

## 5.8 Comments and Responses for Public Hearings

<b>COMMENTS AND RESPONSES FOR PUBLIC HEARINGS</b>	<b>5-1083</b>
LETTER - P1. SIGNATORY - LA QUINTA GROUP COMMENTERS PH 4.2.02. ....	5-1085
LETTER - P2. SIGNATORY - SAN DIEGO GROUP COMMENTERS PH 4.4.02.....	5-1107
LETTER - P3. SIGNATORY - EL CENTRO GROUP COMMENTERS PH 4.3.02.....	5-1182

P1

**EIR/EIS Public Hearing Transcript**

**La Quinta, CA**

**April 2, 2002**

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IMPERIAL IRRIGATION DISTRICT  
WATER CONSERVATION AND TRANSFER PROJECT  
DRAFT EIR/EIS PUBLIC HEARING  
LA QUINTA, CALIFORNIA

DATE: TUESDAY, APRIL 2ND, 2002

PLACE: IID BOARD ROOM  
81-600 AVENUE 58  
LA QUINTA, CALIFORNIA

REPORTER: LANA KIESER, CSR. NO. 12100

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APPEARANCES:

JOAN CARD:

Attorney Advisor,

U.S. Department of the Interior, Office of the Solicitor

JESSE P. SILVA:

General Manger, Imperial Irrigation District

BILL RINNE:

Deputy Regional Director, U.S. Department of the Interior

Bureau of Reclamation, Lower Colorado Region

CAROL ROBERTS:

Salton Sea Coordinator, Carlsbad office of the

U.S. Fish and Wildlife Service

MICHAEL CONCANNON:

Senior Project Manager, CH2M Hill

1 LA QUINTA, CALIFORNIA

2 APRIL 2ND, 2002

3 5:05 P.M.

4  
5 MS. CARD: If everyone would please take their  
6 seats. It's time to begin this public hearing. On behalf  
7 of the Bureau of Reclamation and the Fish and Wildlife  
8 Service, I'd like to welcome each of you here this  
9 evening. We are looking forward to receiving your  
10 comments on the draft Environmental Impact  
11 Report/Environmental Impact Statement, or EIR/EIS, for the  
12 Imperial Irrigation District Water Conservation and  
13 Transfer Project and draft Habitat Conservation Plan or  
14 HCP. These hearings are being held in compliance with  
15 National Environmental Policy Act or NEPA.

16 My name is Joan Card, and I'm an attorney for  
17 the Department of the Interior's Office of the Solicitor  
18 in Phoenix. I will be the presiding officer for tonight's  
19 hearing.

20 The purpose of this hearing is to receive public  
21 comments, views and suggestions about the EIR/EIS,  
22 particularly the adequacy with which the EIR/EIS  
23 identifies and describes the potential impacts associated  
24 with implementing the Water Conservation and Transfer  
25 Project and the HCP.

1           The draft EIR/EIS was filed with the  
2   Environmental Protection Agency on January 18th, 2002.  
3   Copies were distributed to affected and interested  
4   agencies, organizations and individuals and have been  
5   available for public review since that date.

6           If you do not already have a copy and would like  
7   one, there are a limited number of complete copies of the  
8   draft EIR/EIS on compact disc versions, and the printed  
9   executive summaries of the document are available at the  
10  sign-in desk tonight. If you need a printed copy of the  
11  entire document, please leave your name and address at the  
12  sign-in desk.

13           I'd like to introduce the people that are here  
14  tonight to hear your comments. Sitting next to me is  
15  Jessie Silva, general manager for the Imperial Irrigation  
16  District. Next to him is Mr. Bill Rinne, the deputy  
17  regional director for the Bureau of Reclamation, Lower  
18  Colorado Regional Office. Next to him is Carol Roberts,  
19  Salton Sea coordinator for the Carlsbad office of the  
20  United States Fish and Wildlife Service.

21           There are several staff members and  
22  representatives here from IID and it's consulting firm,  
23  CH2M Hill. I'll ask these folks to stand now. After the  
24  hearing, these people will be available for informal  
25  discussion related to the draft EIR/EIS.

1           We understand that IID held a workshop here on  
2 February 28th to provide a brief summary of the proposed  
3 project and to answer questions regarding the document and  
4 its findings. Tonight we are here to listen to your views  
5 and opinions.

6           We have a reporter present tonight who will make  
7 a verbatim transcript of these proceedings. We also have  
8 a Spanish-speaking interpreter here. Anyone who would  
9 like to hear the proceedings in Spanish should move up to  
10 the interpreter's table up front and put on a headset. A  
11 headset will be provided.

12           I want to emphasize that we are having this  
13 hearing to obtain your views only. To do this, the  
14 following guidelines should be observed. First, please  
15 confine your statements to your views on the alternatives  
16 and the adequacy of the draft EIR/EIS and the draft HCP.

17           Second, this hearing is designed for you to  
18 provide views and information to the Bureau of Reclamation  
19 and the U.S. Fish and Wildlife Service. No discussion or  
20 debate on the record will be allowed. If you have any  
21 questions about the draft EIR/EIS, please remember that  
22 the project staff from IID, the Bureau of Reclamation, the  
23 Fish and Wildlife Service and CH2M Hill will be available  
24 after the hearing is adjourned.

25           Third, while in this session, all spoken

1 statements will be reported by the reporter and no one  
2 will be recognized to speak other than those who wish to  
3 present statements. Only one person may speak at a time.  
4 Please speak clearly for the benefit of the reporter and  
5 the translator. Also, clapping, booing or other such  
6 outbursts are not appropriate and will not be reflected in  
7 the record.

