

1 document, the first one is the proposed project. And that
2 is water conservation and transfer. There are two key items
3 to this. It is conservation and transfer of up to 300
4 thousand acre-feet per year. In the proposed project, all
5 of the conservation methods that would be used to conserve
6 water are considered part of the proposed project.

7 Alternative one is the no project alternative.
8 Project two is the alternative which I refer to as the
9 minimum IID, San Diego County Water Authority transfer. In
10 other words, if that particular transfer moved forward, that
11 would be the minimum configuration and that is alternative
12 two. And that would be the transfer of 130 thousand
13 acre-feet per year and that would be by on-farm conservation
14 measures only.

15 Alternative three is the minimum with the IID, San
16 Diego County Water Authority transfer and the QSA, which
17 would move 230 thousand acre-feet out of Imperial Valley, a
18 hundred thousand of which could go to Coachella and/or
19 Metropolitan Water District.

20 Alternative four is an all following alternative.
21 So, there would be 300 thousand acre-feet conserved by
22 following in Imperial Valley. That pretty much was felt to
23 be the bookends of all the alternatives that were needed for
24 this project.

25 The water conservation methods used and considered

1 in the document considered, of course, on-farm irrigation
2 system improvements. Things like pump-back systems, level
3 irrigation. Those type of things. The key to that program
4 is volunteer participation by the land owners within
5 Imperial Valley.

6 Also included in the conservation methods were
7 water delivery system methods, for instance, line and
8 canals, adding other canals to make the systems more
9 efficient and then, of course, fallowing was also
10 considered.

11 The geographic areas covered by the document
12 included the Lower Colorado River, the Imperial Irrigation
13 District Water Service area and the All American Canal and
14 the Salton Sea. Those are the primary areas that were
15 covered. The water service areas of Coachella Valley Water
16 District, Metropolitan Water District and San Diego County
17 Water Authority were also covered.

18 There's a map. If you have got better eyes than I
19 do, you can see the various areas of service areas, the
20 Imperial Irrigation District and, of course, in the center
21 of the document is the Salton Sea.

22 The document covers 16 resource areas that were
23 evaluated. So, the impacts or the effects of those 16
24 resource areas were developed which you see on this slide
25 and the next slide. I will not go through each one of

1 those.

2 Those resource areas with significant unavoidable
3 impacts included: The resource area of hydrology and that
4 was the water quality related to increased selenium in IID
5 surface drains discharging to the Alamo River, the New River
6 and the Salton Sea in addition to the Alamo River at the
7 outlet to the Salton Sea;.

8 Agricultural resources consisted of the
9 reclassification of prime farmland or farmland of statewide
10 importance. In addition, recreation due to reduced sport
11 fishing opportunities at the Salton Sea, and also air
12 quality, indirect air quality impacts due to the potential
13 for windblown dust from exposed shoreline.

14 Just a brief introduction to the Habitat
15 Conservation Plan, which was included in the document. The
16 objectives of the plan were to minimize and mitigate
17 incidental take of federal and state listed species and
18 their habitats and certain other unlisted species and their
19 habitats.

20 In addition the objective of the HCP was support
21 incidental take permit in conformance with the federal state
22 and Endangered Species Acts and also provide regulatory
23 assurances to IID.

24 The HCP is divided into two primary components.
25 The first area I will discuss is the IID water service area.

1 Those components includes habitat restoration and
2 conservation strategies for tamarisk scrub, drain habitat,
3 desert habitat and agricultural habitat. We also identified
4 key species in the valley, which we refer to as flagship
5 species, which include the burrowing owls and the pupfish
6 and special measures for these species.

7 As a result of this, the mitigation included from
8 190 to 652 acres of managed marsh habitat to offset those
9 water quality impacts I referred to earlier and also the
10 creation of 300 to 900 acres of tree habitat. If we move to
11 the second major component, the Salton Sea component, the
12 document covers two approaches to mitigation to the Salton
13 Sea. The first approach is a hatchery and habitat
14 replacement approach. The second approach is a use of
15 conserved water as mitigation to the Sea.

16 That concludes my remarks.

17 MS. CARD: Thank you.

18 Now, I would like to go over the procedures for
19 tonight's hearing. We have a reporter present who will make
20 a verbatim transcript of these proceedings. I would like to
21 emphasize that we are having this hearing to obtain your
22 views. To do this, the following guidelines should be
23 observed:

24 First, please, confine your statements to your
25 views on the alternatives and the adequacy of the draft

1 EIR/EIS and the draft HCP. Second, this hearing is designed
2 for you to provide views and information to the Bureau of
3 Reclamation and the Fish and Wildlife Service. No
4 discussion or debate on the record will be allowed.

5 If you have any questions about the draft EIR/EIS,
6 please, remember that project staff from IID, the Bureau Of
7 Reclamation, the Fish and Wildlife Service and CH2MHill will
8 be available after the hearing is adjourned.

