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website: www.house.gov/filner

March 22, 2004

Charles F. Keene
Executive Officer, California Desalination Task Force
State of California
Department of Water Resources
770 Fairmont Avenue, Suite 102
Glendale, CA 91203

Dear Charles:

I was pleased to hear you were able to meet my District Director, Inez Gonzalez, at the San Diego scoping meeting for the Salton Sea Ecosystem Restoration Project.

I'm very interested in following this project's progress, and I would appreciate you keeping me informed as you move forward.

Best wishes.

Sincerely,

BOB FILNER
Member of Congress

BF/ig
2147641



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Palm Springs-South Coast Field Office

690 West Garnet Avenue

P.O. Box 581260

North Palm Springs, CA 92258-1260



*Visit us on the Internet at
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In Reply Refer To:
CA660.03
1610

MAR 12 2004

Charles Keene
California Department of Water Resources
770 Fairmont Avenue
Glendale, California 91203

Dear Mr. Keene:

Thank you for contacting the Bureau of Land Management (BLM) about the preparation of a programmatic environmental impact report for the Restoration of the Salton Sea Ecosystem. The BLM manages public land around the shore of the Salton Sea and in the vicinity of the project area, including Palen Dry Lake. The Palm Springs-South Coast Field Office is responsible for public lands in Riverside County, while the El Centro Field Office covers the public lands in Imperial County. These public lands are managed under the California Desert Conservation Area (CDCA) Plan, as amended (1980). Recent amendments to the CDCA Plan include the Northern and Eastern Colorado Desert Coordinated Management Plan (2002), and the Coachella Valley Plan (2002). These plans identify important natural and cultural resources, land uses, routes of travel, rights of ways, and other issues relevant to the proposed Restoration of the Salton Sea Ecosystem. The BLM is particularly interested in possible impacts from the proposed project to water sources and hydrology, threatened and endangered species, public access and recreation, and cultural resources.

Please indicate the boundaries of public lands on any appropriate maps prepared for the EIR, and consider any impacts to the resources of these lands in the analysis of the project.

For further information, or to receive copies of BLM planning documents, please contact me at (760) 251-4840, or by e-mail at gchill@ca.blm.gov.

Sincerely,

Greg Hill
Planning and Environmental Coordinator



IN REPLY REFER TO:

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Pacific Regional Office

2800 Cottage Way

Sacramento, California 95825

APR 12 2004

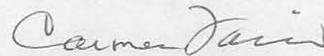
Charles Keene
California Department of Water Resources
770 Fairmont Avenue
Glendale, CA 91203

Dear Mr. Keene:

We are providing scoping comments in response to the Notice of Preparation on the Salton Sea Ecosystem Restoration Project and the Programmatic Environmental Impact Report being produced by the Department of Water Resources and the California Department of Fish and Game. The Pacific Regional Office of the Bureau of Indian Affairs has been following various proposals for the restoration and protection of the Salton Sea with intense interest for a number of years and previously provided detailed comments on the Environmental Impact Statement produced by the Bureau of Reclamation. Our concerns remain regarding the protection of Indian trust assets and we believe that this issue needs to be fully explored and disclosed in the proposed EIR. We also note that the Mary Bono Concept Plan is strongly supported by the Torres Martinez Band of Desert Cahuilla Indians. Accordingly, we believe that the Mary Bono Concept Plan needs to be fully explored as an alternative in the EIR, allowing potential selection and implementation.

We look forward to reviewing results of scoping documentation informing the public as to the significant issues and alternatives to be discussed in the EIR. If you have any questions, our contacts for this matter are William Allan, Environmental Protection Specialist, at (916) 978-6043, and Christopher Reeves, Regional Geohydrologist, at (916) 978-6040.

Sincerely,


Acting Regional Director

cc: Superintendent, Southern California Agency, BIA



UNITED STATES
DEPARTMENT OF THE INTERIOR

IN REPLY REFER TO:

Natural Resources
FY 2004 Water

BUREAU OF INDIAN AFFAIRS
SOUTHERN CALIFORNIA AGENCY
2038 IOWA AVENUE, SUITE 101
RIVERSIDE, CALIFORNIA 92507-2471
PHONE (909) 276-6624 FAX (909) 276-6641

APR 16 2004

Charles Keene, Principal Environmental Manager
PEIR Coordinator, Colorado River and Salton Sea Office
California Department of Water Resources
770 Fairmount Avenue
Glendale, CA 91203

Dear Mr. Keene:

This serves as comment regarding the Department of Water resources (DWR) Notice of Preparation (NOP) for the Salton Sea Restoration Programmatic Environmental Impact Report (PEIR). In accordance with the NOP we are submitting the recommendations below for material to be included in your draft PEIR

DWR should fully address and clarify the structure and purpose of the California Resources Secretary's Salton Sea Advisory Committee.

DWR must consider and address tribal concerns about restoration alternatives for the Salton Sea.

DWR should address and fully describe the format of how restoration alternatives will impact Tribal and federal lands and future land use.

DWR should address impacts on lands and communities around the water-body. There will be land use changes, and there is great concern about impacts to economic development.

DWR should address impacts in each alternative regarding the five basic areas (objectives) listed, as follow:

- 1) Maintain a nearly constant level of the inland body of water;
- 2) Maintain an economic sport fishery;
- 3) Maintain habitat for migratory birds;
- 4) Water quality goals for improvement; and,
- 5) Maintain Agriculture's position

DWR should fully describe the long term (greater than 100 years) impacts for all alternatives concerning the above 5 objectives.

The DWR task must address: 1) Sustain avian biodiversity without Salton Sea water surface elevation concern; 2) Maintain near constant salinity AND a Salton Sea water surface elevation not to exceed -230 (not greater than 230-feet below Mean Sea Level); and, 3) Requires "most cost effective" solution. This means DWR will attempt to maintain: 1) Long-term stable aquatic shoreline habitat for historic biodiversity levels; 2) Eliminate air quality impacts due to restoration; and, 3) Protection of water quality. DWR should address the impacts of these tasks as related to the 5 objectives listed above.

DWR should more fully communicate with tribes in the watershed and more fully bring tribes in the process. DWR should provide information flow to tribes and communities.

DWR should fully describe existing water rights, land ownership and land status, and the DWR's ability to implement the alternatives across jurisdictions.

DWR should address, and analyze fully, wetlands issues, and recognize that wetlands are a significant part of the solution. DWR should develop alternatives that limit exposed seabed areas; encourage water-based solutions; and, have a plan to utilize exposed lands.

DWR should fully address how the State's Salton Sea restoration alternatives will maintain community health and economic development.

DWR should discuss and assess protection of tribes and communities in watershed in addressing Salton Sea Restoration issue in a watershed-wide solution. Local residents and groups should receive deference from the decision-makers.

DWR should fully describe cost estimates for each alternative for Salton Sea Restoration.

DWR should fully describe who is responsible for Salton Sea if a decision is made to take no action for restoration of Salton Sea.

DRW should fully describe a "no action" alternative and its impacts so that full disclosure is achieved.

DWR should solicit and utilize tribal and local community input into selection of alternatives.

DWR should select alternatives and mitigation that will protect cultural resources currently submerged by the present water body of the Salton Sea.

DWR should develop alternatives that retain economic development potential as part of restoration effort.

DWR should seek information from the Torres-Martinez Desert Cahuilla Indians because of direct impacts to the tribe. Alternatives should focus on provision of resources from local sources such as rock and fill available from the Tribe.

DWR will need to assess impacts to the human environment, economics, social issues, and the many

issues not to be addressed if restoration is only for QSA mitigation in the Salton Sea and for a project for ecosystem restoration (wildlife).

DWR should address whether or not any alternatives will include restoration to current conditions.

DWR should assess how humans will be impacted and what the impacts to humans will be in restoring the Salton Sea ecosystem for wildlife.

DWR should assess impacts to resources and assets held in trust by the U.S. Government for the sole use and benefit of the Tribe due to exposure of contaminated sediments on the lake-floor due to receding water level/shoreline. The preferred alternative should recognize that pollutant material in the exposed lake-bottom sediments that will degrade air quality need to be removed to preclude detrimental air quality issues. No action will result in roughly 80,000 acres to be exposed, assuming 500,000 AF/yr reduction in inflows to the water body due to QSA. The State must mitigate fugitive dust. At Owens Lake the cost is \$10-million/acre by LADWP in dollars and water. Salton Sea issue would be about ten times worse, since is already in non-attainment area. Selenium (and Arsenic and DDE) is concentrated in detritus in the lakebed in the upper basin of Salton Sea due to slower currents; whereas in lower basin, selenium remains as suspended particles in a slightly faster current. PM-10 enforcement could take care of most of the problems [there is no enforcement of these constituents in soils (unless there were to be new legislation for the Salton Sea Restoration)]. DWR should fully assess air contamination with respect to exposure of Salton Sea lake-bottom as water recedes and its impacts on Tribes and local communities.

DWR should discuss what the authorities of the CAL-FED Bay-Delta Authority regarding Indian Trust Assets apply for the DWR Salton Sea Restoration process. The Salton Sea is in the CAL-FED Solution Area. The three pieces of legislation for Salton Sea Restoration collectively do not say that CAL-FED doesn't apply. The protection of Indian trust assets applies to all CALFED actions that could have involve impacts on Indian trust assets. The Secretary, Resources Agency, decided this in the ROD and Certification for CALFED. State agencies should consult potentially affected Indian tribes or individuals; the BIA; the Solicitor's Office of the U.S. Department of the Interior; and the Native American Affairs Office.

DWR should assess impacts of MWD recharge in the upper Coachella Valley or possibly as recharge in the Lower Coachella Valley, in the option MWD may have to purchase water from DWR if DWR buys water from IID. DWR should address those impacts, as water pumped from the ground is used in agriculture, which becomes return flow to the Salton Sea with potential for significant water quality impacts upon restoration

DWR should assess impacts of DF&G/JPA for purchase of land from selling water to MWD purchased from IID. DWR should fully discuss and produce a flowchart describing all sources of potential funds for land purchases and for mitigation.

DWR should fully disclose impacts of mitigation projects on and around lands purchased with funds derived from water sales. DWR should fully discuss and produce a flowchart describing all sources of potential funds for land purchases and for mitigation.

DWR should assess the physical effect of restoration on surrounding communities.

DWR should assess the indirect impacts of each alternative including economic and recreation impacts. Legislation calls for restoring the Salton Sea ecosystem and permanent protection of wildlife dependent on the ecosystem (otherwise State would lose 800,000 AF/Yr to Southern California Coastal Plain (ie., in the MWD/SDCWA service areas). This is for ecosystem restoration, not economic development or recreation.

DWR should fully analyze public interest and public trust in its effort to California wildlife trust assets

- DWR should identify a series of projects for protecting the environment as a preferred alternative. Subsequent projects identified through the PEIR preferred alternative should be identified to be addressed under subsequent EIRs. Projects identified that would not be addressed under subsequent EIRs should be fully identified and analyzed in the DEIR if to be approved later under a Negative Declaration.

DWR should maintain consultation with Department of Fish and Game (DF&G) as CEQA Co-Lead, and Salton Sea Authority, Air Quality Management Districts, and the Secretary's Salton Sea Advisory Committee. The DWR should fully describe the Resources Secretary or DWR/DF&G efforts seeking partnerships and Memorandum of Understanding (MOU's) with other agencies, and the Secretary of the Interior, and other federal entities, for the PEIR, or potential joint CEQA/National Environmental Policy Act (NEPA) PEIR/Environmental Impact Statement(EIS).

DWR should evaluate the magnitude and practicality of construction and the operation and maintenance costs for each alternative. The economic analysis is the only restraint in a final plan to implement for Salton Sea restoration. DWR should address impacts in the case a decision is to not implement restoration of the Salton Sea based on the economic analysis following the PEIR.

The DWR should consider in its Programmatic evaluation all the categories of coverage needs under NEPA in case a federal role eventually becomes available.

The DWR should implement only an alternative that involves a very specific engineering feasibility study because of cost variations can make a huge difference in determining financial feasibility. The study should involve very close cost-estimating in unit cost approach.

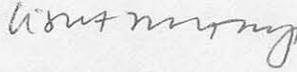
The State needs to have the DHS perform a risk assessment for information on human health concerns including a pre-action baseline evaluation so impacts can be monitored after an Alternative is selected and implemented.

The BIA is very concerned with tribal trust resources, and is interested in seeing alternatives that address protection of Indian Trust, protection of tribal rights, and protection and enhancement of real property and natural resources trust assets. DWR should address and discuss how the CEQA process will responsibly

address impacts to Indian land issues and concerns. (See letter dated to California Resources Agency Secretary Michael Crisman, dated March 2, 2004.)

For further information or discussion, please contact Richard R. Gundry, Agency Hydrologist, (909) 276-6624, Ext. 257, or Lisa Northrop, Natural Resources Officer, Ext 254.

Sincerely,



James J. Fletcher
Acting Superintendent

Enclosures

cc: (see enclosed Distribution List)

Distribution List (page 1 of 2)

The Honorable Dean Mike, Spokesperson
Twenty-Nine Palms Band of Mission Indians
46-200 Harrison Place
Coachella, CA 92236

The Honorable Raymond Torres, Chairman
Torres-Martinez Desert Cahuilla Indians
P. O. Box 1160
Thermal, CA 92274

The Honorable Maurice Lyons, Chairman
Morongo Band of Mission Indians
11581 Potrero Road
Banning, CA 92220

The Honorable John A. James, Chairman
Cabazon Band of Mission Indians
84-245 Indio Springs Drive
Indio, CA 92201

The Honorable Maryann Martin, Chairperson
Augustine Band of Mission Indians
P. O. Box 846
Coachella, CA 92236

The Honorable Richard Milanovich, Chairman
Agua Caliente Band of Cahuilla Indians
600 East Tahquitz Canyon Way
Palm Springs, CA 92262

Jeanine Jones, Principal Engineer
Colorado River and Salton Sea Office
California Department of Water Resources
P. O. Box 942836
Sacramento, CA 94236-0001

Michael Crisman, Secretary
California Resources Agency
P. O. Box 942836
Sacramento, CA 94236-0001

Distribution List (page 2 of 2)

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Clay Gregory, Regional Director
(Attn: Dale Morris, Natural Resources Officer)
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way
Sacramento, CA 95825



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IN REPLY REFER TO:

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DEPARTMENT OF THE INTERIOR

Natural Resources
FY 2004 Water

BUREAU OF INDIAN AFFAIRS
SOUTHERN CALIFORNIA AGENCY
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MAR 2 - 2004

Michael Crisman, Secretary
California Resources Agency
P. O. Box 942836
Sacramento, CA 94236-0001

Dear Mr. Crisman:

The Bureau of Indian Affairs (BIA) holds legal title in trust for the land and natural resources of federally-recognized Indian Reservations in the Coachella Valley and has responsibilities to protect them. This responsibility is manifested as trust obligations and fiduciary responsibilities to protect real property and natural resources held in trust by the United States on behalf of federally-recognized tribes. This includes, but is not limited to, their accounts, land, natural resources, minerals, air, and water. Water resources include both surface-water and ground-water, and the quality and quantity of the water. There exists inherent water rights for Indian Reservations. BIA's chief charge is protection of these resources.

