

C33-20

registered by Mexican farmers who object to A.A.C lining. That is an issue of some importance, if our information is correct, and US farmers are farming with that water supply in Mexico.

Volume II

Summary – The lack of comments on the off ramps available to SDCWA, which allow them to back out of the transfer agreement after it has started and after I.I.D. has invested many millions of dollars is not questioned or assessed. That would be a great environmental disaster, as it would cause many farmers in I.I.D. to join the low-income group.

C33-21

The EIR/S also did not warn of the uncertainty of the future price to be paid for water twenty years from now that would be endangered by Appendix (or Exhibit) E to the SDCWA-I.I.D. agreement.

A like problem cries for attention regarding inconsistent contract expiration dates for wheeling, and seventy-five years, or even forty-five years for the transfer itself.

The EIR/S is silent on the ability of I.I.D. to be able to keep a particular endangered species flourishing for seventy-five years, or why both the EIR/S and the I.I.D. have proposed obtaining transfer water first by on-farm methods and after that by system improvements, when the system improvements are needed in order to get the most efficient performance from on-farm investments.

C33-22

There are no comments on the cost of keeping the AAC serviceable after the new canal is constructed. Abandoned fields and ditches in Imperial have usually experienced sand filled ditches within very few years.

Chapter 3, page 61. Bad grammar causes a sentence to say what it (3-93) does not mean. I do not believe Gila Woodpeckers are the only birds "known to occur in association with trees in urban areas. . . ." The next paragraph seems to refute this statement.

Chapter 3, page 110 (and on other pages) the EIR/S refers to things as being East of or West of Interstate 8. Interstate 8 begins in Ocean Beach on the Pacific Ocean and ends somewhere in Casa Grande, Arizona, running almost east and west all the way. Someone needs to refer to things as being North or South of Interstate 8 in order to help orient the objects.

Page 3-111 refers to "below 650 feet" but does not say if that is below 650 feet above Sea Level, or below 650 feet above natural surface. A more complete description would be helpful.

Both the I.I.D. and individual farmers have been running graders and dozers and other equipment on drain banks for many decades. Page 112 and 113 indicate that now farmers will have to have the operator first walk the banks inspecting for owl burrows before

Response to Comment C33-21

The contractual off-ramps included in the IID/SDCWA Transfer Agreement were intended to provide an option to SDCWA to determine not to proceed if its share of the environmental mitigation costs, as of the completion of environmental review, exceeds a present value of \$1 million in 1998 dollars. Once the transfer has begun, SDCWA has the right to terminate thereafter if its share of the environmental mitigation costs would have a present value in excess of \$2 million, including all costs paid to date. Since the publication of the Draft EIR/EIS, SDCWA has learned that their share of the environmental mitigation costs will exceed the \$1-million threshold. SDCWA has not advised IID of its desire to terminate the transfer.

Regarding the "uncertainty" of the future price of water, the IID/SDCWA Transfer Agreement contains two formulas for determining the future price of the water: (1) the future price is tied to pricing by MWD, or (2) alternatively, should a substantial market for long-term water transfers develop in California in the future, the future price of the water would be adjusted by such a market. A summary of the IID/SDCWA Transfer Agreement was included in the Draft EIR/EIS as Appendix A.

With regard to any inconsistencies between contract expiration dates for wheeling and the transfer transaction, as a pre-condition to starting the IID/SDCWA transfer program, SDCWA is required to obtain wheeling for the 45-year initial term of the IID/SDCWA Transfer Agreement. In lieu of a wheeling agreement, SDCWA has executed an exchange agreement with MWD for a term of 30 years. Prior to the start of the IID/SDCWA Transfer Program, SDCWA will enter into an agreement with MWD for an additional 15 years, or, alternatively, SDCWA will inform IID that it will assume the risk of being unable to receive the conserved water, but will nonetheless continue to make payments for the conserved water until the expiration of the full 45 years of the initial term. Any renewal of the IID/SDCWA Transfer Agreement beyond the initial 45-year term will require a new wheeling agreement.

At the present time, IID intends to implement system improvements prior to the implementation of on-farm conservation programs.

