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11 **STATE OF CALIFORNIA**

12 **STATE WATER RESOURCES CONTROL BOARD**

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15 JOINT PETITION OF (IMPERIAL IRRIGATION)  
DISTRICT AND SAN DIEGO WATER)  
16 AUTHORITY FOR APPROVAL OF LONG-TERM)  
TRANSFER OF CONSERVED WATER, ETC.)  
17 UNDER PERMIT NO. 7643 (APPLICATION NO.)  
7482) )

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23 **COUNTY OF IMPERIAL**

24 **EXHIBIT 1**

25  
26 **WRITTEN TESTIMONY OF JURG HEUBERGER**  
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**WRITTEN TESTIMONY OF JURG HEUBERGER, AICP**

My name is Jurg Heuberger, AICP, and I am the Planning Director for the Imperial County Land Use Planning Department. My business address is 939 Main St., El Centro, Ca., 92243, (760) 482-4236.

**PROFESSIONAL BACKGROUND**

I am the Director of the Land Use Planning Department, whose functions include long range land use planning; mandated general plan updates; short term planning (permitting); environmental impact studies, including preparation and review; coordination with Federal and State agencies; coordination with Southern California Association of Governments (SCAG), and code enforcement. This also includes serving as an advisor to the Planning Commission, the Airport Land Use Commission and the Board of Supervisors.

I have served the County as Director for 17 years. Previous thereto I served as the Assistant Director and have been employed by the County for 27 years.

During these years I have had the primary responsibility to prepare or supervise the preparation of numerous projects involving complex land use, and technically exhaustive environmental studies. Among the more regionally significant and technically complex projects have been: (a) the permitting of a Class I hazardous waste landfill (Safety Kleen) between 1985 and 1991; (b) the preparation of the first comprehensive General Plan/EIR update since 1975 prepared between 1991 and 1996; (c) the permitting and supervision of a massive EIR for a

1 “regional rail haul” solid waste facility, known as the ARID project, between 1991 and 1996; (d)  
2 the permitting and development of several geothermal power plants; among others.

3  
4 I am a member of the National Association of Environmental Professionals with a  
5 designation as a “Certified Environmental Professional” (CEP). I am a member of the American  
6 Institute of Certified Planners (AICP). I am also a "certified building expert" and consultant for the  
7 State Contractors Licensing Board and hold seven contractors licenses including a "B" license.  
8

9  
10 I received a Bachelor of Science Degree in Architecture, from California State Polytechnic  
11 State University at San Luis Obispo, in 1973.  
12

13  
14 LEGALLY-PROTECTED INTERESTS OF IMPERIAL COUNTY  
15 *(excerpts from the General Plan)*

16 As mandated by the State the County has adopted a comprehensive general plan to guide its  
17 development and to enhance the future of its residents. This plan delineates the “goals” and  
18 “policies” to direct the plan's implementation through a series of ordinances. The County’s  
19 comprehensive general plan contains the mandatory elements, and several optional elements  
20 including an agriculture element and a water element.  
21

22  
23 These elements express the long range views of the County in terms of the anticipated  
24 development and growth of the County within the foreseeable future. They also express mandates  
25 that under State law must guide the County's decisions on the use of its natural resources. The  
26 County is therefore obligated to ensure that its general plan provisions are protected unless  
27 superseded by higher legal authority.  
28

1  
2 The general plan's provisions that are relevant to the proposed transfer of water from the  
3 Imperial Irrigation District to the San Diego County Water Authority and other water districts are  
4 set forth here:

5  
6 BACKGROUND

7 Settlement of Imperial Valley

8 In the nineteenth century, Imperial Valley held little attraction for settlers. The stage routes  
9 along the Southern Emigrant Trail and the Alternate Eastern Route to San Diego were the  
10 main transportation corridors through the valley in the early years. Although many people  
traveled through Imperial Valley, few recognized its agricultural potential.

11 Attempts were made in the latter half of the nineteenth century to irrigate and develop  
12 Imperial Valley; however, lack of funds as well as water and government restrictions  
13 deterred any substantial development. The initial irrigation of Imperial Valley eventually  
14 resulted from the efforts of Charles R. Rockwood and George Chaffey, experienced water  
engineers who organized the California Development Company in the early 1890's. To  
entice settlers, the developers called the newly irrigated area, the Imperial Valley.

15 In March of 1900, surveys for a feasible canal route from the Colorado River to Imperial  
16 Valley were conducted and the Imperial Land Company was formed as a subsidiary of the  
California Development Company. The Imperial Land Company was organized to promote  
opportunities for agricultural and other development of the Valley and to bring in settlers.  
The settlers would be able to claim government land under the Desert Land Act.