There are six Indian Reservations in the Salton Sea watershed affected by pending California decisions regarding restoration or rehabilitation of the Salton Sea:

Agua Caliente Indian Reservation
Cabazon Indian Reservation
Torres-Martinez Indian Reservation

Augustine Indian Reservation
Morongo Indian Reservation
Twenty-Nine Palms Indian Reservation

These six Indian Reservations comprise roughly 120,000-acres, of which nearly 12,000-acres of the Torres-Martinez Indian Reservation are overlain by the Salton Sea as it stands today. The trust lands encumbered by the Salton Sea are not managed by the Coachella Valley Water District and the Imperial Irrigation District who have easements that allow for overland flow of drainage water. Yet, these water districts do not control other land uses on the presently submerged trust land, or those that may emerge with a subsequent land cover.

Trust lands and tribes will be affected by forthcoming decisions of California regarding the Salton Sea. Depending on the outcome of plans for the Salton Sea restoration or rehabilitation, submerged lands and other trust lands will no doubt be effected by various changes in land use affecting the degrees of enjoyment of tribal rights, and for management of recovered land surfaces now

submerged. The BIA has a higher standard of care than that of other federal agencies, such as the National Forest Service, or Department of the Interior's Bureau of Land Management, National Park Service, and the Bureau of Reclamation, because of the BIA's fiduciary trust responsibilities to protect Tribal assets. For instance, the Bureau of Reclamation does not represent BIA's responsibilities and concerns about tribal rights.

It is imperative California provide for BIA and tribal participation in the decision-making process for restoration or rehabilitation of the Salton Sea. Perhaps there was an oversight made by California to not include the BIA and tribes. Accordingly, we request that California provide this Agency and tribes a decision-making level position involving each of these four functional areas:

1. Salton Sea Advisory Committee and decision-making of the Department of Water Resource's (DWR) Colorado River and Salton Sea Office, and the California Resources Agency.
2. Quantification Settlement Agreement environmental mitigation decision-making that involves the DWR-chaired Joint Powers Authority with the Imperial Irrigation District (IID), the Coachella Valley Water District, and the Metropolitan Water District of Southern California (MWD).
3. Salton Sea Restoration decision-making for implementation of methods/strategies for using the Salton Sea Fund for Salton Sea Restoration (to be managed by the California Department of Fish & Game).
4. Decision-making process for water to be deployed by MWD in its usage of water if purchased from DWR when DWR purchases Colorado River water from IID.

For further information or discussion, please contact Richard R. Gundry, Agency Hydrologist, (909) 276-6624, Ext. 257, or Lisa Northrop, Natural Resources Officer, Ext 254.

Sincerely,



James J. Fletcher
Superintendent

Enclosure

cc: See Distribution List (enclosed)

Letter dated Mar 2, 2004 to:
Michael Crisman, Secretary
California Resources Agency

Distribution List

The Honorable Dean Mike, Spokesperson
Twenty-Nine Palms Band of Mission Indians
46-200 Harrison Place
Coachella, CA 92236

The Honorable Raymond Torres, Chairman
Torres-Martinez Desert Cahuilla Indians
P. O. Box 1160
Thermal, CA 92274

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84-245 Indio Springs Drive
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Coachella, CA 92236

The Honorable Richard Milanovich, Chairman
Agua Caliente Band of Cahuilla Indians
600 East Tahquitz Canyon Way
Palm Springs, CA 92262

Jeanine Jones, Principal Engineer
Colorado River and Salton Sea Office
California Department of Water Resources
P. O. Box 942836
Sacramento, CA 94236-0001

Clay Gregory, Acting Regional Director
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way
Sacramento, CA 95825

Dale Morris, Natural Resources Officer
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way
Sacramento, CA 95825



United States Department of the Interior



FISH AND WILDLIFE SERVICE

California/Nevada Operations Office
2800 Cottage Way, Suite W-2606
Sacramento, California 95825-1846

In Reply Refer To:

APR 14 2004

Mr. Charles Keene
California Department of Water Resources
770 Fairmont Avenue
Glendale, California 91203

Subject: Notice of Preparation (NOP) of a Programmatic Environmental Impact Report (PEIR)
for the Restoration of the Salton Sea Ecosystem and Preservation of its Fish and
Wildlife Resources

Dear Mr. Keene:

The Fish and Wildlife Service (Service) has reviewed the above-mentioned NOP and would like to offer the following comments for your consideration in the development of a draft PEIR. As you know, the Service has trust responsibilities for species listed under the Endangered Species Act of 1973 (ESA; as amended), migratory birds per the Migratory Bird Treaty Act of 1918 (as amended), and over 40,000 acres of land in the Sonny Bono Salton Sea National Wildlife Refuge. These trust resources need to be considered in the development of an approach for restoration of the Salton Sea ecosystem. Issues that may affect trust resources include such aspects as facility placement, water quality changes resulting from water conservation and/or restoration activities, and air quality impacts associated with the reduced elevation of the Salton Sea. This last is also a concern for Service personnel that live and work in the Salton Sea area.

A reasonable suite of restoration alternatives needs to be evaluated in the PEIR. Several whole-Sea alternatives have already undergone review; the Service agrees that a complete analysis of those alternatives does not need to be repeated in the PEIR (however, a summary of the previous analysis would facilitate review of and comparison with new alternatives). Multiple partial-Sea alternatives should be considered. Given the attention received by what has been called the "North Lake," "Salton Lake," and Mary Bono alternative, this alternative warrants consideration in the PEIR. The Service sees opportunities for wildlife habitat improvement in the conceptual design, but we recognize that there are other potential issues with water quality, air quality and refuge land use that have not been resolved. The PEIR also will need to consider the opposite partial-Sea alternative resulting in a "South Lake" configuration. One or more habitat enhancement alternatives that do not include dividing the Salton Sea should be included in the evaluation. As mentioned previously, all of these alternatives should address Service trust resources including the National Wildlife Refuge lands. Finally, the California Environmental Quality Act requires the consideration of a No Action alternative for comparison purposes.

Any wildlife enhancements will require adequate volumes of high quality water. The analysis should describe how such needs will be met in the long-term given the potential for additional volumes of water to be conserved and transferred out of the Imperial Valley in the future. This consideration should include maintaining adequate water supplies for the existing wildlife habitats managed by the Sonny Bono Salton Sea National Wildlife Refuge and the California Department of Fish and Game's Imperial Wildlife Area.

We appreciate the opportunity to provide these comments. Please feel free to contact our Refuge and/or Ecological Services staffs if we can be of any assistance. Chris Schoneman, Project Leader for the Sonny Bono Salton Sea National Wildlife Refuge, can be reached at (760) 348-5278. Carol Roberts, Salton Sea Coordinator for the Carlsbad Fish and Wildlife Office, can be reached at (760) 431-9440, ext. 271.

Sincerely,

Lawrence R. Hamble

Acting
Manager





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

April 16, 2004

Charles Keene
California Department of Water Resources
770 Fairmont Avenue
Glendale, CA 91203

Subject: Scoping comments for the Restoration of the Salton Sea Ecosystem and Preservation of Its Fish and Wildlife Resources, Riverside and Imperial Counties, California

Dear Mr. Keene:

The U.S. Environmental Protection Agency (EPA) has reviewed the Notice of Preparation (NOP) published March 2004, requesting comments on the scope and content of the Programmatic Environmental Impact Report (PEIR) to be prepared by the California Department of Water Resources (DWR) and the California Department of Fish and Game (DFG) for the above project.

EPA has participated in the efforts to restore the Salton Sea since 1998. We provide advice on how to minimize potential air quality and water quality effects; work with the State in development of Total Maximum Daily Loads for selenium, nutrients and pesticides in the Salton Sea, New, Alamo and Whitewater Rivers and agricultural drains; manage the Special Acts appropriation grant awarded to the Salton Sea Authority in support of their Salton Sea Restoration Feasibility study; engage in the Salton Sea Authority's Science Subcommittee; and participate as an ex officio member of the Salton Sea Advisory Committee. EPA also has a Tribal Trust responsibility to work with the Tribes in protecting the environment on their lands.

Although the current restoration effort is a non-Federal action, we are providing comments on the NOP because restoration of the Salton Sea is interrelated with other Federal actions and environmental issues in which EPA is involved. Our goal is to ensure full disclosure of critical issues, proposed actions, and potential impacts; and to provide assistance in minimizing adverse environmental effects.

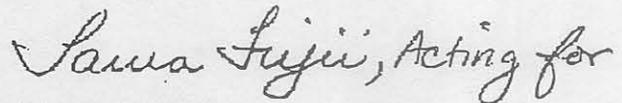
As stated in the NOP, Salton Sea restoration efforts have been underway since 1992 and are linked to many other State and Federal actions. We strongly urge DWR and DFG to evaluate the restoration feasibility study, restoration alternatives, scientific, and policy work completed by the Salton Sea Authority, U.S. Bureau of Reclamation, University of Redlands, Pacific Institute, and U.S. Filter, and integrate appropriate findings into the current restoration effort. A clear

description of the purpose and need, the project objectives, and their scope will be critical given the complexity, high visibility, and controversy surrounding the management of the Salton Sea.

Issues of interest to EPA include: (1) air quality impacts and mitigation/data collection options; (2) water resources; (3) consultation with Indian Tribes; (4) geographic scope and binational cooperation; (5) baseline environmental conditions; (6) alternatives analysis; and (7) cumulative impacts. Our comments on the Quantification Settlement Agreement, Imperial Irrigation District/San Diego County Water Authority Water Transfer, Bureau of Reclamation (BOR) Implementation Agreement, and BOR Salton Sea Restoration Project are incorporated by reference. If you would like a copy of these comments, please call Laura Fujii at (415) 972-3852.

We appreciate the opportunity to provide comments on the preparation of the PEIR, and look forward to continued participation in this process. When the Draft PEIR is released for public review, please send three copies to the address above (mail code: CMD-2). If you have any questions, please contact me or Laura Fujii, the lead reviewer for this project. Laura can be reached at 415-972-3852 or fujii.laura@cpa.gov.

Sincerely,



Lisa B. Hanf, Manager
Federal Activities Office
Cross Media Division

cc: Mike Walker, Bureau of Reclamation
James J. Fletcher, Bureau of Indian Affairs
Carol Roberts, US Fish and Wildlife Service
Charles Fisher, US International Boundary and Water Commission
Tom Kirk, Salton Sea Authority
Phil Gruenberg, RWQCB
Sylvia Oey, CARB
Bart Christensen, California EPA
Torres-Martinez Desert Cahuilla Indians
Twenty-Nine Palms Band of Mission Indians
Morongo Band of Mission Indians
Cabazon Band of Mission Indians
Augustine Band of Mission Indians
Agua Caliente Band of Cahuilla Indians

Air Quality

1. Implementation of the QSA could result in exposure of approximately 60,000 acres (94 square miles) of land currently inundated by the Salton Sea¹. The crust formed on exposed sediments may breakup under natural events similar to the Owens dry lake bed in California. These natural events could come from ground water evaporation, surface moisture, or rain. Human disturbances associated with off-road vehicle traffic (dune buggies, all-terrain vehicles, and dirt bikes) as well as hunting, fishing, boat launching activities and foot traffic could fracture the crust. These events can cause the surface to crack and, when exposed to wind, will contribute to particulate matter less than 10 microns in diameter (PM10) emissions. The Coachella Valley is classified under the Federal Clean Air Act as being a "serious" non-attainment area for PM10. Imperial County is classified as a "moderate" non-attainment area for PM10.

Recommendations:

The Programmatic Environmental Impact Report (PEIR) should determine the durability and sustainability of crust formations on the exposed Salton Sea shoreline, and address variations associated with weather patterns and human disturbance.

We recommend that the PEIR include a description of the composition of the sediments and the risk of adverse human health and environmental effects if this sediment becomes airborne. If specific data is not available, the PEIR should identify necessary research and data needs.

The PEIR should evaluate possible control measures for the newly exposed shoreline. Control measures could include, but are not limited to, the introduction of native plants to provide ground cover, use of conserved water to reduce emissions, and control of public access to certain areas of the shoreline.

A PM10 monitoring network should be established around the Salton Sea as soon as possible to determine baseline emissions and PM10 exceedances of the National Ambient Air Quality Standards (NAAQS) under the proposed project.

The development of a Salton Sea monitoring and mitigation plan should be coordinated with the South Coast Air Quality Management District and Imperial County Air Pollution Control District.

¹Wastewater Conveyance & Treatment Project for The Mexicali II Service Area Environmental Assessment, Response to Comments, December 2003, US EPA.

2. The Draft PEIR should provide a detailed discussion of air quality standards, ambient conditions, and potential air quality impacts for the Salton Sea area. Cumulative and indirect impacts should be fully evaluated. For instance, development or modified use of surrounding lands (e.g., recreational development, retirement developments) could generate significant sources of PM10, smoke, and vehicle emissions.

Water Resources

Water Quality

The concentration of selenium in many locations of the New and Alamo Rivers and IID agricultural drains, exceeds EPA's aquatic life criteria of 5 micrograms per liter ($\mu\text{g/l}$) (Draft PEIR Colorado River Quantification Settlement Agreement (QSA), pgs. 3.1-10, 3.1-11; Table 3.1-15, pg. 3.1-29). In addition, we are concerned with the potential for increased concentrations of perchlorate, boron, nutrients, pesticides, sediments, metals, and total dissolved solids in surface waters. An increase in water temperatures is also a concern since it may have adverse effects on an already stressed biological system. Our concern is heightened by the presence of fish-eating migratory birds and other threatened and endangered fish and wildlife species that could be adversely affected by these harmful constituents, and by the bioaccumulation of selenium up the food chain.

Recommendations:

The PEIR should address the potential impacts of water temperature and constituent concentrations (e.g., perchlorate, boron, pesticides, nutrients, sediments, metals, and total dissolved solids) related to the reduced volume of drainage water flowing into the New, Alamo, and Whitewater Rivers and the Salton Sea. Many of these constituents, such as perchlorate, can have serious adverse effects on human health and the environment. The PEIR should also provide an evaluation of the cumulative effects of possible increased concentrations of these constituents of concern.

The PEIR should identify mitigation measures to address the potential adverse increase in concentration of constituents of concern such as selenium. Potential mitigation measures include biological and chemical selenium removal; integrated drainage management; desalination; evaporation ponds; deep well injection of extremely poor drainwater; and beneficial uses of drain water and salts.

The Regional Water Quality Control Board is developing Total Maximum Daily Loads (TMDLs) for selenium, nutrients and pesticides in the Salton Sea, New, Alamo and Whitewater Rivers and agricultural drains. We encourage DWR and DFG to work with the Regional Water Quality Control Board, EPA and local Indian tribes as they develop and implement TMDLs and other measures to address water quality problems. The PEIR should assess the conformity of

proposed restoration actions with probable TMDLs requirements and water quality goals.

Wetlands: Section 404 of the Clean Water Act (CWA)

1. The PEIR should identify impacts to water, floodplains, and wetlands, including identification of Section 404 Clean Water Act (CWA) requirements, and management and mitigation proposals to ensure compliance with these requirements.

