

Comment 33

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

L6-38

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

Response to Comment L6-38

Refer to response to Comment L9-39.

Response to Comment L6-39

Refer to response to Comment L9-40.

Response to Comment L6-40

Refer to response to Comment L9-41.

Comment 34

Opposition to fallowing as a method of implementing the water transfer has been stated numerous times in several documents; however, the Draft EIR/EIS also states that fallowing may be a desirable component of the IID water conservation program for a number of reasons. Some of these include: used as a way to reduce farmers' financial risk of participation in conservation programs; easier to implement and manage than other conservation measures; and, that it would preserve the soil. It appears that the IID Board will also have to change its policies.

L6-39

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

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

VI. Air Quality

Comment 35

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

L6-40

Comment 36

L6-41 [The proposed project by IID appears to create the strong possibility of environmental damage to local air quality and therefore the cumulative impacts must be mitigated and conform to federal, state and local laws and regulations.

Comment 37

L6-42 [What are the potential health issues due to air quality deterioration from a reduced lakebed at the Salton Sea?

Comment 38

L6-43 [What is the potential for air quality deterioration from fallowing up to 60,000 acres of farmland in the agricultural areas of the Valley? Also, what are the projected impacts on health care of children and senior citizens, in particular?

VII. Archeological Resources

Comment 39

L6-44 [The Draft EIR/EIS fails to adequately address the archeological and cultural resources impacts of the water transfer. In the Imperial Valley there are approximately 7,000 prehistoric archaeological and recorded sites as well as approximately 200 historic sites dating back to 1540.

CONCLUSION

L6-45 [The Draft EIR/EIS "alternatives must attempt to reduce impacts to the Imperial Valley and the Salton Sea. The Draft EIR/EIS provides that the first and second 50 KAFY components of the Proposed Project could be satisfied by a mixture of conservation measures, including on-farm irrigation system improvements, delivery system improvements, and/or fallowing without verifiable evidence.

L6-46 [The federal and state environmental laws require that a good faith and reasoned analysis be presented to the public an decision makers for informed determinations and that any subsequent findings must supply the logical step between the ultimate findings of approval or rejection and the facts in the record. Under CEQA, the explanation for the use of "fallowing", permanent or other wise, must be supported by applicable scientific, explanatory information and empirical authority and any unsupported conclusionary statements will not suffice.

L6-47 [At this time, the reviewing public does not have the quantifiable, statistical and reasoned data from the IID and farming community on the amount of water that could be "conserved" using on-farm conservation and/or fallowing for any water transfers to San Diego County Water Authority via the MWD's Colorado River Aqueduct.

L6-48 [As the environmental document itself states there could be significant, unavoidable impacts on the County, e.g., loss of Salton Sea recreation, loss of the Salton Sea sport fishery, increasing salinity of the Sea, impacts on air quality due to fugitive dust and possible hazardous emissions from newly

Response to Comment L6-41

Refer to the Master Response on *Air Quality—Consistency with the State Implementation Plan for PM10* in Section 3 of this Final EIR/EIS.

Response to Comment L6-42

Refer to response to Comment L9-43.

Response to Comment L6-43

Refer to response to Comment L9-44.

Response to Comment L6-44

Refer to response to Comment L9-45.

Response to Comment L6-45

Comment noted.

Response to Comment L6-46

The water conservation program would be voluntary, and IID does not know which farmers would participate. The assumption is that the incentives provided would be sufficient to encourage an adequate number of farmers to participate to conserve the amount of water needed to meet the terms of the IID/SDCWA Transfer Agreement. Whether farmers will actually choose to participate is an individual decision that will be made by each farmer based on many factors that include, but are not limited to, farm business economics and the incentive payments offered by the conservation program.

As a worst case scenario, impacts of the Project were predicted using the IIDSS model using a random selection of farms to participate in conservation though implementation of on-farm conservation measures. On-farm conservation measures would result in the greatest impacts for the Salton Sea, thus this scenario was used for analysis. As the comment does not refer to a significant environmental issue, no further response is required.

Response to Comment L6-47

Fallowing is one method that could be used to conserve water under the Proposed Project. For the purposes of evaluating the environmental impacts of the Proposed Project and Alternatives, fallowing is defined in Chapter 2 of the Draft EIR/EIS. Findings will be made when the IID Board considers whether to approve the Project; these findings will draw upon the facts in the record.

