

Bulldozer Justice

4/21/2002

When will we ever learn? I try to understand the news and end up completely confused. The things that have worked in the past to make our Country great have been discredited. Leaders that trash our Country and its ideals are honored by the media. Those that try to point out these problems are attacked and vilified.

The Environmental Protection Agency goes to extreme to protect snail darters, owls, bugs, critters of all shapes and descriptions. Clinton and the Socialists stopped logging in our forests; logging that prevented wild fires and helped us have home building materials at reasonable cost. They stopped water from going to farmers to protect some species of fish that might become extinct. They allow no pipe lines to be built to bring us oil and gas, no roads for us to drive on, no new refineries to process gas for our cars. No, no, no to anything constructive. We must give up our life style and go back to the horse and buggy days and heavy fines will be levied for those that don't clean up after their horses!

California has about 11% of our country's population. We invite new comers to come and participate in our great social experiment where we offer free schools, Hospitals, sanctuary for illegal aliens, the homeless, support for the gays and any new religious group that might want to form... When Governor Davis put METB additives in our gasoline they poisoned our underground water supply. He raised the taxes on gas. Now government gets over half of the price we pay at the pump for each gallon of gas. He rushed the construction of new natural gas power plants to generate electricity but failed to build the pipe lines to supply the natural gas for the new plants. He made stupid deals and bought electricity at record high levels using up the state's record surplus. The record surplus he inherited has been turned into record debt. There seems to be no righteous indignation or any planned action to hold him accountable for wasting our money!

Tom Daschle (US SENATE) is Doctor No, No, No. He uses the power given him by turncoats Jeffers and Mc Cain to let him stop our government in its tracks. President Bush and the Republicans seem unable to stop him. The liberals constantly do the wrong thing for our society in the name of conservation. They are never called to task by our educators, the media or those who are paid handsome salaries to work for the various government agencies. The philosophy seems to be, "Why question the stupid things our government is doing as long as I get my cut?" It seems to me that the only thing our society really demands is sex, violence and extreme sports. What an example for our children!

We have the Mother of all test cases in the Water transfer agreement between the Imperial Irrigation District and The San Diego County. Where are the liberals, EPA, Social justice crowds that should be stopping this water transfer? Are they really interested in doing the right thing? Why aren't they protecting the birds, fishes, critters and above all the air quality standards for our country? The Salton Sea is the last main stop on the American fly-away for thousands of birds. It is one of the most productive fisheries in the USA. Is also one of the most beautiful park areas in our country. It was once more popular than Yosemite and has the potential to again produce wealth for the State.

The transfer of 300,000 acre feet of water to San Diego will destroy the Sea. When 84,000 to 105,000 square miles of land is exposed, the toxic elements deposited on the sea floor for thousands of years will be blown over Southern California, Arizona and parts of Nevada. The Owens Lake fiasco will be just an introduction to the destruction of air quality in our States. Why isn't the Air Quality Control Agency and all the attendant protective agencies leading the fight to save Salton Sea? If Imperial County has the highest juvenal hospitalization rate in the state for air borne diseases, what will it be like when tons of toxic waste becomes air borne? We must assume that the EPA WANTS TO SEND THESE TOXIC MATERIALS TO THE REST OF THE STATE. Do they think that this extra case load will make their power over us even greater?  
Jack Allen jdallen74@aol.com

Please include my comments in your material.

Letter - C29

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**Response to Comment C29-5**

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 C29-6**

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 C29-7**

Refer to the Master Response on *Air Quality – Salton Sea Air Quality Monitoring and Mitigation Plan* and *Air Quality – Health Effects Associated with Dust Emissions* in Section 3 of this Final EIR/EIS.

**Response to Comment C29-8**

As requested, your comments have been acknowledged and responses have been provided.