EPA will review the proposed action for compliance with the Federal Guidelines for Specification of Disposal Sites for Drilled or Fill Materials (40 CFR 230), promulgated pursuant to Section 404(b)(1) of the Clean Water Act (CWA). To comply with the Guidelines, the proposed actions must meet all of the following criteria:

- There is no practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem (40 CFR 230.10(a)).
 - The proposed action does not violate State water quality standards, toxic effluent standards, or jeopardize the continued existence of federally listed species or their critical habitat (40 CFR 230.10(b)).
 - The proposed action will not cause or contribute to significant degradation of waters of the United States, including wetlands (40 CFR 230.10(c)). Significant degradation includes loss of fish and wildlife habitat, including cumulative losses.
 - All appropriate and practicable steps are taken to minimize adverse impacts on the aquatic ecosystem (i.e., mitigation) (40 CFR 230.10(d)). This includes incorporation of all appropriate and practicable compensation measures for unavoidable losses to waters of the United States, including wetlands. The DEIS should fully address the feasibility of "in-kind" habitat mitigation measures.
2. As stated in the NOP, local agencies and environmental groups have constructed pilot wetlands along the New and Alamo Rivers.

Recommendation:

The PEIR should describe the constructed wetland project and evaluate the potential use of constructed wetland efforts to improve water quality and provide wildlife habitat. The possible tradeoff between the reduction of Salton Sea inflow due to increased wetland water use and habitat creation benefits should be evaluated.

Coordination with Indian Tribes

We strongly recommend DWR and DFG meet and work with potentially affected Indian Tribes. At a minimum, the following Indian Tribes should be notified and encouraged to participate in the planning process: Torres Martinez Desert Cahuilla Indians, Morongo Consortium of Coachella Valley Tribes, The Morongo Band of Mission Indians, Agua Caliente Band of Cahuilla Indians, Twenty Nine Palms Band of Mission Indians, Augustine Band of Mission Indians and the Cabazon Band of Mission Indians. Many of these Tribes have a direct interest in the water supply, water quality and water use in this region. For instance, the Torres Martinez are in the process of establishing Water Quality Standards for the Salton Sea watershed and the Morongo Consortium has received a Section 319 Clean Water Act pass-through grant via the State of California for water quality monitoring of the area, including the Salton Sea. It is important that potentially affected Indian Tribes be consulted on a government-to-government basis in regard to the potential effects of the proposed actions.

Geographic Scope and Binational Cooperation

In addition to the Salton Sea, the study area should include those water bodies that effect the Sea, including the New River, Alamo River, Whitewater River, San Felipe Creek, agricultural drains, the Colorado River, and the Colorado River Delta (Delta). We are pleased that the geographic scope of the project now includes the Lower Colorado River and Delta. The restoration of the Salton Sea should carefully consider the interrelationships among major water resources within the Lower Colorado River watershed.

We recommend DWR and DFG approach the International Boundary and Water Commission (IBWC) to seek opportunities for binational cooperation and coordination on potential Lower Colorado River and Delta restoration alternatives. As noted in the NOP, remediating conditions in the Colorado River Delta will require binational cooperation. The outcome of the restoration project would be much more positive if both Mexico and the United States collaborated from the beginning of the planning process.

Baseline Conditions

1. The PEIR should clearly describe the existing conditions and historical conditions from pre-flooding to pre-tilapia fish and post-tilapia fish introduction.
2. The PEIR should clearly state which baseline will be used to evaluate the potential impacts of the alternatives. It is possible to have different baselines depending on the project objective, resource, and issues being evaluated. However, the baseline should be clearly defined and scientifically credible. We recommend proposed baselines be reviewed by the Salton Sea Advisory Committee and other key affected parties.
3. The baseline evaluation should include a water budget for the Salton Sea, New River, Alamo River, and the Colorado River, including the Delta.

Alternatives Analysis

1. Specific alternative selection/screening criteria should be described in the PEIR. Provide the rationale for the elimination of alternatives not evaluated in detail. Below is a list of management and structural options from our previous scoping comments and other feasibility studies for restoration of the Salton Sea that could be considered.

Management Alternatives

Water supply allocations

Water transfers for water for the Salton Sea

Non-point source pollution control

Modified agricultural practices, such as reduction of fertilizer and pesticide use, crop modification, land retirement, drainage water treatment (e.g., wetlands), water conservation.

Develop and implement a dynamic model for the Lower Colorado River Basin, including the Salton Sea, to mimic the natural cycle.

Remediation/restoration projects in the Lower Colorado River and Delta

Structural Alternatives

Dikes or causeways

Export/import actions (e.g., pumping water in and out of the Sea)

Impoundments and pump out

Salt removal (e.g., evaporation ponds, enhanced evaporation systems)

Wastewater treatment facility

Desalination facility

2. We recommend an alternative be developed based upon a dynamic restoration and management model for the Lower Colorado River Basin which mimics the natural ecological cycle of the Salton Sea, Lower Colorado River, and Delta. Such an alternative could include some or all of the following features concurrently or in stages:

- a) Periodic refreshment of the Salton Sea with fresh water to reduce the salinity range.
- b) Delivery of Colorado River surplus or flood water to the Delta wetlands for restoration of native and migratory bird and other endemic species habitat.
- c) Removal of tilapia species/reintroduction of Gulf of California fish species OR allowing the Salton Sea to reach a salinity in which the system is dominated by invertebrates.
- d) Invertebrate (brine shrimp) harvesting.
- e) On-farm management to reduce pesticide, nutrient and selenium inputs to the Salton Sea.
- f) Restoration of riparian habitat along the New, Alamo, Whitewater Rivers and San Felipe Creek.
- g) Restoration of halophyte-dominated wetlands around the Salton Sea shoreline.

A restoration and management scenario including these elements could reduce salinity and allow the system to change over time, thereby mimicking the natural cycle of the historical Salton Sea. It would also restore habitat over a larger area available to migratory birds along the Pacific Flyway. The costs associated with such an alternative may be lower than engineering solutions proposed thus far, and could be borne by different beneficiaries over time.

Cumulative Impacts

Given the many state and federal actions in the project area, it is important that the PEIR provide a thorough evaluation of potential cumulative impacts of the project. A cumulative impact is "...the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time." (40 CFR §1508.7). For instance, restoration of the Salton Sea could accelerate the agriculture to urban conversion which is already rapidly occurring along the Border. Other third party effects such as potential impacts on geothermal resources, Indian Tribes, and farm workers should be also be analyzed.



Water Resources Division
Western Region
345 Middlefield Road, MS 435
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April 9, 2004

TO: Charles Keene, California Department of Water Resources, Glendale CA
FROM: Theresa Presser *Theresa A. Presser*
U.S. Geological Survey, Water Resources Division, National Research Program,
Menlo Park, California
SUBJECT: Comments on Scope of Programmatic Environmental Impact Report for the
Restoration of the Salton Sea Ecosystem and Preservation of its Fish and Wildlife
Resources

See attached document that I prepared on 3/4/03 concerning issues of selenium toxicity in the Salton Sea and proposed restoration. This document was originally developed and submitted to the USGS Salton Sea Science Office for use in a workshop on "Selenium and the Salton Sea" held in Sacramento on March 11, 2003. I wish to resubmit these comments as part of the scoping effort for *Programmatic Environmental Impact Report for the Restoration of the Salton Sea Ecosystem and Preservation of its Fish and Wildlife Resources* (PEIR). Although the comments are somewhat detailed in terms of selenium biogeochemistry, particularly pertinent to the issue of scoping for the PEIR is the section *Need for a Selenium Component to Proposals* which states:

Without information concerning selenium as an environmental toxicant as part of the proposals, the basis for understanding the adverse impacts or benefits of a proposed solution would be incomplete. To this end, a separate Se component equal in status to that of salt and water needs to be developed for each proposed remediation effort. This ecological analysis should be as detailed as that of engineering and economics. Models (e.g., bird-use, Se pathway bioaccumulation) are available (see below) that can be integrated into the analysis to aid in the development of realistic loading and concentration scenarios and the forecasting of biological effects.

I appreciate the opportunity to comment on scoping for the Salton Sea Restoration. If you need further information or copies of referenced material, please do not hesitate to call (650-329-4512, tpresser@usgs.gov). You also may wish to contact USGS's representative on the Salton Sea Advisory Committee, Bernard Shanks at (206-220-4624, bernard_shanks@usgs.gov) or Doug Barnum at the Salton Sea Science Office (760-777-1564, douglas_barnum@usgs.gov) for additional information.

Attachment (1)

cc: Bernard Shanks, USGS, BRD, Seattle, WA
Doug Barnum, USGS, BRD, La Quinta, CA
Keith Kirk, USGS, WRD, Menlo Park, CA



Water Resources Division
Western Region
345 Middlefield Road, MS 435
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March 4, 2003

TO: Doug Barnum, USGS, BRD, Salton Sea Science Office, La Quinta, California
FROM: Theresa Presser
U.S. Geological Survey, Water Resources Division, National Research Program,
Menlo Park, California
SUBJECT: Technical Comments on Selenium Component of *US Filter Salton River
Desalination Solution Proposal* (Version dated 11/20/02) and *Draft Review of US
Filter Corporation Salton River Proposal* (containing *Variations #1 and #2*, 1/03)

Selenium (Se) loading to the Colorado River is approximately 81,000 pounds (lbs) Se/year (Engberg et al., 1999). Estimates of the annual mass loading of Se to the Salton Sea is approximately 17,600 lbs Se (Skorupa, 1998), an amount equal to that which caused the ecotoxicity at Kesterson (discharge 1981-1985, 17,400 lbs Se, Presser and Piper, 1998). Understanding the biotransfer of Se is essential to evaluating the impact of proposed changes in Se discharges to the Salton Sea and associated mitigation wetlands. The *US Filter Proposal* does not address the ecology, food webs, hydrodynamics, or Se biogeochemistry in the Salton Sea and proposed mitigation wetlands. Successful integration of these sciences with the current understanding of factors that affect the environmental fate of Se would help quantify the transfer of risk that is associated with Se management in proposed solutions. Presented below are general and specific comments that address the contaminant Se in proposed remediation. In addition, I include information that will help to provide a scientific conceptual basis for restoration, which I found lacking in the proposal materials.

General Comments

Recognize Se-impairment of Salton Sea and Constructed Wetlands

Lack of comprehensive historical and current data for the fate of Se in the Salton Sea ecosystem and its tributaries is a major problem. Skorupa (1998) gives a compilation of Se concentrations in water, sediment, food chain fauna, fish tissue, bird tissue, and bird eggs for the Salton Sea (see attached Table 1). If these data for Se concentrations in environmental media of the Salton Sea are used to rate the Salton Sea ecosystem based on the *Lemly Index* for Se hazard (Lemly, 1995 and 1996), the hazard score indicates a high hazard.

The Salton Sea (1 – 2 µg/L total recoverable Se in water) is currently posted because of Se with a health warning against consumption of fish (> 2 µg Se/g wet weight or 8 µg Se/g dry weight, filet). Selenium concentrations in fish muscle (see attached Table 2) also are above the dietary ecological risk threshold for aquatic life (> 7 µg Se/g, whole body; whole-body Se concentrations are usually greater than muscle Se concentrations). Concentrations of Se in grebe

liver samples and egg samples (see attached Table 3) from the Salton Sea can be within the range of toxicity for acute effects and are within the range at which sub-acute effects occur (e.g., suppression of the immune system).

Effects are likely to occur at the proposed levels for mitigation wetlands (7-10 $\mu\text{g Se/L}$) based the current USEPA criterion for the protection of aquatic life (5 $\mu\text{g Se/L}$) and on current research on Se exposure. Use of large-scale biological treatment technologies (e.g. wetlands or evaporation ponds) has generated serious ecological problems and hazardous Se wastes for disposal (Luoma and Presser, 2000; Presser and Piper, 1998; Skorupa, 1998a; Hamilton, 2000b). Further, Tulare Basin evaporation basins are regulated by the state and clean wetlands are required to mitigate for unavoidable toxic impacts to breeding waterbirds (Skorupa, 1998). The mitigation wetlands are not allowed to average more than 2.7 $\mu\text{g/L}$ total recoverable Se in impounded water (Central Valley Regional Water Quality Control Board, 1993).

Vulnerable downstream water bodies should be considered when evaluating upstream source waters. Selenium impacts may not appear equally in all components of an ecosystem because some components may be more sensitive than others. Selenium-contaminated impoundments appear to present greater risks to wildlife than Se contaminated streams and rivers (Seiler, 1995; Skorupa, 1998). For example, a flowing system may be less sensitive to Se effects where selenate dominates, than adjacent backwaters or wetlands, where residence times and biogeochemical transformations of Se are more likely. As noted below, treatment could affect the speciation of Se, producing a more bio-available form of Se in downstream ecosystems (Amweg, et al., 2003).

Need for Protective Criteria Based on Food Webs

It seems clear from current research that significant scientific advances in regulation and technology are needed to control environmental Se concentrations within environmentally protective ranges to avoid adverse impacts from Se. It is now known that direct transfer of Se from solution to animals is a small proportion of exposures. Bioaccumulation and uptake via food is the most important route of Se transfer to upper trophic level species. For example, Se concentrations were well below water-quality guidelines for the protection of aquatic life in the San Francisco Bay-Delta Estuary (Bay-Delta) in the latest surveys in 1996. Nevertheless, Se in food webs was sufficient to be a threat to some species and a concern to human health if those species were consumed. Cases such as this prompted the U.S. Environmental Protection Agency to re-evaluate Se standards for the protection of aquatic life to include diet and vulnerable species (USEPA, 1998). The U.S. Fish and Wildlife Service and the National Marine Fisheries Service through the California Toxics Rule also are asking for more stringent Se criteria than the current national criteria. Hence, consideration should be given to elevated Se concentrations currently occurring in the fish and birds of the Salton Sea, even though waterborne concentrations in the sea are between 1 and 2 $\mu\text{g Se/L}$ (i.e., less than the current 5- $\mu\text{g Se/L}$ USEPA criterion for the protection of aquatic life).

Recognize Treatment is Problematic

Treatment technologies for Se have utilized both chemical and biological processes to remove Se from the water column, but with little operational success or cost-effectiveness (San Joaquin Valley Drainage Program, 1990a; Hanna et al., 1990; San Joaquin Valley Drainage Implementation Program, 1998; 1999a). Selenium removal is further hampered by the failure of traditional chemical methods to reduce Se to levels acceptable for remediation and, in arid

regions, by the problem of disposal of associated salts (San Joaquin Valley Drainage Program, 1990a). Remediation has not been established other than that dependent on dilution in a larger body of water (San Joaquin Valley Drainage Implementation Program, 1998; U.S. Department of the Interior's National Irrigation Water Quality Program, 2000).

Treatment also may be important in determining Se-load impacts. Treatment technologies applied to source waters may affect both the Se concentration and Se speciation of the effluent. For example, a treatment process could decrease the concentration of Se in the influent, but result in enhanced Se food chain concentrations if speciation in the effluent changes to increase the efficiency of uptake (Amweg, et al., 2003).