Response to Comment C33-22

Chapter 3, page 61. This sentence has been modified to read "In the Imperial Valley, Gila woodpeckers are only known to occur in association with trees in urban areas or agricultural operations (e.g., ranch yards)."

Chapter 3, page 110. While it is true that Interstate 8 generally runs east/west, in the area of the Algodones Dunes where the surveys were conducted, the interstate has a more southwest/northeast alignment. The characterization of special-status plants being found in the corridor east or west of Interstate 8 is that used by Reclamation and IID in the Environmental Appendix for the Final EIS/EIR for the All-American Canal Lining Project (1994).

Chapter 3, page 111. The reference to "below 650 feet" refers to elevations below 650 feet above sea level, not below the natural surface. This sentence has been modified for clarity.

Chapter 5, page 5-8. "Drought". The sentence stating that "Such an event has not occurred since IID began operation" has been removed from this section.

Chapter 5, page 5-9. This section states that "toxic materials (e.g., anhydrous ammonia, diesel, and pesticides) are frequently transported or used in the Imperial Valley to support agriculture" because agriculture is the major occupation in the Imperial Valley. It does not imply that agriculture is the only occupation that uses these materials.

Burrowing Owls. The species-specific measures for burrowing owls apply only to actions conducted by IID. The measures are designed to avoid direct take of burrowing owls through destruction of their habitat and to maintain suitable habitat conditions for burrowing owls.

Drainage. Implementation of the HCP component of the Proposed Project in no way changes or limits IID's obligation to provide efficient drainage from agricultural fields.

risking caving in an owl nest. If this is true, please be more specific so farmers will know what added risk they face. You might also say whether you are as solicitous regarding gophers, since they often supply the owls with sustenance. Farmers have always tried to get rid of gophers, because they cause great damage near deep drains and irrigated fields. We appreciate the recognition on page 139 that agriculture is very dependent on an efficient system of drainage. Of equally great concern is whether the underground tile drainage systems will be allowed to function when the effluent constitutes a much greater proportion of the total flow in the main drains to the Salton Sea. More discussion on this issue would be appropriate. This may be the principal deficiency of the EIR/S.

Chapter 5, page 5-8, "Drought". This section says, "Such an event has not occurred since I.I.D. began operation". This is not true. In the mid 1930's before Hoover Dam was functional the lower river became very nearly dry. I.I.D. had to ration water. It became illegal for anyone to irrigate landscape. Many people hired tank trucks to import water to keep their yard plants alive. This only lasted a few weeks, but it was a hot summer and I.I.D. had a priority system which respected the urgency of keeping livestock alive and permanent crops next in priority, with annual crops last. Many fields of Milo (sorghum) and alfalfa became severely stressed at that time.

Page 5-9 gives the impression that only agriculture uses diesel and pesticides. Do not most occupations use both?

Appendix E, page 5 refers to a history period of twelve years. I.I.D. informs us that they are using a much shorter period. Perhaps this leads to some confusion and should be explained.

Chapter 2, page 2. Moisture in crops leaving a field seems to be left out of the water balance.

Page 3. Should not evaporation be part of the discussion of what happens to delivered water?

Page 110. Sugar cane seems likely to become a popular crop in I.I.D. in the next few years. There is no discussion of whether I.I.D.'s water supply will meet the increased demand for irrigation water if that crop is grown on much land that now only produces a single grain crop each year. This page, also, mentions a twelve-year history period of water use.

Chapter 3, page 6 uses 3.42 MAF instead of 3.43. This should be explained.

In commenting on the EIR/S overall, we believe it would have been helpful if the discussion had included comment on the dangers of assuming responsibility for keeping populations of species, especially endangered species, flourishing for periods as long as seventy-five years. Making this effort especially risk prone is the idea that it must be done to the satisfaction of other state and federal agencies. These agencies have not themselves always been successful even though they have the experts on their staffs. The

Response to Comment C33-23

The modeling carried out for development of the Draft EIR/EIS covers the 12-year time span from 1987 through 1998.

Moisture in crops leaving a field is a small component of the overall water balance and, while not computed explicitly, is captured in the volume of water that is evaporated for fields or consumed by crops. From the standpoint of the water balance, this water that has been delivered to farm fields and that is not discharged to the drainage system.

