacramento, CA 95814 (916) 653-5656 FAX (916) 653-8102

California Coastal Commission • California Tahoe Conservancy • Colorado River Board of California
Energy Resources, Conservation & Development Commission • San Francisco Bay Conservation & Development Commission
State Coastal Conservancy • State Lands Commission • State Reclamation Board



Coachella Valley Water District
Post Office Box 1058
Coachella, California 92236

Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814



(619) 393-3030

RECEIVED
3/15/94
RBJ

Aquafarms

INTERNATIONAL INC.

96-493 Highway 111
North Shore, California

B. OFFICIAL FILE COPY		
RECEIVED MAP 18 1994		
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MARCH	Classification	
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	Control No.	
	Folder I.D.	
	Keyword	

Mailing Address:
P.O. Box 157
California 92254

Regional Director
Bureau of Reclamation
Attention: Mr. Martin Einert
P.O. Box 61470
Boulder City, Nevada 89006-1470

SUBJECT: EIS/EIR Coachella Canal Lining Project

Dear Sir,

Aquafarms International Inc. would like to register the following:
We have been using springs and wells drilled and bonded under license from among others, the CA Department of Oil and Gas, for the purpose of agriculture/aquacultural enterprise. The water supply has been used for that purpose ever since. No objection from any source has been registered to date. Therefore, for these reasons and others, we feel that we have full rights to that water.

For a period of approximately 18 years we have been the beneficiary of the existing condition of the canal. The property itself has been the beneficiary of the water percolation seeping into the aquifer and therefore of the conditions as they have existed since 1949 and before. We feel that we are entitled to continue with present conditions.

We have not disturbed the feeding of excess water from to the Salton Creek. In our opinion to maintain the environment, as well as the effort of a twenty year enterprise, a supply of water should be allotted to us before the lining of the canal. We should not forget that as a result of our efforts we have a large number of native trees and habitats, all of which will suffer greatly should the water supply be cut off.

Thank you for considering our situation. We would be happy to discuss the situation with your people in more detail.

Sincerely,

Dov Grajcer, PhD Fisheries
President



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

AL FILE COPY

APR 18 1994

REGION IX

75 Hawthorne Street
San Francisco, Ca. 94105-3901

March 15, 1994

3/21	mgw	150
ENV		
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7-15-94		
X		

Robert Towles
Regional Director
Lower Colorado Region
Bureau of Reclamation
LC-150
P.O. Box 61470
Boulder City, NV 89006-1470

Dear Mr. Towles:

The U.S. Environmental Protection Agency has reviewed the Draft Environmental Impact Statement/Environmental Impact Report (DEIS) for the proposed Coachella Canal Lining Project, Riverside and Imperial counties, California. Our comments are provided pursuant to the National Environmental Policy Act (NEPA), NEPA implementation regulations issued by the Council on Environmental Quality, and EPA's authorities under Section 309 of the Clean Air Act.

The DEIS evaluates three alternatives for lining a 33.4 mile-long section of the Coachella Canal, a branch of the All American Canal which delivers an average of 300,000 acre feet/year of Colorado River water to the Coachella Valley Water District. The preferred alternative, conventional concrete lining of the existing canal, would conserve approximately 25,680 acre feet/year. Other alternatives are construction of a parallel, lined canal (25,680 af/year conserved) and underwater lining of the existing canal (24,670 af/year conserved). Under the terms of Congressional authorization for this project, non-federal financing is required. At the present time, it is anticipated that funding would be provided by the Metropolitan Water District (MWD) of Southern California, and that MWD would use the conserved water.

In many respects the purpose and design of the proposed project, including intent to mitigate impacts to wetlands habitat, are commendable. In our appraisal of the project, the most important environmental effects are offsite, resulting from reduced canal seepage which currently supports significant wetlands within the Salt Creek complex. We have rated the preferred alternative and DEIS EC-2 (environmental concerns-- insufficient information; see attached rating sheet) because the DEIS lacks sufficient documentation on aspects of the mitigation program which could influence the proposed action. For example, we have requested additional information on the supply and quality of mitigation water. We also note that the project could affect several listed species, including the desert pupfish and

Yuma clapper rail. The DEIS states that formal consultation was initiated in July 1993, but a biological opinion, which could affect design of the project and mitigation measures, has not been released yet. Our detailed comments (enclosed) describe additional documentation which should be provided in the Final EIS.

We appreciate the opportunity to review this DEIS. We are encouraged by Reclamation's clear commitment to mitigating wetlands impacts and urge you to continue this work in close collaboration with the responsible resource agencies, the U.S. Bureau of Land Management and U.S. Fish and Wildlife Service. When the Final EIS is officially filed with EPA's Washington, D.C. office, please also send a copy of the Final EIS to this office. If you have any questions, please call me at (415) 744-1574 or Carolyn Yale at (415) 744-1580.

Sincerely,



David Farrel, Chief
Environmental Review Section
Office of Federal Activities

Enclosures

000438/94-024

cc: Steve Nagel, Bureau of Land Management
Ray Bransfield, Fish and Wildlife Service

SUMMARY OF RATING DEFINITIONS AND FOLLOW-UP ACTION

Environmental Impact of the Action

LO-Lack of Objections

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC-Environmental Concerns

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

EO-Environmental Objections

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU-Environmentally Unsatisfactory

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of environmental quality, public health or welfare. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommend for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1-Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2-Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category 3-Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From: EPA Manual 1640, "Policy and Procedures for the Review of Federal Actions Impacting the Environment."

Wetlands habitat

The DEIS estimates that over a period of several decades elimination of canal seepage would result in loss of up to 4293 acres of wetlands habitat, including 3420 acres of salt cedar, 112 acres of marsh, and over 400 acres of mesquite-related vegetation types. The extent and timing of these changes are approximate because of limited information on the local hydrogeology and interrelationship of canal seepage and naturally occurring artesian conditions (p. III-7). The DEIS states that mitigation commitments would include avoidance of impacts to 105 acres of marsh by providing replacement water and in-kind creation of seven acres of marsh to replace lost acreage. Mitigation for other habitat types, to occur within the Salt Creek Area of Critical Environmental Concern (ACEC), will be based on equivalent habitat values, emphasizing native desert species.

In general, the DEIS provides a good description of mitigation planning and Reclamation's mitigation commitments. However, we believe the Final EIS should provide additional information on several issues which could affect the long-term viability of mitigation.

1. The Final EIS should provide more detail on the quality of the non-potable ground water which is proposed as a priority source for replacement water. There should also be discussion of any water quality requirements for the vegetation and fish species, such as the desert pupfish, protected in the mitigation plan. The Final EIS should evaluate the suitability of ground water quality for the proposed uses.

The DEIS suggests that over time there could be a problem of salt buildup in soils (p. VII-3). Is this a condition which would be exacerbated by use of certain water sources (for example, ground water)?

2. The Final EIS should explain in more detail how continued supplies of water needed to sustain the mitigation areas will be guaranteed. The DEIS anticipates that over 5000 acre feet/year of Canal water will be required to supplement existing wells and springs and new ground water. If ground water is not available or is not of suitable quality, what mechanisms will Reclamation use to guarantee supplies from the Coachella Canal?

3. The DEIS suggests that the deep-rooted salt cedar would be less sensitive to reduced canal seepage and, absent the

mitigation plan, its decline would take decades. This contrasts with marsh habitat and natives, such as mesquite, which would be affected within one to ten years (p. III-31). Is there potential, even with the mitigation plan, for declining ground water levels in areas currently supporting vegetation types such as mesquite, arrowweed and sueda? If so, to what extent is there potential for salt cedar to move into these areas and undermine efforts to reestablish an ecosystem based on native species? To what extent is need for control of salt cedar being evaluated in the mitigation plan?

4. The Final EIS should report the results of consultation with the Fish and Wildlife Service and the biological opinion now in preparation. This effort should be closely coordinated with the Bureau of Land Management (BLM), considering BLM's responsibilities for the Salt Creek ACEC.

Socioeconomic impacts

1. The DEIS mentions briefly that canal seepage currently supports some aquaculture farmers and is used by local residents and resorts (S-3 and III-8). The DEIS also clearly states Reclamation's position that these users have no legal claim to the water. Consequently, there is no consideration of compensation or mitigation. We believe, nonetheless, that these are effects which merit coverage in the EIS section on "socioeconomic aspects" (DEIS p. III-84). We request that the Final EIS include in this section information on effects which the proposed canal lining would have on residents and businesses currently using seepage water. The Final EIS should be more specific regarding the number and location of people and businesses affected.

