

incorporated cities will be lost to future development. Because of the unique microhabitat requirements of this species, the actual loss of occupied habitat is likely to be higher. Existing and future development also substantially fragments horned lizard habitat, likely eliminating potential gene flow across the planning area. The movements of this species, as with many other reptiles and smaller wildlife species are likely blocked by even small roads. Thus, small, isolated patches of habitat in which this species becomes locally extinct are unlikely to be re-colonized from other areas. In addition, irrigation runoff from landscaping is known to encourage the invasion of Argentine ants into natural open space areas. Argentine ants out-compete native ant species and are inedible by horned lizards. Thus indirect impacts of human developments can significantly degrade remaining horned lizard habitats. It is expected that, over time, the horned lizard will be extirpated from much of the region within the cities.

G26-37

H. Failure to Adequately Address Environmental Justice Problems:

The Draft EIR/EIS fails to comport with the direction provided in Executive Order 12898 for dealing with environmental justice problems presented by proposed projects. EO 12898 directs agencies to "take the appropriate and necessary steps to identify and address disproportionately high and adverse effects of Federal projects on the health and environment of minority and low-income populations to the greatest extent practicable and permitted by law." The purpose of this direction is to enhance opportunities of minority and low-income people to access public information about projects that may impact them disproportionately and to participate in the decision-making process and evaluation of alternatives. The Draft EIR/EIS employs such a superficial and myopic analysis of the environmental justice implications of the proposed IID water transfer that it completely fails to comply with the letter or intent of EO 12898.

G26-38

First, the Draft EIR/EIS addresses only whether the Proposed Project will impact communities differently within each geographic subregion but completely ignores the more salient issue of whether it will impact different subregions differently. The failure to consider disparate impacts between subregions is a significant deficiency because the Proposed Project's most direct and severe impacts on human health, those from increased dust emissions due to exposure of the Sea's lakebed, will affect the Salton Sea and IID service area subregions but not the SDCWA service area subregion. The Salton Sea and IID service area subregions have some of the lowest income levels in California and a population that is more than 70% minority. These areas contain many Hispanic communities and the Native American communities of the Torres Martinez Indian Tribe and the Cabazon Band of the Mission Indians. These subregions also have the highest rate of childhood asthma hospitalizations in California and it is the communities in these subregions that will be breathing the increased dust emissions caused by the Proposed Project.

The Draft EIR/EIS Fail to Satisfy the Readability Requirements of NEPA:

The text of the Draft EIR/EIS and HCP is so dense and heavily laden with technical jargon that it is essentially uncreadable by ordinary members of the public. The complexity and technical language of the Draft EIR/EIS and HCP are inconsistent with the

G26-39

Response to Comment G26-38

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 G26-39

Incorporation of detailed technical information into the EIR/EIS was necessary to adequately analyze the potential direct and indirect effects of the Proposed Project in accordance with state and federal environmental laws (including NEPA and CEQA, and the Endangered Species Act). To the extent possible, detailed technical information, including modeling data, was included as appendices to the document. Summary tables for each technical resource area were provided throughout the Draft EIR/EIS and in the Executive Summary in an effort to make the documents conclusions accessible. The document is unarguably extremely complex which reflects the nature of the Proposed Project and thus the analysis of the environmental impacts.

Copies of the Draft EIR/EIS were made available at several public locations. These include local libraries in the potentially affected geographic region of influence, on the IID Public Web Site, Reclamation and IID offices. All of these locations were identified in the Public Notice of Availability published in the following newspapers: *Desert Sun*, *El Sol Del Valle*, *Imperial Valley Press*, and *San Diego Union Tribune*. Hardcopies and/or CD-ROM versions of the Draft EIR/EIS were also available by request from IID and the Reclamation.

In accordance with NEPA, public scoping meetings were held with the general public to identify the scope of the environmental analysis of the Draft EIR/EIS and to identify significant issues that should be addressed in the Draft EIR/EIS. Six public scoping meetings were conducted between October 12 and October 20, 1999 to solicit input from the public on potential environmental impacts, the significance of impacts, the appropriate scope of the environmental assessment, proposed mitigation measures, and potential alternatives to the Proposed Project. In addition, after release of the Draft EIR/EIS in January 2002, three public hearings were conducted on April 2, 3, and 4 to receive comments on the adequacy of the environmental document. The Notice of Intent and Notice of Preparation were made available at the public scoping meetings in both English and Spanish. Notices of the occurrence of all public meetings were published in both

Response to Comment G26-39 (continued)

English and Spanish newspapers and a Spanish interpreter was present at the El Centro and La Quinta public meetings.