Evaporation was considered explicitly in the modeling carried out to estimate crop water use. Evaporation volumes varied with factors such as frequency of irrigation and irrigation method.

One of the assumptions underlying development of the Draft EIR/EIS is that the cropping patterns observed during the period between 1987 and 1998 are representative of cropping patterns during the life of the project. While it is likely that patterns will change, primarily in response to market conditions, we believed that the recent past was a better predictor of future conditions than would be attempts to forecast changes in cropping. For this reason, the Draft EIR/EIS did not speculate on how wide-spread introduction of crops such as sugar cane might affect the IID's ability to deliver water.

Comment noted.

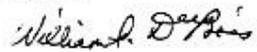
C33-23

logic in saddling an irrigation district with this responsibility in order to satisfy the need for water in other limitless demand areas should really be questioned.

C33-24

A public policy of drying up the food production of an increasing population in order that the people can irrigate their lawns and golf courses needs informed debate. This is not only happening in Imperial, but in San Joaquin Valley.

Sincerely,



William I. DuBois
Farm Land Owner
And Retired Farmer

Response to Comment C33-24

Comment noted.

CLYDE E. SHIELDS
ENTOMOLOGICAL SERVICE
420 WEST MAIN STREET
BRAWLEY, CALIFORNIA 92227

Letter - C34. Signatory - Clyde E. Shields.

April 26, 2002

Response to Comment C34-1

Comment noted.

Mr. Bruce D. Ellis Mr. Elston Grubaugh, Manager
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Phoenix Area Office Resource Planning & Management Dept
PO Box 81169 PO Box 937
Phoenix AZ 85069-1169 Imperial CA 92251
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Subject: Response to the "Draft Environmental Impact/
environmental Impact Statement (EIR/EIS)" for
Imperial Irrigation District Water Conservation
and Transfer Project and Draft Habitat
Conservation Plan.

Dear Sirs:

We received the Draft EIR/EIS in late January of this year;
a written statement from Regional Director, Robert W.
Johnson, dated January 15, 2002, informs us, that written
comment, concerning this document, will be accepted through
April 26, 2002.

These following comments are given to inform you of the
areas of concern, that we have, that will be caused by the
water transfer from the Imperial Valley to other urban and
municipal users in the Colorado River Basin.

As an introduction, we will begin with our background.
Clyde E. Shields, Jon S. Shields and M. Jo Shields, owners
of Clyde Shields Entomological Service, incorporated in
1969, an agricultural consulting business. Clyde Shields
and Jon Shields are both licensed Pest Control Advisors with
B.S. degrees in Agriculture. Jo Shields has a B.S. degree
in Pharmacy and is office manager of the business; she is
also a member of the Brawley City Council. Clyde Shields
and Jon Shields are partners in Shields Ranches. The
partnership actively farms 453 net acres. Clyde Shields is
a 3rd generation and Jon Shields is a 4th generation farmer
of 175 owned acres on the Thistle Canal, originally
developed by Ernest Shields (who began farming, in the
Westmorland area, in 1928) in 1950 and later farmed by Clyde
E. Shields Sr.

After attending several public hearings, reading the
Executive Summary, reading the Salton Sea Authority Reports,
it is apparent to us, that the water transfer has too many
environmental, socio-economic and national defense impacts
that cannot be mitigated in manner that will be fair and
equitable to Imperial County residents and the citizens of
the United States of America.

C34-1

Mr. Bruce D. Ellis Mr. Elston Grubaugh
April 26, 2002
Page 2

Response to Comment C34-2

Responses to your concerns regarding the Proposed Project's potential impact on the reduction in flows to the Salton Sea, especially with respect to impacts to wildlife habitat and an increase in PM10, are provided in the Master Responses on *Biology—Approach to Salton Sea Habitat Conservation Strategy* and *Air Quality—Salton Sea Air Quality Monitoring and Mitigation Plan*, in Section 3 of this Final EIR/EIS.

Response to Comment C34-3

Refer to the Master Response on *Socioeconomics—Property Values and Fiscal Impact Estimates* in Section 3 of this Final EIR/EIS.