Air quality

As the DEIS acknowledges, the Coachella and Imperial valleys are non-attainment areas for ozone and PM-10. The Coachella Valley is classified as a "serious" PM-10 nonattainment area and an "extreme" ozone nonattainment area. Imperial Valley is classified as a "moderate" PM-10 nonattainment area and a "transitional" ozone nonattainment area. Given this situation, the Final EIS should discuss compliance with the conformity provisions of the Clean Air Act [Section 176(c)] and recently promulgated regulations implementing conformity (Federal Register, November 30, 1993, pp. 63214-63259; 40 CFR Part 93, Subpart B).

The information provided in the DEIS suggests that projected PM-10 and VOC emissions for the preferred alternative are below the de minimus levels established in the regulations. NOx emissions in the Coachella Valley would, however, exceed the 10 ton/year minimum for ozone precursors (assuming that half of the 55 tons of NOx/year projected for the project as a whole would occur in the Coachella Valley). Thus, Reclamation will be required to make a positive conformity determination for the NOx emissions in the Coachella Valley.

Pursuant to Section 176(c) of the Clean Air Act, as amended November 15, 1990, all federal agencies have an affirmative responsibility to assure that their actions conform to the attainment (implementation) plan approved for the area in which the action is located. As defined in Section 176(c), conformity means:

conformity to an implementation plan's purpose of eliminating or reducing the severity and number of violations of the National Ambient Air Quality Standards (NAAQS) and achieving expeditious attainment of such standards, and that such activities will not:

(1) cause or contribute to any new violation of any standard in any area; (2) increase the frequency or severity of any existing violation of any standard in any area; or (3) delay timely attainment of any standard or any required interim emission reductions or other milestones in any area.

The Final EIS should acknowledge the specific requirements of Section 176(c). We recommend that Reclamation review the project air emissions in light of conformity requirements and explain its determination in the Final EIS.

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		158
Classification		
Project		
Control No.		
Folder LD.		
Keyword		

11 Mar 94

To: Bureau Of Reclamation
 Lower Colorado Regional Office
 P.O. Box 6147
 Boulder City, NV 89006-1470

Attn: Mr. Martin Einert
 Regional Director

Re: Lining Coachella Canal in Imperial and Riverside Counties, California

From: Concerned Residents

Dear Mr. Einert:

We the residents of Paradise Lane and the surrounding area would like to point out some areas of attention that you might be able to address.

When the canal was built it cut through a blue line stream. That fed Hidden Lake and the stream that follows Paradise Lane. Hidden Lake is the home for some exotic fish that have come to survive in the desert, not to mention the wild life that has come to depend on the lake and stream for life support. Since this stream has been running for many years there is a considerable amount of vegetation that has grown along its path. This vegetation has come to become home for many desert animals.

With all of the growth along the stream and around the lake, without water there will be a extreme fire hazard for all the property owners that are near the area. The water in the stream has been used to fight structure and brush fires. Most of the people in this area are retired, and to eliminate the stream would also cause a loss of property value.

In a case against Eler nor J. Bringle a Federal Judge stated that we had riparian rights to the water. We have had to purchase certificates from the State Water Resources Control Board for small domestic use of the water. We also had to pay California Fish and Game \$850.00 in order to enjoy the surroundings we have had for many years.

We understand that there is an allotment of approximately 5,000 acre-feet of water for wetlands habitat. We are requesting that a small portion of this be allotted to keep the habitat functioning in and around Hidden Lake and along Paradise Lane

We would appreciate someone from your office to come and take a serious look at our situation. Also, if possible, we would appreciate you or someone from your office meeting with us in our local area. As stated before, most of us are seniors and traveling can be a problem at times.

We hope that you can understand our concern in this matter.

Thank you for your time.

Yours Truly,
Concerned Residents.

Helen W. Gilbert - Resident

Ed Sartin - Resident

Paul Bartlett - Resident

Helen Eaton - Resident

Bill Engler - Resident

Ray Duncan

Frank Pink

Georgia Bott

Nola Terry

Leo F. Bott

Terrell M. G.

Charles Johnson

Thelma Johnson

Ronald Johnson

Robert G. Kenville

IMPERIAL COUNTY FISH & GAME COMMISSION

STEPHEN REBIK, Chm.
VIC BENTON, Vice Chm.
DENNY BRADSHAW

LARRY CAFFEY
DAVID CROCKETT
MARK HUBER

CAROLYN HINDLE
SAMUAL KAKER
ELDON MOORE
JOHN WHITLOCK

1002 State St.
El Centro, CA 92243
TEL: (619) 339-4384
OFFICIAL FAX: (619) 339-4372

March 15, 1994

RECEIVED MAR 21 1994		
REPLY DATE: 3/21/94		
DATE	INITIALS	CODE
		150
Classification		
Project		
Control No.		
Approved		
Sponsor		

ROBERT J. TOWLES
Regional Director, Lower Colorado Region
Bureau of Reclamation, ATTENTION: LC-150
P.O. Box 61470
Boulder City Nevada, 89006-1470

Re: Draft EIS-EIR
Coachella Canal Lining Project
Riverside & Imperial Counties

Dear Mr. Towles,

We appreciate the opportunity to respond to the environmental impacts of lining approximately 33 miles of the eastern section of the Coachella Canal between siphon 7 and 32.. As you are aware, we have provided input in the development of the EIS/EIR at various planning stages & public meeting forums. Under CEQA & NEPA guidelines, the various evaluations presented & the environmental consequences addressed in all 3 construction alternatives appear to adequately mitigate the anticipated losses of environmental resources which this proposed project would affect.

Of primary concern, which each alternative appears to adequately address, is the need for large mammal escape/entry steps in the form of concrete ridges cast into the side slopes of the new concrete lining. Our primary concern here was to prevent mortality losses to the native bighorn sheep & desert mule deer populations, as well as various other wildlife species that have historically used the canal as a primary water source in drought summer months. We would also favor mitigation features to protect the fishery by avoiding the reduction in aquatic habitat in the canal, or habitat deterioration in the salt creek drainage area. Proposed mitigation to protect or replace habitat involving valuable riparian wetlands & marshes through the proposed reintroduction of 5,000 acre feet of conserved water annually, also appears to be a significant positive mitigation feature. We also place a high importance on those alternatives which propose a minimum impact on the cultural resources, recreation activities, sand & gravel supplies, private ownership uses, air quality & water quality aspects of the project.

As a final comment, we would like to reiterate our previous concerns raised over the continuing wildlife mortality losses due to the lack of large mammal escape/entry steps on the first 49 mile section of the concrete lined Coachella Canal. We continued to support your endeavors, as well as offer our assistance in developing an acceptable solution towards the development of a retrofit escape/entry step

Robert J. Towles
Regional Director, Lower Colorado Region
Draft EIS-EIR, Coachella Canal Lining Project
Riverside & Imperial Counties

2 of 2

configuration. Until this is accomplished, we will continue to fund the development and maintenance of desert water sources affecting wildlife in the proximity of the canal. From 1980 to date, over 250 deer have drowned in this section with 30 being lost during the summer of 1993. This is a marked increase from the 6-12 average in recent years and is nearing the losses suffered in 1980-81. The Brawley conservation group of Desert Wildlife Unlimited (DWU) with financial aid from County, State, Federal, and private sources (several hundreds of thousands of dollars) has constructed over 60 water sources and helps maintain more than 20 others to prevent any greater numbers of wildlife drownings. This continued effort has averted what could have been a major extirpation of the localized wildlife population, and any retrofit would greatly reduce this potential in the future.

On March 1, 1993, both the Imperial County Board of Supervisors & the Imperial County Fish & Game Commission, by unanimous proclamation (attached) passed resolutions supporting the proposed concrete lining conservation program utilizing alternatives with the least negative environmental consequences with special emphasis placed on supporting the mitigation measures contained herein.

