PLANNING/BUILDING DEPARTMENT
IMPERIAL COUNTY

PLANNING / BUILDING INSPECTION / PLANNING COMMISSION / A.L.U.C.

JURG HEUBERGER, AICP,CEP
PLANNING/BUILDING DIRECTOR

CERTIFIED MAIL

April 25, 2002

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

7000 1670 0011 5374 3843

Elston Grubaugh
Manager of Res./Management/Planning
Imperial Irrigation District
P. O. Box 937
Imperial, CA 92251

7000 1670 0011 5374 3850

Subject: Response to the "Draft Environmental Impact Report/Environmental Impact Statement (DEIR/EIS)" for Imperial Irrigation District Water Conservation and Transfer Project and Draft Habitat Conservation Plan

Dear Sirs:

The Planning/Building Department received the Draft EIR/EIS on Thursday, January 24, 2002, for review and comment. The "Abstract" indicates that there is a public review period and a deadline for response of **April 26, 2002**. The County previously submitted comments on the Imperial Irrigation District (IID) and Department of Interior/Bureau of Reclamation (BOR) Notice of Preparation (NOP) and Notice of Intent (NOI) in October 1999.

INTRODUCTION

(1) The County of Imperial provides these comments on the proposed IID/SDCWA (San Diego County Water Authority) water transfer and the Draft EIR/EIS to assist both IID and BOR in meeting their obligation to protect the economy and the environment of Imperial Valley. We appreciate the tremendous pressure that is being exerted upon the IID, BOR and the Imperial County residents to transfer water from Imperial Valley to other urban and municipal users in the Colorado River Basin. However, IID and Bureau of Reclamation must improve their assessment of the following water transfer-induced impacts including but not limited to:

a. the loss of available water supply in Imperial County to meet the County's own reasonable future needs;

939 MAIN STREET, SUITE B-1, EL CENTRO, CA 92243 - 2856 (760) 482-4236 FAX (760) 353-8338
E-MAIL planning@imperialcounty.net plan98@imperialcounty.net (AN EQUAL OPPORTUNITY EMPLOYER)

c. economic distress not only to individual farmers but also to the County's secured and unsecured tax revenues, and to social service programs and agencies must be addressed and refined.

(2) According to the summary document in "Appendix A" of the Draft EIR/EIS the IID/SDCWA Water Transfer Agreement was initially executed by these parties on April 29, 1998, and then revised again on December 18, 2001. The water transferred for IID to SDCWA will originate in Imperial County. Therefore, the environmental effects created by the water transfer greatly impact the County, its farming community, and its citizens. The final DEIR/EIS should include sufficient and much more detailed information to provide the political consensus to support the water transfer. It is imperative that all of the agencies, their governing boards and staff work together to create a dialogue that will create a positive outcome for all parties involved.

(3) The DEIR/EIS attempts to address the impacts of the water transfer on agriculture in Imperial County. However, the document does not address the impacts that will occur to the County's future needs outside the agriculture realm. Imperial County will in the next twenty (20) years be doubling its population from 142,000 to 294,000 (June 2000 – California Department of Finance "Interim County Population Projections"). Furthermore, according to the IID's "2000 Urban Water Management Plan", the urban areas within the County have grown rapidly, e.g. approximately 42 percent in the past ten (10) years. Page 14 of the Plan, indicates that the existing urban areas in the County represent 63,700 acres. The Draft EIR/EIS must identify how this transfer and future projects will ensure enough water to remain in Imperial County to meet future needs of both domestic and urban water users or, in the alternative, at least propose adequate mitigation measures in order to achieve these objectives.

GROWTH INDUCING IMPACTS

(5) Throughout the DEIR/EIS, the document concludes that the water transfer is solely a "replacement" of water that could be lost due to the federal enforcement of California's 4.4 allotment. However, according to SDCWA's 2000 Urban Water Management Plan (UWMP) indicates that water transfers are the "greatest potential to meet their future demands". Therefore, much of the analysis and certainly the conclusions are flawed because the "baseline" is significantly different. Additionally, the UWMP has quite dramatically left the door open for San Diego region to request further water transfers from Imperial Valley to meet their anticipated increase in demands. The UWMP also mentions that there is going to be a need for increased water supplies and that the 4.4 directive will reduce San Diego's ability to get surplus Colorado River Water and to create a more stable and diverse supply to off-set dry years.

(6) The Draft EIR/EIS concludes that the water transfer will simply change the distribution of existing California water supplies from the Colorado River and will not be changing the existing water supply in Southern California. However, the transfer will change future supply and will change use from agricultural (Imperial Valley) to urban (San Diego). The

Draft EIR/EIS should make note of this important issue in light of the newly enacted legislation (SB 221 and SB 601) imposing stricter requirements for new development to be founded on assured drought-year supplies. As stated above, this transfer is not a redistribution of existing water supplies, but in actuality, is considered to be a "new water" source by the San Diego County Water Authority, memorialized in a memo from Marureen Stapleton (SDCWA General Manager). The current SDCWA urban management plan projects a fixed 303,630 AFA "firm" supply from Metropolitan from now to 2020 based on MWD's represented 2.1 MAF "firm" supply. But as the QSA EIR indicates, without the SQA and IA projects, MWD would lose approximately 650,000 AFA from the Colorado, reducing its "firm" supply from that source and the State Water Project to a combined total of approximately 1.6 MAF (660,000 AFA from the Colorado, plum approximately 50 percent of MWD's 2.1 MAF SWP "entitlement"). (These expectations reflect normal deliveries; in time of drought the MWD supply would be even smaller.) Not surprisingly, the San Diego County 2000 Urban Water Management Plan also shows that this water transfer is vital in order to maintain San Diego's current "expectation" of serving a population that is continuing to grow and will rise to over 3.8 million by the year 2020. This gain represents an annual increase of about 50,000 people, for an annual growth rate of about 1.5%. The future growth will be enhanced by the transfer. The Final EIR/EIS must recognize and quantify the growth inducing impacts of the water transfer in the water-receiving communities.

(7) The San Diego Region is expected to add more than 500,000 new jobs and the population is expected to increase by more than a million people by 2020 (SANDAG, "Measuring the San Diego Region's Livability"). San Diego will also have to provide more than 400,000 new houses and expand their infrastructure to accommodate the new jobs and people. An important aspect of this "infrastructure" is making enough water available to San Diego to provide this type of "build out" for San Diego to accommodate the addition of over one million people over the next 20 years. The most important infrastructure items (as noted by SANDAG) include a more securing a more reliable water supply than the existing condition. Even the communities surrounding San Diego County are growing. For instance, Riverside County grew by 3% and to the south Tijuana grew by 5%, all increasing the dependence of imported water.

(8) More than 90% of the San Diego region's water is imported from the Colorado River and northern California in any given year. And, last year San Diego region used approximately 620,000 acre-feet of water. Increasing population and jobs within the San Diego region will require the development of additional water supplies and should include water conservation, water recycling and brackish groundwater recovery. All of these options should be analyzed and quantified as part of an overall strategy. Conservation measures must include implementing Urban Water Conservation Best Management Practices (BMPs) and Agricultural Efficient Water Management Practices (EWMPs) (Regional Report on Water Supply and Infrastructure, November 2001).

(9) Desalination offers a viable alternative to the water transfer. Desalination is never mentioned in the Draft EIR/EIS as a possible future source of water as an alternative source of water for San Diego region. Projects currently being developed in Florida indicate that the cost of desalination plants may have decreased such to a point where it now can be considered a potential option for coastal areas including San Diego. This is especially promising as desalination feasibility increases over time and thereby enabling the water transfer to decrease over time.