Response to Comment C34-4

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 C34-5

The socioeconomic impacts of fallowing are addressed in Section 3.14 of the Draft EIR/EIS. Please refer to the Master Response on *Socioeconomics—Property Values and Fiscal Impacts Estimates*, in Section 3 of this Final EIR/EIS, regarding a discussion of the impacts to Salton Sea area property values and the fiscal impacts of the Proposed Project. The Draft EIR/EIS concludes that fallowing will reduce impacts to environmental resources in and around the Salton Sea as compared to other conservation methods. The comment regarding national security impacts of reduced food and fiber production associated with fallowing is noted. Regarding the portion of the comment referring to the "souring" of fallowed lands, see response to Comment L1-64.

C34-2

C34-3

C34-4

C34-5

On Farm Conservation: As farmers, we would be willing to conserve water, on farm, to transfer to San Diego County, Coachella Valley and the Metropolitan Water District; however it appears, that on farm conservation and reduction of drain water flow to the Salton Sea, will cause many environmental problems associated with the sea, including loss of wildlife habitat and increase of PM 10. Socio-economic impacts include loss of property value in communities adjacent to the Salton Sea; loss in the quality of life for the residents; and loss of tourist and recreation revenue. It really doesn't make a lot of sense to us, to reduce the drain water flow to the sea, which will only add to these problems, in order to transfer the water to coastal areas of the State (which have access to the whole Pacific Ocean as a source to draw water from), without considering from what source this drain water to the Sea will be replaced.

Off Farm Conservation: Another solution, for farm water conservation, which is addressed by the EIR/EIS is fallowing of farm land (taking farm land out of crop production), and subsequent transfer of water not used to urban areas. This solution, has numerous impacts: 1. We believe that historical data will show, that when there was a moratorium of growing cotton in Imperial County, where there was a Federal Program, which paid the farmers for not growing the crop, Imperial County economy, which is still based on agriculture, suffered severe financial impacts due to lack of farm related sales; lay off of farm employees; decrease in commercial sales and loss of sales tax revenues for the County and City governments which provide needed health and safety services. This, was a one year program; there doesn't appear to be sufficient billions of dollars in the transfer agreement to mitigate this continuing impact of this long term transfer term. 2. There will still be the same unmitigated impacts to the Salton Sea. 3. The national security of the United States may be at risk by fallowing. Land fallowed for a period of time will sour, and will be difficult to return to production; at the present time, we rely on imports to provide for a substantial amount of our food and fiber. In case of war, as in World War II, the fact that we could supply, with the help of rationing, the needs of our citizens, armed forces and allies had to play a strategic part in our victory. State-wide, agricultural land is being diverted to housing and industry; land fallowed, in order to supply water to

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urban areas, will be not be easily re-introduced to farming. We need to maintain agricultural land in order to produce food and fiber in time of need.

C34-6

Liability: We are also concerned, as farmers, that we may be sued, as a result of **On Farm Conservation** which will cause a decrease of drain water flow to the Salton Sea and result in unmitigated environmental and socio-economic impacts.

C34-7

In conclusion, we would like to suggest, that this water transfer appears to consider the urban successful, without consideration for the residents of a less populous rural area. It ignores the Salton Sea as a recreational area. The transfer of our agricultural water to areas of the state that want to develop more than they have water resources for, will be at the expense of the following:

C34-8

- The economy of the Imperial Valley.
- The life of the Salton Sea.
- The national security of our Country.

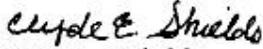
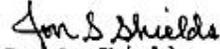
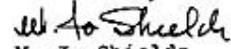
C34-9

C34-10

A fair EIR/EIS would address the "what other resources" are available to the transferees (desalination); slow growth; etc. for their development needs.

Thank you for the opportunity to respond to the Draft EIR/EIS and we reserve the right to respond to the final environmental document and present any further input at future public hearings.

Sincerely,




 Clyde E. Shields Jon S. Shields M. Jo Shields

CES, JSS, MJS/jjs

Response to Comment C34-6

California Water Code § 1013 expressly states that IID is not liable for any effects to the Salton Sea or its bordering area resulting from conservation measures taken in response to an order of the SWRCB. Any individual liability of farmers resulting from implementation of conservation measures could be covered in the on-farm conservation contracts between IID and participating farmers.