For further information regarding the County of Imperial's position on this subject, please contact;

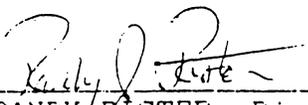
Supervisor Sam Sharp, Chairman
Imperial County Board of Supervisors
940 Main Street
El Centro, California 92243
wk/619-339-4305

Commissioner Steve Rebik, Chairman
Imperial County Fish & Game Commission
369 West Alder
Brawley, California 92227
wk/619-344-0413 hm/619-339-9357

Leon Lesicka, President
Desert Wildlife Unlimited
4780 Hwy 111
Brawley, California 92227
wk/619-344-2793

Randy Rister, Director
Imperial County Parks & Recreation/
Executive Secretary, Imperial County Fish & Game Commission

Respectfully yours,



RANDY RISTER, Director
Imperial County Parks & Recreation
Executive Secretary, Imperial County Fish & Game Commission
cc Imperial County Board of Supervisors
Imperial County Fish & Game Commission
Leon Lesicka, Desert Wildlife Unlimited

M I N U T E O R D E R
 OF
 IMPERIAL COUNTY
 BOARD OF SUPERVISORS

date : Mar 8, 1994	book : 287	page : 182	file # : 1250.6	m.o.#: 2 D
x-file 1: 140.17	x-file 2: 810.3	x-file 3:	x-file 4:	
department : BOARD OF SUPERVISORS		2nd. page :		

THE BOARD OF SUPERVISORS OF THE COUNTY OF IMPERIAL , STATE OF CALIFORNIA, motion by Supervisor : SHARP , second by Supervisor : LUCKEY and approved by the following roll call vote;

AYES [: VAN DE GRAAFF, COLE, SHORES, LUCKEY, SHARP]
NAYES [: NONE]
ABSTAINED [: NONE]
EXCUSED OR ABSENT [: NONE]

IN REFERENCE TO;

Determine to reiterate the Board's previous position regarding the proposed lining of the Coachella Canal and support the Imperial County's Fish and Game Commission's position for the lining to provide for the "in-step" design to save both human and wildlife lives; authorized Randy J. Rister, Director, Buildings & Grounds/Parks & Recreation, to attend the meeting and express the concerns voiced by the Board of Supervisors.

Topic : COACHELLA CANAL LINING
X-Topic: SUPPORT IN-STEP DESIGN

cc: [X] Clerk [X] Auditor [X] SAC [] County Counsel
 [] Planning [] Public Works [] Health [] Ag/APCD
 [X] other : ELDGS & SPLs



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

El Centro Resource Area
1661 South 4th Street
El Centro, California 92243-1561

A OFFICIAL FILE COPY IN REPLY REFER TO:	
RECEIVED	MAR 21 1994
FILED	<i>in Tu/mc</i>
1793	
<i>150 (CA-067.22)</i>	
Folds: 15	

March 15, 1994

Memorandum

To : Robert J. Towles, Regional Director, Bureau of Reclamation

From : G. Ben Koski, Area Manager, Bureau of Land Management

Subject : Comments on Draft EIS/EIR for Coachella Canal Lining Project

This memo constitutes written comments from BLM's El Centro Resource Area regarding the Draft EIS/EIR for the Coachella Canal Lining Project authorized under Public Law 100-675.

<u>Page</u>	<u>Paragraph</u>	<u>Comment</u>
S-10	Para 2	The Bureau of Reclamation (BOR) should set up a cost recovery account to reimburse BLM for staff time and equipment to help prepare the plan and to implement it.
II-7	Para 3	The construction activities fails to specify where the operational/maintenance road would be located. The document states that the bypass pipelines would be located on alternating sides of the canal, depending upon the topography, natural vegetation, and land ownership. If the bypass pipeline is alternated between the sides of the canal, doesn't this essentially block access to an access road on both sides of the canal? Is the intent to construct an access road on the same side as the bypass pipeline?
II-21	Table II-2	"Special Status Species" category should include plants of special status located in the area.
III-9	Para 1	The BLM did not receive a permit for a 900-gallon-per-minute diversion from Frink Spring for fish and wildlife protection. The permit was for a Public Water Reserve 107 for approximately nine gallons per minute.
III-36	Para 1	The EIS should identify where and what agencies would be receiving land as part of the mitigation for wildlife habitat.

- III-48 Para 3 Discussion about the Flat-tailed Horned Lizard (FTHL) should be included in this section. The FTHL is proposed threatened for Federal listing (Federal Register November 29, 1993).
- III-50 Para 1 Change the status of the FTHL from "...category 1 candidate..." to "...Federal proposed threatened...".
- III-52 Para 5 Please list the four candidate plant species and their status.
- III-67 Para 5 The Chocolate Mountains Gunnery Range is closed to the public. The Salt Creek and the Bradshaw Trail Backcountry Byways are located north of the Chocolate Mountain Gunnery Range. This is the access/exit point that is heavily used by OHVs for loop trips that eventually end at I-10 to the north or at State Highway 78 east of the Chocolate Mountains Gunnery Range.
- III-69 Para 5 An interim recreation management plan is to be "developed jointly with BLM". A plan could not be written until a cost recovery account to reimburse BLM for the following:
1. Costs to mitigate for the impacts of dispersing recreation users to less frequently used access points.
 2. BLM's staff time and costs to prepare and implement the proposed plan.
 3. Costs associated with monitoring the success of the plan.
 4. Costs for the purchase and installation of signs.
 5. Costs to develop and produce literature for the public.
- III-72 Para 5 The only approved gravel pit, located on public land, is in the vicinity of Frink Spring. Aggregate is in short supply in the immediate vicinity of the proposed project.
- V-3 Para 5 Requirements of NAGPRA (43 CFR Part 10) must be met.
- VII-5 Para 5 FTHL habitat exists on some of the pipe bypass areas. Habitat compensation may be required.
- VII-7 Para 2 Any sand or gravel extraction is likely to impact tortoise and/or FTHL habitat.
- C-9 Para 4 Change the status of Peirson's milkvetch to proposed endangered.

The impacts of lining the Coachella Canal upon recreation use could be mitigated by:

1. Provide traffic counters to measure the vehicle traffic along the canal.
2. Restrict construction near the Bradshaw Trail to the summer off-season.
3. Contribute to public access across the Coachella Canal near Drop 1 (Gordons Well area). The exact form of the contribution would need to be negotiated with the ECRA.

D. Ben Kessler

memorandum

DATE: MAR 16 1994

REPLY TO ATTN OF: Superintendent, Colorado River Agency

SUBJECT: Draft EIS/Draft EIR for Coachella Canal Lining Project

TO: Regional Director, Lower Colorado River, Bureau of Reclamation (Attention LC-150), P. O. Box 61470, Boulder City, Nevada 89006-1470

This agency has reviewed the Draft Environmental Impact Statement/Draft Environmental Impact Report for Coachella Canal Lining Project, Riverside and Imperial Counties, California.

The Report is very well written with sound justification. This conservative effort, along with others including water conservation education, are essential components to adequate future water supplies.

If you have any questions pertaining to these comments, please contact Mr. Meddy Parsa or Mr. Conrad Kresge, Soil Conservationist, at (602) 669-7121.

Allen J. Auspach 152

A SPECIAL FILE COPY	
RECEIVED	MAR 21 1994
BY	MTW/mlc
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UNITED STATES
 DEPARTMENT OF THE INTERIOR
 BUREAU OF INDIAN AFFAIRS
 COLORADO RIVER AGENCY
 ROUTE 1, BOX 9C
 PARKER, ARIZONA 85344

Public Law 100-675
100th Congress

An Act

Nov. 17, 1988
(S. 795)

To provide for the settlement of water rights claims of the La Jolla, Rincon, San Pasqual, Pauma, and Pala Bands of Mission Indians in San Diego County, California, to authorize the lining of the All American Canal, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—SAN LUIS REY INDIAN WATER RIGHTS SETTLEMENT ACT

San Luis Rey
Indian Water
Rights
Settlement Act.

SEC. 101. SHORT TITLE.

This title may be cited as the "San Luis Rey Indian Water Rights Settlement Act".

SEC. 102. DEFINITIONS.

For purposes of this title:

- (1) **BANDS.**—The term "Bands" means the La Jolla, Rincon, San Pasqual, Pauma, and Pala Bands of Mission Indians which are recognized by the Secretary of the Interior as the governing bodies of their respective reservations in San Diego County, California.
- (2) **FUND.**—The term "Fund" means the San Luis Rey Tribal Development Fund established by section 105.
- (3) **INDIAN WATER AUTHORITY.**—The term "Indian Water Authority" means the San Luis Rey River Indian Water Authority, an intertribal Indian entity established by the Bands.
- (4) **LOCAL ENTITIES.**—The term "local entities" means the city of Escondido, California; the Escondido Mutual Water Company; and the Vista Irrigation District.
- (5) **SETTLEMENT AGREEMENT.**—The term "settlement agreement" means the agreement to be entered into by the United States, the Bands, and the local entities which will resolve all claims, controversies, and issues involved in all the pending proceedings among the parties.
- (6) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.
- (7) **SUPPLEMENTAL WATER.**—The term "supplemental water" means water from a source other than the San Luis Rey River.