Need for a Selenium Component to Proposals

Without information concerning selenium as an environmental toxicant as part of the proposals, the basis for understanding the adverse impacts or benefits of a proposed solution would be incomplete. To this end, a separate Se component equal in status to that of salt and water needs to be developed for each proposed remediation effort. This ecological analysis should be as detailed as that of engineering and economics. Models (e.g., bird-use, Se pathway bioaccumulation) are available (see below) that can be integrated into the analysis to aid in the development of realistic loading and concentration scenarios and the forecasting of biological effects.

Need for a Se Budget—Mass Balance Approach

In general, the fundamentals of food chain exposure, ecology, hydrodynamics, and the biogeochemistry of Se need to be integrated into proposals to provide consistent linkages of major processes leading from Se loading through consumer organisms to predators to protect fish and wildlife. Hence, recognition and monitoring of Se loading to the Salton Sea ecosystem on a mass balance basis (i.e., inputs; fluxes and storage within environmental media; and outputs, Presser and Piper, 1998) are essential to evaluating how to control Se concentrations within environmentally protective ranges. Monitoring plan components necessary for a mass balance approach include source loads of Se; concentrations of dissolved Se and suspended Se; Se speciation in water and sediment; assimilation capacities of indicator food chain organisms; and Se concentrations in tissues of prey and predator species. A linked or combined approach would include all considerations that cause systems to respond differently to Se contamination and would relate to source control limits.

Modeling of Biological Effects and Planning for Bird-Use

The USGS has recently published a Se bioaccumulation model specific to the ecosystem of the San Francisco Bay-Delta Estuary (Luoma and Presser, 2000; available on the web: <http://pubs.water.usgs.gov/ofr00-416/>). Summary pages also are available on the web: http://sfbay.wr.usgs.gov/access/bioavail/no_bay/. The fundamentals of the model are applicable to modeling effects of Se on other ecosystems. This pathway bioaccumulation model represents a new tool to predict ecological effects. Demand-driven Se loads as well as supply-driven management scenarios can be considered.

Specific protocols that include feeding relations and life cycles of vulnerable predators including migratory and mobile species also should be a part of the modeling effort. Bird-use models also are available as a result of planning for mitigation for the Tulare Basin evaporation ponds (U.S. Fish and Wildlife Service, 1995a, b; <http://sacramento.fws.gov/ec/evaporation>

_ponds.htm).

Bioavailability

In the Bay-Delta Se Model, we concluded that credible protective Se criteria should be based on 1) contaminant concentrations in sources that most influence bioavailability and 2) concentrations in media and organisms relevant to vulnerable food webs (Luoma et al., 1992; Luoma and Presser, 2000). As noted above, critical media are water, particulate material, and tissue of prey and predators. Existing criteria for these media could be used in-combination to evaluate risk or hazard (Lemly, 1995; USDOJ, 1998).

The *US Filter Proposal* does not address Se bioavailability in any of the proposed aquatic systems. The *Tetra Tech* review of this proposal and the review of the *Pacific Institute Proposal* state that "Most selenium entering the present Sea is possibly entombed in the deeper sediments where it is minimally available to the biota". This statement is misleading and not based on data analysis. Data are needed to substantiate this statement (i.e., Se concentrations and speciation in suspended material and identification of food webs). Entombment of Se in deeper sediments does not necessarily equate to unavailable Se. Availability depends on food webs and sensitivity of species to Se (Luoma et al., 1992). Differences in speciation, transformation to particulate form(s), speciation on particulates and invertebrate bioaccumulation all influence how waterborne Se is transferred to a predator. These processes are affected by the nature of the source and the environmental conditions in receiving waters (e.g. Se in agricultural drainage water can be a different form than the Se in treated sources; Se discharged to a freshwater wetland is transformed differently than Se discharged to an estuarine water column). Physical processes like hydraulic residence time are also important. Particulate transformation of Se in a river may occur far downstream from the source of input; while transformations in a wetland or an estuary with a long residence time may occur near the input. Biological processes that affect exposure of predators include differences among predator species in feeding, behavior, and physiology.

As noted in the *Tetra Tech* review, resuspension is a possibility. A change in water-column dynamics and chemistry as proposed could well reverse uptake phenomena. Recycling of Se within a surficial biologically active layer of the Salton Sea may be an important part of current conditions affecting Se transport in the sea. Given the bioreactive nature of Se, the food webs of the current limited ecosystem of the Salton Sea (i.e., overwhelmingly dominated by introduced species having broad environmental tolerances) could be a result of past Se bioaccumulation, cycling, and toxicity effects.

Specific Comments (on *US Filter Proposal* and *Tetra Tech* review of 1/03 which contains *Variations 1 and 2*)

Based on available limited Se data, I agree with most of what was written on Se contamination in the review of *Pacific Institute Proposal* by the Salton Sea Science Office (see exception above on bioavailability). The more in-depth version given on pages 28-29 should be added to the *US Filter Proposal* review. The synopsis in the *Tetra Tech* review is too short (page 59). A rebuttal of *Benefits* of the proposed remediation similar to that given in the *Pacific Institute Proposal* (page 33) should be developed for the *US Filter Proposal*.

Providing mitigation habitat for migratory birds is crucial to the success of any proposal for the Salton Sea. All three of the approaches described in the *Tetra Tech* review of the *US Filter Proposal* (*US Filter Proposal* and *Variations 1 and 2*) are problematic because of potential

impacts of Se on fish, wildlife, and aquatic resources. The *US Filter Proposal* is the most problematic in terms of Se because it creates an agricultural drain (Salton River) surrounding a dying Salton Sea that would receive seleniferous by-products from desalination. The agricultural drain (i.e., the shoreline impoundment fed by agricultural drainage) is proposed as wetland habitat. As part of this proposal, good-quality desalinated water would be sold and used outside the project area. In terms of Se, Se concentrations could increase in the Salton Sea (through evaporation) and the Salton River (receiving more concentrated agricultural drainage).

Variations 1 and 2 are improvements in that they propose 1) returning some portion of treated water to the project area for mitigation of ecological effects and 2) separate Se treatment. For all three approaches, a Se budget (including Se in water, sediment, and biota) would quantify potential changes in Se concentration in the proposed diminished marine areas, constructed wetlands, and impoundments. This budget also would include by-products such as reject water or solid salts from desalination. In addition to providing understanding of processes, the Se budget could identify options for splitting agricultural and desalination waste-streams to achieve benefits for bird habitat within the basin. In terms of Se concentrations and loads, a third variation could be developed that incorporates use of the desalinated water (not just reject water) for aquatic habitat, ensuring adequate mitigation for what appears to be unavoidable bird losses.

Thank you for asking for my input on identifying significant Se issues related to these proposals in connection with remediation of the Salton Sea. If you have any questions or if I can be of further assistance, please do not hesitate to call (Theresa Presser, 650-329-4512, tpresser@usgs.gov)

Attached: Tables 1- 3
References

TABLE 1. Environmental media
(Compilation of data for Salton Sea from Skorupa, 1998)

Water source ($\mu\text{g Se/L}$) (selenate)	2-10	
Water system ($\mu\text{g Se/L}$)	1.5	
Sediment ($\mu\text{g Se/g}$, dry weight)	3.3	
Food chain fauna ($\mu\text{g Se/g}$, dry weight)	0.8-12.1	
Fish ($\mu\text{g Se/g}$, dry weight)		
Whole-body	6.1-16	
Muscle	7.9-14	
Bird ($\mu\text{g Se/g}$, dry weight)		
Eggs	1.6-35	5% reduction of black-necked stilt nesting proficiency
Muscle	2.7-7.2	
hepatic	2.7-42	

TABLE 2. Fish (From *Analyses of organic and inorganic contaminants in Salton Sea fish* March 8, 2002 Revised Final Report to the California State Parks, Costa-Pierce et al., 2001)*

Fish muscle (filet)	$\mu\text{g Se/g}$, wet weight	$\mu\text{g Se/g}$, wet weight	$\mu\text{g Se/g}$, dry weight @ 75% moisture	$\mu\text{g Se/g}$, dry weight @ 75% moisture
Mean (\pm standard deviation)	Mouths of Alamo and New Rivers	Salton Sea near-shore	River Mouths	Salton Sea
	N = 2	N = 3	N = 2	N = 3
croaker (<i>Bairdiella icistia</i>)	2.10 ± 0.12	2.32 ± 0.56	8.4	9.3
	N = 2	N = 2	N = 2	N = 2
orangemouth corvina (<i>Cynoscion xanthulus</i>)	2.73 ± 0.07	2.30 ± 0.00	10.9	9.2
	N = 2	N = 3	N = 2	N = 3
hybrid tilapia (<i>Oreochromis spp</i>)	1.89 ± 0.61	2.39 ± 0.11	7.6	9.6
Consumption guideline (muscle, filet)				
2 $\mu\text{g Se/g}$, wet weight or approximately 8 $\mu\text{g Se/g}$, dry weight at 75% moisture				
Dietary Ecological guidelines				
	Low Risk < 3 $\mu\text{g Se/g}$, dry weight	Marginal Risk 3 - 7 $\mu\text{g Se/g}$, dry weight	Substantive Risk > 7 $\mu\text{g Se/g}$, dry weight	
Toxicity to fish (tissue, whole body)				
	Low Risk < 4 $\mu\text{g Se/g}$, dry weight	Marginal Risk 4 - 6 $\mu\text{g Se/g}$, dry weight	Substantive Risk > 6 $\mu\text{g Se/g}$, dry weight	

* date not given for fish collection

TABLE 3. Avian (From Tonie Rocke, National Wildlife Health Center, Madison WI: email to T. Presser, 3/25/02 concerning bird data for Salton Sea)*

Bird liver	$\mu\text{g Se/g}$, dry weight	$\mu\text{g Se/g}$, dry weight	$\mu\text{g Se/g}$, dry weight	$\mu\text{g Se/g}$, dry weight
Geometric mean	north Salton Sea	south Salton Sea	Salton Sea	control
grebe	27	30	--	15
ruddy ducks	--	--	12	--
Thresholds for Se effects in birds (liver, $\mu\text{g Se/g}$, dry weight)				
	14 - 19 embryo deformity	23 - 32 terata	> 30 reproductive impairment; juvenile and adult toxicity	
	Heinz et al., 1989; Heinz, 1996	Lemly 1998	Skorupa, 1998	

*Samples collected in 1992.

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April 12, 2004

Charles Keene
California Department of Water Resources
770 Fairmont Avenue
Glendale, CA 91203

Re: NOP of PEIR for Salton Sea Ecosystem Restoration.

Dear Mr. Keene:

The Torres Martinez Tribe submits the following comments on the "Notice of Preparation of a Programmatic Environmental Impact Report (PEIR) for the Restoration of the Salton Sea Ecosystem and Preservation of it's fish and wildlife resources.

1. The Torres Martinez Desert Cahuilla Indian Reservation is Tribal Trust Land and federal legislation mandates that the State of California has no jurisdiction over said lands. And being that the Tribe is the largest individual landowner under and surrounding the Salton Sea (10,000 acres and 12,000 acres respectively), the tribal members and or residents of Torres Martinez (population @11,000) need to be assured that any project that is implemented will guarantee that they will be able to live on the land for several generations to come.

2. We, the Tribe, feel that the NOP raises concerns that the California Department of Water Resources and the California Department of Fish and Game (the lead agencies) plan to draft a PEIR based upon a very narrow interpretation of the state's implementing legislation. We encourage the lead agencies to select a feasible alternative that accommodates fish and wildlife, rigorously monitors air quality, and considers recreational and economic development opportunities that could be implemented by other state or local agencies. Although these issues are beyond the authority of the lead agencies, other state and local agencies, including the Salton Sea Authority, have a clear interest in promoting and incorporating appropriate recreational and

economic development elements into Salton Sea ecosystem restoration alternatives. Incorporating these elements into the project design, rather than forcing the other agencies to adjust their plans after the project has been selected, will generate a more robust plan that can enjoy broader public support. The legislature may then choose to fund these project elements from various sources, but at least will have the benefits of a more comprehensive plan.

3. Before the agencies begin the NOP or the Project, there is still a need to define more specific objectives for this project beyond the general ones set forth by the Legislature. As is, the NOP fails to provide specific Restoration Plan goals/objectives necessary to ascertain the quality of the range of alternatives. In random sequence, the following list goals and objectives that should be addressed in each alternative presented:

- The Plan should be sensitive to the culturally significant issues that are yet to be identified by the Torres Martinez Tribe. The Tribes' Traditional Ancestral Territory has long been associated with the Ancient Lake Cahuilla (Salton Sea). The water that filled the Salton Basin, approximately seven to eight times throughout the lifetime of Ancient Lake Cahuilla, provide a unique element to the desert. The environment consists of a variety of plants, animals, fish and birds that could not exist in the desert without the lake. There are many areas located along the shoreline, mostly on the Westside of the Salton Sea, that can be linked to the Tribe. Areas that consist of Natural Features, Landscapes, Traditional Properties, Sacred Sites, and Historic Sites must be preserved. A majority of these areas are significant to tribal heritage and thus have sustained values, character, or cultural importance. To insure the protection and preservation of our tribal heritage, for the cultural stability of present and future generations, it is important that our Tribe retain and rediscover as much of our cultural heritage as possible, protecting whatever might remain within the territory defined as the Tribe's Traditional Ancestral Territory.
- Any Restoration Plan must address water quality issues at the Sea and in its tributaries, and should build upon current TMDL efforts. Huge efforts have been ongoing for the last 5 years to set new updated TMDL's in both the Imperial and Coachella Valleys. These efforts should not be undermined by a project not designed to meet water quality criteria. And because Coachella is considered a service area for the CAL-FED project, the Plan will need to consider the effects of water transfers on the Salton Sea.
- A Restoration Plan must ensure that the Salton Sea ecosystem continues to support the diversity and comparable size of bird populations and to improve conditions for acknowledged endangered species, all while continuing to support a thriving and sustainable fishery and providing exceptional recreational opportunities (i.e., birding, hunting, and fishing).
- Furthermore, The Plan should attempt to leverage opportunities for providing economic stability for the communities in the Salton Sea ecosystem thus consistent with support for a thriving agricultural economy in the Imperial and Coachella Valleys.
- Any Plan should strive to improve air quality in the Imperial and Coachella Valleys, and minimize any emissions of harmful particulates from exposed lakebed. The air quality in the Salton Sea area already violates national and state ambient air quality standards. Torres

Martinez' own 10,000 acres of potentially exposed Sea Bed would undoubtedly pose a insurmountable hazard to all life forms in the area. The exposure of additional lakebed due to decreased inflows to the Sea will very likely exacerbate current conditions. One of the objectives noted in the NOP is "Elimination of air quality impacts from restoration projects." The lead agencies should read this objective broadly and not act only to mitigate direct air quality impacts arising from project construction. Thus we urge the lead agencies to work proactively with the Torres Martinez Tribal Air Quality Department, the Air Resources Board and the local air quality districts, to address the current and likely future air quality problems in the project area prior to the final project selection. By working cooperatively now rather than later, data can be generated through the development of air quality monitoring stations, and conducting on-site emissions tests for exposed lakebed. The gathering of information coordinated with all parties will provide better conditions for decision making with regard to health and human exposure prior to a final decision of any alternative.