C29-5

C29-6

C29-7

C29-8

**Elston Grubaugh**

**From:** <Carol\_A\_Roberts@r1.fws.gov>  
**To:** <ibr3dm22.3PXAOPHX:BELLIS%BORGGroupwise\*@FWS.GOV>; <ekgrubaugh@iid.com>  
**Sent:** Friday, April 05, 2002 12:21 PM  
**Subject:** IID Water transfer testimony

Brace and Elston,  
I believe a copy of these comments was provided last night, but here you go just in case.  
-Carol

Carol A Roberts  
Salton Sea Coordinator  
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----- Forwarded by Carol A Roberts/CFWO/R1/FWS/DOI on 04/05/02 12:18 PM  
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Jack Paxton  
<j-paxton@ux1.cso.uiuc.edu> To: [Carol\\_A\\_Roberts@fws.gov](mailto:Carol_A_Roberts@fws.gov)  
cc:  
Subject: IID Water transfer testimony  
04/04/02 04:02 PM

**Letter - C30. Signatory - Jack Paxton.**

**Response to Comment C30-1**

Comment noted.

C30-1

I am a native Californian here to reprimand you for acting like some of the poorer students I taught in 32 years of teaching at the University of Illinois.  
The draft EIR on water transfer from the Imperial Irrigation District would be given an F in any critical thinking class.  
San Diego succumbed to the student-disease PROCRASTINATION. It is well past the time when leaders need to get serious about living within our means AND living sustainably. Putting off until 2015 what should be done today is inexcusable.

Letter - C30  
Page 2

**C30-2** I see water being extravagantly wasted every day along our freeways, in lush, totally inappropriate bluegrass lawns, and in numerous ways too many to list here.  
The average person in the world consumes approximately 7 gallons of water per day but Americans consume 85 gallons per person per day on average! My local Vallecitos water district serves north county individuals who use more than 147 gallons per person per day on average!  
Water conservation in this semi-desert climate is a grim joke with a punch-line this dry summer!

**C30-3** All this water transfer effort to perpetuate a life-style that short-changes all the children, not to mention all the species, threatened, endangered and otherwise, which depend on the Colorado River Delta and the Salton Sea for their very lives? This transfer will accelerate the death of the Salton Sea as a biological resource without question, and for questionable goals!

**C30-4** It makes me sad to hear the concerns of land speculators living near the Salton Sea about dust storms and selenium problems.  
**C30-5** Growing water-dependant crops like alfalfa in the Imperial desert caused these problems and they won't go away. These inappropriate and unsustainable agricultural activities must stop. How about NOW?

**C30-6** There is much we can do to live responsibly NOW. And NOW is the time to start doing it.  
More water to fuel the BIA and more growth and inappropriate uses by buying tax-payer subsidized water? Ludicrous.  
Forget the water transfer with all its attendant problems and get our house in order NOW.

Dr Jack Paxton, Grandfather

760-744-3282  
Dr and Mrs Jack Paxton, Professor emeritus, University of Illinois.  
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**Response to Comment C30-2**

Comment noted.

**Response to Comment C30-3**

In the absence of mitigation, the Proposed Project would accelerate the salinization of the Salton Sea relative to the baseline with consequent accelerated changes in the fish and bird communities. The HCP would avoid or mitigate the acceleration of the changes attributable to the Proposed Project (Approach 1). See the Master Response for *Biology—Approach to the Salton Sea Habitat Conservation Strategy* in Section 3 of this Final EIR/EIS.

**Response to Comment C30-4**

Please refer to the Master Response on *Air Quality—Salton Sea Air Quality Monitoring and Mitigation Plan* in Section 3 of this Final EIR/EIS.

**Response to Comment C30-5**

As described in Section 1.2.1 of the Draft EIR/EIS, an objective of the Proposed Project is to develop a water conservation program that includes the voluntary participation of Imperial Valley landowners and tenants. The Proposed Project is not intended to assess or restrict the production of water-dependent crops. However, as discussed in Section 3.5 of the Draft EIR/EIS, if fallowing is implemented as a conservation measure, there could be a significant impact to agricultural resources unless this measure is implemented on a short-term, rotational basis.