Response to Comment L6-48

The water conservation program would be voluntary, and IID does not know which farmers would participate. The assumption is that the incentives provided would be sufficient to encourage an adequate number of farmers to participate to conserve the amount of water needed to meet the terms of the IID/SDCWA Transfer Agreement. Whether farmers will actually choose to participate is an individual decision that will be made by each farmer based on many factors that include, but are not limited to, farm business economics and the incentive payments offered by the conservation program.

As a worst case scenario, impacts of the Project were predicted using the IIDSS model using a random selection of farms to participate in conservation though implementation of on-farm conservation measures. On-farm conservation measures would result in the greatest impacts for the Salton Sea, thus this scenario was used for analysis. As the comment does not refer to a significant environmental issue, no further response is required.

Response to Comment L6-49

Comment noted. See Master Responses on *Air Quality, Recreation, Biology, and Socioeconomics* in Section 3 of this Final EIR/EIS.

L6-49

exposed seabed, aesthetic impacts due to reduction of the shoreline, impacts to biological resources and their habitat, impacts to agricultural resources, important farmland, and due to "permanent fallowing" many socioeconomic impacts.

L6-50

The State Water Code, Section 1736, provides that the petitioners (IID and SDCWA) are responsible for showing that there will not be a substantial injury to any legal user of water and also that there will be no unreasonable effect on fish, wildlife, or other in stream beneficial uses of water. The previous analysis of the proposed water transfer provides demonstrable evidence that there is specific injury to existing water users in Imperial County for any of the proposed "alternatives" in the Draft EIR/EIS.

Respectfully submitted,



Allen Bailey, Mayor
City of Holtville, CA

CC: file

Response to Comment L6-50

Water Code Section 1736 provides: "The board, after providing notice and opportunity for hearing, including but not limited to, written notice to, and an opportunity for review and recommendation by, the Department of Fish and Game, may approve such a petition for a long-term transfer where the change would not result in substantial injury to any legal user of water and would not unreasonably affect fish, wildlife, or other instream beneficial uses." It has been established by many SWRCB decisions over many years that the definition of a "legal user of water" for purposes of Section 1736 is a holder of water rights and that other users of water have no standing under Section 1736. The SWRCB has given notice of and is currently conducting a hearing on the issues set forth in Section 1736 and will issue its decision based upon all the evidence that is admitted into the record.

CITY COUNCIL
Doug Cox - Mayor
Geoff Dale - Mayor Pro - Tem
Mark Gran
Betty Sampson
James Tucker

CITY CLERK
Debra Jackson

CITY TREASURER
Steve Shaner

CITY OF IMPERIAL

INCORPORATED 1904



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Dennis Morita
Horton, Knox, Carter, Foote

Letter - L7. City of Imperial. Signatory - Vincent L. Long III.

Response to Comment L7-1

The EIR/EIS for the Proposed Project discloses the environmental impacts that could result from implementing the Proposed Project. It was prepared in accordance with CEQA and NEPA to inform the public and meet the needs of local, state, and federal permitting agencies. Without a specific reference to a part of the Draft EIR/EIS, this comment is otherwise too general to respond to.

April 25, 2002

Mr. Elston Grubaugh
Imperial Irrigation District
P.O. Box 937
Imperial, California 92251

Mr. Bruce D. Ellis
Bureau of Reclamation
Phoenix Area Office (PXA0 -1500)
P.O. Box 81169
Phoenix, Arizona 85069-1169

RE: City of Imperial comments on aspects of the draft EIR/EIS for the proposed Quantification Settlement Agreement between the Imperial Irrigation District, the San Diego County Water Authority, the Coachella Valley Water District and the Metropolitan Water District.

Dear Sirs,

On behalf of the City Council and residents of the City of Imperial, I appreciate this opportunity to comment on the draft EIR/EIS for the above water transfer. We in the City of Imperial are very concerned about the consequences for the Imperial Valley resulting from the transfer generally, and specifically, about what appears to be major deficiencies in the EIR/EIS process itself.

