



State of California - The Resources Agency

DEPARTMENT OF FISH AND GAME

<http://www.dfg.ca.gov>
 1416 Ninth Street
 Sacramento, CA 95814
 (916) 654-3821

GRAY DAVIS, Governor

May 29, 2002

VIA FACSIMILE AND U.S. MAIL

Maureen Stapleton
 General Manager
 San Diego County Water Authority
 4677 Overland Avenue
 San Diego, California 92123

John Carter
 Partner
 Horton, Knox, Carter and Foote
 895 Broadway
 El Centro, California 92243

Dear Maureen and John:

As you know, the California Department of Fish and Game (Department) and the United States Fish and Wildlife Service have been engaged in discussions with your agencies for several months in an attempt to formulate a mitigation plan for species at the Salton Sea affected by the water transfer between San Diego/Imperial Irrigation District. Our discussions have led the Department to closely examine mitigation options for ponds of varying sizes (500 to approximately 5,000 acres) in conjunction with a hatchery in the vicinity of the Sea. After considerable analysis of the biological attributes of these proposals, the Department has concluded that they do not minimize and fully mitigate the impacts of the transfer as required by the California Endangered Species Act. At a meeting on April 21, 2002, your agencies were informed of the Department's decision in this regard and were told to expect a joint letter from the Service and the Department formally setting forth our decision. The Department believes that you can expect that letter in the near future. However, in light of the proceedings now pending before the State Water Resources Control Board, I am now providing you with this expression of the Department's views as they relate to the so-called "pond option."

Thank you for your continued cooperation in this complicated and delicate matter.

Sincerely,

MICHAEL R. VALENTINE
 General Counsel

cc: Ben Clay

Conserving California's Wildlife Since 1870