All alternatives that are reasonably possible should be addressed in the Final EIR/EIS. SDCWA considered several sources to identify projected imported and local resources to meet future water demands. These factors included: projected water demands utilizing SANDAG 2020 Cities/Count Forecast; local agency input into future projected water recycling and groundwater supplies; technical evaluations of potential new supplies (i.e. seawater desalination); and, previous actions taken by Board of Directors regarding imported supplies. (Page 14, Regional Report on Water Supply and Infrastructure, November 2001). The Draft EIR/EIS does not identify the potential of these alternative sources of water in order to meet the demands of the San Diego region. These appear to be viable options, which may lessen the need for large amounts of water to be imported from outside San Diego to meet its need at the cost of the region from which the water is originating.

(10) Instead of solely relying on water transfers to meet infrastructure needs resulting from future growth demands in San Diego region, San Diego should be working to implement, recycling and groundwater recovery programs, desalinated seawater, local groundwater source known as the "San Diego Formation" and also, to encourage citizens to pro-actively conserve water. In summary, the Final EIR/EIS needs to develop, analysis and consider these different alternatives in contrast to the transfer as currently proposed.

AIR QUALITY

(11) Imperial County's concerns lie in fact that the potential air quality impacts that might result from long term water transfer described in the Draft EIR/EIS would interfere with the attainment of the National Ambient Air Quality Standard (NAAQS) for PM-10s. Recently, the USEPA have issued a determination that Imperial County would be in attainment of the NAAQS Standards form PM-10, but for transportation emanating from Mexico (66 Fed. Reg. 53106, October 2001). Thus, the current levels of particulate matter in the air in Imperial County exceed the NAAQS because the particulate matter is transported from Mexico. Additional, particulate matter generated from within Imperial County as a result of the water transfer could further increase the concentration of particulate matter in Imperial County and could jeopardize "attainment designation" under the Clean Air Act.

(12) There are two effects of water activities that lead to the increases in PM-10 emissions that should be mitigated. These include emissions from fallowed land and emissions from exposed portions of the Salton Sea.

(13) The County believes that the IID/SDCWA water transfer will result in new PM-10 emissive areas in Imperial County which in turn will lead to an exceedance of the PM-10 standard. County would like to see these concerns addressed in the EIR/EIS and how the EIR/EIS plans to mitigate these new emissives.

It is apparent from the DEIR/EIS that water conservation is the key component. The County is most interested in minimizing evaporation or transpiration of water into the air. The DEIR/EIS fails to mention any mitigation to offset evaporation/transpiration of water. The DEIR/EIS should more closely examine: issue of covering canals and whether that would result in reductions in evaporation; ranking of farming conservation measures and which reduce evaporation loss; and, evaluation of other evaporation reduction measures.

(14) Adequate discussion in the Final EIR/EIS should revolve around mitigation measures to ensure that fallowed lands are not emissive as a result of the water transfer. Specifically, it should address the possibility of fallowing fields of crop such as alfalfa or other grain which would result in more stabilized ground leading to less emission than other crops.

The air quality discussion surrounding the effects of the Salton Sea and increased exposure of the lakebed due to water recession is inadequate and also based upon some erroneous data.

(15) The arguments explaining why the exposed areas of the Salton Sea would not create an emissive source are unconvincing. The document's main arguments on this issue center around soil chemistry, meteorology and recession rate. First, there are definite disturbed and undisturbed portions of the desert adjacent to the Salton Sea that could initiate dust emissions from the exposed portion of the lakebed. Second, also problematic in the EIR/EIS is the discussion with regard to the wind roses for the Salton Sea area. In a separate study done by an outside consultant, the wind speeds are higher and the wind roses contained in the Draft EIR/EIS Figures 3.7-5 (page 3.7-14) for Salton Sea North site are incorrect. The Draft EIR/EIS does not adequately represent the highest wind speed sites around the Salton Sea area. More accurate sites should have been used to collect this data and should have been accounted for in the mitigation measures discussion of the Draft EIR/EIS. Specifically, wind data from the Salton Sea East (#128) should have been used and correct data from Salton Sea North (#154) numbers are flawed. Also flawed is the discussion on page 3.7-35 regarding dust suspension because it only considers hourly winds and does not account for wind gusts that can suspend dust. Third, the discussion surrounding recession rate in the Salton Sea Emissive issues section, is inadequate. The argument that Salton Sea will not become another Owens Lake revolved around the argument that the recession rate of the Salton Sea will be much slower than Owens Lake which went dry over several years.

However, the EIR/EIS fails to take into account the fact that when Mono Lake recessed slowly over a number of years, its exposed shoreline was emissive and causes violations of PM-10 standards.

(16) Where fallowing permanently removes land from agricultural use de to the perched groundwater in Imperial County, fields fallowed will degrade as a result of salt seepage from the perched groundwater via capillary effects. This phenomenon known as "souring" will result in the effective destruction of farmlands that have been fallowed from more than five (5) years. The Daft EIR/EIS does not address these impacts resulting from long term fallowing.

(17) Overall, the specific issues which should be addressed in relation to the Air Quality impacts should include: the Final EIR/EIS should consider the whole spectrum of water conservation measures in addition to fallowing; fallowing mitigation measures should be strengthened to adequately address the air quality impacts associated; meteorological analysis should correct the errors in their calculations; and, the conclusion that the Salton Sea will not be an emissive source should be corrected and adequate mitigation measures should be set forth for this issue in the Final EIR/EIS; the Draft EIR/EIS does not address the monetary mitigation of air quality impacts; the amount of water that mitigation of air quality impacts from fallowed lands will require; how to determine whether mitigation of air quality impacts is effective; or, who will ensure that mitigation measures are properly carried out. The Draft EIR/EIS does not provide assurances that the emissions that result from fallowed lands can be mitigated to a level of insignificance.

(18) Within Appendix B, page 3-5, "Final Scoping Summary Report", March 10, 2000, Section 3.2.5 Air Quality, it states that "...land fallowing...(may result in)...potential increases in particulate matter caused by...land fallowing..." There is a need to establish an air quality baseline to monitor any increases in PM-10 emissions from any agricultural lands that are "fallowed" (permanent or temporarily), e.g., from fugitive dust emissions, weed proliferation and/or wind-borne seed/pollen impacts on neighboring landowners and County residents.

(19) When dealing with air emissions and pollutants, there is no recognition of international borders and any future PM-10 emissions from exposed Salton Sea shoreline will further degrade the already impacted air quality of the Salton Sea Air Basin. The Imperial County APCD's statutory duty is to protect and enhance the quality of the air resources within its jurisdictional limits. Any proposal, whether by a public entity or special district, that creates the possibility of environmental damage to local air quality, must be closely reviewed and the cumulative impacts must conform to federal, state and local laws and regulations.

(20) Additionally, we incorporate by reference the comments and analysis provided for in the attached report by Environ International Corporation. (Attachment "A")

SOCIOECONOMICS

(21) In a 1999 Board Resolution, the Imperial Irrigation District Board stated, "...The terms of any final comprehensive settlement agreement must not unfairly impose burdens on the agricultural economy of the Imperial Valley in order to benefit the nonagricultural economy of the Coachella or MWD's service area". We concur with this IID statement of policy for protecting the agricultural economy of Imperial County.

(22) Page 1-29 of the DEIR/EIS states that the water transfer is an "economic stimulus to the Imperial Valley". The concept of removing a portion of the limited water supply to another community appears counter-productive to future growth and development in the community. The transfer of water will result in a reduction of available water. This transfer will either result in removing farmland from production or require the installation of expensive conservation methods on fields, both of which could have a negative economic impact on Imperial County.

