

5.2 Comments and Responses for State Agencies

5.2 COMMENTS AND RESPONSES FOR STATE AGENCIES	5-53
LETTER - S1. CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD. SIGNATORY - PHIL GRUENBERG.....	5-55
LETTER - S2. CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD. SIGNATORY - TERESA NEWKIRK GONZALES.....	5-57
LETTER - S3. STATE WATER RESOURCES CONTROL BOARD DIVISION OF WATER RIGHTS. SIGNATORY - EDWARD C. ANTON.....	5-59
LETTER - S4. CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY. SIGNATORY - RICARDO MARTINEZ.....	5-64
LETTER - S5. CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD. SIGNATORY - JOSE ANGEL, P.E.....	5-72
LETTER - S6. DEPARTMENT OF FISH AND GAME. SIGNATORY - CURT TAUCHER.....	5-141
LETTER - S7. THE STATE OF ARIZONA GAME AND FISH DEPARTMENT. SIGNATORY - DUANE L. SHROUFE.....	5-161
LETTER - S8. CALIFORNIA HEALTH AND HUMAN SERVICES AGENCY DEPARTMENT OF HEALTH SERVICES. SIGNATORY - MICHELLE M. BROWN.	5-170
LETTER - S9. CALIFORNIA DEPARTMENT OF FOOD AND DRUG. SIGNATORY - STEVE SHAFFER.....	5-172
LETTER - S10. CALIFORNIA US DEPARTMENT OF PARKS AND RECREATION THE RESOURCES AGENCY. SIGNATORY - DAVID H. VAN CLEVE.....	5-179



California Regional Water Quality Control Board
Colorado River Basin Region



Winston H. Hickox
 Secretary for
 Environmental
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Gray Davis
 Governor

Letter - S1. California Regional Water Quality Control Board. Signatory - Phil Gruenberg.

MAR - 8 2002

Mr. Bruce D. Ellis
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 Phoenix Area Office (PXAO-1500)
 P.O. Box 81169
 Phoenix, AZ 85069-1169



Mr. Elston Grubaugh
 Manager of Resources, Management, and Planning Department
 Imperial Irrigation District
 P.O. Box 937
 Imperial, CA 92251

Dear Mr. Ellis and Mr. Grubaugh:

RE: IMPERIAL IRRIGATION DISTRICT WATER CONSERVATION AND TRANSFER PROJECT
 DRAFT HABITAT CONSERVATION PLAN/DRAFT ENVIRONMENTAL IMPACT
 REPORT/ENVIRONMENTAL IMPACT STATEMENT

Thank you for providing us the opportunity to comment on the subject document.

51-1 The EIR/EIS as now written presents a very limited scope of impacts from water conservation and transfer, particularly pertinent to the Salton Sea. The primary concern is its failure to weigh the impacts of various water transfer alternatives with reasonable Salton Sea restoration alternatives, such as utilization of constructed evaporation basins to stabilize the Sea's salinity. The subject document appears to either presuppose that there will be no Salton Sea restoration or simply ignore the question. The important question is not how much faster the Salton Sea's demise will be with a water transfer, but rather how a Salton Sea restoration project can be successfully accomplished in conjunction with water transfer and conservation implementation. The document inadequately responds to that topic.

51-2 Although a preferred Salton Sea restoration project has not been selected or funded, the potential has not been eliminated either, and the research by the Salton Sea Authority, U.S. Bureau of Reclamation, and others seems very close to a decision point on a restoration project. The transfer of water and the Salton Sea restoration are interconnected and should not be considered independently.

51-3 The EIR/EIS presents a Habitat Conservation Plan as an alternative to mitigate the impacts from the demise of the Salton Sea, but the mitigation largely focuses on only one of the Sea's many beneficial uses—threatened and endangered species. All the other beneficial uses of the Sea are essentially ignored—boating, fishing, wildlife habitat, water sports, the local economy etc. In general, this approach seems unbalanced, and biased against wholly restoring the Sea and all its beneficial uses.