**Response to Comment C30-6**

Comment noted.

Donald H. Cox  
590 Russell Rd.  
Brawley CA. 92227



**Letter - C31. Signatory - Don Cox.**

**Response to Comment C31-1**

Refer to the Master Response on *Other—Relationship Between the Proposed Project and the Salton Sea Restoration Project* in Section 3 of this Final EIR/EIS.

**Response to Comment C31-2**

The Salton Sea Conservation Strategy has been revised to avoid reductions in the surface elevation of the Salton Sea from the water conservation and transfer project until 2030. See the Master Response for *Biology—Approach to Salton Sea Habitat Conservation Strategy* in Section 3.

To the Hearing officers for the EIR for the San Diego water transfer:

My name is Donald H. Cox. I have farmed in the Imperial Valley since 1952. I have a degree in Agricultural Economics from the University of California at Berkeley. I was an IID director and a member of the Salton Sea JPA. I have been active in on-farm irrigation conservation efforts for many years.

I am here to comment on the draft EIR for the San Diego-IID water transfer. I am going to limit my comments to what I think are the more important issues.

I feel that the EIR is not complete. It doesn't address the effect of the water transfer on the Restoration Program for the Salton Sea. Something as important as the Salton Sea to the use of IID's water should not be avoided. The restoration program may not be finished, but the basics of the plan are pretty well known. The IID won't know what the future holds until it knows the fate of the Sea. Without the restoration program the sea will eventually go through the death process and the IID could end up having to implement and finance something like the HCP1. To go ahead with the restoration program will take extra water to move the salt to the evaporation ponds. Less water can be used by building dikes in the sea, but they are extremely expensive. Waiting to start a restoration program will take more water and more money. The IID is set to transfer 300,000 ac ft of water. If the HCP 2 option is used to generate the transfer water and fallowing is used, it would idle about 75000 acres of land. It would take another 25000 acres to generate the water for the restoration program. This is more land than is reasonable. Maybe the best solution would be to transfer less water and sell some water to the government help restore the sea. The point is that the restoration plan is right in the middle of things and the EIR doesn't address it.

If the IID exercises HCP2 without the restoration program, its tailwater will be needed to help maintain the elevation of the sea so as not to hasten the demise of the sea. When the sea finally starts to

C31-1

C31-2

C31-2

die what will be the status of the tailwater. I don't think that is addressed in the EIR.

C31-3

The EIR says the baseline elevation for the sea will lower 7 feet during a period of time. That is a reduction of almost 100000 ac ft a year in the flow of water to the sea. That number is very important when it comes to working out a restoration program . 100000 ac ft of water could be worth \$30 million a year in the cost of restoring the sea, and maybe even making it impractical to save if 300,000 ac ft of water is transferred.

C31-4

The next issue is the 3<sup>rd</sup> party impacts of fallowing addressed under the HCP 2 option. The EIR says that about 1500 jobs would be lost by idling 50000 acres. It is assumed that a proportionate amount of the crops as currently grown would be idled. I have done a substantial amount of investigation and have not found anyone in the farming business that thinks that is right. The consensus is that produce crops will not be idled because of less acres being farmed. They think that the lower valued flat crops will be idled. If this is true the number of jobs affected would be less than 500.

C31-5

The EIR doesn't attempt to look at the cost of mitigating third party impacts. It looks at the gross costs and not at the net costs. I think there are some fairly inexpensive ways to mitigate the impacts. For example many dairies are leaving the Los Angeles area. They generate jobs and economic activity. Some transfer money could be used to encourage the dairies to come to the Imperial Valley. This could more than off set the loss of jobs and economic activity because of fallowing.

C31-6

Another issue not covered in the EIR HCP 1 is the amount of fish that would have to be raised on annual basis when the sea gets salty enough that the fish can not reproduce. I don't see how the IID can be asked to build and run a fish hatchery without knowing that number.