17  
18 The California Development Company succeeded in conveying the first irrigation water to  
19 Imperial Valley in 1901, with the opening of the Alamo Canal. The Alamo Canal project  
spawned a series of towns and the large agricultural area in Imperial Valley. The  
community of Imperial was laid out in 1901.

20 From 1901 to 1905, Imperial Valley developed rapidly as land was cleared and more  
21 irrigation and drainage ditches were completed. By 1907, the California Development  
22 Company had succeeded in attracting nearly 15,000 people and Imperial County, originally  
part of San Diego County, was incorporated as a separate jurisdiction.

23 Initially, the transcontinental line of the Southern Pacific Railroad was located along the  
24 north end of Imperial Valley and northeast of the Algodones Sand Dunes to Yuma. To  
serve the new settlements in Imperial Valley, a branch line was built from Niland in the  
spring of 1903, permitting increased commercial export of agricultural products.

25  
26 A faulty canal entry on the Colorado River caused disastrous flooding in the Imperial  
27 Valley between 1905 and 1907, inundating new and valuable agricultural lands and creating  
the Salton Sea in the north end of Imperial County. Following a monumental effort by the  
28 California Development Company and the Southern Pacific Company, the river was turned  
back into its previous channel.

1 In the wake of this flood and to prevent future flooding, the residents of Imperial Valley  
2 were forced to make major improvements of the irrigation system. By 1916 the Imperial  
3 Irrigation District had bought the rights and property of the California Development  
4 Company and Southern Pacific Company, and settlement of Imperial Valley expanded  
5 along with the growth of agriculture.

6 The All-American Canal was completed in 1941, eliminating those portions of the supply  
7 systems previously located in Mexico and a reliable water supply was assured. Agriculture  
8 still continues to be the predominant activity in Imperial Valley, however, other major  
9 industries are now becoming part of a wider economic base such as geothermal energy  
10 development, mining, customs brokers, tourism, and the provision of essential regional and  
11 national facilities such as correctional institutions and military training facilities.

### 12 *Human and Natural Resources*

13 Imperial County is located in the southeast corner of California. It is bordered on the west  
14 by San Diego County, on the north by Riverside County, on the east by the Colorado River  
15 which forms the Arizona boundary, and on the south by 84 miles of the International  
16 Boundary with the Republic of Mexico (Baja California). The County covers an area of  
17 4,597 square miles or 2,942,080 acres.

18 Approximately fifty percent of County lands are undeveloped and under federal ownership  
19 and jurisdiction. Presently, one-fifth of the nearly 3 million acres of the County is irrigated  
20 for agricultural purposes, most notably the central area known as Imperial Valley. The  
21 developed area, where the County's incorporated cities, unincorporated communities, and  
22 supporting facilities are situated comprises less than one percent of the land.  
23 Approximately seven percent of the County is the Salton Sea.

### 24 LAND USE ELEMENT: (GOALS AND OBJECTIVES)

#### 25 **Commercial Agriculture**

26 Goal 1: Preserve commercial agriculture as a prime economic force.

27 Objective 1.1 Encourage the continued agricultural use of prime/productive agricultural lands.

#### 28 **Economic Growth**

Goal 2: Diversify employment and economic opportunities in the County while  
preserving agricultural activity.

Objective 2.1 Achieve a balanced and diversified local economy with a variety of economic and  
employment opportunities.

Objective 2.2 Provide adequate space and land use classifications to meet current and projected  
economic needs for commercial development.

#### **Regional Vision**

Goal 3: Achieve balanced economic and residential growth while preserving the unique natural,  
scenic, and agricultural resources of Imperial County.

1 Objective 3.1 Maintain and improve the quality of life, the protection of property and the public  
2 health, safety, and welfare in Imperial County.

3 Objective 3.2 Preserve agriculture and natural resources while promoting diverse economic growth  
4 through sound land use planning.

## 5 AGRICULTURE ELEMENT (Goals and Objectives)

### 6 **Irrigation Agriculture**

7 Favorable climate, productive soils, and the availability of irrigation water have  
8 permitted Imperial County to become a leading producer of agricultural products.  
9 Irrigation agriculture in the County is extremely diverse and includes numerous types of  
10 vegetable crops including lettuce, carrots, onions, tomatoes, cauliflower, and broccoli;  
11 alfalfa, Sudan grass, and other animal feed; sugar beets; wheat and other grains; melons;  
12 cotton; and various citrus, fruits, and nuts. In 1990, Imperial County surpassed one  
13 billion dollars in gross income from all agricultural products combined, and in 1988,  
14 1989, and 1991, the gross income was a little under the one billion dollar figure (Table  
15 1) [attachment A to this testimony]. Vegetable and melon crops, as a category, have  
16 traditionally represented the highest gross value, followed by field crops, fruit and nut  
17 crops, seed crops and nursery products, and apiary products.