4. The NOP notice remains vague on what will be the process for this project. DWR and DFG need to set forth a more specific plan for how the PEIR will be prepared in conjunction with the State Advisory Committee and how affected local constituencies will be able to provide input throughout the process. Given the magnitude of this project, the agencies should be designing a PEIR process that provides maximum public input. In this vein, Torres Martinez, as sovereign nation, requires that a consultation process be initiated in matters pertaining to the Tribes' reservation territory and or jurisdictional issues.
5. On behalf of our neighbors who also live at the Salton Sea and were not able to make the drive or were not properly notified to give comment upon the public scoping as is addressed in CEQA Guidelines, we would encourage the State of California Department of Water Resources to conduct additional scoping workshops in both Coachella and Imperial Counties on or around the Salton Sea in their communities -- not 60 or 500 miles away.
6. Torres Martinez is strongly against any Restoration Plan that would take funds that have been targeted for the Salton Sea to be used in another location. We feel that the money should be used at the Sea to leverage additional funding from Federal Entities to promote a Plan that would work to promote the Salton Sea. Additionally it is not reasonable to assume no other funds would be available from state bond funds once a Plan has been identified and accepted.
7. Additionally, Torres Martinez cannot support the use of funds to promote activities that would take away from Salton Sea Area (site-specific) Restoration activities only to be used by the Lower Colorado River Multi-Species Conservation Program.
8. We urge the lead agencies to comply with NEPA compliance as much as possible in conjunction with CEQA. Additionally, we would like to see the creation of an EIR for a project-specific environmental analysis rather than a PEIR. The Salton Sea has been studied for years and it's now time to begin a project. With proposed water transfers close at hand, pushing a project back three years will be too late to implement a viable project. Also consider the impact of Mexico's proposal to keep the water in their territory for use at power plants and water treatment facilities.

9. Finally, the Tribe would encourage our state legislators who drafted these bills into law to make the changes via new legislation to include the Salton Sea Authority -- to make the SSA a co-lead agency to promote and include into the project Plan its' ideas and data already generated.

Sincerely,

A handwritten signature in cursive script that reads "Raymond Torres". The signature is written in dark ink and is positioned above the typed name.

Raymond Torres
Chairman

RT/dl



Terry Tamminen
Agency Secretary

Air Resources Board

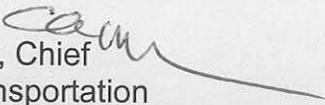
Alan C. Lloyd, Ph.D.
Chairman
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Sacramento, California 95812 • www.arb.ca.gov



Arnold Schwarzenegger
Governor

MEMORANDUM

TO: Mr. Charles Keene
Environmental Project Manager
Department of Water Resources

FROM: Ms. Cynthia Marvin, Chief 
Air Quality and Transportation
Planning Branch

DATE: April 15, 2004

SUBJECT: SALTON SEA RESTORATION PROJECT NOTICE OF PREPARATION

We are providing the Air Resources Board (ARB) staff's comments on the Notice of Preparation of a Programmatic Environmental Impact Report for the Restoration of the Salton Sea Ecosystem and Preservation of its Fish and Wildlife Resources.

The Notice of Preparation (NOP) identifies air quality emissions as one likely impact of a restoration project, and specifies that the Programmatic Environmental Impact Report (PEIR) will estimate the amount of new pollutant emissions associated with proposed actions. The level of emissions projected for each alternative is only one aspect of addressing the air quality impacts. The bigger question is whether the alternatives under consideration will cause the pollution levels in the ambient air to reach levels that are detrimental to human health or the environment. This memo discusses some of the specific air quality considerations that should be addressed in the PEIR.

Impact On Attainment Of Federal Standards The Salton Sea is surrounded by the Coachella Valley in the north and Imperial County in the south. Each of these areas is in violation of federal standards for inhalable particulate matter (PM10) and ozone (both the one-hour and eight-hour standards).

The South Coast Air Quality Management District (SCAQMD) and the Imperial County Air Pollution Control District (ICAPCD) are the local air quality agencies for the Coachella Valley and Imperial County, respectively. Because these areas violate health-based federal standards, each district has adopted one or more plans demonstrating how State, local, and national controls will reduce existing and anticipated emissions sufficiently to meet these standards by the deadlines in the federal Clean Air Act. The PEIR should address the impact that each proposed

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California Environmental Protection Agency

Mr. Charles Keene
April 15, 2004
Page 2

alternative would have on the frequency and severity of violations of the federal PM10 and ozone standards, and on each district's ability to attain and maintain these standards. Although these areas currently meet the federal fine particulate (PM2.5) standards, additional emissions from the dry lakebed could contribute to future violations. The PEIR should evaluate this potential impact as well.

Federal Conformity Because the Salton Sea is within federal air quality nonattainment areas, general conformity requirements may also apply. The federal conformity process is designed to ensure that no project funded or permitted by a federal agency will interfere with the approved State Implementation Plan (SIP) for meeting federal air quality goals. If required, a general conformity determination would involve comparing the increased particulate emissions estimated to occur with the project to the de minimus threshold in U.S. Environmental Protection Agency's regulation and with the future emissions level projected in the SIP.

Toxic Air Contaminants The Salton Sea has long served as a sink for water runoff, so the possibility that particulate emissions from the lakebed might include a toxic component should also be considered.

State Particulate Matter Standards California's health-based standards for PM10 (24-hour average and annual average) are more health protective than the corresponding federal standards. The same is true of State's annual average standard for fine particulate matter (PM2.5), a subset of PM10. Coachella Valley and a portion of Imperial County violate the State standards for both PM10 and PM2.5. Air districts are required to work towards reducing emissions to attain these standards by the earliest practicable date. The PEIR should address the impacts that each alternative might have on the ability to meet the State PM10 and PM2.5 standards in the region.

Mitigation Strategies Accurate emission inventories, air quality data, and meteorological data are needed for the air quality models used to predict air quality impacts. Since the lakebed is likely to have unique emissions characteristics, additional work may be needed to develop emission projections for this source. The PEIR should address the adequacy of existing emissions data and include a plan for filling data gaps. The air quality monitoring network in this area is designed primarily to measure air quality in populated areas, so supplemental monitoring may be needed to establish a baseline of air quality impacts from the Salton Sea in its current state, and to estimate restoration plan impacts. The PEIR should also consider the need to collect additional meteorological data for these assessments.

Mr. Charles Keene
April 15, 2004
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If you have questions, please call me at (916) 322-7236, or contact Ms. Sylvia Oey, Manager, Southern California Liaison Section, at (916) 322-8279.

cc: Mr. James George Giannopoulos, Chief
Groundwater Quality Branch
Division of Water Quality
State Water Resources Control Board

Ms. Sylvia Oey
Air Resources Board

DEPARTMENT OF FOOD AND AGRICULTURE

A.G. KAWAMURA, Secretary

Office of Ag & Environmental Stewardship
1220 N Street, Room A-464
Sacramento, CA 95814
Phone: (916) 653-5658
Fax: (916) 657-5017



April 16, 2004

Mr. Charles Keene
California Department of Water Resources
770 Fairmont Avenue
Glendale, CA 91203

Dear Mr. Keene:

Subject: Notice of Preparation (NOP) of a Draft Programmatic Environmental Impact Report (DPEIR) for the Restoration of the Salton Sea Ecosystem and Preservation of its Fish and Wildlife Resources- **SCH #2004021120**

The California Department of Food and Agriculture (Department) has reviewed the NOP for the proposed Salton Sea restoration and preservation project. The Department's mission is to protect and promote California agriculture, including the natural resources upon which agriculture depends. With this mission in mind, we offer the following suggestions for your preparation of the DPEIR.

The proposed project is to identify a preferred alternative for restoring the Salton Sea ecosystem and protecting its fish and wildlife. The project calls for restoration of the aquatic and shoreline for historic levels and diversity of fish and wildlife; elimination of air quality impacts from restoration; and, protection of water quality. Among the barriers to restoration that will be analyzed and addressed by the DPEIR will be the loss of water flows to the Sea, which could include agricultural drainage water.

Agricultural Resources

The NOP identifies potentially significant environmental impacts on agricultural resources and states that the DPEIR will analyze project alternatives for these potential impacts. We recommend that both the direct and indirect impacts on agricultural resources be analyzed, and as necessary, mitigation measures considered. Specifically, if the project will result in the fallowing or retirement of agricultural lands within the Sea's watershed, to free water for restoration work, we request that the short and long-term impacts on agricultural resources be analyzed. These impacts should include not only the loss of agricultural land, but the loss in regional agricultural infrastructure needed to support continuing agricultural production. Such infrastructure includes drainage collection and conveyance, local agricultural processors and suppliers and labor. While impacts on agricultural infrastructure are not, in themselves, environmental impacts subject to CEQA, the impairment of this infrastructure will adversely affect the agricultural use of affected lands, which is subject to CEQA analysis.

Among the mitigation measures that should be considered to address the loss of agricultural resources, if this impact is identified as significant, should be avoidance. In other words, where land retirement is contemplated as part of the restoration strategy, the strategic retirement of less productive or more environmentally constrained soils should be retired preferentially.

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April 16, 2004
Page Two

An additional aspect of a strategic retirement/fallowing program could be the use of state and federal habitat enhancement programs and funds to establish habitat on marginal agricultural lands to not only free up water for the Salton Sea, but to create additional upland habitat for wildlife and recreation (e.g., hunting) as part of a working landscape. The USDA Natural Resources Conservation Service (NRCS) offers a number of programs that could be used to support this alternative strategy.

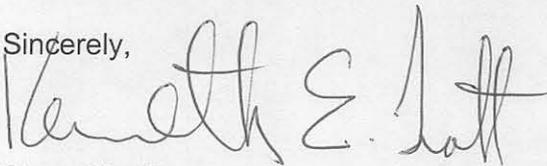
In land retirement or fallowing is considered, that action's impact on air quality should be considered. This is an agricultural sustainability issue in that highly erodible lands (HEL), as defined by the NRCS are subject special restrictions under provisions of the USDA Farm Bill's commodity and conservation titles. Imperial Valley farmers grow a number of USDA commodity crops for which support payments are made. However, if lands growing these crops are classified as highly erodible, their retirement could trigger loss of support payments unless the retirement is done under a qualified NRCS approved farm conservation plan. Mitigation for both the loss of soil and air quality, as well as loss of agricultural income support, would be appropriately addressed through conditional retirement or fallowing, the condition being the development and implementation of an approved conservation plan. It is possible that this could be facilitated through the establishment of a Valley-wide Conservation Reserve Enhancement Program, a provision of the USDA Farm Bill's conservation provisions.

Project Alternatives

We recommend that among the project alternatives considered is one that relies on agriculture as a producer of energy with which to power desalination. Growers in the Imperial Valley are experimenting with the production of sugar cane, for example, that could be used to generate electricity directly or indirectly through the production of ethanol. Use of this energy source could at least partially offset the project's impacts on agriculture by providing a new market for agricultural crops which can make sure of poorer quality soils. The power generated could be provided to San Diego to power desalination there, resulting on a reduced reliance on Colorado River water and freeing water for the Salton Sea restoration. Alternatively, desalination of the Salton Sea could provide fresh water in lieu of agricultural drainage.

Thank you for the opportunity to comment on the NOP. We look forward to reviewing the DPEIR. In the meantime, if you have questions on our comments or require technical assistance in addressing our comments, please call me at (916) 657-4956.

Sincerely,



Steve Shaffer
Director, Office of Agriculture and Environmental Policy

cc: Stephen L. Birdsall
Agricultural Commissioner
Imperial County

DEPARTMENT OF TRANSPORTATION

DISTRICT 11

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March 16, 2004

Mr. Charles Keene
Department of Water Resources
770 Fairmont Avenue
Glendale, CA 91203

11-IMP-111
PM VAR.
(K.P. VAR)

Dear Mr. Keene:

NOP for the Salton Sea Ecosystem Restoration Project SCH 2004021120

The California Department of Transportation (Department) comments are as follows:

General

- Any work performed within the Department's right of way will require an encroachment permit. For those portions of the project within the Department's right of way, the permit application must be stated in both Metric and English units (Metric first, with English in parentheses). Additional information regarding encroachment permits may be obtained by contacting our Permits Office at (619) 688-6158. Early coordination with our agency is strongly advised for all encroachment permits.
- Furthermore, if a developer proposes any work improvements within the Department's right of way, the project's environmental studies should include such work. The Final EIR would be used as the basis for the encroachment permit, therefore, it should address all impacts to resources within Department right of way. Impact inventories should be provided for all types of impacts within Department right of way, but especially biological resources, visual/aesthetic resources, water quality, and hazardous materials, and should include details of mitigation measures proposed. The developer is responsible for quantifying the environmental impacts of the improvements (project level analysis) and completing all appropriate mitigation measures for the impacts. The indirect effects of any mitigation within the Department right of way must also be addressed. The developer will also be responsible for procuring any necessary permits or approvals from the regulatory and resources agencies for the improvements.
- Any tunneling under and/or adjacent to any state highway facility will require review by the Department's Structural Division during the encroachment permit process.

Mr. Charles Keene
March 16, 2004
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Traffic

- All work proposed within the Department right of way requires lane and shoulder closure charts. Request the charts from the District Traffic Manager, Camille Abou-Fadel, at (858) 467-4328.
- Traffic control plans are required prior to construction for a complete review. The plans shall be in accordance with the Department's Manual of Traffic Controls for Construction and Maintenance Work Zones [1996 (Revision 2) edition]. Pedestrian and possibly bicycle detours/traffic restrictions also need to be addressed.
- All roadway features (signs, pavement delineation, roadway surface, etc.) within Department right of way must be protected, maintained in a temporary condition, or restored.

Our contact person for this project is Lu Salazar of my staff at (619) 688-3140.

Sincerely,

L. Salazar

for MARIO H. ORSO, Chief
Development Review Branch



California Regional Water Quality Control Board

Colorado River Basin Region



Terry Tamminen
Secretary for
Environmental
Protection

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April 6, 2004

Charles Keene
Department of Water Resources
770 Fairmont Avenue
Glendale, CA 91203

RE: SALTON SEA ECOSYSTEM RESTORATION PROJECT (SCH# 2004021120)

Dear Mr. Keene:

We have reviewed and appreciate the opportunity to provide written comments on the subject NOP. Regional Board staff already provided you with preliminary comments during the March 2004 scoping meetings in Coachella and El Centro. This letter builds upon our scoping meeting comments.

BACKGROUND

Pursuant to the Quantification Settlement Agreement (QSA) implementing legislation (SB 277 (Ducheny), SB 317 (Kuehl), and SB 654 (Machado)), the California Department of Water Resources (DWR) and the California Department of Fish and Game (DFG) are preparing a Programmatic Environmental Impact Report (PEIR) with a preferred alternative for restoration of the Salton Sea ecosystem and preservation of its fish and wildlife resources. Further, the legislation requires that the PEIR be completed by December 2006 and that its preferred alternative provide for the maximum attainment of the following objectives:

1. Restoration of long-term stable aquatic and shoreline habitat for the historic levels and diversity of fish and wildlife that depend on the Salton Sea;
2. Elimination of air quality impacts from the restoration projects; and
3. Protection of water quality.