C31-7

I am going to close here. This is an extremely complex issue. I don't see how the IID can proceed without getting indemnified and fully protected from unknown problems.

Thank you for your time.

**Response to Comment C31-3**

Refer to the Master Response on *Other—Relationship Between the Proposed Project and the Salton Sea Restoration Project* in Section 3 of this Final EIR/EIS.

**Response to Comment C31-4**

Refer to the Master Response on *Socioeconomics—Crop Type Assumptions for Socioeconomic Analysis of Fallowing* in Section 3 of this Final EIR/EIS.

**Response to Comment C31-5**

The suggestion for socioeconomic mitigation is noted. See response to Comment G2-2.

**Response to Comment C31-6**

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

**Response to Comment C31-7**

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.



**WILLIAM I. DUBOIS**  
3939 WALNUT AVE. #144, CARMICHAEL, CA 95608

**Letter - C33. Signatory - William I. DuBois.**

**Response to Comment C33-1**

Comment noted.

**Response to Comment C33-2**

The EIR/EIS is intended to identify all mitigation measures which should be implemented in connection with the Proposed Project.

It is anticipated that mitigation measures to be implemented by farmers in connection with the on-farm conservation program will be included in the contracts between IID and participating farmers. The comment that these on-farm costs should be included in calculating costs for purposes of exercising any IID termination right or "off-ramp" is noted.

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 of the voluntary on-farm program before deciding to participate.

**Response to Comment C33-3**

Comment noted.

Mr. Bruce D. Ellis  
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AND  
Mr. Elston Grubaugh  
Imperial Irrigation District  
PO Box 937  
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April 22, 2002

Subject: Habitat Conservation Plan, I.I.D. Water Conservation and Transfer Project

Dear Sirs:

These written comments are supplemental to my oral statement at your hearing in El Centro April 3, 2002.

We have many serious concerns with the EIR/S, but we are uncertain as to which decision-making body they should be directed. The EIR/S indicates the Imperial Irrigation District (I.I.D.) has assumed responsibility for mitigation of many natural and unnatural conditions which seem to be certain to be affected by removing from 230,000 to 300,000 acre feet of water, which in the absence of a transfer, would probably continue to flow into the Imperial and Salton Sea area.

Part of our concern is due to uncertainty as to how much financial expense the I.I.D. can support for mitigation, how much the mitigation will cost, how much money the transfer itself will produce after the first 20 years, and how much money the non-agricultural community will consider they deserve. If a farmer-landowner is to enable this transfer, there must be a substantial funding of necessary infrastructure to the farm and the distribution system.

Of course, the EIR/S cannot answer those questions, nor can it prove the average farmer can reduce his water use without either worsening the distribution uniformity of his irrigation and/or approaching inadequacy of the leaching fraction. Experts disagree on these issues. The solvency of a participating farmer depends on these factors.

The average farmer appreciates the environment probably more than the average non-farmer, and therefore is willing to make an investment in preserving as much habitat as is affordable. Getting one's water source locked into an agreement that could last seventy-

C33-1

C33-2

C33-3

five years and requires millions of dollars of capital investment is more than just a serious matter. The average consumer goes to the grocery store, finds the shelves well stocked with supplies. He or she pays a smaller percentage of income for food than in any other country. Saving the family farm is more of a fable to them than a very serious business decision.

We have a lot of questions about this transfer proposal that the EIR/S does not answer, and some that the EIR/S causes. We did not know that the I.I.D. had proposed putting in and operating a fish hatchery to raise tilapia for stocking the Salton Sea, or fallowing a lot of ground to keep the Sea level at an unnaturally high elevation. We do not like the fallowing idea, because we do not see a logical point at which the fish and bird people would say that is enough. So we have two things to cause us trouble-where does the fallowing end, and if it does end, can our field tile lines still function, or will Imperial Valley go the way Westlands Water District did when all their tile lines got plugged by the government.