SEC. 103. CONGRESSIONAL FINDINGS; LOCAL CONTRIBUTIONS; PURPOSE.

(a) **FINDINGS.**—The Congress finds the following:

- (1) The Reservations established by the United States for the La Jolla, Rincon, San Pasqual, Pauma, and Pala Bands of Mission Indians on or near the San Luis Rey River in San Diego County, California, need a reliable source of water.
- (2) Diversions of water from the San Luis Rey River for the benefit of the local entities commenced in the early 1890s and

continue to be an important source of supply to those communities.

(8) The inadequacy of the San Luis Rey River to supply the needs of both the Bands and the local entities has given rise to litigation to determine the rights of various parties to water from the San Luis Rey River.

(4) The pendency of the litigation has—

- (A) severely impaired the Bands' efforts to achieve economic development on their respective reservations,
- (B) contributed to the continuation of high rates of unemployment among the members of the Bands,
- (C) increased the extent to which the Bands are financially dependent on the Federal Government, and
- (D) impeded the Bands and the local entities from taking effective action to develop and conserve scarce water resources and to preserve those resources for their highest and best uses.

(5) In the absence of a negotiated settlement—

- (A) the litigation, which was initiated almost 20 years ago, is likely to continue for many years,
 - (B) the economy of the region and the development of the reservations will continue to be adversely affected by the water rights dispute, and
 - (C) the implementation of a plan for improved water management and conservation will continue to be delayed.
- (6) An agreement in principle has been reached under which a comprehensive settlement of the litigation would be achieved, the Bands' claims would be fairly and justly resolved, the Federal Government's trust responsibility to the Bands would be fulfilled, and the local entities and the Bands would make fair and reasonable contributions.

(7) The United States should contribute to the settlement by providing funding and delivery of water from a supplemental source. Water developed through conjunctive use of groundwater on public lands in southern California or water to be reclaimed from lining the previously unlined portions of the All American Canal can provide an appropriate supplemental water source.

(b) **PURPOSE.**—It is the purpose of this title to provide for the settlement of the reserved water rights claims of the La Jolla, Rincon, San Pasqual, Pauma, and Pala Bands of Mission Indians in San Diego County, California, in a fair and just manner which—

- (1) provides the Bands with a reliable water supply sufficient to meet their present and future needs;
- (2) promotes conservation and the wise use of scarce water resources in the upper San Luis Rey River System;
- (3) establishes the basis for a mutually beneficial, lasting, and cooperative partnership among the Bands and the local entities to replace the adversary relationships that have existed for several decades; and
- (4) fosters the development of an independent economic base for the Bands.

SEC. 104. SETTLEMENT OF WATER RIGHTS DISPUTE.

Sections 106 and 109 of this Act shall take effect only when—

- (1) the United States; the City of Escondido, California; the Escondido Mutual Water Company; the Vista Irrigation Dis-



UNITED STATES
DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS
SOUTHERN CALIFORNIA AGENCY
3600 LIME STREET, SUITE 722
RIVERSIDE, CALIFORNIA 92501

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Project	
Control No.	7-1-1-1
Control ID	
Control	

Robert J. Towles, Regional Director
Lower Colorado River Region
U. S. Bureau of Reclamation (LC-150)
P. O. Box 61470
Boulder, NV 890006-1470

Dear Mrs. Towles:

We have reviewed the Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the Coachella Canal Lining Project, Riverside and Imperial Counties, California. Our response is primarily centered on certain environmental considerations and water rights issues. The authority under which the proposed action is to be implemented is the Act of 1988 (PL 100-685), Title II - All American Canal Lining. Title I of the Act is the "San Luis Rey Indian Water Rights Settlement Act" (Settlement Act, Attachment 1). A summary of our review is listed in Attachment 2.

The draft EIS/EIR should be provided to the five Bands of Mission Indians involved under the Settlement Act, through the San Luis Rey Indian Water Authority, (Address, Attachment 3).

In addition, the Bureau of Indian Affairs Palm Springs Field Office should be provided an opportunity to review, and comment on, the Draft EIS/EIR (as indicated in Attachment 2). Because of the relationship of the project's water conservation goals for upstream diversions, per the option in section 106(b) of the Act (Attachment 2), the EIS/EIR should be reviewed by Interior Office of the Solicitor and the U. S. Department of Justice representing the five Bands involved in the Settlement Act.

If you have questions regarding this matter, please contact Natural Resources Officer Gilbert Stuart or Hydrologist Richard R. Gundry, telephone number (909) 276-6629.

Sincerely,

Virgil Townsend
Superintendent

Attachments (3)

tract; and the La Jolla, Rincon, San Pasqual, Pauma, and Pala Bands of Mission Indians have entered into a settlement agreement providing for the complete resolution of all claims, controversies, and issues involved in all of the pending proceedings among the parties in the United States District Court for the Southern District of California and the Federal Energy Regulatory Commission; and

(2) stipulated judgments or other appropriate final dispositions have been entered in said proceedings.

SEC. 105. SAN LUIS REY TRIBAL DEVELOPMENT FUND.

(a) **ESTABLISHMENT OF FUND.**—There is hereby established within the Treasury of the United States the "San Luis Rey Tribal Development Fund".

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) There is authorized to be appropriated to the San Luis Rey Tribal Development Fund \$30,000,000, together with interest accruing from the date of enactment of this Act at a rate determined by the Secretary of the Treasury taking into consideration the average market yield on outstanding Federal obligations of comparable maturity. Following execution of the settlement agreement, judgments, and other appropriate final dispositions specified in section 104, the Secretary of the Treasury shall allocate and make available such monies from the trust fund as are requested by the Indian Water Authority.

(2) Any monies not allocated to the Indian Water Authority and remaining in the fund authorized by this section shall be invested by the Secretary of the Treasury in interest-bearing deposits and securities in accordance with the Act of June 24, 1938 (25 U.S.C. 162a). Such interest shall be made available to the Indian Water Authority in the same manner as the monies identified in paragraph (1).

SEC. 106. DUTIES OF THE UNITED STATES FOR DEVELOPMENT OF SUPPLEMENTAL WATER.

(a) **OBLIGATION TO ARRANGE FOR DEVELOPMENT OF WATER FOR BANDS AND LOCAL ENTITIES.**—To provide a supplemental water supply for the benefit of the Bands and the local entities, subject to the provisions of the settlement agreement, the Secretary is authorized and directed to:

(1) arrange for the development of not more than a total of 16,000 acre-feet per year of supplemental water from public lands within the State of California outside the service area of the Central Valley Project; or

(2) arrange to obtain not more than a total of 16,000 acre-feet per year either from water conserved by the works authorized in title II of this Act, or through contract with the Metropolitan Water District of Southern California.

Nothing in this section or any other provision of this title shall authorize the construction of any new dams, reservoirs or surface water storage facilities.

(b) **AUTHORITY TO UTILIZE EXISTING PROGRAMS AND PUBLIC LANDS.**—To carry out the provisions of subsection (a), the Secretary may, subject to the rights and interests of other parties and to the extent consistent with the requirements of the laws of the State of

(2) permit water to be pumped from beneath public lands and, in conjunction therewith, authorize a program to recharge some or all of the groundwater that is so pumped.

(c) **TERMS AND CONDITIONS OF WATER DELIVERIES.**—Such supplemental water shall be provided for use by the Bands on their reservation and the local entities in their service areas pursuant to the terms of the settlement agreement and shall be delivered at locations, on a schedule and under terms and conditions to be agreed upon by the Secretary, the Indian Water Authority, the local entities and any agencies participating in the delivery of the water. It may be exchanged for water from other sources for use on the Bands' reservations or in the local entities' service areas.

(d) **COST OF DEVELOPING AND DELIVERING WATER.**—The cost of developing and delivering supplemental water pursuant to this section shall not be borne by the United States, and no Federal appropriations are authorized for this purpose.

(e) **REPORT TO CONGRESS.**—Notwithstanding the provisions of section 104, within nine months following enactment of this Act, the Secretary shall report to the Committee on Interior and Insular Affairs of the House of Representatives and to the Committee on Energy and Natural Resources and the Select Committee on Indian Affairs of the Senate on (1) the Secretary's recommendations for providing a supplemental water source including a description of the works, their costs and impacts, and the method of financing; and (2) the proposed form of contract for delivery of supplemental water to the Bands and the local entities. When 60 calendar days have elapsed following submission of the Secretary's report, the Secretary shall execute the necessary contracts and carry out the recommended program unless otherwise directed by the Congress.