COMMENTS

The PEIR should address the following issues:

1. Potential conflicts and associated impacts between the PEIR's objectives and the restoration objectives prescribed in the Salton Sea Reclamation Act of 1998 (PL 105-372);
2. To the degree to which a preferred alternative may result in the removal/elimination of an "Existing" beneficial use of the Salton Sea, how the alternative may conflict with Part 131 et seq., of Title 40 Code of Federal Regulation regarding removal of "Existing" uses; and with the water quality standards that the Water Quality Control Plan (Basin Plan) for the Colorado River Basin Region sets for the Sea and its tributaries.

California Environmental Protection Agency

3. Potential conflicts between the PEIR's objectives/preferred alternative and Section 303(d) of the Clean Water Act regarding Total Maximum Daily Loads for impaired surface waters in the Salton Sea Watershed; and
4. Impacts that current and projected discharges of raw sewage and other partially treated and untreated wastes (e.g., industrial wastes) from Mexico into the Salton Sea via the New River have on the restoration project;
5. Impacts that on-going and projected reductions in flows in the New River at the International Border with Mexico have on restoration efforts;
6. Why should the State spend any resources to restore the environment in Mexico, while discharges of wastes from Mexico continue to make the New River one of the most polluted rivers in the United States; and
7. How State restoration efforts conflict with local restoration efforts, and may result in duplicative efforts and unnecessary expenditure of state resources;

DISCUSSION

Comment 1—The Salton Sea Reclamation Act of 1998 directed the Secretary of Interior to complete all studies of the feasibility and benefit-cost of various options that:

- a. permit the continued use of the Salton Sea as a reservoir for irrigation drainage;
- b. reduce and stabilize the overall salinity of the Salton Sea; (ii) stabilize the surface elevation of the Salton Sea;
- c. reclaim, in the long term, healthy fish and wildlife resources and their habitats; and
- d. enhance the potential for recreational uses and economic development of the Salton Sea.

The stated objectives of the PEIR do not address Items "a" and "d" of PL 105-372. We therefore recommend that either (1): the alternatives under the PEIR explicitly address maintaining the Salton Sea as a reservoir for irrigation drainage and enhanced potential for recreational uses and economic development of the Sea; or (2) address the potential significant impacts that not having the Sea as agricultural drainage sump would create for the Sea itself (e.g., significant reduction in size, related impacts on beneficial uses, etc.) and for the farming communities in the Coachella and Imperial Valleys. It would be basically impractical to farm in the Valleys without draining (i.e., flushing) salts and other constituents from the farm fields. This in turn would have significant adverse impacts of statewide significance (e.g., elimination of prime agricultural land and other socioeconomic impacts). Also, regarding Item "d," the mission of the Regional Board is to protect and "enhance" water quality in the Region and ensure that water in the State provides for maximum benefit of current and future generations. Accordingly, we suggest the PEIR not just address water quality protection but also enhancement.

Recognizing that the success (or failure) of a restoration effort hinges on local support and implementation of key elements of the effort, PL 105-372 explicitly directed the U.S. Department of Interior to enter into a Memorandum of Understanding with the State and with

the Salton Sea Authority to establish criteria for evaluation and selection of restoration options. In other words, it provided not just the State, but also perhaps more importantly local agencies with a key role in shaping restoration efforts. While DWR has formed an Advisory Committee pursuant to the QSA legislation, and the Committee includes representatives from several local agencies, its recommendations may or may not shape restoration efforts. We therefore recommend DWR give local agencies a formal key role in shaping restoration efforts to eliminate duplicative efforts and ensure a coordinated approach in addressing the Sea's problems. Attached is Regional Board Resolution R7-2003-0087, which more succinctly makes the case for more local control and participation.

Comment 2—The California Regional Water Quality Control Board, Colorado River Basin Region (Regional Board) is charged by the Division 7 of the California Water Code (Porter-Cologne Water Quality Control Act) with establishing and enforcing water quality standards (WQS) for all waters within its region. The WQS consist of beneficial uses for the waters, water quality objectives to protect those uses, and other water quality control polices (e.g., State Antidegradation Policy, SWRCB Resolution 68-16). Water quality objectives (WQOs) are limits or levels of water quality constituents or characteristics which are established for the reasonable protection of beneficial uses of water or the prevention of nuisance within a specific area. The Clean Water Act [CWA §303] also requires that the State designate beneficial uses for surface waters for protection and propagation of fish, shellfish and wildlife, recreation in and on the water ("fishable/swimmable" goals, CWA §101), use of water for public water supplies, and agricultural, industrial, and navigational purposes [CWA §303]. Pursuant to the CWC and CWA, the Regional Board's Water Quality Control Plan for the Colorado River Basin Region establishes WQS for waters in the Region. A copy of the Basin Plan can be downloaded from <http://www.swrcb.ca.gov/rwqcb7/downloads.html>. You may also get a copy by contacting our office.

The Basin Plan establishes the following beneficial uses for the Salton Sea:

Wildlife Habitat (Existing Use)	Uses of water that support terrestrial ecosystems including, but not limited to, the preservation and enhancement of terrestrial habitats, vegetation, wildlife (e.g., mammals, birds, reptiles, amphibians, invertebrates), or wildlife water and food sources.
Aquaculture (Existing Use)	Uses of water for aquaculture or mariculture operations including, but not limited to, propagation, cultivation, maintenance, or harvesting of aquatic plants and animals for human consumption or bait purposes.
Industrial Service Supply (Potential Use)	Uses of water for industrial activities that do not depend primarily on water quality including, but not limited to, mining, cooling water supply, hydraulic conveyance, gravel washing, fire protection, and oil well repressurization.
Water Contact Recreation (Existing)	Uses of water for recreational activities involving body contact with water, where ingestion of water is

Table 1: Salton Sea Beneficial Uses	
Use)	reasonably possible. These uses include, but are not limited to, swimming, wading, water-skiing, skin and scuba diving, surfing, white water activities, fishing, and use of natural hot springs.
Non-Contact Water Recreation (Existing Use)	Uses of water for recreational activities involving proximity to water, but not normally involving contact with water where ingestion of water is reasonably possible. These uses include, but are not limited to, picnicking, sunbathing, hiking, beachcombing, camping, boating, tidepool and marine life study, hunting, sightseeing, or aesthetic enjoyment in conjunction with the above activities.
Warm Freshwater Habitat (Existing Use)	Uses of water that support warm water ecosystems including, but not limited to, preservation or enhancement of aquatic habitats, vegetation, fish, or wildlife, including invertebrates.
Preservation of Rare, Threatened, or Endangered Species (Existing Use)	Uses of water that support habitats necessary, at least in part, for the survival and successful maintenance of plant or animal species established under state or federal law as rare, threatened or endangered.

The Regional Board may designate additional beneficial uses for a water body through a Basin Plan amendment. It may also remove beneficial use designations under certain circumstances (e.g., human-caused conditions or sources of pollution that cannot be remedied or would cause more environmental damage to correct than to leave in place). In the case of the Salton Sea, however, 40 CFR 131.10 prohibits de-designation of its existing beneficial uses. Use attainment is tied to time and specific body of water (i.e., a body of water with specific hydrogeological attributes). Clearly, a restoration alternative has the potential for “removing” existing uses of the Sea from a particular location by changing the hydrogeological attributes of the Sea (e.g., splitting the Sea in half and using its lower basin for salt disposal and its northern basin as the “restored Sea” would eliminate the habitat in the south). While we are not suggesting that restoration efforts stopped because of the provisions of 40 CFR 131, what we are requesting is that the PEIR recognize this conflict any other which may result in use removal/limitation and provide options for resolving the conflict so as to strike a balance between a restoration alternative and potential use removal.

Comment 3—Under provisions of the CWA and CWC, the Regional Board is responsible for developing and implementing TMDLs for impaired surface waters. Attached is a copy of the Regional Board’s approved CWA 303(d) list. In the past three years, three TMDLs in the Salton Sea Watershed were adopted by the Regional Board and approved by the USEPA. The three adopted TMDLs are the Alamo River Silt TMDL, the New River Silt TMDL, and the New River Pathogen TMDL. We are also currently developing the following TMDLs for the Salton Sea Watershed: a silt TMDL for Imperial Valley Agricultural Drains, Pathogen TMDL for the Coachella Valley Storm Drain Channel, nutrient TMDL for the Salton Sea, and a trash TMDL for

the New River. We will also begin work on a VOC TMDL for the New River later this year. Although no negative impacts of TMDLs in the watershed are anticipated, below is a general discussion on the possible impacts of the different TMDLs in the Salton Sea Watershed, organized by pollutant type:

Pathogen: Sources of pathogens in the Salton Sea Watershed will most likely be controlled through widespread implementation of disinfection works for undisinfected sewage sources. The targeted reduction of pathogens are the Basin Plan objectives for bacteria. This type of source control would affect the Restoration Project positively.

Sediment and Pesticide TMDLs: We expect widespread implementation of management practices (MPs) throughout the Salton Sea Transboundary Watershed as a result of these TMDLs. Because tailwater discharged from agricultural fields is the major source of these pollutants, MPs will be aimed at lowering pollutant loads in tailwater. While the sediment TMDLs focus on pesticide-laden sediment, suspended solids in the main tributaries to the Salton Sea (Alamo and New Rivers) serve as a transport mechanism for the non-dissolved forms of phosphorous entering the Sea. Thusly, the sediment TMDLs also provide for a reduction of the nutrient loading that is associated with excess primary production in the Sea. Therefore, implementation of these TMDLs would affect the Restoration Project positively. We project a 40-50% reduction in sediment loading for the Alamo River. A similar or smaller reduction would be projected for the New River.

Nutrient TMDL: The focus of this TMDL will be to limit nutrients in the tributaries of the Salton Sea. We also expect widespread implementation of structural controls and MPs as a result of this TMDL. We project this will reduce the nutrient loading into the Sea and help mitigate problems associated with eutrophication. However, based on the work conducted by Dr. Hurlbert on nutrient loading into the Salton Sea, and the nutrient mass already accumulated in the Salton Sea, we acknowledge that even under the best scenarios (e.g., achieving 70-80% load reduction) additional controls at the Salton Sea will be required to better manage the eutrophication. We believe the restoration effort should tackle/evaluate options for addressing that additional load reduction. Attached is a copy of staff memorandum addressed to the Authority that discusses, among other things, projected reductions in pollutants as a result of implementation of silt and nutrient TMDLs.

VOCs TMDL: The focus of this TMDL will be to eliminate VOCs in the New River downstream from the International Boundary with Mexico. We expect our Federal government to be a responsible party for implementing the TMDL.

Regarding the salt and selenium impairment of the Salton Sea, we believe that the current regulatory framework (e.g., TMDLs) is unsuited to resolve those impairments because the treatment technology to deal with those impairments is cost-prohibitive for implementation at the field level and because the regulations themselves do not provide for the Board to require those types of treatments. In fact, our belief is that without an engineered solution for the salt impairment—a proper focus of the Restoration Project—the Salton Sea fishery would eventually die and problems at the Sea would only get worse. Selenium comes into the watershed via Colorado River water at 1 to 2 parts per billion (ppb). We understand that the original source of selenium is agricultural return flows from selenium-laden agricultural land substantially in the

State of Colorado. We also understand that the land contributing the selenium is relatively small (about 5,000 acres). Selenium concentrates in the upper soil of irrigated land in Imperial County and is eventually leached in tilewater at concentrations as high as 25 parts per billion (ppb). At this point, we do not believe that cost-effective MPs can be implemented at the field level in the Imperial Valley to eliminate the impairment. We believe that the most effective way of addressing selenium is to control the source in Colorado.

As discussed in our previous comment, a project alternative (e.g., an alternative that relies entirely on the proposed nutrient TMDL to fully address the Sea's eutrophication or one that does not address selenium) has potential for significant water quality impacts, as it would conflict with what can actually be achieved through TMDL goals and load allocations. It is therefore critical that the Regional Board and DWR coordinate efforts to ensure ongoing and proposed TMDLs for the priority watershed, which are required by Federal law, continue to move forward. From our end, we are ensuring that our TMDL work complement a potential restoration effort to the maximum extent possible.

Comment 4—Mexicali lacks the necessary sewage infrastructure to handle current and projected flows. A binational sanitation program (a.k.a. Mexicali I and Mexicali II projects) is being implemented to deal with the domestic sewage problem. The objective of these projects is to remove all the untreated sewage from the Mexicali II area from the New River.

The Mexicali I projects focus on renovating the sewage collection system and are expected to be completed late this year. Unfortunately, the Mexicali I projects are not all-inclusive. A comprehensive sewer survey addressing the condition of about 40% of the existing collection system, which is not covered by the Mexicali I projects, is needed to plan for repair/replacement of the sewage pipes in that system. The survey has not been funded. Considering Mexico's track record, coupled with a lack of effective enforcement of binational standards for the New River, it is reasonable to expect that for the foreseeable future discharges of raw sewage from Mexico into the River are likely to continue due to collapsed sewage pipes. As you move into the PEIR process, we should have a better idea as to the magnitude and frequency of discharges of raw sewage from the collection system not covered by the Mexicali I projects.

The Mexicali II projects involve constructing a new wastewater collection and treatment facility, consisting of a 20- million gallon per day (mgd) pumping plant, 26-Km sewer main, and 20-mgd wastewater treatment lagoon system. The Mexicali II projects, however, are significantly behind schedule. The new wastewater treatment facility (a.k.a. "Mexicali II WWTF in Las Arenitas") should be complete by late 2005, early 2006 if everything goes well. In the meantime, Mexico continues to discharge anywhere from 12 to 20 mgd of raw sewage into the New River.

Please note that the Mexicali I and II projects only address the municipal wastes from the City. So, even if the Mexicali I and II projects are successfully completed, operated and maintained, and the other aforementioned domestic spills from collapsed pipes eliminated, the River will continue to be impaired by direct industrial and agricultural waste discharges into the River in Mexico, which make up about 60% of the flow of the River at the Border. Attached is also a staff memorandum addressed to Imperial County staff that discusses this matter. Although the

memorandum is over one-year old, the conclusions regarding New River water quality at the Border still hold.

Comment 5—In recent years, the Mexican Federal Commission of Electricity (CFE) began plans to increase electricity-generation capacity in Baja California to meet regional increases in population and electricity demand. CFE contracted to build and operate a Combined Cycle Thermoelectric Power Plant with a 750-megawatt capacity located west of Mexicali¹. Two power plants have been built and are operational under this initiative in Mexicali: one is operated by SEMPRSA and the other one is operated by Intergen. The power plants use treated and untreated wastewater from the Mexicali Zaragoza wastewater treatment lagoons for cooling purposes. Our records show that Intergen gets anywhere from 200 to 300 liters per second of raw sewage from the lagoons, whereas SEMPRSA receives about 200 liters per second of treated wastewater from the lagoons. The combined volume of wastewater going from the lagoons to the power plants amounts to about 11 mgd, but the plants ultimate capacity is projected at 20 mgd. Up to 75-80% (about 8.5 mgd) of the wastewater going to the power plants is loss during power plant operations, which has resulted in decreased flow in the New River at the Border (the average annual flow at the Border was about 154,000 acre-feet-per year before power plant operations). Moreover, these power plants are discharging wastes into New River tributaries with Total Dissolved Solids (TDS) content of 5,000 to 6,000 ppm, a significant concern to this office.