You say only Improvement District number one, to cure an overdraft, will use the water I.I.D. sends to Coachella Valley Water District (CVWD). Does the area surrounding I.D. number one continue pumping ground water, which would otherwise replenish I.D. number one's groundwater?

The EIR/S uses a lot of phrases that appear to be fed to it by I.I.D. that strike us as in great need of qualification. These are "voluntary", "without impairing I.I.D.'s water right" (it only impairs, for seventy-five years, the I.I.D.'s water supply and not the right?) "Market based", "stabilized competitive", and "to settle, by agreement long standing disputes". Every one of these terms is in need of qualification to avoid misleading any casual reader. What happens upon termination of these agreements?

It is also important to emphasize that the EIR/S says "No Project" is environmentally superior to any of the alternatives and to the proposed project. According to the EIR/S the next best thing to no project is to transfer the least amount of water (130,000AF). That is however politically not acceptable because it cuts California out of an "interim surplus" supply from the Colorado River for fifteen years, and the cities want the water that Alternative one or two would cause the state to lose.

Volume One, Chapter One, Page 14 says surface drain outlets are one quarter to one half mile apart. Figure 1-7 says four hundred to five hundred feet.

Chapter two, page 39, claims "no other water users have historically used or depended on I.I.D.'s drainage". You forgot about the fish, birds, fishermen, recreationists near Salton Sea, and the homeowners who bought their homes there only because the Sea was nearby.

Page 48 talks about pupfish, but gives no indication as to how many pupfish would be considered "enough". Same for any other kinds of birds or fish or wildlife.

**Response to Comment C33-4**

It is estimated that the maximum acreage that would be fallowed for the Proposed Project, assuming the use of fallowing as the sole conservation measure, is approximately 86,000 acres, consisting of the fallowing of 50,000 acres of land on a rotational or non-rotational basis to conserve 300 KAFY for transfer, the rotational fallowing of 25,000 acres to conserve mitigation water for the Salton Sea, the rotational fallowing of up to 9,800 acres to conserve water to meet IOP requirements, and the fallowing of up to 700 acres for the construction of managed marsh areas.

No provisions of the Proposed Project for the conservation and transfer of water would result in the forced closure of sub-surface agricultural drainage facilities based on the current regulatory environment.

**Response to Comment C33-5**

There are areas around the fringe of the Lower Coachella Valley that are outside ID-1, which are not legally entitled to receive Colorado River water. In the absence of other actions, these areas would continue to produce groundwater as they do currently to meet demands. Since the basin is overdrafted, this continued pumping would lead to additional overdraft. However, the CVWD is preparing a water management plan that intends to supply recycled municipal wastewater and desalinated agricultural drainage water in place of groundwater pumping in the future. These additional supplies do not have the same restrictions on the area of use as does Colorado River water. Groundwater pumping for domestic and municipal uses is expected to continue. This remaining pumping would not exceed the yield of the groundwater basin.

**Response to Comment C33-6**

The commenter requests clarification of a number of terms, but does not state in what context the terms are used; as a result, it is difficult to respond. One of IID's objectives for the Proposed Project, as described in Section 1.2.1 of the Draft EIR/EIS, refers to the "voluntary" participation of Imperial Valley landowners. This objective means that on-farm conservation measures would not be mandated by IID or forced on farmers by regulation; rather, on-farm conservation would be achieved by landowners who voluntarily agree to participate. The

### **Response to Comment C33-6 (continued)**

Project, as described in the Draft EIR/EIS, provides for the transfer of the right to use a portion of IID's Colorado River entitlement, but it does not transfer or alienate the water entitlement itself. The use of the transferred water will revert to IID upon the expiration or termination of the Project. "Market-based" refers to the terms of the IID/SDCWA Transfer Agreement, which resulted from the free negotiation between a willing seller and a willing buyer. A "stabilized, competitive" price refers to SDCWA's objective of establishing a reliable and reasonable price for the transfer water, on which it could rely for a long-term supply. The QSA states terms that are intended to resolve disputes among the water agencies relating to the quantity, priority, use, and transferability of Colorado River water, which have existed for a substantial time period. A contractual settlement is distinguishable from a judgment resulting from litigation.