(23) The economic impact of removing farmland from production could have a significant direct impact on agricultural production and an indirect affect on farm-related support businesses; the housing and commercial sectors. The result will be that Imperial Valley's economy could be devastated. Farming communities tend to be interdependent, so impacts on one community could be felt by a number of surrounding communities. Taking nearly a fifth (20%) of the farmable land out of production, while not providing any quantifiable benefit would surely damage and may even destroy the economy and have a "ripple effect" on the surrounding communities. The Draft EIR/EIS does not quantify how these impacts would be mitigated. Any mitigation needs to analyze the impacts of land fallowing with regard profit per acre or profit per acre foot of water, when assessing value per acre and labor (jobs) per acre.

(24) Section 5.1.2.7 ("Socioeconomics"), under ("Cumulative Impacts, under Section 5 "Other CEQA/NEPA Considerations), of the Draft EIR/EIS states that there are expected potential impacts from implementation of the Proposed Project as follows:

> "A reduction in employment opportunities may result depending on the specific type and amounts of water conservation methods that are selected. Employment opportunities may decline if the amount of land that is fallowed increases, while jobs would be created by the construction and operation of on-farm irrigation system water conservation measures. Depending on the relative proportion of the conservation measures, an impact or benefit may accrue through implementation of the Proposed Project. The other projects identified above could also result in construction and operational demands that increase employment opportunities in Imperial County".

Further, the statement is made that "The Proposed Project would therefore, have no or a minor impact to the socioeconomic resources and would not contribute to a cumulative impact". As discussed previously, the "permanent fallowing" of agricultural lands in Imperial County, no matter what "water conservation methods that are selected" could be

a very significant cumulative socioeconomic impact and is not a "...minor impact..." on farmers and farm workers in the County's agricultural community.

(25) However, the Draft EIR/EIS does indicate within its "Alternatives" that a water transfer would limit future agricultural growth in Imperial County due to less acres being farmed and therefore fewer agricultural-related jobs would be created and therefore less demand for secondary agriculture-related purchases/services.

Like other rural farming communities, Imperial County has a fragile economy, typically overly dependent on ever-changing markets. Unemployment is typically higher than in urban areas. Imperial County in particular historically has had one of the highest unemployment rates in the State. If the conservation method of "fallowing" is used to facilitate the water transfer, not only will farm laborers lose employment, but also secondary employment in the farm service industry. The Draft EIR/EIS identifies a potential job loss of 1,400 due to transfer and conservation by fallowing alone. What are the fiscal costs of increased unemployment (e.g. job training, crime, assistance payments)? This reduction in employment will have a devastating "domino effect" on Imperial County's economy. Any reduction in agricultural production could have a serious negative effect on a farming community with direct impacts on laid-off farm laborers, seed, pesticide, and farm implement sellers, and indirect impacts on commercial, housing and educational institutions. The draft document does not adequately assess the negative socioeconomic impacts of "fallowing" on Southern California, the region or on the national economy. The Final EIR/EIS should include mitigation measures to offset the negative socioeconomic impacts described above.

(26) Additionally, we incorporate by reference the comments and analysis provided for in the attached report by Economics Research Associates (ERA). (Attachment "B")

SALTON SEA

(28) Pursuant to the Imperial County General Plan, *Conservation/Open Space Element*, the Salton Sea is a vital recreation and open space component to Imperial Valley, providing water-orientated recreation (i.e., fishing, boating), and wildlife observation (i.e. bird and species watching), including the annual bird festival. The *Conservation/Open Space Element,* Goal 2, provides, "...The County will preserve the integrity, function, productivity, and long-term viability of environmentally sensitive habitats, and plant and animal species..." "...Objective 2.1 Conserve wetlands, fresh water marshes, and riparian vegetation and Objective 2.2 Protect significant fish, wildlife, plant species, and their habitats..." Additionally, Goal 8, states "...The County will conserve, protect, and enhance the water resources in the planning area..." along with "...Objective 8.1 Protect all bodies of water, e.g. Salton Sea, and water courses for their continued use and development, and Objective 8.5 Protect and improve water quality and quantity for all water bodies in Imperial County...". In the *Water Element* of the County's General Plan, Goal 2, it states "...Long-term viability of the Salton Sea, Colorado River, and other surface waters in the County will be protected for sustaining wildlife and a broad range of

ecological communities..." These are but a few County mandates for preserving Imperial Valley's unique and fragile open spaces, waterways and wildlife habitats. The Final EIR/EIS should address and propose mitigation measures to offset these impacts.

(28) The DEIS/EIR "No Project Alternative" with regard to the Salton Sea expects the mean surface elevation of the Sea to drop approximately 7 feet over the next 75 years, thereby decreasing the surface area of the Sea approximately 16,000 acres or roughly 25 square miles. Additionally, under the "No Project Alternative", the DEIR/EIS (Section 3.1.4.4) maintains that water quality would decrease and salinity would rise to 879 mg/L from present concentrations, while the concentration in the dissolved solids (TDS) of the Sea will rise as high 86,000 mg/L TDS.

According to Section 3.14.3.4, this decrease in level and water quality in the Sea translates into "...all operational boat launching and mooring facilities would become non-operational in the year 2010. Also...the Salton Sea is predicted to become too saline to support successful reproduction of sargo, gulf croaker, and tilapia..."

(29) This assumes that there would be no other projects designed to "save" the Salton Sea and maintain its level and salinity, when in fact, the Salton Sea Authority, and the *Salton Sea Reclamation Act of 1998* (PL 105-372) are two instruments designed to study, develop, and implement programs to "save" the Sea by maintaining its level and reducing its salinity.

The Salton Sea Authority and Bureau of Reclamation, working as joint leaders with stakeholders and members of the public, have developed five goals that are consistent with the Salton Sea Reclamation Act of 1998. These goals include: maintain the Sea as a repository for agricultural drainage; provide a safe, productive environment at the Sea for resident and migratory birds and endangered species; restore recreational use at the Sea; maintain a viable sport fishery at the Sea; and, enhance the Sea to provide economic development opportunities. The statements contained in the DEIR/EIS directly conflict with goals of the Salton Sea Reclamation Act.

(30) On page 4-9, 4.5.2 HCP (Salton Sea Portion) Approach 1: Hatchery and Habitat Replacement, one of the mitigation measures identified is to protect "...proposed covered species..." in that "...IID would monitor areas of tamarisk scrub adjacent to the Salton Sea and create or acquire, and protect native tree habitat if monitoring shows a net loss in the amount of tamarisk scrub..." The statement does not indicate whether or not "tamarisk", or salt cedar, is a native species or not. For many years now, the federal, state and local entities in Imperial County have been attempting to develop programs to eradicate this non-native (African-origin) species. The Final EIR/EIS should clarify whether or not the intent of this mitigation measure to protect the wildlife "covered species", but also intends to create, acquire and protect a scrub "tamarisk" species that is very invasive and is a self-propagating species that kills any adjacent native plants, shrubs and trees. If this is the intent to "create or acquire, and protect" the tamarisk/salt cedar growth, is this consistent with the eradication programs by the USF&WS and the California Department of Fish and Game?

(31) The death of the Salton Sea will also have a significant impact on the economy of Imperial County. These impacts include, transient recreational use dollars attributed to the Sea, permanent reduction in residential property values of communities closet to the Seas such as Salton City, Bombay Beach, Desert Shores and Salton Sea Beach. In the Report to the Salton Sea Authority Economic Development Task Force, by the Rose Institute of State and Local Government January 7, 1999, It found that if the Salton Sea were allowed to deteriorate further it would result in loss in economic activity of between $161 million to $238 million, a loss in property values of between $731 million to $1.29 billion, and immeasurable financial loss in habitat, bio-diversity and quality of live. On the reverse side of that if the sea is restored to a level that recreational activities could be viable then the economic benefits could be as high as $361 million simply form parking, boating fees, Salton Sea license plates and fishing stamps. The report concludes that the overall economic benefits of the Salton Sea Restoration would be far reaching. Benefits based only on property values within ½ of the sea could rise to $80 million per year increasing present values from $1.45 billion to $2.9 billion. If this economic benefit were to extend beyond the ½ mile to the surrounding lands that increase could double to $160 million, resulting in a rise from the present value of $2.9 billion to between $4.35 billion and $5.8 billion. These impacts should be addressed and mitigated in the Final EIR/EIS.