Also, the Mexicali II wastewater treatment plant that is planned for construction in "Las Arenitas" is outside Mexicali. When this wastewater treatment plant is operational, it will also take another 20 mgd of water from the River at the Border. Mexico proposes to discharge the wastewater from this plant to the south of the treatment plant, outside the Salton Sea Transboundary Watershed. On the positive side, it is projected that this would reduce nutrient input into the Sea from Mexico by about 10%.

Comment 6—The New River at the Border with Mexico is probably the most polluted River of its size in the US. The US-Mexican Treaty Minute No. 264 required elimination of all raw sewage discharges by July 1982. Anywhere from 5 to 20 mgd of raw sewage from Mexicali continue to make their way into to US via the New River in spite of Treaty Minute No. 264. Even if one takes the lower 5-mgd figure, **over 41 billion gallons of raw sewage have made its way into the US since Minute Treaty No. 264 was adopted.** For the last 10 years Mexico has discharged and average of 12 mgd of raw sewage into the River. In light of the foregoing, we find it ironic that the State would seriously consider spending resources to improve the Colorado River Delta. We believe revenues generated by the transfer of water from the Imperial Irrigation District to San Diego should be spent on Salton Sea. Short of that, then the New River has a more tangible, quantifiable, and direct water quality impact on Salton Sea than the Colorado River Delta. Therefore, we believe that the state would be better off spending resources on New River cleanup in the US than evaluating restoring the Delta.

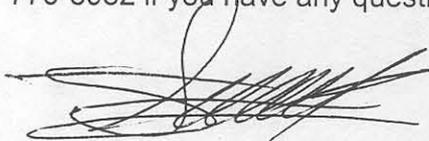
¹ CFE also has plans to increase capacity at the existing Cerro Prieto geothermal power plant in Mexicali and to start commercial operations at the Rosarito 8 and 9 power plants in 2001 (California Regional Water Quality Control Board 2001).

April 14, 2004

Comment 7—The Salton Sea has been a key player in addressing the Sea's problems. Last year, the Regional Board adopted Resolution No. R7-2003-0087 (attached). The resolution states the Board's belief that a local agency, the Salton Sea Authority, "should remain lead agency for identifying and implementing corrective measures to preserve beneficial uses of the Sea", and that "available funding be directed/redirected to the Salton Sea Authority for remediation efforts specifically related to the Salton Sea."

On a related matter, whereas the legislative directive to the Resources Agency is to put together a PEIR, after much study and debate, the Authority has identified y a project-level alternative that we believe is feasible and significantly improve and stabilize the Sea. We recommend, you include that alterative in your analysis.

We appreciate your consideration to our comments and suggestions. Please call me at (760) 776-8932 if you have any questions about this matter.



JOSE L. ANGEL, P.E.
Watershed protection Division Chief

JLA:jl

Attachements

cc: Celeste Cantu, State Water Resources Control Board, Sacramento
Ricardo Martinez, State Water Resources Control Board, Sacramento
Regional Board members

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION

RESOLUTION NO. R7-2003-0087

SUPPORTING THE SALTON SEA AUTHORITY AS LEAD AGENCY IN IDENTIFYING AND
IMPLEMENTING CORRECTIVE MEASURES TO PRESERVE
THE BENEFICIAL USES OF THE SALTON SEA

WHEREAS, the California Regional Water Quality Control Board, Colorado River Basin Region (hereinafter Regional Board), finds that:

1. Salton Sea is California's largest inland water body with beneficial uses including fisheries and wildlife habitat, recreation, and preservation of endangered species.
2. The Salton Sea ecosystem is a critical link on the international Pacific flyway. The ecosystem has supported a productive fishery and over 300 species of birds.
3. Salton Sea ecosystems are critical given the decrease in California wetlands.
4. The Sea is threatened by increasing salinity and water loss.
5. The Salton Sea Authority is a joint powers agency chartered by the State of California in a Joint Powers Agreement on June 2, 1993. It is the lead agency for identifying and implementing corrective measures to preserve the beneficial uses of the Sea.
6. The Salton Sea Authority has made a concerted effort to collect all known suggestions for remediation of the Salton Sea and has subjected these proposals to formal review against specified criteria. The Authority also is taking concrete steps in preparing for the detailed planning of a remediation project.
7. Recent legislation linked to the Colorado River Quantification Settlement Agreement recognizes the Salton Sea as a critical environmental issue to be addressed and provides up to \$300 million for that purpose.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Salton Sea Authority should remain lead agency for identifying and implementing corrective measures to preserve beneficial uses of the Sea.
2. Available funding be directed/redirected to the Salton Sea Authority for remediation efforts specifically related to the Salton Sea.

I, Phil Gruenberg, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Colorado River Basin Region, on November 5, 2003.



Phil Gruenberg
Executive Officer



CITY OF BRAWLEY

CITY HALL
400 Main Street • Plaza Park
Brawley, California 92227
Phone: (760) 344-9111
FAX: (760) 344-0907

April 16, 2004

Charles Keene
California Department of Water Resources
770 Fairmont Avenue
Glendale, CA 91203

Subject: Notice of Preparation of a Programmatic Environmental Impact Report for the Restoration of the Salton Sea Ecosystem and Preservation of Its Fish and Wildlife Resources

Dear Mr. Keene:

We are pleased to provide our comments on the subject Notice of Preparation.

For the past three years, the City of Brawley, in cooperation with the development partner, Brawley FERC Associates, L.L.C., has been developing the Colorado River Aqueduct Desalination and Salton Sea Water Supply Project (Project). The Project would include a desalination facility on the Colorado River Aqueduct near Chiriaco Summit to reduce concentrations of salinity and other problematic constituents in Colorado River water delivered to Southern California. The Project would include a pipeline/penstock to convey about 45,000 acre-feet per year of 11,000 mg/l desalination process reject water to the Salton Sea. The conveyance system would include two hydro-electric generation facilities to utilize the approximate 1,800 feet of elevation difference between the desalination facility and the Salton Sea.

In April of 2002, the City of Brawley received a Preliminary Permit from the Federal Energy Regulatory Commission for this Project (Permit No. P-12093) and we have been diligently reformulating the Project to address environmental and facility configuration concerns that have been raised by the resource agencies, potential collaborators, and others. We are nearing the selection of a preferred plan and anticipate that FERC will convene Project scoping meetings later this year.

Charles Keene – CALIFORNIA DEPARTMENT OF WATER RESOURCES

April 16, 2004

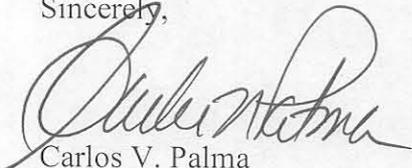
Page 2

We note that your Notice of Preparation included a section entitled "Actions by Others". We request that the planning and environmental compliance actions taken by the Department of Water Resources include appropriate consideration of the Project as a component of any Salton Sea Ecosystem restoration strategy.

Should you desire additional information on the technical aspects of the Project, please contact Mr. Michael J. Clinton at (702) 255-1536.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in cursive script, appearing to read "Carlos V. Palma".

Carlos V. Palma
City Manager

cc: Michael J. Clinton, Manager
Brawley FERC Associates, L.L.C.
1500 Pine Leaf Drive
Las Vegas, NV 89144-1661

AIR POLLUTION CONTROL DISTRICT



April 13, 2004

Mr. Charles Keene
California Department of Water Resources
770 Fairmont Ave.
Glendale, CA. 91203

RE: Response to the Department of Water Resources's (DWR) Notice of Preparation (NOP) of an Programmatic Environmental Impact Report (PEIR) for the Restoration of the Salton Sea Ecosystem and Preservation of its Fish and Wildlife Resources.

Dear Mr. Keene:

The Imperial County Air Pollution Control District (ICAPCD) reviewed the NOP for the preparation of a Programmatic Environmental Impact Report (PEIR) for the restoration of the Salton Sea Ecosystem and Preservation of its Fish and Wildlife Resources. As an initial matter, ICAPCD was not provided with actual notice nor a copy of this document. ICAPCD obtained a copy of the NOP by downloading off the Internet after hearing of the notice through a third party. The ICAPCD, which is the designated regulatory authority over all actual and potential "stationary" sources of air contaminants in Imperial County, did not receive the required formal notice from either of the co-lead State agencies - DWR or Department of Fish and Game (DFG). (Under the CEQA guidelines, ICAPCD is a Responsible Agency and as such is required to be formally noticed in this action and subsequent related actions.) It is not clear whether our "constructive notice" is adequate to meet the legal requirements. The ICAPCD formally requests to be added to the contact list for this project.

The following are some concerns that ICAPCD would like to see addressed in the PEIR:

1) Acknowledgment that the ICAPCD is the local authority over air pollution matters that take place in the Imperial County portion of the Salton Sea Air Basin;

- 2) Recognition that as the local authority over air pollution matters, implementation of certain actions associated with this project may require coordination, permitting and/or pre- approval by the ICAPCD;
- 3) In-depth listing of all potential air pollution impacts associated with this project and a complete listing of all proposed mitigation measures that will address and mitigate those impacts to the satisfaction of the ICAPCD;
- 4) ICAPCD will certainly have fiscal impacts associated with this project and a detailed mechanism is needed by which the ICAPCD shall be compensated for such increased costs. These may include, but are not limited to, planning efforts, monitoring, rule development, enforcement, etc; and,
- 5) A complete evaluation of this project, with detailed and specific mitigation measures, which will not conflict with or obstruct implementation of the ICAPCD air quality State Implementation Plan (SIP). It is critical the project proponents clearly demonstrate that the project will not violate any air quality standard or contribute to an existing or projected air quality violation, and will not result in a cumulatively considerable net increase of any criteria pollutants which Imperial County is considered non-attainment under an applicable federal or state ambient air quality standard.

ICAPCD is eager to review the draft PEIR and looks forward to a cooperative review process with all associated agencies. Of course, the sooner we can review any draft materials, the greater the likelihood that unforeseen issues can be addressed in the development process of the project.

- 6) Ensure that SB 654 funds be dedicated to air quality monitoring and regulations.

Sincerely,



Stephen L. Birdsall
Air Pollution Control Officer

cc: Imperial County Air Pollution Control Board of Directors
Ralph Cordova, County Counsel
Jurg Heuberger, Planning Director



PLANNING/BUILDING DEPARTMENT

IMPERIAL COUNTY

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

JURG HEUBERGER, AICP, CEP
PLANNING/BUILDING DIRECTOR

CERTIFIED MAIL #7003 0500 0003 2515 8258

April 13, 2004

Charles Keene
CA Department of Water Resources
770 Fairmont Avenue
Glendale, CA 91203

SUBJECT: Response to the "Notice of Preparation" on the Programmatic EIR for the Restoration of the Salton Sea Ecosystem/Resources

Dear Mr. Keene:

The County of Imperial has reviewed the above "Notice of Preparation (NOP)" for the preparation of the Programmatic Environmental Impact Report (PEIR) for the restoration of the Salton Sea ecosystem and the preservation of its fish and wildlife resources pursuant to the Quantification Settlement Agreement implementing legislation. The proposed environmental document is to be prepared by two co-lead State agencies under the California Environmental Quality Act (CEQA), i.e. the California Department of Water Resources and the California Department of Fish and Game.

Please explain who and how there can be two State co-lead agencies for the above project. The law under CEQA requires a single "lead agency" and in this case there are two proposed "co-lead agencies". Since both agencies share the vital interests of restoring and preserving the Salton Sea, perhaps the "lead agency" should be the California Secretary of Resources.

The Salton Sea and its surrounding area is approximately two-thirds (2/3) within Imperial County. As provided below, as the local land use authority having a significant responsibility to carry out some of the provisions of restoring and preserving this unique resource, the County wishes to be recognized as a CEQA "responsible agency" requiring not only direct notice but also all future notices from the State.

The County of Imperial's General Plan and its Elements have various policies and provisions that are germane to the restoration and preservation of the Salton Sea. A diskette of the County's General Plan is being sent as an attachment to this correspondence.

This PEIR and the implementation of any approved mitigation measures should be developed to avoid inconsistencies or conflict with the General Plan policies. If there are conflicts, this may produce a mandatory finding of an unmitigated adverse effect on the County. This could require a revision based on the State's implementation of the approved mitigation measures for the restoration and maintenance of the Salton Sea and its ecosystem. For example, a number of land use concerns would need to be reviewed and possibly amended in the County's Land Use Element, the Conservation/Open Space Element, the Water Element, the Agricultural Element, the Geothermal/Transmission Element and the 1998 Land Use Ordinance regarding water, future potential water transfers, agricultural impacts, restoration of wildlife habitat, federal designation of certain areas as a "Habitat Conservation Plan", flooding, growth inducing impacts, and socio-economic impacts, to name a few.

This, if so necessitated, is a burden both in time and costs that must be mitigated by the proponents.

The NOP states that the local government comments must be received "within 30 days", e.g. by the deadline of **April 16, 2004**.

The State is seeking to have the study and the environmental document completed by the end of 2006, please consider the following comments that are provided based on information that has been provided within the 11-page "Notice of Preparation" published by your agency.

There are a number of proposed "Alternatives" that are identified in the NOP that apparently may have been studied by certain State agencies and possibly other federal and affected wildlife agencies but which the Planning/Building staff of Imperial County have not been provided a copy or an opportunity to review and provide input at this time (see below).

(1) **CEQA, Section 15206, Projects of Statewide, Regional, or Areawide Significance:**

There is the potential for a substantial impact and affect on sensitive wildlife habitats when the State implements the Programmatic EIR and mitigation measures, e.g. affects on riparian lands, estuaries, marshes and the existing habitat for endangered, rare and threatened species around the Salton Sea. CEQA, Section 15220, also states that "...NEPA also applies to projects which are carried out, financed, or approved in whole or in part by federal agencies..." (emphasis added).

(a) The NOP, **FEDERAL AND STATE INVOLVEMENT**, page 2, discusses how Congress and federal agencies have been involved in passing legislation in 1992 and 1998 and being involved within the Salton Sea Authority, and in the future will be involved in the preparation of the ecosystem restoration study and the programmatic environmental document (emphasis added).

(b) The NOP, **ACTIONS BY OTHERS**, page 4, states that there will be the "...preparation of a federal Habitat Conservation Plan..." and mitigation measures are to be incorporated into this plan, e.g. "...water transfers will include actions to benefit selected species within the Salton Sea and lower Colorado River ecosystems..." (emphasis added).

(c) The NOP, **PROJECT AREA**, page 5, discusses the restoration program area and includes the "... Colorado River Delta in Mexico...the State of California could not implement such actions without the participation of the federal government and without working through the International Boundary and Water Commission..." (emphasis added). Also, there is a discussion of the "Mexicali Wastewater System Improvements" for the collection and treatment of wastewater in Mexicali. However, within this paragraph it does not mention the fact that the existing and possible future natural gas power plants that have been constructed west of Mexicali and future proposed power plants, are seeking to utilize New River waters within their power plant processes which may further reduce New River flows into the Salton Sea. This scenario should be addressed in the State's Draft Programmatic EIR.