Contracts

SEC. 107. ESTABLISHMENT, STATUS, AND GENERAL POWERS OF SAN LUIS REY RIVER INDIAN WATER AUTHORITY.

(a) **ESTABLISHMENT OF INDIAN WATER AUTHORITY APPROVED AND RECOGNIZED.**—

(1) **IN GENERAL.**—The establishment by the Bands of the San Luis Rey River Indian Water Authority as a permanent intertribal entity pursuant to duly adopted ordinances and the power of the Indian Water Authority to act for the Bands are hereby recognized and approved.

(2) **LIMITATION ON POWER TO AMEND OR MODIFY ORDINANCES.**—Any proposed modification or repeal of any ordinance referred to in paragraph (1) must be approved by the Secretary, except that no such approval may be granted unless the Secretary finds that the proposed modification or repeal will not interfere with or impair the ability of the Indian Water Authority to carry out its responsibilities and obligations pursuant to this Act and the settlement agreement.

(b) **STATUS AND GENERAL POWERS OF INDIAN WATER AUTHORITY.**—

(1) **STATUS AS INDIAN ORGANIZATION.**—To the extent provided in the ordinances of the Bands which established the Indian Water Authority, such Authority shall be treated as an Indian entity under Federal law with which the United States has a trust relationship.

(2) **POWER TO ENTER INTO AGREEMENTS.**—The Indian Water Authority may enter into such agreements as it may deem necessary to implement the provisions of this title and the

(3) **INVESTMENT POWER.**—Notwithstanding paragraph (1) or any other provision of law, the Indian Water Authority shall have complete discretion to invest and manage its own funds: *Provided*, That the United States shall not bear any obligation or liability regarding the investment, management or use of such funds.

(4) **LIMITATION ON SPENDING AUTHORITY.**—All funds of the Indian Water Authority which are not required for administrative or operational expenses of the Authority or to fulfill obligations of the Authority under this title, the settlement agreement, or any other agreement entered into by the Indian Water Authority shall be invested or used for economic development of the Bands, the Bands' reservation lands, and their members. Such funds may not be used for per capita payments to members of any Band.

(c) **INDIAN WATER AUTHORITY TREATED AS TRIBAL GOVERNMENT FOR CERTAIN PURPOSES.**—The Indian Water Authority shall be considered to be an Indian tribal government for purposes of section 7871(a)(4) of the Internal Revenue Code of 1986.

SEC. 108. DELEGATION OF AUTHORITY.

The Secretary and the Attorney General of the United States, acting on behalf of the United States, and the Bands, acting through their duly authorized governing bodies, are authorized to enter into the settlement agreement. The Secretary is authorized to enter into such agreements and to take such measures as the Secretary may deem necessary or appropriate to fulfill the provisions of this title.

SEC. 109. AUTHORITY OF THE FEDERAL ENERGY REGULATORY COMMISSION AND THE SECRETARY OF THE INTERIOR OVER POWER FACILITIES AND GOVERNMENT AND INDIAN LANDS.

(a) **POWER FACILITIES.**—Any license issued under the Act of June 10, 1920 (16 U.S.C. 791a et seq., commonly referred to as Part I of the Federal Power Act) for any part of the system that diverts the waters of the San Luis Rey River originating above the intake to the Escondido Canal—

- (1) shall be subject to all of the terms, conditions, and provisions of the settlement agreement and this title; and
- (2) shall not in any way interfere with, impair or affect the ability of the Bands, the local entities and the United States to implement, perform, and comply fully with all of the terms, conditions, and provisions of the settlement agreement.

(b) **INDIAN AND GOVERNMENT LANDS.**—Notwithstanding any provision of Part I of the Federal Power Act to the contrary, the Secretary is exclusively authorized, subject to subsection (c), to lease, grant rights-of-way across, or transfer title to, any Indian tribal or allotted land, or any other land subject to the authority of the Secretary, which is used, or may be useful, in connection with the operation, maintenance, repair, or replacement of the system to divert, convey, and store the waters of the San Luis Rey River originating above the intake to the Escondido Canal or the supplemental water supplied by the Secretary under this Act.

(c) **APPROVAL BY INDIAN BANDS; COMPENSATION TO INDIAN OWNERS.**—Any disposition of Indian tribal or allotted land by the Secretary under the subsection (b) shall be subject to the approval of the governing Indian Band. Any individual Indian owner or allottee

whose land is disposed of by any action of the Secretary under subsection (b) shall be entitled to receive just compensation.

SEC. 110. RULES OF CONSTRUCTION.

(a) **EMINENT DOMAIN.**—No provision of this title shall be construed as authorizing the acquisition by the Federal Government of any water or power supply or any water conveyance or power transmission facility through the power of eminent domain or any other nonconsensual arrangement.

(b) **STATUS AND AUTHORITY OF INDIAN WATER AUTHORITY.**—No provision of this title shall be construed as creating any implication with respect to the status or authority which the Indian Water Authority would have under any other law or rule of law in the absence of this title.

SEC. 111. COMPLIANCE WITH BUDGET ACT.

To the extent any provision of this title provides new spending authority described in section 401(c)(2)(A) of the Congressional Budget Act of 1974, such authority shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance in appropriation Acts.

TITLE II—ALL AMERICAN CANAL LINING

SEC. 201. CONGRESSIONAL FINDINGS.

Congress hereby finds and declares that:

(1) The Boulder Canyon Project Act ("Project Act") was enacted to conserve the waters of the lower Colorado River for a number of public purposes, including the storage and delivery of water for reclamation of public lands and other uses exclusively within the United States.

(2) The Secretary of the Interior ("Secretary") was authorized by the Project Act to construct what is now Hoover Dam, Lake Mead, and the All American Canal and "to contract for the storage of water in said reservoir and for the delivery thereof at such points on the river and on said canal as may be agreed upon . . ."

(3) The Project Act provides that "no person shall have or be entitled to have the use for any purpose of the water stored as aforesaid except by contract" and in California the Secretary has entered into water delivery contracts with public agencies.

(4) The Secretary's water delivery contracts incorporate the Seven Party Agreement of August 18, 1931, under which water that is not applied to beneficial use by a California Contractor is available for use by the California Contractor with the next priority.

(5) The available supply of Colorado River water in California is insufficient to meet the priorities set forth in the Seven Party Agreement.

(6) The Secretary's water delivery contracts with the California Contractors provide that the total beneficial consumptive use under the first three priorities established in the contracts shall not exceed 8.85 million acre-feet of water per year.

(7) The rights of all California Contractors are defined by the Project Act, their contracts, and decisions and decrees of the United States Supreme Court.

(8) The Secretary has promulgated regulations pursuant to his authority under the Project Act establishing procedures to assure that deliveries of Colorado River water to each user will not exceed those reasonably required for its beneficial use.

(9) The Secretary has constructed the All American Canal and delivers water to the Imperial Irrigation District and Coachella Valley Water District under water delivery contracts by which those districts are entitled to receive deliveries of water in amounts reasonably required for potable and irrigation purposes.

(10) Studies conducted by the Secretary show that significant quantities of water currently delivered into the All American Canal and its Coachella Branch are lost by seepage from the canals and that such losses could be reduced or eliminated by lining these canals.

SEC. 202. DEFINITIONS.

As used in this title, the term—

(1) "All American Canal Service Area" shall mean the Imperial Service Area and the Coachella Service Area as defined in the Imperial Irrigation District and Coachella Valley Water District water delivery contracts with the Secretary dated December 1, 1932, and October 14, 1934, respectively.

(2) "California Contractors" shall mean the Palo Verde Irrigation District; Imperial Irrigation District; Coachella Valley Water District; and, The Metropolitan Water District of Southern California.

(3) "Participating Contractor" shall mean a California Contractor who elects to participate in, and fund, all or a portion of the works described in section 203 of this title.

(4) "Project Act" shall mean the Boulder Canyon Project Act (45 Stat. 1057; 43 U.S.C. 617-617t).

(5) "Secretary" shall mean the Secretary of the Interior.

(6) "Seven Party Agreement" shall mean that agreement dated August 18, 1931, providing the schedule of priorities for use of the waters of the Colorado River within California as published in section 6 of the General Regulations of the Secretary of the Interior dated September 28, 1931, and incorporated in the Secretary's water delivery contracts with the California Contractors.

(7) "Works" shall mean the facilities and measures specified in section 203(a) of this title.