### **Response to Comment C33-7**

Figure 1-7 in Chapter 1 in the Draft EIR/EIS is a schematic drawn to illustrate, in general terms, the pathway for water flow through the IID irrigation and drainage system. Perhaps the commenter is referring to Figure 1-6, which shows the canals and drains in the IID water service area. If this is the case, the figure notes that the "scale is approximate."

### **Response to Comment C33-8**

The referenced paragraph in the Draft EIR/EIS is specifically referring to the existing rights of other Colorado River water users, who are expressly granted to such rights according to the "Law of the River." The statement in the Draft EIR/EIS is not referring to the use of water by the wildlife, fishermen, or recreational users of the Salton Sea.

### **Response to Comment C33-9**

Populations of desert pupfish are known to occur in many of the drains that discharge directly to the Salton Sea (see Section 3.7.3 of the HCP for additional discussion). Although CDFG and others have been monitoring pupfish in these areas for several years, no reliable means for estimating population sizes has been developed. The use of baited minnow traps (the standard capture technique used to date) provides an indication of presence but does not confirm absence. In light of the difficulties of assessing population numbers, the approach followed in the HCP focused on maintaining habitat. The strategy includes measures to maintain or improve existing habitat (i.e., improve water quality), increase the quantity of habitat as the Sea recedes, and ensure connectivity. Because this strategy focuses on avoiding the potential effects of the Project, a clear understanding of existing pupfish numbers is not necessary. The goal is to avoid Project-related take of pupfish; thus the expectation is that the Project would result in very few, if any, pupfish being taken. In addition, the pupfish mitigation should result in an overall increase in the amount of pupfish habitat in the HCP area and an increase in population size.

C33-10

Page 50, 51. Please state the logic in requiring I.I.D. to be responsible for feeding fish to birds, and why the responsibility would end in seventy-five years. It is not I.I.D. that will take the water away from the Sea; it is the other three parties who are clearly the beneficiaries.

C33-11

Chapter 3.1, page 104. You should relate the 8-PPM higher salinity in I.I.D.'s water supply (after the proposed transfer) to the cost the U.S. Bureau of Reclamation and others are paying to reduce Colorado River salinity. Also the tolerance limits for germination of various crop seeds.

C33-12

Chapter 3.2, page 125. Following is capitalized in many places. Is that intentional? Page 126 limits I.I.D. diversion to 3.2 MAF. Other places refer to it as 3.1 MAF. Is this a misprint?

C33-13

Chapter 3.3, page 4. If earthquakes have only one magnitude, why are earthquakes (page 19) rated according to their respective magnitudes?

C33-14

Chapter 3.4, page 13 says fallowing "is consistent with agricultural land uses" – this must be explained. We would say inconsistent. Agricultural uses are to raise food and fiber. Fallowing does neither.

C33-15

Chapter 3.5, page 12. Uses 6 AF/Ac for fallowing, but I.I.D. claims only 5.63. Why the difference?

C33-16

Chapter 3.7, page 31. Why is anyone responsible for dust if Salton Sea dries up? It was dry when Imperial began farming in 1901 and had been for some time. If you fallow land to keep the Sea bottom wet, who is going to keep the dust from blowing off the fallowed land? Who would be responsible to keep the pests controlled on the fallowed land?

C33-17

Page forty-two. How can you justify keeping water flowing to Salton Sea when D-1600 says that is not a reasonable use of water? Is the State Water Resources Board going to reverse itself, deciding that water spilled to the Sea is not wasted?

C33-18

Chapter 3.10, page 8. The SP railroad does not serve Holtville at all. The track has been missing for several years. The right of way has hay stacked on it.