COLORADO RIVER & OTHER WATERWAYS

(32) It should be noted that the Draft EIR/EIS gives a fair assessment of the impacts to the Lower Colorado River (LCR) basins habitat from Parker Dam to Imperial Dam with the reduction of 200 to 300 KAFY. However, it fails to address the cumulative impacts of the this project along with the Palo Verde Water District's proposed water transfer program, for removing 111,000 acre feet per year of Colorado River water. Palo Verde Water District has proposed through the practice of non-irrigation (fallowing) of "29 percent" of the existing farmland in the Blythe/Palo Verde Valley area over a 35-year period, to divert/transfer to MWD for use by the coastal urban areas. The loss of recharge from the diverting of the 110,000 acre feet of water to the Colorado River together with the proposal for IID to transfer of 200 to 300 KAFY will have a significant impact on the LCR habitat. The result will be a lowering of the Colorado River water level, which in turn will adversely impact residential, environmental, and recreational resources, downstream of the project area. How will these impacts be addressed? These impacts should be fully addressed in the Final EIR/EIS.

(33) The reduction in water may greatly impact the river's habitat. At each step we find impacts, such as at the LCR where there will be impacts to the riverbank and backwater wildlife and fish habitats, the canals and drains and impacts to bank and water habitats and to the Salton Sea. The Draft EIR/EIS does not identify what type of studies or when the studies will be conducted to address cumulative impacts of theses two programs on the river habitat both upstream and downstream. When it comes to habitat studies, time of the year is crucial and the EIR/EIS should clarify the nature and timing of such studies.

(34) If fallowing occurs, with or without other water conservation techniques used, farm runoff into the New and Alamo rivers will be reduced, thereby impacting areas designated as "very sensitive" for cultural resources. The Draft EIR/EIS appears to focus its mitigation measures with regard to these resources on the Salton Sea, without mentioning the potentially significant effects to the two river areas. Water conservation measures, whether they are constructed or by fallowing, will reduce the flows into and out of the New and Alamo rivers, and impacting cultural "very sensitive" areas.

(35) The diversions from the New River for the future Mexicali power plant usage should be taken into account when the Final EIR/EIS is prepared. The document should concentrate on the water transfer and new modeling to predict these foreseeable impacts upon the New River and the Salton Sea.

The Final EIR/EIS should identify the two river watershed areas and mitigate the above concern.

FALLOWING

(36) Throughout the Draft EIR/EIS fallowing has been presented as both a primary and secondary alternative to acquiring the necessary amount for water transfer with no clear analysis of fallowing or a plan of implementation. The Draft EIR/EIS fails to address the extent of fallowing, who will do the fallowing, or how fallowing will be implemented thus, making it impossible to fully assess the shore and long term impacts and to apply the necessary mitigation measures for these impacts.

On page 3.4-12, of the Draft EIR/EIS, it states, "...Under the proposed project, fallowing could be implemented as a conservation measure. If fallowing were the sole conservation measure implemented, up to 50,000 acres could be fallowed to conserve water for transfer...Fallowed acreage is not expected to be permanently taken out of production; however, permanent fallowing of agricultural land could be used to conserve water for transfer. Regardless of the specific fallowing method, no land use impacts would occur because the Proposed Project would not change agricultural zoning and, therefore, it would not conflict with an adopted, local land use plan. Fallowing land would also not divide an established community because fallowed land is consistent with surrounding agricultural land uses...". The Draft EIR/EIS fails to define permanent fallowing and fails to adequately address the maximum acreage necessary to achieve all alternatives and mitigation measures.

The underlying intent and thrust of this Draft EIR/EIS, as submitted for public review, is for permanent fallowing as the method for water conservation and transfer. The IID/SDCWA water transfer could last for 75 years and agricultural farmland and possibly other lands could conceivably be taken out of "permanent" agricultural production and used to transfer water outside of Imperial County.

(37) The Draft EIR/EIS should have included other fallowing concepts or options. If fallowing is necessary, one possible solution could be the IID to purchase the necessary acreage to be fallowed, fallow only when necessary and lease the land. Another possible solution that should have been addressed in the Draft EIR/EIS as an alternative to fallowing, is to change the existing farming practices to include requiring an across the board reduction in water usage from 6 AFY per cultivated acres of farmland to 5.5 AFY of water usage (based upon 500,000 acres of cultivated land). This reduction could yield up to 250,000 acre feet of water available for the water transfer without fallowing a single acre. Another alternative to fallowing, which should be addressed in the Final EIR/EIS is an analysis of water delivery systems to reduce waste such as, reducing gate times to less than twelve (12) hours, limiting the amount of water per type of crop and imposing penalties for water wasting violations.

(38) The Draft EIR/EIS lists the definition of "Fallowed Land" (in the Section, Acronyms and Glossary, page 12) as, "Land normally used for crop production but left uncultivated for one or more growing seasons". This definition is both inconsistent with the County's General Plan and Land Use Ordinance, along with the State of California Code Section 1011. The Final EIR/EIS should modify the definition to be consistent with the local and state regulations and/or address how the project proponents plan to mitigate these inconsistencies.

(39) Additionally, in a climate where crop rotation and fallowing is the exception to the rule having farmland fallowed will result in an alteration of the existing aesthetic green vistas. The Draft EIR/EIS states, page 3.11-20 (Section 3.11.4.3 "Aesthetics") "Although the additional fallowed acreage could be three times the current amount, it would be distributed through the sub region and would not become an obvious physical feature on the landscape." Fallowing of the land will cause impacts to the aesthetic character of Imperial Valley. Currently, many farms idle the field for part of the year, so the landscape is constantly changing from cropped to fallow acres. No aesthetic impacts are anticipated in this sub region." However, fallowing of the land will in fact cause visual impacts to the aesthetic character of Imperial Valley. Large patches of bare land for extended periods of time created due to fallowing will certainly create an impact in otherwise agricultural areas and degrade the visual character of the area. Therefore, there are indeed some measurable impacts on the aesthetic character of the Valley. The Final EIR/EIS should address these aesthetic impacts and propose mitigation measures to offset these impacts.

(40) The underlying intent and thrust of this Draft EIR/EIS, as submitted for public review, appears to lead to permanent fallowing as the method for water conservation and transfer. The IID/SDCWA water transfer could last for 75 years and agricultural farmland and possibly other land could conceivably be taken out of "permanent" agricultural production and used to transfer water outside of Imperial County.

(41) According to Page 2-30 under the IID/SDCWA Transfer Agreement, fallowing is not a permitted conservation method, and prohibits farmers from "on-farm" fallowing. Under the Quantification Settlement Agreement (QSA), fallowing is deemed not be a permitted

conservation measure by IID and prohibits individual farmers from fallowing. However, the DEIR/EIS does allow IID to fallow at its own discretion. The QSA and DEIR/EIS seem to be inconsistent on this point and the Final EIR/EIS should clarify these inconsistencies.