SEC. 203. AUTHORIZATION OF PROJECT.

(a) CANAL LINING AUTHORIZED.—The Secretary, in order to reduce the seepage of water, is authorized to—

(1) construct a new lined canal or to line the previously unlined portions of the All American Canal from the vicinity of Pilot Knob to Drop 4 and its Coachella Branch from Siphon 7 to Siphon 32, or construct seepage recovery facilities in the vicinity of Pilot Knob to Drop 4, including measures to protect public safety; and

(2) implement measures for the replacement of incidental fish and wildlife values adjacent to the canals foregone as a result of the lining of the canal or mitigation of resulting impacts on fish and wildlife resources from construction of a new canal or a

basis, based on ecological equivalency, and shall be implemented concurrent with construction of the works. The Secretary shall make available such public lands as he deems appropriate to meet the requirements of this subsection. The Secretary is authorized to develop ground water, with a priority given to nonpotable sources, from public lands to supply water for fish and wildlife purposes.

(b) OPERATION AND MAINTENANCE DETERMINATION.—The Secretary shall determine the impact of the works on the cost of operation and maintenance and the existing regulating and storage capacity of the All American Canal and its Coachella Branch. If the works result in any added operation and maintenance costs which exceed the benefits derived from increasing the regulating and storage capacity of the canals to the Imperial Irrigation District or the Coachella Valley Water District, the Secretary shall include such costs in the funding agreement for the works.

(c) CONSTRUCTION AND FUNDING AGREEMENT.—The Secretary, subject to the provision of section 205 of this title, may enter into an agreement or agreements with one or more of the California Contractors for the construction or funding of all or a portion of the works authorized in subsection (a) of this section. The Secretary shall ensure that such agreement or agreements include provisions setting forth—

(1) the responsibilities of the parties to the agreement for funding and assisting with implementing all the duties of the Secretary identified in subsections (a) and (b) of this section;

(2) the obligation of the Participating Contractors to pay the additional costs identified in subsection (b) of this section as a result of the works;

(3) the procedures and requirement for approval and acceptance by the Secretary of such works, including approval of the quality of construction, measures to protect the public health and safety, mitigation or replacement, as appropriate, of fish and wildlife resources or values, and procedures for operation, maintenance, and protection of such works;

(4) the rights, responsibilities, and liabilities of each party to the agreement;

(5) the term of such agreements which shall not exceed 55 years and may be renewed if consented to by Imperial Irrigation District and Coachella Valley Water District according to their respective interests in the conserved water. If the funding agreements are not renewed, the Participating Contractors shall be compensated by the Imperial Irrigation District or the Coachella Valley Water District for their participation in the cost of the works. Such compensation shall be equal to the replacement value of the works less depreciation. Such depreciated value is to be based upon an engineering analysis by the Secretary of the remaining useful life of the works at the expiration of the funding agreements;

(6) the obligation of the Participating Contractors or the United States for repair or other corrective action which would not have occurred in the absence of the works in the case of earthquake or other acts of God;

(7) the obligation of the Participating Contractors or the United States to hold harmless Imperial Irrigation District and

Public lands

Public health and safety.

Public health and safety

Fish and fishing. Wildlife.

which occurs after the Secretary accepts the works and would not have occurred in the absence of the works; and,

(8) the requirement that the remaining net obligations due the United States for construction of the All American Canal owed on the date of enactment of this Act be paid by the Participating Contractors.

(d) **TITLE TO THE WORKS.**—A Participating Contractor shall not receive title to any works constructed pursuant to this section by virtue of its participation in the funding for the works. Title to all such works shall remain with the United States. Upon completion of the works and upon request by an All American Canal Contractor (City of San Diego, Imperial Irrigation District, or Coachella Valley Water District) for transfer of title of the All American Canal, its Coachella Branch, and appurtenant structures below Syphon Drop (including the works constructed pursuant to this section), the Secretary shall, within 90 days, take such necessary action as the Secretary deems appropriate to complete transfer of title to the requesting contractor, according to the contractor's respective interest unless the Secretary determines that such transfer would impair any existing rights of other All American Canal contractors, the rights or obligations of the United States, or would inhibit the Secretary's ability to fulfill his responsibility under the Project Act or other applicable law.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) No Federal funds are authorized to be appropriated to the Secretary for construction of the works described in subsection (a)(1) of this section.

(2) The Secretary is authorized to receive funds in advance from one or more Participating Contractors pursuant to the Contributed Funds Act of March 4, 1921 (41 Stat. 1401) under terms and conditions acceptable to the Secretary in order to carry out the Secretary's responsibilities under subsections (a), (b), and (c) of this section.

SEC. 204. USE OF CONSERVED WATER.

(a) **SECRETARIAL DETERMINATION.**—The Secretary shall determine the quantity of water conserved by the works and may revise such determination at reasonable intervals based on such information as the Secretary deems appropriate. Such initial determination and subsequent revision shall be made in consultation with the California Contractors.

(b) **BENEFICIAL USE IN CALIFORNIA.**—

(1) The water identified in subsection (a) of this section shall be made available, subject to the approval requirement established in section 203(c)(3), for consumptive use by California Contractors within their service areas according to their priorities under the Seven Party Agreement.

(2) If the water identified in subsection (a) of this section is used during the term of the funding agreements by (A) a California Contractor other than a Participating Contractor, or (B) by a Participating Contractor in an amount in excess of its proportionate share as measured by the amount of its contributed funds in relation to the total contributed funds, such contractor shall reimburse the Participating Contractors for the annualized amounts of their respective contributions which are used, any added costs of

related mitigation costs under section 203(a)(2). Such reimbursement shall be based on the costs each Participating Contractor incurs in contributing funds and its total contribution, and the life of the works.

SEC. 205. IMPLEMENTATION.

The authorities contained in this title shall take effect upon enactment and the Secretary is authorized to proceed with all preconstruction activities. For a period not to exceed 15 months thereafter, or such additional period as the Secretary and the Imperial Irrigation District, the Coachella Valley Water District, and the Metropolitan Water District of Southern California may agree, the Secretary shall provide to the Imperial Irrigation District the opportunity to become the sole Participating Contractor for the works on the All American Canal from Pilot Knob to Drop 4, and assume all non-Federal obligations to finance the works. After the expiration of the 15-month period or any extension thereof, the Secretary is authorized to enter into agreements with the California Contractors as provided in section 203(c) of this Act.

SEC. 206. PROTECTION OF EXISTING WATER USES.

As of the effective date of this Act, any action of the Secretary to use, sell, grant, dispose, lease or provide rights-of-way across Federal public domain lands located within the All American Canal Service Area shall include the following conditions: (1) those lands within the boundary of the Imperial Irrigation District as of July 1, 1988, as shown in Imperial Irrigation District Drawing 7634, excluding Federal lands without a history of irrigation or other water using purposes; (2) those lands within the Imperial Irrigation District Service Area as shown on General Map of Imperial Irrigation District dated January 1988 (Imperial Irrigation District No. 27F 0189) with a history of irrigation or other water using purposes; and (3) those lands within the Coachella Valley Water District's Improvement District No. 1 shall have a priority for irrigation or other water using purposes over the lands benefiting from the action of the Secretary: *Provided*, That rights to use water on lands having such priority may be transferred for use on lands having a lower priority if such transfer does not deprive other lands with the higher priority of Colorado River water that can be put to reasonable and beneficial use.

SEC. 207. WATER CONSERVATION STUDY.

(a) **PREPARATION AND TRANSMITTAL.**—Any agreement entered into pursuant to section 203 between the Secretary and The Metropolitan Water District of Southern California (hereafter referred to as the "District") shall require, prior to the initiation of construction but in no case later than two years from the date of enactment of this Act, the preparation and transmittal to the Secretary by the District of a water conservation study as described in this section, together with the conclusions and recommendations of the District.

(b) **PURPOSE.**—The purpose of the study required by this section shall be the evaluation of various pricing options within the District's service area, an estimation of demand elasticity for each of the principal categories of end use of water within the District's service area, and the estimation of the quantity of water saved under the various options evaluated.

(c) **PRICING ALTERNATIVES.**—Such study shall include a thorough evaluation of all the pricing alternatives, alone and in various combinations, that could be employed by the District, including but not limited to—

- (1) recovery of all costs through water rates;
- (2) seasonal rate differentials;
- (3) dry year surcharges;
- (4) increasing block rates; and
- (5) marginal cost pricing.