8           Statements made at this meeting as well as all  
9 written comments received on or before April 26th, 2002,  
10 will be carefully considered by the Bureau of Reclamation  
11 and the U.S. Fish and Wildlife Service in finalizing the  
12 EIR/EIS and making a Record of Decision or issuing an  
13 incidental take permit pursuant to Section 10 of the  
14 Endangered Species Act.

15           Fourth, each statement will be limited to five  
16 minutes, not including time used for translating into  
17 English. Speakers are not allowed to reserve any extra  
18 time for another speaker. Mr. Bruce Ellis, sitting next  
19 to Ms. Roberts, will serve as a timer. He will raise a  
20 white card when you have 30 seconds remaining. He will  
21 raise an orange card when 10 seconds are remaining. I  
22 will stop your presentation when your time is up.

23           We intend to proceed first with those  
24 participants who have already submitted a speaker card.  
25 Speakers not present when initially called, will be called

1 at the end of the list. If time permits, others will be  
2 given an opportunity to speak following the registered  
3 speakers, and additional comments may be received from the  
4 previous speakers. If you would like the assistance of an  
5 interpreter, please indicate this on the speaker card or  
6 let me know before you begin.

7 It would be most helpful to the reporter if we  
8 can obtain a copy of any prepared statement that you may  
9 be reading from. Please be sure that any written  
10 statement that you submit includes your name, address and  
11 the organization you represent, if any.

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

18 At this point we'll proceed to give everyone who  
19 wants to speak that opportunity. To minimize delays, I  
20 will announce the current speaker as well as the two  
21 speakers to follow. Once your name is called, please move  
22 up towards the microphone and be ready to speak when it is  
23 your turn.

24 It looks like we have a number of speaker cards.  
25 Anybody else have any other cards? Okay. So we have



1 Mark Nichols, and then we'll hear from Sergio Nunez. I  
2 have two speaker cards for Mark Nichols. I assume there's  
3 only one.

4 MR. NICHOLS: There was only one that I put in  
5 there, so I'm not sure.

6 MS. CARD: So Mark Nichols, Sergio Nunez and Chuck  
7 Friedly. Okay.

8 MR. NICHOLS: Okay. Well, thank you. I did have  
9 some statements or some notes that were prepared for me by  
10 somebody, but I apologize, because I rarely read from the  
11 notes, but I use them to work off of. I want to start by  
12 thanking you for having the opportunity, Madame Chair, and  
13 other members of the task force today for taking the  
14 testimony.

15 My name is Mark Nichols, and I'm the chief  
16 executive officer for the Cabazon Band of Mission Indians,  
17 a federally-recognized tribe in the Coachella Valley. We  
18 have a piece of property that's a square mile,  
19 approximately three miles or so from the shoreline, and we  
20 have no direct economic interest for property on the  
21 shoreline itself.

22 Ours is really one of a custodial and a trustee  
23 relationship to the area in general on how we approach  
24 this problem, and also as a member of the Coachella Valley  
25 Association of Governments or that body of governments

**Response to Comment P1-1**

In response to comments, the text of Sections 3.9 and 3.15 have been revised. The changes are indicated in subsections 3.9 and 3.15, respectively, in Section 4.2, Text Revisions in this Final EIR/EIS.

**Response to Comment P1-2**

Without a specific reference to a part of the Draft EIR/EIS, this comment is too general to respond to. Comment noted. Also 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 P1-3**

See response to Comment P1-2.

**Response to Comment P1-4**

SWRCB has considered the issue of whether the public trust doctrine requires that agricultural drainage water be supplied to the Salton Sea: "The public trust doctrine is based upon the state's ownership of navigable waterways and underlying lands as trustee for the benefit of the people. (Citation omitted.) Upon its admission to the Union in 1850, California acquired title as trustee to navigable waterways and underlying lands. (Citation omitted.) No such title or public trust easement was acquired to the property underlying the present Salton Sea since the Sea was not created until 1905. Therefore, regardless of the extent to which the public trust doctrine may or may not apply to an artificial body of water, it is apparent that the doctrine does not justify continued inundation of property to which no public trust easement attaches." SWRCB Order 84-12, footnote 1.

1 that are administrating the upper Coachella Valley for the  
2 sake of the citizens.

3 We are here basically because of our deep  
4 concern on public health issues that have ranged locally,  
5 statewide and in other parts of even the globe, as they  
6 relate to indigenous people. We believe that it is  
7 important for us to maintain a strong ecosystem, and that  
8 this ecosystem, of course, includes human life as well.  
9 Oftentimes, it's sort of left out of the equation.

10 We believe that the issues that have surrounded  
11 and revolved around the Salton Sea have come to be defined  
12 as those of pollution. That, in fact, the most imminent  
13 threat that there is for the Salton Sea are these  
14 transfers themselves, and that the appropriate tactic is  
15 to, first of all, be sure that we are not exasperating the  
16 issue. After all, the Sea has survived for many decades,  
17 and we would argue, literally for thousands of years if  
18 you look at the multiple stands of water.

19 Our relationship to the body of water is one of  
20 continuity, and it is not necessarily looked at as it  
21 relates to an agricultural repository for water. We  
22 believe that by transferring the water, we are in essence  
23 contravening a public trust doctrine, and that the water  
24 in the Sea has become a natural resource for the state of  
25 California, certainly for us locally, and for that matter

P1-1

P1-2

P1-3

P1-4