Response to Comment C34-7

Comment noted. The socioeconomic impact of the Proposed Project on sensitive receptors, including residents, within the Project's region of influence are addressed in the EIR/EIS. Please refer to Section 3.14, Socioeconomics, of the Draft EIR/EIS for the discussion of potential impacts to sensitive receptors as a result of implementation of the Proposed Project.

Response to Comment C34-8

Comment noted.

Response to Comment C34-9

Comment noted.

Response to Comment C34-10

Please refer to Appendix D, Alternatives Analysis, in the Draft EIR/EIS. Several other alternatives were evaluated in the Draft EIR/EIS as required by both CEQA and NEPA, including desalination (Alternative 8, Maximize Local Supplies in SDCWA Service Areas and Develop 200 KAFY Desalination Facility). Also, please refer to the Master Responses on *Other--Growth Inducement Analysis*, and on *Other--Desalination in SDCWA Service Area and Comments Calling for Increased Conservation* in Section 3 of this Final EIR/EIS.

C35-4

These storms have the potential to impact the health of residents and visitors within the storms path and, as a side consequence, impact real estate values and tourism.

C35-5

• There will be serious and immitigable damage to habitat and wetlands. The proposed HCP, although a positive step in the mitigation effort, is inadequate and of questionable efficacy.

C35-6

• There will be an early demise of the Salton Sea fishery and recreational opportunity. Of particular concern is that I found no mention in the Draft EIR/EIS of the orangemouth corvina, one of the primary recreational fishery attractions of the Salton Sea.

C35-7

• Besides the toxic dust storm issue, a potential aromatic issue exists. As the sea becomes shallower, the algae bloom and die-off/decay cycle interval may decrease (stench becomes more frequent) as the sea input nutrients become more concentrated and the sea's average water temperature rises. The stench generated during the algae die-off/decay will impact all communities within the Imperial/Coachella Valley, and with the right atmospheric conditions, potentially communities as distant as Los Angeles. Again, there are health and real estate value issues to be considered.

C35-8

• To the extent that the water transfer supplements the 600 KAFY SDCWA currently gets from MWD, the new supply is population growth inducing and greatly relieves the need for stringent conservation and recycling efforts within the SDCWA service area. With the ongoing recycling and water conservation efforts within the SDCWA service area, water use has remained constant at 600 KAFY over the last 15 years when corrected for weather factors, thus the immediate need for the water transfer is not apparent. To further expand on the growth inducing aspect of the proposed water transfer, assume that the demand on MWD's water resources by member agencies exceeds supply. At that point MWD would be forced to institute water rationing, limiting each member agency's take on a prorata basis according to perfected rights. Result, population growth and new demands on water availability would be severely stunted within the service area for each of the MWD's member agencies, including SDCWA. Now along comes SDCWA with the water transfer in addition to it's perfected rights water from MWD. Would that not induce growth in the SDCWA service area relative to growth stagnation in the service areas of the other member agencies of MWD?

[Draft EIR/EIS General Commentary

C35-9

The Draft EIR/EIS is a GOOD START, but incomplete. Although a wealth of information is provided in the Draft and the information is presented in a well organized manner, based on the limited number of sections which I have had the time to review, it is my opinion that the Draft fails in four areas. These are: 1) Exploration of alternatives; 2) Biased analysis/statements; 3) Economic impact considerations; and 4) Impacts on Salton Sea due to reduced depth.

Exploration of Alternatives

C35-10

• The alternative analysis provided in Appendix D is inadequate. Alternatives which should have been reviewed/evaluated within section 3 were rejected without sufficient reason.

C35-11

• Options for IID to retain water rights, other than via the proposed IID/SDCWA water transfer, in coordination with options for SDCWA to obtain additional water supplies independent of the IID/SDCWA water transfer were not presented or explored.