(d) **PUBLIC REVIEW AND COMMENT.**—Not less than 90 days prior to its transmittal to the Secretary, the study, together with the District's preliminary conclusions and recommendations and all supporting documentation, shall be available for public review and comment, including the transcripts of public hearings which shall be held during the course of the study. All significant comments, and the District's response thereto, shall accompany the study transmitted to the Secretary.

(e) **LIMITATION ON INITIATION OF CONSTRUCTION.**—Prior to the initiation of construction, the Secretary shall determine that the requirements of this section have been satisfied. Nothing in this section shall be deemed to authorize the Secretary to require the implementation of any policies or recommendations contained in the study.

SEC. 208. SALTON SEA NATIONAL WILDLIFE REFUGE.

Within 90 days from the date of enactment of this title, the Secretary is directed to prepare and submit a report to the Congress which describes the current condition of habitat at the Salton Sea National Wildlife Refuge, California. The report shall also—

- (1) assess water quality conditions within the refuge;
- (2) identify actions which could be undertaken to improve habitat at the refuge;
- (3) describe the status of wildlife, including waterfowl populations, and how wildlife populations have fluctuated or otherwise changed over the past ten years; and
- (4) describe current and future water requirements of the refuge, the availability of funds for water purchases, and steps which may be necessary to acquire additional water supplies, if needed.

SEC. 209. RELATION TO RECLAMATION LAW.

No contract or agreement entered into pursuant to this title shall be deemed to be a new or amended contract for the purposes of

section 203(a) of the Reclamation Reform Act of 1982 (Public Law 97-293, 96 Stat. 1263).

Approved November 17, 1988.

Reports

LEGISLATIVE HISTORY—S. 795:

HOUSE REPORTS: No. 100-780 (Comm. on Interior and Insular Affairs).
SENATE REPORTS: No. 100-47 and No. 100-264 (both from Select Comm. on Indian Affairs).

CONGRESSIONAL RECORD:

Vol. 133 (1987): Dec. 10, considered and passed Senate.
Vol. 134 (1988): Oct. 3, 4, considered and passed House, amended.
Oct. 10, Senate concurred in House amendment with an amendment.
Oct. 20, House concurred in Senate amendment.

COMMENTS

- | Page | Comment (by report section) |
|-------|--|
| S-3 | <p><u>Alternative Plans</u> In the Summary, and throughout the document where applicable, it should be mentioned or pointed out that the No Action Alternative may be contrary to the intent of PL 100-685, Title I (Section 106¹), as follows:</p> <p><i>(2) arrange to obtain not more than a total of 16,000 acre-feet per year either from the water conserved by the works authorized in title II of this Act, or through contract with the Metropolitan Water District of Southern California.</i></p> |
| S-10 | <u>Indian Trust Assets</u> See comment for page S-3. |
| S-10 | <u>Sand and Gravel Supplies</u> An option of some supply of aggregate resources from BIA-administered Tribal lands is not mentioned. The issue of Free Use of mineral materials from federal lands to governmental bodies is not addressed if applicable (some cost savings could be realized). See also comment for S-14, below. |
| S-14 | <u>Table S-2</u> Impact on available mineral resources in Coachella area due to scarcity of available supplies is not addressed. |
| I-5 | <u>RELATIONSHIP TO OTHER PROJECTS</u> There should be mention of San Luis Rey Indian Water Rights Settlement Act involving ground-water storage and recovery (or status of the project and its alternatives) per Title I of the Act of November 17, 1988 (San Luis Rey Indian Water Rights Settlement Act, PL 100-675). See Cumulative Impacts section of subject environmental document. |
| II-17 | <p><u>NO ACTION ALTERNATIVE</u> The impacts of doing nothing (ie., maintaining <i>statu quo</i> should be addressed; especially in light of PL 100-675, Title I San Luis Rey Indian Water Rights Settlement Act, and Title II All American Canal Lining with respect to Title I, Section 106-a(b), as follows:</p> <p><i>(2) arrange to obtain not more than a total of 16,000 acre-feet per year either from the water conserved by the works authorized in title II of this Act, or through contract with the Metropolitan Water District of Southern California.</i></p> <p>In addition, this may be the place to re-iterate why the project is proposed and the legal mandates for conducting the project.</p> |
| III-1 | <u>Geographic and Geologic Setting</u> In the first paragraph the narrative mentions that "... basement (bedrock) lies thousands to tens of thousands of feet below the bedrock surface of the bordering mountains." The statement is a conundrum if the surface of basement (bedrock) lies below the bedrock surface. Basement is exposed |

¹ PUBLIC LAW 100-675 Title I - San Luis Rey Indian Water Rights Settlement Act (17-NOV-1988, 100 Stat. 4000-4011).

at the surface in adjacent mountain ranges. The purpose and intent of the sentence should be re-evaluated. Perhaps the intent of the statement was to describe the depth to basement beneath the site in contrast to bedrock exposure away from the site. Effects of geologic hazards (Environmental Consequences) are not addressed within this section [see related comment below].

- III-2 Seismicity The first sentence in the first paragraph of this section contradicts the second sentence in the third paragraph of this section. There could be mention of aseismic fault creep that has been triggered by earthquakes on other faults, and disruption of canal service and potential flooding due to future seismic events or seismically-induced hazards.
- III-39 Wetlands Habitat There appears to be some oversight in evaluation of the need for some \$5 million plus 5,000 ac-ft to water trees that are being eradicated by other Federal agencies as invader nuisance species in contrast to the need for 16,000 ac-ft under the San Luis Rey Indian Water Rights Settlement Act.
- III-47 The statements about pupfish distribution need clarification. During the wetter pluvial climate of the geologic past, it has been generally agreed that pupfish distribution was widespread. Today, the pupfish occur in isolated, but widely distributed locations. It is generally thought that naturally-occurring climate change over sufficient periods of geologic time have caused changes since Pleistocene conditions to isolate these species or subspecies. Based on the narrative in the subject environmental analysis, it is not clear that reduction of the distribution of these fish are the result of natural, or man-made changes over some length of time.
- III-65 Indian Trust Assets The beneficial or detrimental affects of Salton Sea level raising or lowering due to "water conservation" from the lining of canals and having no effect is eluded in this section. However, there may be long-term consequences to the "San Luis Rey Indian Water Supply involving ground-water storage and recovery" project mentioned at page IV-1, because continued supply of leaking Colorado River water from the present canal would cease.
- VIII-3 MINERALS AND RECLAMATION ACT OF 1975 Extraction of Federal minerals for the project is discussed earlier. No mention is made of various Federal Laws, regulations and procedures regarding extraction of minerals from Federal land and Indian lands, such as the Mineral Policy Acts of 1970 and 1980 and the Indian Mineral Leasing Act of 1982 (25 U.S.C. 396a-396g). Because potential aggregate resources exist within nearby Tribal lands, these resources could be mentioned, along with the various laws, regulations, Federal policies and procedures, and tribal entities that should be also referenced and discussed.
- F-1 Distribution list There appears to be an imbalance of organizations listed in the listing. Under the subheading "Organizations" there is under-representation of all those who may benefit from the proposed project. This part of the list looks like a listing of special interest groups who center on no-growth, anti-development, and possibly environmental extremism for no matter what the economic consequences may be.
- F-3 Distribution List Under "United States Department of Interior" please add the following address for the Bureau of Indian Affairs Palm Springs Field Office:

Palm Springs Field Office

Bureau of Indian Affairs
P. O. Box 2245
Palm Springs, CA 92263

and the attorneys at the Interior Office of the Solicitor:

Office of the Solicitor - Branch of Water and Power
Department of the Interior
1849 "C" Street, N.W.
Washington, D.C. 20240

Please note that under "Other Federal Agencies" Geological Survey, California District Office and Fish and Wildlife Service is under the Department of the Interior

G-1 EFFECTS NOT FOUND TO BE SIGNIFICANT Based on related comments above concerning PL 100-675, there is no record in this section of what effects there are found to be significant to the San Luis Rey Indian Water Rights settlement Act or consequences thereof.