Response to Comment S1-1

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. In addition, please refer to the Master Response on *Other—Relationship Between the Proposed Project and Salton Sea Restoration Project*, also in Section 3 in this Final EIR/EIS.

Response to Comment S1-2

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 S1-3

The Habitat Conservation Plan only addresses threatened and endangered species because it was developed to meet the legal requirements for obtaining incidental take authorization for listed species and other special-status species under the federal and state Endangered Species Acts.

Regional Board staff are undergoing a careful review of the subject document, and their much more detailed comments should be forthcoming shortly. If you have any questions, please contact me at (760) 346-7491.

Sincerely,


PHIL GRUENBERG
Executive Officer

PG/kg

cc: Region 7 Board Members
Celeste Cantu-SWRCB
Lori Okun-SWRCB-OCC
Eugenia McNaughton-USEPA
Tom Kirk-Salton Sea Authority, La Quinta
Michael Walker-U.S. Bureau of Reclamation
Basin Planning Interested Parties List

File: BP WT



California Regional Water Quality Control Board
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Gray Davis
 Governor

**Letter - S2. California Regional Water Quality
 Control Board. Signatory - Teresa Newkirk
 Gonzales.**

April 18, 2002

QSA PEIR
 Science Applications International Corporation
 816 State Street, Suite 500
 Santa Barbara, CA 93101

SUBJECT: CLARIFICATION COMMENTS ON DRAFT PROGRAM ENVIRONMENTAL
 IMPACT REPORT IMPLEMENTATION OF THE COLORADO RIVER QUANTIFICATION
 SETTLEMENT AGREEMENT

We made the following comments on ES-4 Lines 25 and 27-31; Table ES-1; Table ES-1 (page 11 of 29); 3.1.28 Line 26; 3.1.29 Table 3.1-15; and 4-14 Lines 1-7: "Increased selenium concentration is identified as a significant and unavoidable impact. The subject document concludes that "no reasonable mitigation is available". The aforementioned conclusion is deficient for CEQA purposes (14 CCR 15130). Further, we disagree with the conclusion, as Best Management Practices (BMPs) are available to address selenium impacts. Such BMPs include wetland management for enhancement of selenium volatilization, algal-bacterial selenium reduction systems, use of piping irrigation laterals, and removal of selenium using emulsion liquid membranes. Selenium TMDLs (required by the Clean Water Act) for drains and the Salton Sea will require Imperial Valley farmers to address selenium impacts through BMP implementation. The final PEIR must address measures to reduce selenium impacts."

As a point of clarification, the Selenium TMDL referred to in our comments, has been proposed by U.S. EPA. It is our understanding that it would focus on selenium throughout the upper and lower Colorado River Basin States (Colorado River Watershed), and would address selenium reduction at the sources, but could also include management practices to address concentrating of selenium in Imperial Valley. If U.S. EPA adopts the TMDL, the States would likely be delegated responsibility for implementing applicable provisions.

If you have any additional questions, please contact me at (760) 346-7491.

Sincerely,

TERESA NEWKIRK GONZALES, Senior Environmental Scientist
 TMDL Development Unit Chief

TN:tn

File: CR-WATER TRANSFER

Response to Comment S2-1
 Please refer to the Master Responses on *Hydrology—Selenium Mitigation* and *Hydrology—TMDLs* in Section 3 in this Final EIR/EIS.

S2-1

Implementation of the Colorado River Water
Quantification Settlement Agreement
PEIR SCH # 2000061034

- 2 -

April 18, 2002

CC:

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Winston H. Hickox
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State Water Resources Control Board

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Gray Davis
Governor

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption.
For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>.*



APR 29 2002

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Mr. Elston Grubaugh, Manager
Imperial Irrigation District
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P.O. Box 937
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COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT /
ENVIRONMENTAL IMPACT STATEMENT AND DRAFT HABITAT CONSERVATION
PLAN (DRAFT EIR/EIS)SCH #2000061034

Dear Mr. Ellis and Mr. Grubaugh:

State Water Resources Control Board (SWRCB) staff provide the following comments on the Draft Environmental Impact Report/Environmental Impact Statement and Draft Habitat Conservation Plan (Draft EIR/EIS) for the Imperial Irrigation District/San Diego County Water Authority Water Conservation and Transfer Project. Our comments on this document concern procedural issues that relate to the water rights process.