9 Third, while the hearing is in session, all spoken
10 statements will be recorded by the report. No one will be
11 recognized to speak other than those who wish to present
12 statements. Only one person may speak at a time.

13 Please speak slowly and clearly for the benefit of
14 the reporter. Clapping, booing and other such outbursts are
15 not appropriate and will not be reflected in the record.
16 Statements made at this meeting as well as all written
17 comments received on or before April 26, 2002, will be
18 considered by the Bureau of Reclamation and the Fish and
19 Wildlife Service in finalizing the EIR/EIS and making a
20 record of decision and issuing an incidental take permit
21 pursuant to Section 10 of the Endangered Species Act or ESA.

22 Fourth, each statement will be limited to five
23 minutes. Speakers are not allowed to reserve any extra time
24 for another speaker. Mr. Bruce Ellis, sitting over there,
25 will serve as a timer. He will raise a white card when you

1 have 30 seconds remaining and an orange card when ten
2 seconds are remaining. I will stop your presentation when
3 your time is up.

4 We intend to proceed first with those participants
5 who have filled out a speaker's card. Speakers not present
6 when initially called will be called at the end of the list.
7 Following the registered speakers, if time permits, others
8 will be given an opportunity to speak and additional comment
9 may be received from previous speakers.

10 It would be most helpful to the reporter if we
11 could obtain a copy of any prepared statement that you may
12 be reading from tonight. Please make sure that any written
13 statement you submit includes your name, address and the
14 organization you represent, if any.

15 When you are called upon to speak, please, hand me
16 a copy of your statement if you have one. Then, please,
17 clearly pronounce your name and identify any organization
18 that you are representing before beginning your statement.
19 If you have not filled out a speaker card, please, spell
20 your last name slowly for the reporter.

21 To give everyone who wants to speak that
22 opportunity and to minimize delays, I will announce the
23 current speaker as well as the speaker to follow. Once your
24 name is called, please, move toward the microphone and be
25 ready to speak when it is your turn.

1 Thank you. The first speaker we have is Lawrence
2 Anderson. Is Lawrence Anderson present?

3 David Hogan, representing the Center for Biological
4 Diversity. And following Mr. Hogan, Jan Cortez.

5 MR. HOGAN: Thank you for the opportunity to speak
6 tonight on the adequacy of the EIR/EIS and HCP for the water
7 transfer. My comments -- to begin the EIR/EIS HCP does not
8 meet the requirements of the endangered species act, NEPA or
9 California Environmental Quality Act with regard to two main
10 areas of importance. The one, the harm that will occur to
11 the Salton Sea as a result of the water transfer as well as
12 the harm to coastal San Diego from the growth inducing
13 effects of the water transfer.

14 As for harm of the Salton Sea, the effects are not
15 adequately addressed in the document. Including effects of
16 the quickening of the rise in salinity and the loss of the
17 fishery, collusion of a federal sea restoration effort and
18 exposure of lake bed sediments and resulting harm to air
19 quality in Imperial Valley and Mexicali Valley. The
20 transfer will harm coastal San Diego as well because of the
21 growth inducing effects of the transfer.

22 In 1999, the Center sent a letter to the U.S.
23 Department of Interior pointing out the likelihood and
24 requesting consideration of the growth inducing effects of
25 the water transfer, making ours the first organization to

Response to Comment P2-1

Comment noted. Responses to the individual concerns enumerated in the comment letter are provided below.

Response to Comment P2-2

A revised HCP alternative has been selected to mitigate biological impacts to the Salton Sea. For more information, 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 P2-3

The effect of the water conservation and transfer component of the Proposed Project in accelerating the rate of salinization and the response of fish resources to increases in salinity were described in detail under Impact BR-45. The response of piscivorous birds to changes in fish abundance were described in detail under Impact BR-46.

Response to Comment P2-4

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 P2-5

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 P2-6

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

P2-1

P2-2

P2-3

P2-4

P2-5

P2-6

1 raise this issue. Of course, these effects have been
2 ignored every since and the water transfer EIR/EIS HCP
3 continues this problem.

4 Why is it clear that the water transfer will induce
5 growth? I have to wonder isn't this a no-brainer? When you
6 bring water to an area in need of water for continued
7 growth, growth will be the result.

8 There's really two fundamental reasons for why this
9 will induce growth, and one is that the water transfer will
10 increase the reliability of existing supplies as well as
11 provide water above and beyond that which now reaches San
12 Diego in which San Diego County Water Authority is entitled
13 to, thereby providing a significant new -- brand new source
14 of water for future growth.