Attachment 3

San Luis Rey Indian Water Authority
Attention: Thomas Kunkel, Executive Director
P. O. Box 428
Pauma Valley, CA 92061



DEPARTMENT OF FISH AND GAME

416 NINTH STREET
 P. BOX 944209
 SACRAMENTO, CA 94244-2090
 (916) 653-4875

March 17, 1994

Mr. Robert J. Towles, Regional Director
 Lower Colorado River
 Bureau of Reclamation (Attn: LC-150)
 P.O. Box 61470
 Boulder City, Nevada 89006-1470

Dear Mr. Towles:

**Draft Environment Impact Statement/Draft Environmental Impact
 Report (DEIS/DEIR) for the Coachella Canal Lining Project
 Riverside and Imperial Counties**

The California Department of Fish and Game has reviewed the referenced document. This document discusses wetlands and proposed losses to wetlands as part of the proposed project scope. The Department will accept only a "no net loss" policy for said wetlands. Further discussion needs to be included on an individual basis for the smaller wetland sites and hydrological studies need to be introduced into the document for areas such as Dos Palmos and Salt Creek to fully disclose the anticipated impacts.

Mitigation above and beyond the escape curbs and/or ramps need to be discussed with the possibilities existing that additional water sources might need to be funded and developed offsite that provide water for deer and bighorn sheep away from the canal zone.

The proposed change in the canal bank slope ratio, pertaining to the escape curbs and ramps, from ratio 2:5:1 to 1:5:1 is not acceptable to the Department. The test section at the 2:5:1 ratio proved to be successful. No changes in this ratio will be accepted. It is also strongly recommended that the slip-form ridges be extended at least three feet below the low operating water level so as to provide escape footing for larger animals that may fall into the canal.

The Department would also like to reserve additional comments until the U.S. Fish and Wildlife Service Biological Opinion can be reviewed.

MAR 28 1994

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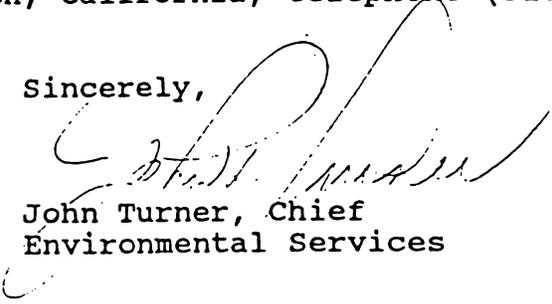
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Mr. Robert J. Towles
March 17, 1994
Page Two

It should be noted that the project proponent will need both the California Endangered Species Memorandum of Understanding (pursuant to Fish and Game Code §2081) as well as the Streambed Alteration Agreement (pursuant to Fish and Game Code §1600) prior to the commencement of construction.

Thank you for the opportunity to comment on this project. If you have any questions please contact Mr. Fred Worthley, Regional Manager, Region 5, Department of Fish and Game, 330 Golden Shore, Suite 50, Long Beach, California, telephone (310) 590-5113.

Sincerely,



John Turner, Chief
Environmental Services

cc: Department of Fish and Game
Long Beach

Mr. Fred Worthley

Mr. Larry Sitton

Mr. Gerald Mulcahy

Mr. Jim Dice

Ms. Terri Dickerson

U.S. Fish and Wildlife Service
2730 Loker Avenue West
Carlsbad, California 92008

THE STATE



OF ARIZONA

GAME & FISH DEPARTMENT

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Director
Uwanc L. Shroufe

Deputy Director
Thomas W. Spaulding

March 29, 1994

Mr. Martin Einert
Lower Colorado Regional Office
Bureau of Reclamation
P.O. Box 61470
Boulder City, Nevada 89006-1470

Re: Draft Environmental Impact Statement/Draft Environmental
Impact Report (EIS/EIR); Coachella Canal Lining Project,
Riverside and Imperial County, California

Dear Mr. Einert:

The Arizona Game and Fish Department (Department) has reviewed the
above-referenced draft EIS/EIR, dated December 1993, and the
following comments are provided.

The Department is concerned about potential effects to wildlife and
wildlife habitat resulting from changes in the point of diversion
of Colorado River water as a result from water conservation
projects. In addition, the potential cumulative effects associated
with the implementation of several such projects is of particular
concern. A discussion of the relationship of the Proposed Action
to other projects is included on pages I-5 and I-6. While the
Coachella Canal Lining Project may be physically separate from the
All-American Canal Lining Project, the current IID-MWD Phase I
Water Conservation Program, and the future IID-MWD Phase II Water
Conservation Program, the subject matter is clearly similar and the
respective impacts to the Colorado River would appear to be
cumulative in nature. In terms used in the draft EIS/EIR each "...
program could result in reduced water diversions at Imperial Dam
and thus maintain diversions to the southern California coastal
area at Parker Dam."

We note the following on page III-40 under "Wetlands Habitat Along
The Colorado River", "Environmental Consequences":

"To ensure that the project does not adversely affect
wetlands along the Colorado River, the project would
provide \$30,000 for wetlands and nondredging backwater
improvement work along the Colorado River that would not
cause an increase in Colorado River system losses. This
contribution is intended for use at the discretion of the
Federal-State interagency backwater committee that
oversees management of biological resources along the
river."

Mr. Martin Einert

March 29, 1994

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We note also wording on page D-5 from "Fish and Wildlife Service Recommendations and Reclamation Responses" recommending funding of "...backwater restoration, development, and/or enhancement ... in the amount of \$30,000.". This recommendation raises several questions:

1. What is the reference point to determine that a project "...would not cause an increase in Colorado River system losses."? If acreage of wetlands is being reduced by the Proposed Action, maintenance of that acreage is essential, otherwise the proposal would not be mitigating in-kind, and a net loss of wildlife habitat values would result. Construction of improvements in existing wetlands may not replace habitat values lost as a result of the proposed the project.
2. How will the proposal maintain the replacement habitat values through the life of the canal lining project?
3. Why is non-dredging, backwater improvement work specified?
4. What is the basis for the \$30,000 figure? Can the habitat value of 1½ acres of wetland, if that figure is in fact correct, be replaced for \$30,000?
5. Will an environmental commitment plan be developed to address impacts to the Colorado River from this and other water diversion-related projects?

The wording in the subject EIS/EIR is the first the Department has seen regarding a proposal to mitigate Colorado River wetland impacts, as well as the \$30,000 cost estimate. The Department is aware of a similar proposal to mitigate impacts from the All-American Canal Lining Project, but we have seen no documentation to date with which to evaluate such a proposal. If this the direction the Bureau of Reclamation (Reclamation) intends to take to address impacts to the Colorado River, closer coordination with the resource agencies involved would be appropriate.

The discussion of cumulative impacts on page IV-3 may be incomplete. The area of greatest impact from a 4-inch reduction in surface elevation would be the shallow water fringe portion of marshes, which is important, as an example, as a feeding area for California black rail. Research has found that this bird feeds in water that ranges from 0-2 inches in depth. The shallow water zone and invertebrates it supports is important for many other wetland associated species as well, including the Yuma clapper rail. If the water recedes out of that zone, and the cross sectional configuration becomes steeper, as is often the case, the surface area of water with a depth of 0-2 inches is reduced, while the

Mr. Martin Einert

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wetland plant species composition could remain similar to pre-project conditions. Plant species composition may be a component of habitat but physical attributes are often as important or more important.

A 4-inch reduction in water surface elevation could result in a large degree of change in the continuity of backwater lakes. Many such lakes are connected to the river by passages less than 6 inches deep. Changes in continuity could affect many species if water quality is reduced in the backwater lake as a result of the loss of water exchange capabilities. Also, the utility of these off-channel areas for spawning or as cover for young-of-the-year fish could be changed dramatically.

Since a large portion of the Lower Colorado River has been designated as Critical Habitat for the razorback sucker, the document should address how a cumulative 4-inch change in the water surface elevation could affect potential off-channel cover for this species. The conclusion in Table III-9 that impacts to the razorback sucker are unlikely warrants more explanation in the document.

In summary, the Department is interested in the programmatic direction Reclamation intends to pursue in addressing cumulative impacts to fish and wildlife resources resulting from changes in points of water diversion along the Colorado River. We suggest that Reclamation host a meeting to discuss this subject with the Department and other resource management agencies with jurisdiction along the Lower Colorado River.

Thank you for the opportunity to comment on this draft EIS/EIR. We look forward to working with Reclamation to address any wildlife resource issues along the Colorado River associated with this proposed project.

Sincerely,



Ron Christofferson
Project Evaluation Coordinator
Habitat Branch

RAC:WEW:WW

cc: Larry Voyles, Regional Supervisor, Region IV, Yuma
Larry Riley, Supervisor, Environmental Compliance Program
Fred Worthley, California Dept. of Fish and Game, Long Beach
Sam Spiller, State Supervisor, Az. ES Office, USFWS, Phoenix
Clyde Morris, Environmental Protection Agency, San Francisco
Judith Reed, District Manager, Yuma Dist., BLM, Yuma