The EIR/EIS essentially underestimates and trivializes the impact of the transfer on Valley residents, our local economy, our environment, and the quality of life we currently enjoy. It appears that the EIR/EIS was more of an attempt to justify the transfer than to objectively and competently assess the true costs and benefits to the Imperial Valley and the Salton Sea. It has, ironically, been left to community groups, the IID appointed Community Advisory Committee, Valley elected officials and County and municipal staffs to determine the impacts of the transfer and mitigations, and to devise plans for conserving water and articulate their impacts.

L7-1



P. 2 City of Imperial Comments

L7-2

The Environmental Justice section of the EIR/EIS completely overlooks the impact of the transfer on minority and low income persons. The Environmental Justice section must be entirely reassessed to determine the potential impacts on those most vulnerable to a decline in farming. Also, the case should also be made that the transfer itself is a violation of the intent and spirit of the environmental justice principle. It is quite clear that water is being taken from an agricultural region that has the highest unemployment and lowest per capita income levels in the State of California, and redirected to some of the most affluent areas in the United States. We also are aware that instead of using the water for producing needed food and fiber, it will be partially used for dozens of new golf courses, decorative lakes, swimming pools and to float gondolas and guests around hotel mock canals.

L7-3

The socioeconomic impacts of the CH2M Hill analysis also does not fully develop several key points. For example, only the IID/SDCWA agreement prohibits fallowing as a means of conserving water for the transfer. While fallowing would be beneficial to the Salton Sea ecosystem and area economy, any plan to fallow would have a potentially devastating impact on the economy of the core area of the Imperial Valley. Transfer funds going to absent landowners may be lost to the Valley's economy forever. Land-owner based fallowing plans do not distinguish between taking marginal or highly productive farm land out of production, and the cost/benefits of the type of land to be fallowed are not addressed fully in the EIR/EIS. The EIR/EIS should consider reducing agricultural production with high water requirements relative to crop value and employment. This strategy could reduce the total numbers of acres needed to be fallowed, and also reduce the numbers of jobs lost.

L7-4

Other socioeconomic comments I would submit are the following: it is evident that conservation through delivery system improvements is more cost effective than on-farm management; the prices charged for water to Coachella Valley Water District and the Metropolitan Water District (much lower than that charged the San Diego County Water Authority) are too low to make those transfers economically viable; indirect fallowing of farm land through the natural growth and development of the cities and County (the "Grogan" point) is completely missed; the issue of State and Federal tax rates eroding the amount of transfer funds actually available to mitigate the adverse impacts of the transfer is also overlooked; and, the people of the Imperial Valley must be provided with indemnity against any and all unforeseen claims to mitigate or pay for impacts to persons, property or the environment. The IID and all Imperial Valley governments, bureaus, advisory groups, farmers and other residents and businesses must be immune from litigation costs or judgements resulting from any environmental impacts.

Response to Comment L7-2

In response to comments, the text of Section 3.15 has been revised. The changes are indicated in subsection 3.15 in Section 4.2, Text Revisions in this Final EIR/EIS.

Response to Comment L7-3

The objective of the socioeconomic impact analysis was to provide an estimate of the greatest adverse (or beneficial) effects of potential impacts of the Proposed Project and/or Alternatives to the Proposed Project. The analysis accounts for transfer funds going to absent landowners. For information on the following assumptions used in the socioeconomic analysis, refer to the Master Response on *Socioeconomics—Crop Type Assumptions for Socioeconomic Analysis of Fallowing* in Section 3 of this Final EIR/EIS.

The EIR/EIS provides an estimate of the socioeconomic effects associated with the anticipated worst-case scenario of using fallowing as a means to conserve water. Therefore, the adverse socioeconomic effects of other fallowing implementation scenarios would be less than those identified in the socioeconomic section.

Response to Comment L7-4

The EIR/EIS does not evaluate the overall economic feasibility of either the QSA or the IID/SDCWA Transfer Agreement. The EIR/EIS presents the type and magnitude of estimated third-party socioeconomic impacts associated with the Proposed Project and each alternative evaluated in the EIR/EIS. As described in the Draft EIR/EIS, depending on the eventual implementation of the water conservation program, there could either be beneficial or adverse impacts to the regional economy. If water is conserved using on-farm and water delivery system improvements, it is anticipated that there would be beneficial effects to regional employment; therefore, there would not be any adverse effects to mitigate. If fallowing is used to conserve all or a portion of the water to be transferred, there would be adverse effects to the regional economy and farm workers as identified in the Draft EIR/EIS.