(42) On page 2-31 of the Draft EIR/EIS it states, "Any no fallowing rule should preclude a participating landowner from receiving compensation if he/she fallows land for the purpose of transferring water". The Draft EIR/EIS also provides that fallowing is not in keeping with IID Board policies to utilize the water transfer program, "to encourage investment in on-farm irrigation system improvements that increase irrigation efficiency." However, the Draft EIR/EIS also states that fallowing may be a desirable component of the IID water conservation program for a number of reasons. Some of these include: used as a way to reduce farmers' financial risk of participation in conservation programs; easier to implement and manage than other conservation measures; and, a method to preserve the soil. The Final EIR/EIS should address the fact that IID policies do not address fallowing and conservation measures and mitigate it.

WILLIAMSON ACT

(43) Over the past two years, Imperial County has worked hard to establish a local Williamson Act Preserve (Act). In just these two (2) years of the estimated 534,329 (Imperial County General Plan) irrigated acres, nearly a fifth, over 100,000 acres (867 parcels of land) have been placed under the Williamson Act Preserve contracts. Under the Williamson Act, the California Legislature (Section 51220) found "...That the preservation of a maximum amount of the limited supply of agricultural land is necessary to the conservation of the state's economic resources, and is necessary not only to the maintenance of the agricultural economy of the state, but also for the assurance of adequate, healthful and nutritious food for future residents of this state and nation..." The Final EIR/EIS should address the impact of any fallowing on land subject to the William Act contracts.

(44) Additionally, in the Williamson Act, in terms of farm labor and housing the California Legislature found "...That the agricultural work force is vital to sustaining agricultural productivity; that this work force has the lowest average income of any occupational group in this state; that there exists a need to house this work force of crisis proportions which requires including among agricultural uses the housing of agricultural laborers; and that such use of agricultural land is in the public interest and in conformity with the state's Farm Worker Housing Assistance Plan..."

(45) The water transfer impacts the County's agricultural resources and is not consistent with the intent of the Williamson Act. There needs to be a full analysis of the impacts on the agricultural resources of the Valley by the diverting of water. The Williamson Act sees agriculture use as a "commodity," not merely vacant land. The Act finds that effective stewardship of our agricultural and natural resources are paramount for the future.

Government Code Section 51201(o) defines open-space use as "the use or maintenance of land in a manner that preserves its natural characteristics, beauty, or openness for the benefit and enjoyment of the public, to provide essential habitat for wildlife, or the solar evaporation of seawater in the course of salt production for commercial purposes". The Final EIR/EIS needs to address the fact that fallowing would not be eligible under the Williamson Act and further address who would pay the penalties associated with removing lands currently under Williamson Act contract.

(46) If the proposed project causes farmland to go fallow, then not only would land that currently participates in the Williamson Act not be eligible, but any land that was fallow could not be considered for future induction to the Williamson Act. Additionally, if any property owner wished to exchange land that is currently in the Williamson Act in order to have that Williamson Act contract rescinded pursuant to Government Code Section 51256, the water availability of that land would have to be considered. Under the proposed project, the availability of water to any land in the Imperial County would be significantly reduced. This impact should be addressed and mitigated in the Final EIR/EIS.

(47) The inability to include more land in the Williamson Act would have several detrimental impacts. These impacts include the loss of revenue for the County, which will collect an estimated $500,000 in subvention after only two years of participation, as well as loss of the ability to reduce property tax liability for the property owners themselves. Furthermore, the Williamson Act is a conservation program that discourages "leapfrog" development and premature loss of farmland. The proposed project directly conflicts with the Williamson Act in that permanent fallowing *is* the premature loss of farmland, and if a land owner is unable to enroll in the Williamson Act due to fallowed land, this constricts the ability of the County to establish larger and contiguous agricultural preserves.

GENERAL PLAN

(48) The County's General Plan "*Land Use Element*", "*Agricultural Element*", "*Water Element*" and "*Conservation/Open Space Element*" and their policies, goals and objectives as well as the Land Use Ordinance are directly applicable to any water transfers potentially impacting agriculture, water and the unique natural resources in Imperial County for the next 75 years. The Draft EIR/EIS fails to adequately address applicable sections of the County's General Plan and Land Use Ordinance which will be affected by the proposed water transfer and should address and mitigate these inconsistencies.

(49) In Section 3.4.2.3 Local Regulations and Standards (under Section 3.4 "Land Use" of the Draft EIR/EIS), mentions the Imperial County General Plan and includes the nine land use classifications in the *Land Use Element*. The draft document does not include in its analysis the affected portions of the County Land Use Ordinance regulations relating to water, including: Division 16, Flood Damage Prevention, Division 21, Water Well Regulations and Division 22, Groundwater Ordinance. Considering the fact that this is a water transfer, the most important aspect to be addressed would have to be how the transfer affects water policies contained in the General Plan.

The inconsistencies with regard to the Draft EIR/EIS and the County's Land Use Ordinance and General Plan also lie in the document's discussion of fallowing. The County's General Plan does not envision the "permanent fallowing of agricultural land" whether it is conserved for use within Imperial Valley or transferred outside the County.

(50) Section 3.4.4.3 of the Draft EIR/EIS (page 3.4-13), states, "Regardless of the specific fallowing method, no land use impacts would occur because the Proposed Project would not change agricultural zoning and, therefore, it would not conflict with an adopted, land use plan". This is statement is not only inaccurate but is also inconsistent with the County's General Plan and their elements, policies, goals and objectives, while the "zone" would not change certainly the use would and this needs to be clarified.

(51) In the future, these "fallowed" agricultural lands then could then be asked to be taken out of the agricultural "land use classification" and designated under other land use categories, such as Urban, Rural Residential, Recreation/Open Space, and/or a Specific Plan Area.

(52) Another argument with regard to incomplete analysis of Imperial County's Land Use Ordinance and General Plan is that there is a very real possibility that the IID/SDCWA water transfer and future transfers will reduce the Salton Sea, therefore expose lands currently lying underwater. The County's objective for the "-220 contour" in the *Conservation/Open Space Element* provides as follows:

> "...Objective 8.3 Regulate development in or adjacent to water bodies and courses, protect water bodies and minimize property damage. Zone the areas

around the Salton Sea below elevation -220 feet as open space to minimize property damage from fluctuating sea elevations..."

The reduction of the Sea below the - 220 foot level would require re-zoning of large tracts of land in and surrounding the Sea by the County Board of Supervisors. The Draft EIR/EIS Section 3.4.4.7 (Page 3.4-16, under Alternative 4 of the "Salton Sea") states, "No conflicts with the adopted land use plans would occur as a result of the decline in the Sea's elevation because the proposed project does not include re-zoning of the exposed seabed". The Draft EIR/EIS does not adequately address this concern and possible impact on the County's General Plan and Land Use Ordinance and does not provide mitigation measures to offset these impacts. It also does not clarify whether IID would purchase the now exposed lands or would the IID sell its current ownerships that it has acquired for flood protection reasons?

ARCHEOLOGICAL RESOURCES

(53) The Draft EIR/EIS also fails to adequately address the archeological and cultural resources impacts of the water transfer and how this may conflict with what is contained in the County's Land Use Ordinance and General Plan. Section 3.8.3.4 of the Draft EIR/EIS refers to undated archeological and historical information. The County's *Conservation/Open Space Element* of the General Plan was updated in 1993 and identifies approximately 7,000 prehistoric archaeological and recorded sites in the County. Additionally, approximately 200 historic sites, dating back to 1540, have been recorded in the County and Jay von Werlhof's archaeological "Sensitivity Map" should be cited as having been revised as of "May 17, 1993" and should also be corrected on page 3.8-23, referencing the 800 historic sites (including trash dumps) according to Jay von Werlhof.

(54) The Final EIR/EIS should address how the water transfer will impact the archeological and cultural resource and should measure these impacts by Jay Von Werlof's archaeological "Sensitivity Map".