15 Some of the background on why this will occur, the
16 San Diego County Water Authority has a preferential right to
17 only about 15 percent of the Metropolitan Water District
18 supply in the event of shortage. No water to San Diego
19 County Water Authority is guaranteed beyond this supply.
20 That supply is not adequate to serve existing uses in San
21 Diego County. So, this water transfer will bolster that
22 reliability as well as provide water above and beyond the 15
23 percent not just for reliability but also as a new source.

24 Some of the additional water would simply replace
25 that loss during shortage. Some of the water is new above

15

HAHN & BOWERSOCK (800) 660-3187 (714) 662-1398 Fax

1 and beyond that potentially lost to shortage. Both
2 scenarios are growth inducing because California state law
3 now requires assured water supplies for any new major
4 developments. And this kind of gets to the no-brainer
5 portion. Any additional water above and beyond that now
6 supplied will, no doubt, induce new growth.

P2-6

7 There's been the point raised previously that,
8 well, no water can be brought in above and beyond existing
9 supplies because the aqueducts are full. That doesn't
10 account for the fact there are two new planned aqueducts to
11 San Diego from the Imperial Valley. One that would cross in
12 the U.S. into the lagoon and Cuyamaca Mountains and one that
13 would cross via the mountains in Mexico and serve as a
14 bi-national aqua duct.

P2-7

15 As for whether or not existing environmental review
16 processes have addressed the issue of Endanger Species Act
17 compliance, some have argued previously that regional
18 habitat conservation plans in coastal San Diego would take
19 care of the problem of Endangered Species Act compliance
20 with regard to the growth inducing effects of the transfer.

P2-8

21 That's absolutely untrue because existing HCPs that
22 have been approved simply didn't anticipate the level of
23 growth that this will induce because they were only
24 contemplating growth as facilitated by the amount of water,
25 which is now assured in southern California or San Diego.

Response to Comment P2-7

The commenter states that the impacts of a proposed conveyance facility from the Colorado River to San Diego and the Baja California region of Mexico should be evaluated and disclosed in the EIR/EIS. The commenter notes that the SDCWA/MWD Exchange Agreement provides transportation of transfer water for only 30 years, and some means will be required to transport water for the remainder of the transfer term. SDCWA is currently studying the feasibility of a bi-national water conveyance pipeline that would transport Colorado River water to the San Diego and Tijuana areas. That study has not been concluded, and the feasibility of such a project has not been determined. If SDCWA were at some point to make a decision to proceed with the project, a number of financial, environmental, and institutional concerns would first have to be identified, addressed, and satisfied. Because the proposed conveyance facility does not rise to the level of a "probable" future project which should be addressed as a cumulative impact per CEQA Guideline 15130, this EIR/EIS does not analyze that proposal. While it is true that a means of transporting the transfer water after 30 years would be needed, it is not at this point "probable" that the proposed conveyance facility described by the commenter would serve that purpose, or would even be constructed.

Response to Comment P2-8

It is not anticipated that the SDCWA service area would experience increased environmental impacts with respect to biological species of federal, state, regional, or local concern as a result of the Proposed Project because the Proposed Project is not growth-inducing. Therefore, ESA compliance and inclusion of San Diego species in the HCP prepared for the Project is unnecessary. Please refer to the Master Response on *Other—Growth Inducement Analysis* in Section 3 of this Final EIR/EIS for additional information.

P2-8

1 Other HCPs are in the works and haven't been approved and
2 those documents can't be relied on for Endangered Species
3 Act compliance.

P2-9

4 As for CEQA and NEPA compliance, I'm aware of no
5 other documents which have addressed this issue for coastal
6 San Diego County. So, this document must be the document to
7 cover that.

8 We will be submitting much more detailed comments
9 addressing the effects of water transfer on both the Salton
10 Sea and the coastal San Diego.

11 Thanks for your consideration.

12 MS. CARD: Thank you. Jan Cortez representing the
13 American Lung Association of San Diego then Philip Pryde.

14 MS. CORTEZ: Thank you.

15 And I just have one correction. We are the
16 American Lung Association of San Diego and Imperial
17 Counties.

P2-10

18 The American Lung Association has grave concerns
19 about the dust that will be generated from this project. In
20 particular, we have concerns about the following, the
21 shrinking Salton Sea and exposed sea bottom, the potential
22 for airborne carcinogenic particles from the shrinking
23 Salton Sea and the increased shoreline, and we do not agree
24 with the EIR's assessment of the lack of similarities
25 between Owens Lake and the Salton Sea and the results of

17

HAHN & BOWERSOCK (800) 660-3187 (714) 662-1398 Fax

Response to Comment P2-9

Refer to response to Comment P2-8.

Response to Comment P2-10

Refer to the following Master Responses in Section 3 of the Final EIR/EIS: *Air Quality—Salton Sea Air Quality Monitoring and Mitigation Plan*; *Air Quality—Air Quality Issues Associated with Fallowing*; and *Air Quality—Health Effects Associated with Dust Emissions*.