Agency coordination meetings were also held with Cooperating, Responsible, and Trustee Agencies (as defined by NEPA and CEQA), as well as with the Native American Tribes that could be affected by the direct and/or indirect affects of the federal actions associated with the Proposed Project and alternatives in April 2000. Subsequent consultation meetings have been held with the Torres-Martinez Tribe.

requirements under NEPA and CEQA that the environmental document for a proposed project be written in plain language so that the affected public may readily understand the document. (See 40 C.F.R. § 1502.8; CEQA Guidelines § 15140)

The impenetrability of the Draft EIR/EIS and HCP are particularly troubling because some of the Proposed Project's most significant adverse impacts will most heavily affect communities that are composed largely of Hispanic and Native American residents. The Environmental Justice section of the DEIR/DEIS focuses on the project's impacts on low income and minority populations, but the document fails to reach out to these communities and improve their opportunity to effectively participate in the environmental review of the proposed project. In this regard the Draft EIR/EIS flies in the face of the CEQ Recommendations on Environmental Justice encouraging lead agencies to "use innovative approaches to overcome linguistic, institutional, cultural, economic, and historic barriers to effective participation, including: [¶] translate important documents."

To fulfill its informational purpose under NEPA, the Draft EIR/EIS and HCP must be rewritten in plain language that is accessible to the public in these communities. In addition, the document or at least the executive summaries of the Draft EIR/EIS and the Draft HCP must be translated into Spanish.

G26-39

IV. CONCLUSION

As stated above, the Draft EIR/EIS and HCP lack the kind of detailed description and analysis required under CEQA, NEPA, and the ESA. In order to comply with NEPA, CEQA, the ESA, and other applicable laws, the Agencies must remedy these deficiencies in a supplemental Draft EIR/EIS and HCP and circulate that supplemental Draft EIR/EIS and HCP for public comment before proceeding to final approval of the Proposed Project.

To provide the public with a reasonable opportunity to address the environmental and socio-economic issues presented by the Proposed Project, the Agencies must prepare a Supplemental Draft EIR/EIS and HCP that are written in plain English [as required by NEPA and the CEQ regulations], and must make Spanish translations of the Draft EIR/EIS and HCP and the Supplemental Draft EIR/EIS and HCP available to the local affected public.

G26-40

In addition, the Agencies must provide the public with enough time to carefully consider the Supplemental EIR/EIS and HCP and to consult with people possessing the necessary expertise to independently evaluate the issues, particularly considering the fact that the public must do this without access to the awesome resources available to the IID, Reclamation, and the other state and federal agencies that have participated in the preparation of the Draft EIR/EIS and HCP. Therefore the Supplemental EIR/EIS and HCP should be published with a 90-day public comment period.

Dated: April 26, 2002

Response to Comment G26-40

The Lead Agencies believe that the EIR/EIS and HCP do not meet the CEQA and NEPA standards for recirculation and no supplemental or subsequent documentation is necessary.

With regard to the commenter's statement about the EIR/EIS's level of detail, the Lead Agencies believe that the EIR/EIS and HCP incorporate an appropriate level of detailed technical information to adequately analyze the potential direct and indirect effects of the Proposed Project in accordance with state and federal environmental laws (including NEPA, CEQA, and the Endangered Species Act). To the extent possible, detailed technical information, including modeling data, was included as appendices to the document. Summary tables for each technical resource area were provided throughout the document and in the Executive Summary in an effort to make the document's conclusions accessible. The document is unarguably extremely complex, which reflects the nature of the Proposed Project and thus the analysis of the environmental impacts.