The Draft EIR/EIS has failed to adequately consider the importance of the Imperial County General Plan. The General Plan is a state-mandated document and has a number of important environmental issues that the Draft EIR/EIS either failed to address or the response was deficient.

CONCLUSION

In order for the Draft EIR/EIS to serve its purpose of identifying significant impacts and proposed mitigation measures, the Draft EIR/EIS "alternatives" must attempt to reduce impacts to the IID service area and the Salton Sea. However, the Draft EIR/EIS provides that the first and second 50 KAFY components of the Proposed Project could be satisfied by a mixture of conservation measures, including on-farm irrigation system improvements, delivery system improvements, and/or fallowing without verifiable evidence.

The federal and state environmental laws require that a good faith and reasoned analysis be presented to the public and decision-makers for informed determinations and that any subsequent findings must supply the logical step between the ultimate findings of approval or rejection and the facts in the record. Under CEQA, the explanation for the use of "fallowing", permanent or otherwise, must be supported by applicable scientific, explanatory information and empirical authority and any unsupported conclusionary statements will not suffice.

The purpose of CEQA is to reduce impacts causes by proposed projects, not to relocate impacts because they may be in the way of a water transfer. It is wrong to assume that more than ninety (90) years of habitat formation in the Imperial Valley can or should be simply re-engineered because it will impede the water transfer. Biological habitats, especially desert habitats, are extremely fragile and must be protected. To assume that these habitats can simply be replaced when they impede progress is not appropriate.

Thank you for the opportunity to respond to the Draft EIR/EIS and we reserve the right to respond to the final environmental document and present any further input at future public hearings.

If you should have any questions, please feel free to contact me at (760) 482-4236, extension 4310, or by e-mail at jurgheuberger@imperialcounty.net.

Sincerely,

JURG HEUBERGER, AICP
Planning Director

Attachments

cc: Board of Supervisors
Ann K. Capela, County Executive Officer
Ralph Cordova, County Counsel
Joanne L. Yeager, Asst. County Counsel
Darrell Gardner, Assistant Planning Director
Steve Birdsall, Ag. Commissioner/APCO
Randy Rister, I.C. Fish & Game Commission
Jesse Silva, Imperial Irrigation District
Steven A. Pastor, Imperial County Farm Bureau
Antonio Rossmann, Special Counsel
U.S. Bureau of Reclamation, Boulder City
IID/SDCWA Water Transfer File
10.105

JH/rc/jm/lhG:/IID Water Transfer/DEIREIS IID Water Transfer letter April 18

ATTACHMENT "A"

1. The DEIS should fully evaluate the potential air quality impacts that might result from the long-term water transfer described in the DEIS. The County is concerned that additional emissions that may be generated as a result of the water transfer has the potential to interfere with the attainment of the National Ambient Air Quality Standards (NAAQS) for PM10. Recently, USEPA has issued a determination that Imperial County would be in attainment of the national ambient air quality standards ("NAAQS") for PM10 "but for" transported emissions emanating from Mexico. (66 Fed. Reg. 53106 - October 19, 2001). Thus, the current levels of particulate matter in the air in Imperial County exceed the NAAQS because of particulate matter transported from Mexico. Additional particulate matter generated from within Imperial County as a result of the water transfer could further increase the concentration of particulate matter in the air in Imperial County and jeopardize the "attainment designation" under the Clean Air Act. The DEIS does not correctly describe the attainment status of the Imperial Valley Planning Area, and does not address this important concern.

   The PM10 levels are already above the National Ambient Air Quality Standards (NAAQS) in Imperial County. As noted above, the USEPA has determined that Imperial County would be in attainment "but for" emissions being transported from Mexico. If emissions from fallowed lands and newly-exposed shoreline at the Salton Sea result in exceedances of the NAAQS, Imperial County will no longer meet the previously demonstrated criteria for this determination, and will be required to reduce further emissions within Imperial County. This could easily result in new restrictions in the use of off-road areas of the desert, and may also result in other mandated limitations on recreation in Imperial County, and would impose additional restrictions and limitations on agricultural activities. This issue and the potential for additional new regulation should be discussed in the DEIS.

2. There are at least two potential additional sources of PM10 as a result of the proposed water transfer: areas of newly-exposed exposed shoreline at the Salton Sea and fallowed farmland that may result from the proposed project. Although the DEIS evaluated both potential sources of emissions, we do not believe that the evaluation in the DEIS was correct or complete. In addition, we are concerned that the listed conservation measures did not sufficiently evaluate conservation methods that would reduce evaporation, rather than simply reduce water use as a whole. The reduction of evaporation is key, as the conservation of water through water use reduction or through reduced drainage exacerbates the recession of the Salton Sea and has the potential to lead to additional dust emissions. Each of these comments is described more fully below.

3. The DEIS on page 3.7-31 states that mitigation measures will reduce the air quality impacts from fallowing to a level of insignificance. However, the DEIS does not address: 1) the monetary cost for mitigation of air quality impacts; 2) the amount of water that mitigation of air quality impacts from fallowed lands will require; 3) how to determine whether mitigation of air quality impacts is effective; or 4) who will ensure that mitigation measures are properly carried out. The DEIS does not provide assurance that the emissions that result from fallowed lands can be mitigated to a level of insignificance. In addition, the DEIS does not provide sufficient information about the mitigation to allow the evaluation of impacts that result from the mitigation.

4. The DEIS did not even attempt to quantify emissions that may result from the increased fallowing of lands. Instead, it states on page 3.7-23 that, "it is not possible to quantify emissions and associated impacts from potential increases in fallowing of agricultural lands, at a variety of locations over time, for water conservation. On one hand, emissions would decrease because the fallowed land would not be subject to plowing or the other agricultural activities that disturb soil. On the other hand, fallowed lands that are not properly retired or mitigated may be subject to wind erosion, resulting in fugitive dust impacts." The California Air Resources Board (CARB) has developed methods to estimate the emissions from a variety of farming operations, including emissions from fallowed lands. Although the Imperial County Air Pollution Control District (ICAPCD) has concerns about the applicability of some of the CARB-developed factors in the hot, arid environment of Imperial County, CARB's methods could have been used to at least estimate the potential impacts of fallowing. In addition, these methods could have been used to fix the applicable mitigation measures for the fallowed lands. A more quantitative assessment of the potential emissions from fallowed lands and the proposed mitigation measures is needed in the DEIS.

5. Mitigation Measure AQ-3 is described on page 3.7-30 of the DEIS as appropriate for fallowed lands. It states that, "at least one of the following BMPs to minimize PM10 emissions must be implemented. BMPs could include, but are not limited to the following...," followed by a list of vague measures. These measures offer no means of determining when mitigation has been achieved. In addition, although many of these measures require water use, no quantification of additional water use is provided. The listed mitigation measures to assure that fallowed lands are not emissive must be stronger and more detailed and have an enforcement mechanism to ensure that new emissive areas are not created from the water transfer.

6. The mitigation measures describe using either "light irrigation" or return water to ensure that sufficient growth is available to stabilize soils. However, the fallowing mitigation must have a monitoring system in place to ensure that the effectiveness of the mitigation measure does not erode over time. In addition, the DEIS does not quantify the water usage that will be required to stabilize fallowed fields. The use of return water will reduce the amount of water available to the Salton Sea. The use of light irrigation will reduce the water otherwise available to Imperial County. This water use must be quantified in either case as it will either reduce the water available for transfer, or will require additional fallowing of fields if the ultimate impact at the Salton Sea is to be mitigated.

7. If fields in the area are not fallowed on a fairly short rotational basis, farmland may be permanently removed from use. Due to the high perched groundwater in Imperial County, fields fallowed in Imperial County will degrade as a result of salt seepage from the perched groundwater via capillary effects. This phenomenon, known as "souring," will result in effective destruction of farmlands that have been fallowed for more than about five years. Although soured lands can be put back into service, this practice generally requires the use of soil amendments and water to remove the salts from the land. The DEIS does not assess this impact of long-term fallowing.

