

DISTRICT 1
TONY P. TIRADO
940 W. MAIN ST., SUITE 209, EL CENTRO, CA 92243

DISTRICT 2
HANK KUIPER
940 W. MAIN ST., SUITE 209, EL CENTRO, CA 92243

DISTRICT 3
JOE MARUCA
940 W. MAIN ST., SUITE 209, EL CENTRO, CA 92243

DISTRICT 4
GARY WYATT
940 W. MAIN ST., SUITE 209, EL CENTRO, CA 92243

DISTRICT 5
WALLY LEIMGRUBER
940 MAIN STREET, SUITE 209, EL CENTRO, CA 92243



COUNTY EXECUTIVE OFFICE
COUNTY ADMINISTRATION CENTER
940 MAIN STREET, SUITE 208
EL CENTRO, CA 92243-2871
TELEPHONE: (760) 482-4290

FAX: (760) 352-7876

June 5, 2002

via mail and facsimile to (602) 216-4006

Bruce Ellis, Chief
Environmental Resources Management Division
Phoenix Area Office
U.S. Bureau of Reclamation
P.O. Box 81169
Phoenix, AZ 85069-1169

Re: Water Transfer EIS/EIR and IA/IOP EIS

Dear Mr. Ellis:

The County of Imperial by this letter formally requests the Bureau of Reclamation to determine that both of the subject draft environmental impact statements (EIS/EIR, and EIS) will be withdrawn and that the Bureau will proceed (and in the case of the water transfer, in collaboration with its state lead agency Imperial Irrigation District) to recirculate a revised draft statement prior to proceeding to final statements.

By copy of this letter to the four "co-lead" agencies for the Quantification Settlement Agreement state environmental impact report (EIR) the County of Imperial requests similar action with respect to that draft EIR.

Our request is grounded in the information that we have learned from the comments of other participants in the review of these draft documents, and from our participation in the many days of hearings before the California State Water Resources Control Board (State Board) on the subject of the water transfer. Those State Board hearings have included two days of testimony presented by the petitioners Imperial Irrigation District (IID) and San Diego County Water Authority (SDCWA) in support of the water transfer EIS/EIR.

Based on what has now been placed in the public record, no question can remain that the present draft EIS/EIR fails to assess impacts of the currently-proposed transfer on growth induction in San Diego, and air quality in Imperial County. The former impact is

of great concern to us, because failure to assess it means failure to assess and compare alternative means in San Diego of attaining that community's perceived future needs -- alternatives that might require less export of water from Imperial Valley, thus serving our needs of a thriving agricultural economy and stabilized Salton Sea. The latter impact also greatly concerns us, as we cannot support a proposal that would induce unhealthy air quality degradation arising from either an exposed Salton Sea shoreline or programmatic fallowing of agricultural land.

We understand that the law of both the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA) require recirculation of a draft document when the initial draft failed to identify significant impacts that have been subsequently discerned. That is the case here. SDCWA's general manager verified in testimony at the State Water Board that her agency's application is grounded in part on the need to accommodate future growth in San Diego. The Bureau's own assessment in the IA/IOP draft EIS recognizes that the proposed transfer will make additional water available in San Diego beyond the "no action" baseline condition of reduced Colorado River supplies to California. With respect to air quality, both our expert and one from the Great Basin Air Pollution Control District verified the air quality risk, with rebuttal by the project proponents' EIR consultants not at all informed or convincing.

To these circumstances must now be added the likely prospect that a new alternative will be made available to IID and SDCWA for their transfer, one that features a long-term fallowing program. Such a program will require, as all seem to recognize, changes in the California Water Code. Such a program, as attested to by the SDCWA general manager at the State Water Board hearing of May 30, has *not* been evaluated in the existing draft EIS/EIR. And yet if formulated, such a fallowing program seems to be one that political leaders are strongly recommending that IID adopt. A revised draft EIS/EIR will enable such a program to be identified and assessed to enable the respective public agencies to determine its acceptability.

The County of Imperial was thus not surprised, but grateful, to read in our local press last week that the Bureau of Reclamation was calling for a "rewriting" of the EIS/EIR. We have been unable to verify this report from the Bureau, however, or ascertain whether the Bureau would be calling for a rewrite of the draft EIS/EIR and its recirculation prior to issuance of a final document.

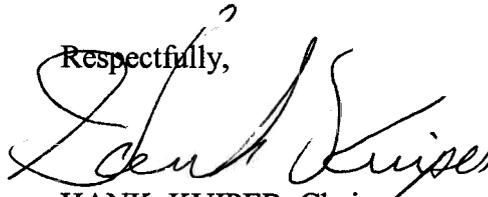
We believe that all the interested parties have much to gain from recirculated drafts of all three environmental documents associated with or dependent upon the water transfer. First, the existing analytical deficiencies can be cured. Second, a revised draft will enable inclusion of the newly-suggested long-term fallowing program. And third, recirculation of all three documents will cure deficiencies in all three, as both the IA/IOP and QSA documents rely on the water transfer document for evaluation of that component's impacts. In short, recirculation of all three documents concurrently will meet the valid criticisms of the U.S. Environmental Protection Agency that these three "inextricably linked" reports enjoy concurrent public circulation, which has been lacking to date.

Finally, we are calling on the Bureau of Reclamation to make its determination on the two federal documents because federal leadership is indispensable to eliminate the "train wreck" that otherwise threatens all the affected parties. We all understand the pressure that California in general, and the IID in particular, face to move forward with progress on reducing the State's use of Colorado River water. If left to make the call on their own, the IID board of directors will require remarkable courage to order recirculation of the draft EIS/EIR on their own. The federal Bureau, however, making that call to fulfill its own federal legal duties, and in behalf of all the interests served by the Colorado River, can prove to the other Basin states that circumstances beyond California's and IID's control have created the need for additional environmental review.

In the end, the additional environmental review offers the greatest chance of ultimately producing a California consensus lawfully as soon as possible. There has been much discussion of late of the limited flexibility that the interested parties face because of a December 31, 2002 deadline. We are convinced, however, based on our experience in the State Water Board and other proceedings, that the collective flexibility of all will be sharply diminished if a premature and unlawful decision were made, instead of taking the additional time to formulate an assessment of the water transfer that will ultimately take place. By producing revised environmental assessments addressing the issues identified here, and by other participants in the environmental review, the interested parties retain the flexibility and discretion that would be lacking if an unacceptable solution were forced into the judicial arena.

The County of Imperial appreciates the opportunities to make this request while time remains to grant it, and remains committed, as we have in the review and State Water Board proceedings to date, to work with the other parties toward a resolution that values all interests, including ours in the environment and economy most at stake in these proceedings.

Respectfully,

A handwritten signature in black ink, appearing to read "Hank Kuiper", written in a cursive style.

HANK KUIPER, Chairman

cc: Senator Dianne Feinstein
Senator Sheila Kuehl
Assembly Member Joe Canciamilla
State Water Resources Control Board Chair Art Baggett, Jr.
Director of Water Resources Tom Hannigan
Jesse Silva, General Manager, IID
Maureen Stapleton, General Manger, SDCWA
Ronald Gastelum, Chief Executive Officer, MWD
Tom Levy, General Manager, CVWD
Lisa B. Hanf, Manager, USEPA Region 9 Federal Activities Office