C35-12

• The number of alternatives reviewed in Appendix D was inadequate. A glaring example of this is failure to consider Proposed Project water conservation to generate water transfer amounts, plus fallowing to preserve Salton Sea inflows. Although the fallowing portion of this alternative is mentioned in section 2.2.6.7 under the heading HCP (Salton Sea Portion) Approach 2, the Draft EIR/EIS ignores it's significance by failing to couple it with the Proposed Project and analyze the combination as an alternative.

Letter - C35

Page 2

Response to Comment C35-5

The primary means of conserving covered species in the HCP is through the creation or acquisition of habitat of greater quality and quantity than is currently available in the HCP area. Currently, the majority of habitats used by wildlife in the IID Service Area and Salton Sea are comprised primarily of invasive, nonnative plant species, such as tamarisk (also known as saltcedar) and giant reed. Under the HCP, impacts to covered species that use this nonnative vegetation would be mitigated through the creation, enhancement, and preservation of native vegetation that provides higher quality habitat for covered species than the existing habitat that could be impacted by the covered activities. As detailed in each of the conservation strategies of the HCP (see Chapter 3 of the Draft EIR/EIS), the measures of the HCP mitigate impacts to covered species from covered activities, including impacts attributable to implementation of the water conservation and transfer programs.

Impacts to drain vegetation would be mitigated through the creation of managed marsh consisting of native cattail/bulrush vegetation. Data from marshes created and managed by the USFWS at the Salton Sea show that Yuma clapper rails, and other wetland associated species, successfully colonize new marsh habitats. Colonization of new managed marshes created under the HCP is expected to be similar to colonization of marshes created by the USFWS on the Salton Sea National Wildlife Refuge.

Response to Comment C35-6

Potential impacts to orangemouth corvina and other important recreational fish species are discussed in detail under Impact BR-45 beginning on page 3.2-142 of the Draft EIR/EIS. Under the HCP, IID would supply water to the Salton Sea so that salinity did not exceed 60 ppt until 2030. As described in the Master Response for *Biology-Approach to Salton Sea Habitat Conservation Strategy* in Section 3 of this Final EIR/EIS, supplying this water to the Sea would maintain the salinity at a level slightly lower than would be the case in the absence of the Proposed Project. Because salinity would be maintained until 2030 at a level that is lower than the level associated with the No Action Alternative, impacts to orangemouth corvina that are attributable to the Proposed Project would be avoided.

Response to Comment C35-7

See response to Comment R5-6.

Response to Comment C35-8

Please refer to the Master Responses on *Other—Growth Inducement Analysis* and *Other—Desalination in SDWCA Service Area and Comments Calling for Increased Conservation* in Section 3 of this Final EIR/EIS. In response to the question concerning growth in the SDCWA service area relative to growth stagnation in other MWD service areas, the IID/SDCWA water transfer will only help to ensure that SDCWA will continue to receive the imported water supplies it has received in the past. Maintenance of existing supply supports existing development and does not support future growth.

Response to Comment C35-9

Comment noted.

Response to Comment C35-10

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 C35-11

The project objectives for the Proposed Project for IID are described on page 1-2 of the Draft EIR/EIS and generally state that the objectives are to implement a conservation and transfer project in a market based transaction without impairing IID's historic senior-priority water rights. The Project would accomplish two objectives: (1) respond to the SWRCB directive that IID develop and implement a conservation program and (2) protect IID's water rights. Under California laws designed to encourage water conservation and voluntary transfers, title to conserved water remains with the transferring entity. Other than the Proposed Project and Project Alternatives considered in the Draft EIR/EIS, IID has not identified other alternatives that would accomplish these objectives.

Appendix D of the Draft EIR/EIS considered several alternative water supply sources for SDCWA including maximizing local water supplies and securing additional supplies from the Central Valley Project and/or the State Water Project. These were considered but found to not meet the project objectives of providing a more reliable supply for SDCWA, increasing conservation within the IID water service area, and potentially, they may not minimize impacts compared to the Proposed Project.

Response to Comment C35-12

The Draft EIR/EIS does indeed couple Salton Sea Habitat Conservation Strategy (HCP Approach 2) with the Proposed Project. Within each resource area, an evaluation of the Proposed Project with both HCP Approach 1 and HCP Approach 2 is included.