8. Salt that seeps to the surface along with the groundwater may have the effect of increasing the instability of the lands, and making the surface less stable and more emissive over time. It may also make the restabilization of the fallowed farmland more difficult in successive years, as grasses will be less amenable to growing in soured land. The potential of long-term stabilization of fallowed lands has not been assessed in the DEIS.

9. The DEIS describes a strategy that relies on both conservation methods and fallowing to provide sufficient water for the water transfer. However, the conservation methods listed reduce seepage rather than evaporation. Methods that simply reduce seepage ultimately impact the Salton Sea, and a fraction of the water conserved through this method must be returned to the Salton Sea if further recession is to be prevented. However, conservation methods that target the reduction of evaporation, rather than the reduction of seepage, allow the entire saved water to be used in water transfer. The DEIR should evaluate whether there are available conservation measures that would act mostly to reduce evaporation and not seepage. This approach would protect the Salton Sea, and may also prevent additional fallowing of farmland. Even though such measures may be more expensive, they may be worthwhile in reducing the further need to fallow land to allow for the full water transfer.

The DEIS should address the potential for reducing water use through reducing evaporation, rather than just reducing seepage.

10. The discussion in the DEIS of why the Salton Sea would not become emissive due to the water recession increasing the exposed area of the lakebed is based on unverified assumptions and some erroneous data. Exposed shoreline at the Salton Sea has the potential to result in an emissive area as seen at Owens Lake and Mono Lake. As stated in the discussion on page 3.7-34 of the DEIS, the proposed project would expose 50,000 acres (78 mi2) of currently submerged lakebed bottom. This compares to an Owens Lake total area of 110 mi2 with an emissive area of 35 mi2. Thus, the area being exposed by the proposed project is only slightly less than the area of Owens Lake.

Three reasons are given in the DEIS on page 3.7-35 as to why the exposed areas of the Salton Sea would not create an emissive source like Owens Lake or Mono Lake: 1) the soil chemistry is different than that at Mono or Owens Lake, 2) wind speeds at the Salton Sea are less than Mono or Owens Lake, and 3) the recession rate is slower than that of Owens or Mono Lake. As discussed below, some errors in the provided data, and some generalizations do not provide sufficient assurance that the exposed shoreline will not generate dust storms in the area. This section fails to substantiate the premise that the Owens and Mono Lake experiences will not be repeated at the Salton Sea.

Although the salts and soils at the Salton Sea may not contain as much carbonate as the salts and soils at Mono and Owens Lake, the salts and soils do contain substantial amounts of sulfate and some carbonate salts as well. The conditions exist at the Salton Sea to allow an unstable salt crust to form from sulfate salts. When some sulfate salts form crust at temperatures below 60°F, an unstable form of the salt is produced. Although the surface temperature is more moderated than the air temperature, the air temperature at the southern end of the Salton Sea is below 60°F roughly 25% of the time, based on data from the Salton Sea East (#128) California Irrigation Management Information System (CIMIS) meteorological station. Any precipitation when the surface temperatures fall below 60°F during the year would produce conditions conducive to forming unstable sulfate salts. The DEIS should address the specific salts at the Salton Sea to evaluate emissivity, rather than to simply claim that, because they are different from the salts at Owens Lake, they are not likely to form an emissive crust.

11. The meteorological data that was presented in the DEIS and used to assert that wind speeds near the Salton Sea can not result in wind storms was incorrect and incomplete. The wind data that was used and included the in the DEIS were the CIMIS Salton Sea West (#127) and Salton Sea North (#154) sites. These sites are not representative of where the

greatest shoreline exposure will occur. This is discussed further below. Moreover, the wind data presented in the DEIS for the Salton Sea North (#154) site are clearly incorrect. The County's consultant, ENVIRON, obtained data from the California Irrigation Management Information System (CIMIS) and prepared wind roses for comparison to those found in the DEIS. A comparison of the two sets of wind roses can be found in Attachment A (ENVIRON's data) and Attachment B (DEIS data). For comparison, those from the DEIS are in Attachment D. The DEIS should correct the meteorological data that is presented.

12. As noted above, the meteorological data presented in the DEIS is not representative of meteorological data that will be the most important when considering impacts on the newly exposed shoreline at the Salton Sea. Over three-quarters of the potentially exposed shoreline around the Salton Sea lies within Imperial County, and the bulk is at the southern and south-eastern end of the Salton Sea. As a result, wind data from the Salton Sea East (#128) site near Niland would be the most representative for understanding whether there would be high winds that could create dust storms. Niland is also the closest Imperial County PM10 monitor to the Salton Sea, and is aligned with the predominant winds that would advect dust from the Salton Sea to the PM10 monitor. The DEIS should include this data in its analysis and discussion.

13. The DEIS discussion on wind speed threshold velocities on page 3.7-35 is incomplete. The discussion compares threshold velocities with hourly average wind speeds measured at various monitoring sites. The relevant data to consider is wind speed gusts that may take place over periods far shorter than one hour. The DEIS should consider data on wind speed gusts in its discussion of threshold velocities and the potential for emissions from the newly exposed shoreline.

14. The DEIS contains several apparent errors in its discussion on the meteorology in the area near the Salton Sea on page 3.7-14. The amount and timing of data reported available for the two sites appear to be incorrect according to our database. In addition, we found many more hours with wind speeds greater than 7 m/s than was reported in the DEIS. The wind monitor anemometer height stated in the DEIS (366 cm) is different than the one stated on the CIMIS website (2 m = 200 cm). Finally, as noted above, the wind rose for the #154 Salton Sea North site given in Figure 3.7-5 is incorrect. The errors in the wind speeds reported, the error in anemometer height, failure to use the Salton Sea East (#128) winds combined with an overstatement of the threshold wind velocity needed for dust suspension all bias the results toward understating a potential new PM10 emission sources. The DEIS should correct the discussion of the meteorology and revise its evaluation of the impacts of winds in potential new PM10 sources.

15. The DEIS's third argument for why Salton Sea would not become another Owens Lake involves the argument that the recession rate of the Salton Sea will be much slower (only 20% as fast) than for Owens Lake that went "dry" over several years. However, when Mono Lake recessed over a longer time its exposed shoreline was emissive and caused violations of the PM10 standard. Thus, based on recession rate, the Mono Lake situation is comparable to what the proposed project will do to the Salton Sea. The DEIS should revise its discussion on the relationship between recession rate and the potential to form emissive surfaces.

16. As noted above, contrary to what is stated in the DEIS, the information available in the DEIS is insufficient demonstrate that the air quality impacts can be mitigated to a level of insignificance, based on the assumptions in the DEIS. If the air quality impacts can not be mitigated to a level of insignificance, then the air quality in Imperial County may be degraded and public health will be impacted.

ENVIRON INTERNATIONAL CORP.

Attachment B

COMMENTS ON THE SOCIOECONOMIC SECTION OF THE DRAFT ENVIRONMENTAL IMPACT REPORT/STATEMENT FOR IMPERIAL IRRIGTION DISTRICT WATER CONSERVATION AND TRANSFER PROJECT AND DRAFT HABITAT CONSERVATION PLAN

BY ECONOMICS RESEARCH ASSOCIATES
April 24, 2002

Economics Research Associates (ERA) has been retained by Imperial County to conduct an investigation of the socio-economic impacts of the proposed IID-SDCWA water transfer. This report presents the results of ERA's initial review of documents pertaining to the proposed transfer of water from IID to SDCWA in the form of comments on the Draft EIR/EIS.