18 Two resources that are vital to past and future agricultural production are productive  
19 soils and adequate water. A review of these two resources is important for placing  
20 many of the trends, issues, goals, and objectives raised in this Element into perspective.

21 The goal and objects for the productive soils can be found in the Agricultural element of  
22 the County's General Plan. The Water goals and objective are found in the Water  
23 Element of the General Plan and summarized below.

## 24 WATER ELEMENT

25 [While the Water Element is an "optional element" it was included in the County's general  
26 plan to preserve and protect the adequacy of a future water supply, and it has equal standing  
27 to the other elements.]

### 28 Goals and Objectives

#### Adequate Domestic Water Supply

Goal 1: The County will secure the provision of safe and healthful sources  
and supplies of domestic water adequate to assure the implementation of the County  
General Plan and the long-term continued availability of this essential resource.

Objective 1.1 The efficient and cost-effective utilization of local and imported water  
resources through the development and implementation of urban use patterns.

1 Objective 1.2 The efficient regulation of land uses that economizes on water consumption,  
2 enhances equivalent dwelling unit demand for domestic water resources, and that makes  
3 available affordable resources for continued urban growth and development.

### 3 Protection of Surface Waters

4 Goal 2: Long-term viability of the Salton Sea, Colorado River, and other surface waters in  
5 the County will be protected for sustaining wildlife and a broad range of ecological  
6 communities.

6 Objective 2.1 The continued viability of the agricultural sector as an important source of  
7 surface water for the maintenance of valuable wildlife and recreational resources in the  
8 County.

8 Objective 2.2 A balanced ecology associated with the riparian and biological communities  
9 important as breeding and foraging habitats for native and migratory birds and animals  
10 occurring within the County.

10 Objective 2.3 Preservation of riparian and habitats as important biological filters as  
11 breeding and foraging habitats for native and migratory birds and animals.

### 12 Adequate Agricultural Irrigation Water Supply

13 Goal 3: The County will secure the provision of safe and healthful sources and supplies of  
14 agricultural irrigation water adequate to assure the continuation of agricultural land uses as  
15 established by the County General Plan and the long-term continued availability of this  
16 essential resource.

16 Objective 3.1 The efficient and cost-effective utilization of local and imported water  
17 resources through the development and implementation of innovative agricultural use  
18 patterns.

### 18 Coordinated Water Management

19 Goal 5: Water Resources shall be managed effectively and efficiently through inter-agency  
20 and inter-jurisdictional coordination and cooperation.

21 Objective 5.1 Encourage and provide for the management and wise use of water resources  
22 for contact and non-contact recreation, groundwater recharge, hydroelectric energy  
23 production, and wildlife habitat as well as for domestic and irrigation use.

23 Objective 5.2 Aid in the protection and enhancement of limited water resources so as to  
24 provide for the indefinite use and maximum enjoyment.

24 [Here ends the text of selected general plan provisions.]

## 26 IMPERIAL COUNTY'S AGRICULTURE HISTORY AND ECONOMY





1  
2           The water element of the general plan establishes that 98 percent of the Imperial Irrigation  
3 District's 3.1 million acre-feet of annual Colorado River deliveries is devoted to agricultural use.  
4 The remaining two percent serves the County's domestic and urban water needs, and amounts to an  
5 annual usage of approximately 62,000 acre-feet annually.  
6

7  
8           The County's 2000 population was approximately 149,000 individuals. According to  
9 population projections prepared by the California Department of Finance and Southern California  
10 Association of Governments, the County's population is projected to grow to 182,500 by year  
11 2005, 217,500 by year 2010, 252,000 by year 2015, and 294,000 by year 2020. The projection for  
12 year 2020 conforms to that provided in the draft EIS/EIR on the proposed water transfer.  
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14  
15           In the expectation that the County's population will essentially double in the next 20 years  
16 as projected, the County's water needs for urban and domestic service will likewise double to  
17 approximately 120,000 acre-feet annually.  
18

19                           IMPERIAL COUNTY'S CONCERNS WITH THE PROPOSED TRANSFER  
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21  
22           The County of Imperial is concerned with the effects of the transfer of any water on the  
23 agricultural economy. In particular the County is concerned with the potential for fallowing and the  
24 fact that on-farm conservation is not defined or explained. The terms “fallowing” and “on-farm”  
25 conservation have been discussed at length in the community with vastly different understandings  
26 each time they are discussed. The proposed transfer project remains too indefinite and ill-defined,  
27 with the water produced by fallowing ranging from zero to 300,000 AFA. Moreover, the proposed  
28

1 transfer fails to address California Water Code provisions that only recognize temporary fallowing  
2 as a source of "conserved water." Until the quantities and impacts of fallowing and on-farm  
3 conservation are specified, there are too many unknowns upon which to make intelligent decisions  
4 that would bind future generations.