With regard to the commenter's request for a Spanish translation of the document, public scoping meetings were advertised in a Spanish newspaper (El Sol de Valle) and held with the general public to identify the scope of the environmental analysis of the Draft EIR/EIS and to identify significant issues that should be addressed in the Draft EIR/EIS. Six public scoping meetings were conducted between October 12 and October 20, 1999 to solicit input from the public on potential environmental impacts, the significance of impacts, the appropriate scope of the environmental assessment, proposed mitigation measures, and potential alternatives to the Proposed Project. In addition, after release of the Draft EIR/EIS in January 2002, three public hearings were conducted on April 2, 3, and 4 to receive comments on the adequacy of the environmental document. The Notice of Intent and Notice of Preparation were made available at the public scoping meetings in both English and Spanish. Notices of the occurrence of all public meetings were published in both English and Spanish newspapers and a Spanish interpreter was present at the El Centro and La Quinta public meetings (an interpreter was not present at the San Diego meeting). No further Spanish translation was deemed necessary by the Lead Agencies.

Respectfully submitted by



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California/Nevada Desert Committee
14045 Honeysuckle Lane
Whittier, CA 90604

April 25, 2002

1
2
3 To: Mr. Bruce Ellis, Chief
4 Environmental Resources Management Division
5 Bureau of Reclamation
6 Phoenix Area Office (PXA0-1500)
7 PO Box 81169
8 Phoenix AZ 85069-1169

9
10 Mr. Elston Grubaugh, Manager
11 Resource Planning and Management Department
12 Imperial Irrigation District
13 PO Box 937
14 Imperial CA 92251

15
16 From: Dr. Stuart H. Hurlbert, Director
17 Center for Inland Waters
18 San Diego State University
19 San Diego CA 92182

20
21 Re: **Chinatown in a Tuxedo: Comments on the IID Water Conservation and**
22 **Transfer Project DEIR/DEIS**

23
24 Dear Mr. Ellis and Mr. Grubaugh:

25
26 I appreciate the opportunity to review this DEIR, and believe I am well qualified to do so
27 in all respects with the exception of sufficient time. I am a professor of Biology and
28 Director of the Center for Inland Waters at San Diego State University. I have a doctoral
29 degree in Ecology from Cornell University and have been at San Diego State University
30 for 32 years. For 24 years I have taught a course on the ecology of the Salton Sea-
31 Colorado delta region. For the past 12 years I have headed a research group that has been
32 studying various facets of the ecology of the Salton Sea. During the last few years our
33 group has received Salton Sea Authority/EPA contracts for investigation of the biological
34 limnology, fisheries, and contaminants in the Salton Sea ecosystem. These studies have
35 involved 42 scientists and graduate students at nine different institutions. Results of this
36 work to date have been or are being published in more than 40 articles in the open
37 scientific literature. Earlier this year I prepared, under the guidance of the Salton Sea
38 Science Office, a document that synthesized the consensus opinion of thirty engineers
39 and scientists on a proposal by the Pacific Institute for creation of large freshwater
40 impoundments at the northern and southern ends of the Salton Sea. I also have advised
41 many other organizations on water-related ecological issues, and for eight years was a
42 consultant to the Los Angeles Department of Water and Power on Mono Lake issues and
43 research programs.

44
45 This technological background is supplemented by the close acquaintance gained with
46 the region, its residents and institutions during 24 years of bringing my classes to the

47 region. Water agencies and many other political, governmental and private entities in the
48 Coachella, Imperial and Mexicali valleys have given talks and tours to many SDSU
49 students - and myself - on the very issues central to consideration of the desirability and
50 impacts of the proposed water transfer.

51
52 ***A Point of View and a Critique of the Key Assumption***

53
54 My broad view of the Sea is given in the closing paragraph of an essay I wrote in 1998. I
55 was responding to an ill-informed op-ed piece that appeared in the LA Times. The piece
56 stated that the Salton Sea was "dead" and an "environmental abscess" and that we should
57 dry it up.

58
59 My response was:

60
61 "For most of this century the Salton Basin has been the site of a *tremendously positive*
62 *symbiosis between agriculture, wildlife, human recreation*, and, in the early days,
63 commercial fisheries. Agricultural wastewaters have been and are the life blood of the
64 system but also have given the lake more salts and more nutrients (nitrogen and
65 phosphorus) than are ideal. Reducing salinity and nutrient levels, and dealing with their
66 consequences in the meantime, will require solution of a number of technical, political
67 and legal problems. For now let's focus on solving these problems and restoring the
68 health of the symbiosis. If we dry up the lake we truly will create an "environmental
69 abscess" in the region."

70 -- S. Hurlbert, *Salton Sea is Alive and Kicking - Save It*, 1998

71
72
73 The proposed water transfer represents the greatest threat ever faced by this symbiosis. It
74 would initiate its destruction.