Summary Comment

(1) The overriding conclusion ERA has reached from review of the Draft EIR/EIS is that the socioeconomic sections (Section 3.14 and Appendix G) have valiantly attempted to define the impacts from a proposed water transfer plan that is poorly defined. Socioeconomic impacts are projected to range from significantly positive to significantly negative without being able to be precise about even the direction, let alone the magnitude, of the impacts. As described in the comments below, ERA concludes that the most positive end of the range is unachievable. In summary, ERA finds the Draft EIR/EIS to be inadequate in its analysis of socioeconomic impacts, but this is due primarily to an inadequate definition of the water transfer plan rather than any defect in analysis methods. Notwithstanding the competence of the analysis of impacts on jobs and incomes, however, the Draft EIR/EIS also stops short of an adequate treatment of the fiscal impacts that will be felt by Imperial County and the municipal jurisdictions within the county.

Specific Comments on the Draft EIR/EIS

(2) According to the Draft EIR/EIS analysis the aggregate socioeconomic impacts of the proposed action could produce 250 additional jobs or could cause the loss of 2,460 jobs (Tables 3.14-10 and -11). There is a significant difference between these outcomes. This range of continuing uncertainty indicates an inadequate treatment of the subject to date.

(3) IID policy is to make water available for transfer without any fallowing, through development of on-farm and system conservation measures. The stated plan is to use payments received for water transferred to pay for the physical improvements required to install and operate the conservation measures. Prices scheduled to be paid by SDCWA should be sufficient to pay for these improvements if the funds are directed properly. Under the terms of the QSA, however, CVWD and MWD are able to pay lower amounts for water. As was demonstrated on pages 4 and 5 of the CIC Research review of the Draft EIR/EIS, these payments are not sufficient to fund the

needed improvements. As a consequence, the Proposed Project is economically infeasible. If the Proposed Project has no chance of being implemented, it is inadequately defined.

(4) The proposed transfer plan states that SDCWA and the other water agencies may take "up to" certain amounts of water per year. There is no guarantee, however, that the water will be transferred. This in turn implies that the revenue to IID from transferring water is also not guaranteed. Without a guaranteed income stream, third-party financing of on-farm or system conservation infrastructure will be impossible out of cash flow. The most likely response will be a "pay as you go" strategy, where farmers will fallow land and stockpile cash from payments for a number of years until sufficient funds are accumulated to start installing conservation measures. The no-fallowing policy of IID is thus unattainable, and the positive economic impacts of developing and operating conservation infrastructure will be reduced by the negative economic impacts resulting from fallowing. The net socioeconomic impact remains unknown without a more adequate plan, and could be positive or negative.

(5) The socioeconomic analysis assumes that all transfer funds not utilized by IID for conservation or environmental mitigations will be paid to farmers. Of the after-tax income realized by farmers, 50% is assumed to leak out of the county and 50% is assumed to be spent locally, further generating multiplier expansion effects (pages 3.14-13 and G-12). No justification is given for this 50%/50% assumption. In the case where on-farm and system conservation improvements are made, there may not be a significant amount of funds left over for farmer discretion, but in the cases of all fallowing, the majority of transfer funds become subject to this 50%/50% assumption. A 10%/90% or 90%/10% alternative assumption could generate dramatically different economic impacts. If fallowing is to be allowed in the transfer plan, further analysis will be needed to more accurately model farmer use of the income gained through transfer payments to adequately estimate impacts in the Final EIR/EIS.

(6) In the cases of fallowing, the Draft EIR/EIS analysis assumes crops will be fallowed in proportion to the historical pattern of crops grown in the valley. The CIC Research review notes that selectively fallowing fields by type of crop based on water consumption and crop value could be used to mitigate some of the socioeconomic impacts. In other words, instead of historical ratios of crop types, value/acre or labor(jobs)/acre could be used to make fallowing decisions. Such possible mitigation strategies are complicated by the practice of crop rotation in the valley whereby virtually all crops are grown on all fields at different times, and by the resource management need to fallow on occasion. Left to their own decision-making, farmers would be more likely to fallow based on profit/acre or profit/acre-foot of water, which may or may not be correlated with jobs/acre and could lessen or magnify adverse economic impacts.

Fiscal Impacts

(7) Over the long run, fallowing will reduce property values. Even temporary fallowing programmed into crop rotation will reduce income derived from a field, ultimately reducing its value as farmland. Permanently fallowing a field will dramatically reduce its value. Perhaps farmers will be adequately compensated for reduced farm

values through transfer payments, but the community at large will also suffer through a reduction in property tax revenue. School districts, municipalities, and Imperial County will be the hardest hit by declining revenues. The reduction in fiscal revenue was not adequately treated in the Draft EIR/EIS.

(8) The EIR/EIS identifies a potential job loss of 1,400 due to transfer and conservation by fallowing, even before considering the additional job losses associated with fallowing for IOP impacts, HCP impacts within the IID water service area, and the economic decline of the Salton Sea area. Socioeconomic impacts cannot be fully measured by just the loss of jobs affecting those who were formerly employed. The entire community in Imperial County will bear some increased burden through the governmental costs of providing job training and public assistance payments, and potentially through the costs of dealing with increased crime, domestic stress, and other social problems derived from high unemployment. The Draft EIR/EIS ignores this set of socioeconomic impacts.

(9) Any reduction in air quality will have socioeconomic costs as well as environmental costs. The household sector of the economy will suffer costs associated with health problems and costs of mitigating airborne particles in their homes and workplaces. The public sector will suffer reduced revenues from declining property values, and increased costs of public health. These costs have not been adequately treated to date in the Draft EIR/EIS.

Documents Reviewed

Ch2M Hill, "IID Water Conservation and Transfer Project/Draft Habitat Conservation Plan: Draft EIR/EIS, Sections 1, 2, 3.6, 3.14, Appendix G."

CIC Research, Inc., Independent Analysis of the Economic Impact Studies in the IID Water Conservation and Transfer Project EIR/EIS, Draft March 15, 2002.

Cordova, Ralph Jr., Yeager, Joanne L., McLaughlin, Bryn C., Rossmann, Antonio, Moore, Roger B. "Policy Statement of Hank Kuiper, Chair Imperial County Board of Supervisors", April 2002.

Dornbusch Associates, "Evaluation of IID Grower Market Power," February 20, 2002, (and written testimony of James P. Merchant).

Eckhardt, Dr. John, and Harnish, Laura, "Written Testimony in Support of IID-Authority Joint Long-Term Transfer Petition, to the State Water Resources Control Board."

Gomez, Santos and Steding, Anna, "California Water Transfers: An Evaluation of the Framework and A Spatial Analysis of the Potential Impacts." Pacific Institute, April 1998.

Horvitz, Steve, "Written Testimony for California State Water Resources Board Hearing Regarding Salton Sea."

Loh, Penn and Steding, Anna, "The Palo Verde Test Land Fallowing Program: A Model for Future California Water Transfers?." Pacific Institute, March 1996.

Loh, Penn and Steding, Anna, "Water Transfers in California: A Framework for Sustainability and Justice." Pacific Institute, March 1996.

Silva, Jesse P., "Written testimony in support of IID-SDCWA Joint Long-Term Transfer Petition, to the State Water Resources Control Board."

Smith, Rodney, "Written Testimony in Support of IID-SDCWA Joint Long-Term Transfer Petition, to the State Water Resources Control Board."

Summary of IID/SDCWA Transfer Agreement, Revised as of 12/18/01.

Sunding, David, Zilberman, David, Howitt, Richard, Dinar, Ariel and MacDougall, Neal. "Measuring the Costs of Reallocating Water from Agriculture: A Multi-Model Approach." *Natural Resources Modeling*, July 1999