C33-19

Chapter 3.15, pages 15 and 16 are statements on "Environmental Justice". We believe if you reread them you will want to rewrite them differently. You leave the reader uncertain whether you are in favor of environmental justice or prefer environmental injustice. It appears more clear when you say "no disproportionate effects to minority and low-income populations". You state it incorrectly four times on page fifteen, correctly three times, twice wrong and thrice correctly on page sixteen.

C33-20

Chapter Five. There are no comments assessing the benefits or problems with All American Canal (A.A.C.) seepage going to Mexico or the complaints that have been

**Response to Comment C33-10**

IID is seeking permits under the federal and state Endangered Species Acts for incidental take of specific listed and unlisted species that could be taken as a result of implementation of the water conservation and transfer project and other specified activities. IID is requesting incidental take authorization for a period of 75 years to cover the potential duration of the water conservation and transfer program. Species for which incidental take will be authorized include several fish-eating birds. Potential mitigation for impacts to fish-eating birds as described in the Habitat Conservation Plan (required for receipt of incidental take permits) consists of providing fish for the permit duration (i.e., 75 years). As the permit holder, IID has the sole responsibility for implementing the terms of the Habitat Conservation Plan. However, since the release of the Draft EIR/EIS and HCP, IID has eliminated HCP Approach 1 from consideration. Please see Master Response for *Biology-Approach to Salton Sea Habitat Conservation Strategy* in Section 3 of this Final EIR/EIS.

**Response to Comment C33-11**

Comment noted.

**Response to Comment C33-12**

"Fallowing" is not intentionally capitalized.

There is no reference to the limit on IID diversion (3.1 or 3.2 MAF) on page 126.

**Response to Comment C33-13**

Each earthquake has only one magnitude. However, earthquakes of various magnitudes are assigned a different level of severity based on that magnitude.

**Response to Comment C33-14**

The Draft EIR/EIS concluded that conservation by rotational fallowing (for no more than 4 consecutive years) will not result in a significant impact to agricultural resources based on the significance criteria set

### **Response to Comment C33-14 (continued)**

forth in the document. The Draft EIR/EIS notes that rotational fallowing is consistent with existing agricultural practices and that approximately 20,000 acres are fallowed each year in the Imperial Valley without the Project. However, the Draft EIR/EIS finds that fallowing for longer periods, if it causes the reclassification of prime farmland or the conversion of agricultural land to a non-agricultural use, would be a significant impact to agricultural resources. The only identified mitigation measure for this significant impact is to prohibit long-term or permanent fallowing.

### **Response to Comment C33-15**

The 5.63 AF conserved per acre fallowed estimate used in the socioeconomic analysis is derived from historic water deliveries as estimated by the IIDSS. This value was rounded to 6 AF per acre when used in other sections.

### **Response to Comment C33-16**

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 C33-17**

As noted in the Draft EIR/EIS, IID and SDCWA have filed a petition seeking SWRCB approval of the water transfers, including a determination that the Project is in furtherance of SWRCB Decision 1600, SWRCB Order WR 88-20, Article X, Section 2 of the California Constitution, and Sections 100 and 109 of the Water Code. The SWRCB requested findings under Article X, Section 2 of the California Constitution and Sections 100 and 109 of the Water Code will establish IID's reasonable and beneficial use of water under its water rights.

### **Response to Comment C33-18**

Thank you for the clarification. The Draft EIR/EIS has been revised to include the correct information. The change is indicated in this Final EIR/EIS in subsection 3.10 under Section 4.2, Text Revisions.

### **Response to Comment C33-19**

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 C33-20**

According to the state CEQA Guidelines (Section 15355), "the cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects." Since the Proposed Project will not adversely impact water flow to Mexico (see Section 3.16, Transboundary Impacts, in the Draft EIR/EIS), the commenter's statements about impacts to Mexico from the All American Canal Lining Project would not result in a cumulative impact in conjunction with the Proposed Project. Therefore, this aspect of the All American Canal Lining Project is not discussed in the cumulative impact analysis.