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7 The County has studied the Owens Valley experience in depth and is aware that so called  
8 "voluntary transfers," if not assessed as part of a comprehensive program, can ultimately lead to  
9 destruction of an entire local agricultural economy. While the terms "willing seller" are often  
10 used to support this water transfer, the experiences in Owens Valley (1920s) and Lahontan Valley  
11 (1990s) obviously cast concern and even fear in the hearts of the County residents.

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14 In addition the County must have assurances from this proceeding that the County's urban  
15 water needs can be accommodated in the foreseeable future. The growth projections for the  
16 County for the year 2020 indicate a doubling of the population. If the Valley is perceived as  
17 "lacking" adequate water supplies as has been stated in several federal environmental documents in  
18 the past two years, then economic development could be adversely impacted. Imperial County in  
19 recent years has experienced unemployment rates ranging from 20 to 30 per cent. In addition to  
20 the potential job losses that might be created through this transfer, the County cannot afford to have  
21 negative light cast on its future economic development.

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23  
24 With respect to the Salton Sea, the County along with the Salton Sea Authority has  
25 numerous concerns. The Salton Sea has long been a major recreational, wildlife and economic  
26 resource. This transfer has the potential to cause great environmental damage to the sea, in turn  
27 producing significant economic and recreational impacts. The County needs assurance that the  
28

1 Salton Sea remains part of the equation and adequate mitigation measures implemented. As our air  
2 quality consultants, Environ, have verified in their concurrently-filed testimony, if this transfer  
3 reduces the level of the Salton Sea as described in the EIR, it could produce air quality degradation  
4 similar to that which has occurred around Owens Lake and Mono Lake.  
5

6  
7 The County must have defined mitigation measures that can and are enforced for the entire  
8 County's institutions and population, not just on-farm. Mitigation measures must be clearly  
9 defined, quantified and identify institutional recipients. In addition adequate funding for all  
10 mitigation measures must be supplied. The County has retained its own economic experts  
11 (Economic Research Associates, or ERA) in an effort to assure itself, its residents, the Imperial  
12 Irrigation District, and this Board that the proposed mitigation measures and the third party impacts  
13 are adequately quantified and addressed. ERA is concurrently submitting testimony to describe its  
14 initial conclusions and the further stages of its investigations, which are designed to verify or  
15 qualify the economic projections presented in the draft EIS/EIR and the commentary provided by  
16 CIC Research, Inc.  
17

18  
19 CONCLUSION

20 I declare under penalty of perjury that the foregoing is true and correct. Executed at San  
21 Francisco, California, on April 9, 2002.  
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25 \_\_\_\_\_  
26 JURG HEUBERGER, AICP  
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**ATTACHMENT A**

**TABLE 1  
SUMMARY OF IMPERIAL COUNTY AREA HARVESTED AND GROSS INCOME,  
BY MAJOR AGRICULTURAL COMMODITY CATEGORY, FOR 1987-1991**

<b>Commodity</b>	<b>1991</b>	<b>1990</b>	<b>1989</b>	<b>1988</b>	<b>1987</b>
Vegetable & Melon					
Harvested Acreage	136,119	149,425	136,887	119,064	109,831
Value	\$409,470,000	\$354,868,000	\$399,013,000	\$452,069,000	\$337,853,000
Field Crops					
Harvested Acreage	380,534	371,598	373,250	349,281	345,138
Value	\$254,895,000	\$346,497,000	\$272,114,000	\$250,815,000	\$226,934,000
Livestock					
Value	\$217,696,000	\$264,262,000	\$240,298,000	\$204,061,000	\$177,725,000
Fruit & Nut Crops					
Harvested Acreage	4,433	3,527	4,483	4,371	7,374*
Value	\$35,239,000	\$20,915,000	\$25,483,000	\$28,458,000	\$22,000,000
Seed Crops & Nursery Products					
Harvested Acreage	40,391	41,248	49,293	49,592	47,662
Value	\$32,833,000	\$26,868,000	\$36,968,000	\$33,601,000	\$36,525,000
Apiary Products					
Value	\$2,596,000	\$3,401,000	\$3,565,000	\$4,613,000	\$4,778,000
Total					
Harvested Acreage	561,477	565,798	563,913	522,308	510,005
Value	\$952,729,000	\$1,016,811,000	\$977,441,000	\$973,617,000	\$805,815,000

\*included jojoba; moved to field crops in 1988.  
Source: Imperial County Agricultural Crop and Livestock Reports