75
76 Preparers of the DEIR were understandably obligated to operate on the assumption that
77 the transfer was desirable and necessary. It clearly is neither.

78
79 The situation viewed broadly has many parallels with the grabbing of Owens Valley
80 water by the City of Los Angeles in the 1920s. Hence, my titling of these comments,
81 *Chinatown In A Tuxedo*. The political and environmental scenarios are more complex,
82 and the environmental organizations are many and awake, but basically what is afoot is
83 the taking of water by one region from another by *force majeure*.

84
85 The water agencies of coastal southern California should immediately turn their attention
86 to making other arrangements for water supply and not delay until it becomes impossible
87 to meet the deadline for final agreements. Or they should obtain from the other Colorado
88 River basin states and the federal government additional time to work out plans for new
89 internal arrangements for California's water supply and allocation system.

90
91 Among negative aspects of the proposed transfer are:
92

Response to Comment G27-1

Without a specific reference to a part of the Draft EIR/EIS, this comment is too general to respond to. Comment noted.

Response to Comment G27-2

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

Response to Comment G27-3

Comment noted. Refer to Chapter 1 of the Draft EIR/EIS for the Purpose and Need for the Proposed Project.

Response to Comment G27-4

Comment noted.

G27-1

G27-2

G27-3

G27-4

G27-5 93 1) It is based on the premise that the economic and environmental costs that would be
94 incurred by the project should be borne primarily by people and landscapes of the
95 Coachella, Imperial and Mexicali valleys.
96

G27-6 97 2) It would be growth-inducing for San Diego County and cause increased
98 environmental degradation here.
99

G27-7 100 3) There is no reasonable prospect that the damage it would cause to the Salton Sea, its
101 wildlife, and the people in the inland valleys could be mitigated to a reasonable
102 degree at a reasonable cost
103

G27-8 104 4) We have the technology to obtain all future water supplies needed for San Diego
105 County by way of reclamation, conservation, and desalination. In a recent op-ed
106 piece, the chairman of the board of the San Diego County Water Authority stated:
107

108 "When looking for a new source of water to meet the needs of the San Diego
109 region, it seems logical to look to the vast Pacific Ocean ... The Water Authority
110 is currently assessing new information that could make seawater desalination a
111 reality as early as 2005 New technological advances and the economies of
112 scale of locating a desalination facility next to a power plant appear to make the
113 cost of desalinated seawater competitive with alternative water supply options
114 ..."

115 – James F. Turner, San Diego Union-Tribune, 20 March 2002
116

G27-9 117 5) If the various economic and environmental costs associated with those technologies
118 are regarded as too high, then local, state and federal governments should take steps
119 to *reduce population growth*, instead of assuming that other regions can be made to
120 pay many of the economic and environmental costs of that growth in the future.
121

122
123 ***Comments on Population Growth and the Urban Development Sector***
124

125 Attention to population growth and its role in forcing increased water demand would, of
126 course, represent a major political sea change at many levels. Most political entities that
127 influence or govern population growth have either an accommodationist or a more-is-better
128 position on population growth. These would include the San Diego Association of
129 Governments, the San Diego County Water Authority, the business community in
130 general, and politicians at all levels of government.
131

G27-10 132 *It is not the urban populace of coastal southern California that is pushing for the water*
133 *transfer and that is disdainful of consequences for the Salton Sea, rather it is the urban*
134 *development sector .*
135

136 This is a critical matter to understand. The coastal water agencies speak for the urban
137 development sector, and that explains a great deal about how proposals so damaging to
138 the environment and to the interests of the population at large can get so far.

Response to Comment G27-5

The development of the Proposed Project was based on the need to fulfill the objectives of the Lead Agencies. For IID, the water conservation and transfer projects would provide a means for conserving water, benefiting IID and the recipient water agencies and their service areas in southern California. Water conservation and transfer projects accomplish two objectives: they respond to the State Water Resources Control Board (SWRCB) directive that IID develop and implement a conservation program, and they protect IID's water rights. The need for the federal action is to assist California in reducing its use of Colorado River water to its 4.4 MAFY apportionment in a normal year. This reduction in California's use of Colorado River water would benefit the entire Colorado River Basin.