The IID Board will consider whether to implement socioeconomic mitigation measures when it considers whether to approve the Proposed Project or an alternative to the Proposed Project.

Response to Comment L7-4 (continued)

Fallowing or land use changes that would be considered part of the natural growth of cities and counties are not anticipated as impacts of the Project and any such actions would have to comply with city and county planning requirements.

As described in Section 3.14 and Appendix G of the Draft EIR/EIS, the socioeconomic impact analysis of the Proposed Project accounts for the reduction in expenditure of transfer revenues that would result from participating farmers having to make state and federal income tax payments.

For a response to the comment requesting an indemnity against unforeseen claims to mitigate or pay for impacts, the commenter notes that IID should not proceed with the Project unless it is indemnified and protected from unanticipated problems. The EIR/EIS process is designed to identify, to the extent possible, the Project impacts and appropriate mitigation measures. We note that the Implementation Agreement for the HCP is expected to limit liability for unforeseen circumstances pursuant to the "No Surprises Rule" implementing Section 10 of the federal ESA. It is anticipated that the IID Board will evaluate the risks and costs of the Project before committing to proceed and that farmers will evaluate the advantages and disadvantages in the voluntary on-farm program before deciding to participate.



P. 3 City of Imperial Comments

L7-5

The proposed transfer is of such magnitude and complexity, and the lust for water resulting from uncontrolled growth and frivolous use in the San Diego, Los Angeles and Coachella Valley areas, that the fabric of life as we know it in the Imperial Valley is threatened, and the door left open to future water grabs. The environmental impacts on air quality resulting from exposed soil resulting from fallowing, and the potential of drops in the sea level of the Salton Sea on that area must be more fully examined. With all this is at stake, the EIR/EIS process must be reexamined and in certain areas completely revisited; consumer water conservation and desalination projects must also begin in the coastal and desert urban areas with the need for Imperial Valley water.

L7-6

L7-7

L7-8

The people of the Imperial Valley deserve to be ensured that not a drop of water will be transferred until all questions are fully and satisfactorily answered about the impacts and real costs of the transfer. We need to understand what the Imperial Valley will look like, and what its future prospects (if any) truly are before we sign over the only real asset this Valley possesses, besides its wonderful and hard working people.

Sincerely,

Vincent L. Long III
City Manager

Pc: Mayor and City Council

Response to Comment L7-5

This comment does not address the adequacy of the EIR/EIS; therefore, no response is required.

Response to Comment L7-6

Please refer to the Master Responses on *Air Quality—Salton Sea Air Quality Monitoring and Mitigation Plan*, *Air Quality—Air Quality Issues Associated with Fallowing*, and *Biology—Approach to Salton Sea Habitat Conservation Strategy* in Section 3 of this Final EIR/EIS.

Response to Comment L7-7

Please refer to the Master Response on *Other—Desalination in SDWCA Service Area and Comments Calling for Increased Conservation* in Section 3 of this Final EIR/EIS.

Response to Comment L7-8

The Lead Agencies will consider all public comments on the Draft EIR/EIS prior to making a decision on the water conservation and transfer program.



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**Letter - L9. City of El Centro California City Hall. Signatory -
Abdel Salem.**

April 22, 2002

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

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

Dear Mr. Grubaugh,

Attached you will find the comments of the City of El Centro on the Draft Environmental Impact Report for the proposed Quantification Settlement Agreement between the Imperial Irrigation District and other agencies for the transfer of water.

Please let me know at your earliest convenience if you have any questions. I can be reached at 337- 4540.

Sincerely,

Abdel Salem
City Manager

LARRY GROGAN
MAYOR

JACK TERRAZAS
MAYOR PRO TEM

CHERYL WALKER
COUNCIL MEMBER

JACK DUNNAM
COUNCIL MEMBER

RAY CASTILLO
COUNCIL MEMBER

"WHERE THE SUN SPENDS THE WINTER"

Response to Comment L9-1

Comment noted.

April 22, 2002

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

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

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

BACKGROUND

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

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

L9-1