The Draft EIR/EIS includes an evaluation of potential environmental consequences that could result from implementing the proposed project and various alternatives to the proposed project. With the exception of the No Project alternative, the proposed project, and each of the alternatives considered, includes implementation of the Draft Habitat Conservation Plan (HCP). We note that some of the mitigation measures identified in the HCP involve designating Colorado River water for environmental uses.

In particular, the Salton Sea portion of the HCP identifies two approaches to addressing the effects the proposed project could have on fishery resources at the Salton Sea. The two approaches, 1) Hatchery and Habitat Replacement, and 2) Use of Conserved Water as Mitigation, each involve redirecting a portion of Imperial Irrigation District's (IID) Colorado River entitlement to support environmental mitigation measures. The first approach to mitigating impacts to the Salton Sea involves building a fish hatchery, and later constructing 5,000 acres of ponds to serve as feeding areas for fish-eating birds. The second approach would maintain flows to the Salton Sea by dedicating water conserved either through on-farm conservation efforts or land fallowing to offset the decrease in agricultural runoff that would result from the proposed project. In addition to the two approaches to addressing impacts to the Salton Sea, the HCP also considers creating up to 652 acres of marsh habitat, which apparently would also use Colorado River water.

Letter - S3. State Water Resources Control Board Division of Water Rights. Signatory - Edward C. Anton.

Response to Comment S3-1

The SWRCB comments state that certain biological enhancement measures provided for in the HCP involve "redirecting" Colorado River water from agricultural use to environmental use, and that such redirected use requires the filing of a petition with the SWRCB. IID disagrees with this interpretation of State law. IID maintains that the right to use water for agricultural purposes includes the right to mitigate the environmental impacts of those agricultural uses. Water Code Section 1011 states that the conservation of water normally used for agricultural purposes pursuant to Section 1011 is an agricultural use. Therefore, mitigating the environmental impacts of creating the conserved water should not constitute a change in purpose of use (i.e., it is still an agricultural use). The comments also state that if water use for environmental purposes occurs outside of IID's water service area, IID should file a petition with the SWRCB to expand the place of use. IID is willing to amend its current Petition to seek a change in the purpose of use for water used to implement the HCP from agricultural to environmental and, if an HCP measure that uses water is located outside of IID's already approved place of use, to expand IID's authorized place of use, but such amendments should not be required.

Response to Comment S3-2

Please refer to the response given for Comment S3-1.

63-1

63-2

Mr. Bruce D. Ellis
Mr. Elston Grubaugh

2

APR 29 2002

Letter - S3
Page 2

Response to Comment S3-3

Please refer to the response given for Comment S3-1.

62.2 [Each of these approaches involves redirecting water from agricultural use to environmental use. If IID desires to implement either of the two approaches, or to implement the marsh habitat mitigation measure with water diverted under IID's SWRCB-issued water right permits, IID must file a petition with the SWRCB to add fish and wildlife as an authorized purpose of use to IID's water right permits. If the water is used in an area outside of IID's place of use, IID should also file with the SWRCB a petition to expand the authorized place of use under IID's water right permits. The SWRCB would have to approve the petitioned actions before the changes could be implemented.

If you have any questions about this letter or other procedural matters related to the proposed project, you may contact Tom Peltier, Senior Engineering Geologist at (916) 341-5353.

Sincerely,



Edward C. Anton, Chief
Division of Water Rights

Enclosure

cc: Scott Morgan, Project Analyst
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IID List of Parties to Exchange Information (Enclosed)

**LIST OF PARTIES TO EXCHANGE INFORMATION
Imperial Irrigation District/San Diego County Water Authority
Water Transfer Hearing**

Letter - S3
Page 3

(Note: the parties whose E-mail addresses are listed below agreed to accept electronic service, pursuant to the rules specified in the Hearing Notice.)

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Revised: 03/11/2002

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