Economic and environmental costs are an unintended consequence of the Proposed Project, which are identified, to the extent possible, through the EIR/EIS process. In addition, the text of Section 3.15 in the Draft EIR/EIS has been revised to address issues related to Environmental Justice. The revised text can be found in subsection 3.15 under Section 4.2, Revised Text in this Final EIR/EIS.

Response to Comment G27-6

It is not anticipated that the SDCWA service area would experience increased environmental degradation as a result of increased growth in the SDCWA service area because the Proposed Project is not growth-inducing. Please refer to the Master Response on *Other—Growth Inducement Analysis* in Section 3 in this Final EIR/EIS for additional information.

Response to Comment G27-7

Comment noted. Please refer to the Master Response on *Biology—Approach to Salton Sea Habitat Conservation Strategy* in Section 3 of this Final EIR/EIS.

Response to Comment G27-8

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 G27-9

It is not within the scope of this Draft EIR/EIS to speculate on ways to reduce growth to eliminate the need for the Project.

Response to Comment G27-10

Please refer to the Master Response on *Other—Growth Inducement Analysis* in Section 3 of this Final EIR/EIS.

G27-11 139
 140 As evidence we need only look at the composition of the advisory boards or boards of
 141 directors of water agencies. For example, the city of San Diego prepared a "Strategic
 142 Plan for Water Supply, 1997-2015" that it made public in 1997. Of the 29 persons in the
 143 Public Advisory Group for that plan, 15 came from the pro-population growth urban
 144 development sector (chambers of commerce, businessmen's associations, housing
 145 industry, etc.). Only one environmental organization was represented. No organization
 146 favoring population stabilization was represented. Political and social scientists and
 147 demographers were also unrepresented.
 148

G27-12 149 The Board of Directors of the San Diego County Water Authority has a composition even
 150 less representative of the population it serves and purports to speak for.
 151
 152 U.S. population growth is driven now primarily by foreign immigration, legal and illegal.
 153 To even mention this is consider impolitic by some despite its very direct relevance to the
 154 water issues at hand. Consider these facts. The federal government has been unwilling
 155 to fully enforce immigration laws. One consequence is that *illegal aliens constitute 5-10*
 156 *percent of the population of California, and that percentage is growing.* The governor,
 157 the mayors, the city councils, the county boards of supervisors all refuse significant
 158 assistance to the INS in the detection, apprehension, and deportation of illegal aliens.
 159 That is their choice so long as the citizenry slumbers. But they should not expect
 160 sympathy for their water problems, given this level of incompetence and irresponsibility
 161 in favoring, inter alia, high rates of population growth and increased water demand.
 162

G27-13 163 *High rates of legal immigration is an even larger factor in the increased water demand.*
 164 Dealing with that, however, would require new legislation, not merely enforcement of
 165 laws already on the books. So state and local governments have no responsibility here.
 166

G27-14 167 The foregoing comments are not relevant to the technical quality of the DEIR. But they
 168 address the larger picture and should be useful to an understanding of the forces driving
 169 the push for such environmentally unacceptable actions as the proposed transfer.
 170

G27-15 171 The DEIR should at least summarize the population growth issues that create the water
 172 shortage problems for which the proposed water transfer is being put forward as another
 173 band-aid solution.
 174
 175

G27-16 176 ***Support for Findings of the Pacific Institute***
 177
 178 I have reviewed a draft of the comments, dated April 23, on the DEIR by the Pacific
 179 Institute. Their review is exceptionally thorough and accurate. I specifically support
 180 their technical criticisms of the DEIR sections dealing with "Hydrology and Water
 181 Quality" and "Biological Resources" and will not address matters that the Institute has
 182 covered well.
 183
 184 Among points of particular merit in the Pacific Institute comments are:

Response to Comment G27-11

Without a specific reference to a part of the Draft EIR/EIS, this comment is too general to respond to. Comment noted.

Response to Comment G27-12

Comment noted.

Response to Comment G27-13

Without a specific reference to a part of the Draft EIR/EIS, this comment is too general to respond to. Comment noted.

Response to Comment G27-14

Without a specific reference to a part of the Draft EIR/EIS, this comment is too general to respond to. Comment noted.

Response to Comment G27-15

In Section 5.2, Growth-inducing Impacts, the Draft EIR/EIS summarizes the population growth trends in southern California. For additional information, please refer to the Master Response on *Other —Growth Inducement Analysis* in Section 3 of this Final EIR/EIS.

Response to Comment G27-16

Comment noted.