(d) The NOP, **International Impacts**, page 8, indicates that there may be indirect impacts on resources in Mexico and that mitigation measures will be developed to reduce potential effects (emphasis added).

As you are aware, there are both U.S. Bureau of Land Management (BLM) managed lands in and near the Salton Sea and also a federally-funded National Wildlife Refuge that is contiguous to the Salton Sea and these agencies must be fully advised and involved in the preparation of any environmental document that could potentially impact their managed lands.

To conclude, why is this not a joint CEQA/NEPA document? Please clarify in the Draft Programmatic EIR why a joint state/federal document is not being prepared since the Republic of Mexico and Colorado River Delta may be impacted and federal agencies and monies are involved.

(2) Probable Environmental Impacts of Restoring the Salton Sea:

The NOP, **PROBABLE ENVIRONMENTAL IMPACTS**, pages 6 through 9, discusses various potential impacts associated with implementing the alternatives or concepts that are found within "Appendix G of the CEQA Guidelines..."

However, in the State's environmental analysis, there is no discussion of "Population and Housing" impacts that may occur with the restoration of the Salton Sea. With the restoration of the Salton Sea and its ecosystem, there is a very great potential for growth around the various townsites that surround the Salton Sea. For example, there may be substantial population grow in the areas such as Bombay Beach/Hot Mineral Spa area, the Niland/Calipatria area, the Westmorland area, and in the West Shores communities of Salton City, Vista Del Mar, Salton Sea Beach and the Desert Shores areas.

If this restoration were to happen, then the Urban and Community Area Plans for these areas would need to be reviewed and amended due to the implementation of the approved mitigation measures within the above State study and environmental document.

The resultant population growth and construction of new housing within the above-mentioned communities should be addressed in the Draft Programmatic EIR.

(3) Whole-Sea and Partial-Sea Restoration Alternatives:

(a) The NOP, page 3, states that "Whole-Sea restoration approaches would seek to restore and maintain the historical characteristics of the entire Sea..." What does "historical characteristics" mean for the Salton Sea within the Whole-Sea restoration approach? Does this mean that the existing Sea level is to be maintained and the salinity of the Sea to be maintained at its present existing level? This should be further clarified in the Draft Programmatic EIR.

The NOP, page 10, discusses the "Whole-Sea Restoration Approaches", and the first alternative bullet discusses "importing of lower-salinity ocean water salinity to the Sea..." This transfer of Gulf of California ocean water to the Salton Sea was analyzed a number of years ago by the Army Corps of Engineers and other affected federal and state agencies. There is a natural delta that has been formed over millions of years between the Gulf of California and the Pacific Ocean and the Salton Sea area. There is a danger that in building a "canal" through this delta, that in the event of a catastrophic earthquake and flood, that the Imperial Valley's agricultural lands may become inundated by ocean waters.

The second bullet within this section discusses the "...disposal of large quantities of salt residues near or within the Sea..." As discussed below, any substantial disposal of potentially hazardous materials would require involvement and review by Imperial County. There has been a discussion in the past regarding the potential for the generation of electrical generation from salt-laden Solar evaporation ponds by ORMAT. The potential for the use of this technology to develop an alternative energy source should be addressed in the Draft Programmatic EIR.

The third bullet discusses exporting Salton Sea water to and from the "Pacific Ocean or Palen Dry Lake..." The costs of constructing a pipeline, maintaining the pumps to do so, and the generation of sufficient electrical energy to pump the water to and from the Pacific Ocean or discharging Sea water to the Palen Dry Lake would be an economic drain on the State which due to the existing deficit could not be found feasible at this time.

The fourth bullet discusses importing water via Yuma, Arizona from a "...proposed Central Arizona Salinity Interceptor (CASI) project..." Why would Imperial County wish to import possible salt-laden waters from the CASI project to the Salton Sea? If it is to be water that would enhance water quality in the Sea, this should be clarified in the Draft Programmatic EIR. Since this is in a "...concept stage of development..." we can't comment without more information on this "concept".

The NOP, page 10, regarding the stabilization of the shoreline elevation discusses a number of alternatives for a "...on-land salt disposal facility..." In order to determine what County approvals and if any building permits may be required, the description and location of any "on-land disposal facility" should be fully explained in the Draft Programmatic EIR.

The NOP, page 11, states that the "Solar ponds...would be constructed a distance from the Sea..." If the proposed solar ponds are to be located on adjacent private lands some distance from the Sea, the Draft Programmatic EIR should identify the land ownership and

potentially where these solar ponds would be located to determine land use concerns for legal and physical access, sludge, humidity levels, future use of salt, new road construction and other related issues.

Also, on page 11, it discusses desalinization plants using vertical tube evaporation (VTE) technology "...to desalt Sea water near the Sea's south end. Desalinization could produce replacement water for the Sea or for sale to urban areas..." Please be advised that the County has received some information from CalEnergy, near its Unit I facilities, that this type of desalinization methodology is being reviewed by the Salton Sea Authority for possible use in providing replacement water to the Sea.

Please be advised that in the event that the VTE technology is to be utilized by CalEnergy in its Unit I power plant facility, the existing Conditional Use Permit would need to be amended to permit this type of desalinization operation.

The County's Conservation/Open Space Element, page 45, **Preservation of Water Resources**, "...Goal 8: The County will conserve, protect and enhance the water resources in the planning area..." and also states in Objective 8.2 "Maintain the salinity of the Salton Sea at 40,000 parts per million salinity and encourage the advantageous usage of the Salton Sea for agriculture and natural drainage, recreation, and development..." The Draft Programmatic EIR should address in both the whole-sea restoration and the partial-sea restoration efforts how the above County goal and objective is to be accomplished through appropriate mitigation measures.

If the County's goals and objectives are not met, then a significant adverse impact will occur. The PEIR should attempt to reconcile the PEIR's and County General Plan goals and its objectives.

(b) The NOP, page 4, states that "Partial-Sea approaches would entail extensive construction of features such as dikes or embankments, water conveyance and control infrastructure, and byproduct disposal areas..." On page 8, Hazards, it states that "Proposed actions may involve the disturbance or use of hazardous materials. The PEIR will evaluate the risk to the public of disturbance or use of hazardous materials..."

As you may be aware, Imperial County has the only hazardous waste site located in Southern California. Please be advised that in the event there is substantial grading, diking, construction of embankments, water conveyance features, or related activities, and a need for the disposal of potentially hazardous materials, the County must be kept fully advised of all "byproduct disposal" and any trucking and disposal into the existing hazardous waste facility may require an amendment to its existing County permits.

The possible disposal of hazardous materials as part of future Salton Sea restoration actions should be fully discussed in the Draft Programmatic EIR as is stated within the NOP.

(4) Recreation and Biological Resource Impacts to the Salton Sea:

The NOP, page 8, states that some alternatives may impact the recreational use of the Sea, e.g. "...recreational uses of the Sea such as boating and swimming could be affected..."

The Salton Sea has been categorized by various individuals and agencies as the best fishing grounds in the State of California. The NOP leaves "fishing" out of the recreational uses of the Salton Sea and any significant impacts to the water quality of the Sea and impacts on the fishery should be fully discussed in the Draft Programmatic EIR.

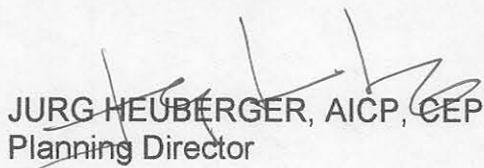
There has been some discussion in the past of diking of the southern part of the Salton Sea and saving the two delta areas of the New and Alamo Rivers for future spawning areas for the various fish populations that currently are found there.

In the event there are either phased restoration activities, or implementation of "alternatives", which substantially impact the existing fishery and fish populations, the Draft Programmatic EIR should clearly discuss them and the socio-economic impacts of saving the fishery or in the alternative, the deletion of significant numbers or types of fish within the existing fish population.

We look forward to working with the various affected agencies and decision-makers of all federal, state, Indian Tribes, residents of adjacent townsites near the Salton Sea as well as the Salton Sea Authority, in the proposed study and environmental document for the restoring and maintaining of the Salton Sea and its ecosystem.

If you have any questions on the above, please contact me at (760) 482-4236, extension 4310.

Sincerely,



JURG HEUBERGER, AICP, CEP
Planning Director

cc: Robertta Burns, County Executive Officer
Ralph Cordova, County Counsel
Joanne L. Yeager, Asst. County Counsel
Darrell Gardner, Asst. Planning Director
Tim Jones, Public Works Director
Stephen L. Birdsall, Ag. Comm/APCO
Mark Johnston, EHS/Health Department
Randy Rister, County Property Services
Jesse Silva, Imperial Irrigation District
Phil Gruenberg, Executive Director, RWQCB
Tom Kirk, Executive Officer, Salton Sea Authority
Daniel N. Schochet, Vice-President/ORMAT
Greg Thomsen, Manager, BLM/EI Centro
Vincent Signorotti, Land Manager/CalEnergy
State Dept. of Water Resources File
State Dept. of Fish and Game File
10.105



IMPERIAL IRRIGATION DISTRICT

GENERAL MANAGER'S OFFICE • P. O. BOX 937 • IMPERIAL, CA 92251

March 31, 2004

Charles Keene, Chief
Water Management Branch
California Department of Water Resources
770 Fairmont Avenue, STE 102
Glendale, California 91203

Dear Chuck:

Pursuant to DWR's "Notice of Preparation of a Programmatic Environmental Impact Report for the Restoration of the Salton Sea Ecosystem and Preservation of its Fish and Wildlife Resources", the Imperial Irrigation District (IID) respectfully submits the following comments on the scope of the PEIR:

1. Order of Withdrawal 90, signed by President Calvin Coolidge on March 10, 1924, specifically set aside lands within the Salton Trough below elevation -220 as a repository for agricultural drainage water. This, the first federally designated use of the Salton Sea, must remain unchanged by any actions proposed in the PEIR.
2. Likewise, the PEIR must identify the impacts of any proposal that would limit the ability of irrigated agriculture in the Imperial and Coachella Valleys to discharge drainage waters into the Salton Sea, including any proposed changes in drain water quality standards. It is not appropriate that additional water quality standards and requirements be placed on irrigated agriculture for the purpose of facilitating a restoration plan without those requirements first being subjected to public review through the PEIR process. IID notes the absence of a representative from the Regional Water Quality Control Board on DWR's Salton Sea Advisory Committee.
3. The Department of Water Resources should prepare the proposed PEIR in consultation with the Salton Sea Authority, and the PEIR should consider and evaluate those restoration alternatives already identified, researched, and determined feasible by the Authority. Please note the attached IID Board Resolution 13 – 2003.

IID appreciates the opportunity to comment on this issue. Should you have any questions concerning our comments, please contact Mr. Elston Grubaugh at (760) 339-9222 or at ekgrubaugh@iid.com.

Sincerely,

JESSE P. SILVA
General Manager

IMPERIAL IRRIGATION DISTRICT

RESOLUTION NO. 13-2003

SUPPORTING THE SALTON SEA AUTHORITY AS THE LOCAL LEAD AGENCY IN IDENTIFYING AND IMPLEMENTING CORRECTIVE MEASURES TO PRESERVE THE BENEFICIAL USES OF THE SALTON SEA

WHEREAS, Salton Sea is California's largest inland water body with beneficial uses including fisheries and wildlife habitat, recreation, and preservation of endangered species.

WHEREAS, the Salton Sea ecosystem is a critical link on the international Pacific flyway. The ecosystem has supported a productive fishery and over 300 species of birds.

WHEREAS, Salton Sea ecosystems are critical given the decrease in California wetlands.

WHEREAS, the Sea is threatened by increasing salinity and water loss.

WHEREAS, The Salton Sea Authority ("Authority") is a joint powers agency chartered by the State of California in a Joint Powers Agreement on June 2, 1993. It has been the local lead agency for identifying and implementing corrective measures to preserve the beneficial uses of the Sea.

WHEREAS, the Authority is comprised of Riverside County, Imperial County, Imperial Irrigation District, and the Coachella Valley Water District, with pending full membership by the Torres Martinez Desert Cahuilla Tribe. Its ex-officio members include the Southern California Association of Governments, the Imperial Valley Association of Governments, and the Coachella Valley Association of Governments. It has cooperative relationships with the Federal lead agency, the U.S. Bureau of Reclamation, and the United States Geological Survey Salton Sea Science Office, and the University of Redlands. It has worked closely on restoration efforts with the California Regional Water Quality Control Board, regional universities, the Salton Sea Environmental Coalition, and many state, federal and local agencies.

WHEREAS, the Authority has made a concerted effort to collect all known suggestions for remediation of the Salton Sea and has subjected these proposals to formal review against specified criteria. The Authority also is taking concrete steps in preparing for the detailed planning of a remediation project.

WHEREAS, recent State legislation linked to the Colorado River Quantification Settlement Agreement (QSA) recognizes the Salton Sea as a critical environmental issue to be addressed and provides up to \$50 million in Proposition 50 funds and approximately \$300 million from the sale of water that would otherwise flow to the Sea for that purpose; and

WHEREAS, in response to the recent state QSA legislation, the State of California is now undertaking a new Salton Sea Restoration process funded by Proposition 50 funds; and

WHEREAS, the Authority Board of Directors is on record of expressing concerns about the new State process potentially duplicating efforts, wasting resources, and taking too much time to reach a preferred project.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Salton Sea Authority should remain the local lead agency for identifying and implementing corrective measures to preserve beneficial uses of the Sea. Available funding be directed/redirected to the Salton Sea Authority for remediation efforts specifically related to the Salton Sea.

2. The Salton Sea Authority urges that the State not pursue a new restoration study process unilaterally and that the State join the Salton Sea Authority, the Bureau of Reclamation, the Salton Sea Science Office, regional universities and others in building on the work done to date.

3. The Salton Sea Authority requests that member agencies, ex-officio members of the Authority, cooperating partners and other interested parties adopt similar resolutions.

4. A copy of this resolution be provided to Governor Davis, the Schwarzenegger Administration, key state and federal legislators, and other interested parties.



IMPERIAL IRRIGATION DISTRICT

[Handwritten Signature]

President

[Handwritten Signature]

Secretary 10-30-03



IMPERIAL COUNTY FARM BUREAU

1000 Broadway, El Centro, CA 92243 • Tel: (760) 352-3831 • Fax: (760) 352-0232

STATEMENT BY THE IMPERIAL COUNTY FARM BUREAU

EIR Scoping Session on Restoration of the Salton Sea

March 17, 2003

1. The Salton Sea must remain designated as an Agricultural Sump for Imperial Valley farm lands.
2. There are benefits and drawbacks to attempting to restore the Salton Sea.
3. If the Salton Sea is restored, it should be accomplished using the most cost-effective method.
4. The 1.6 MAF for Salton Sea mitigation/restoration, which is worth over \$300 million, should not have been taken from Imperial Valley's water assets. This low-income community is already contributing \$54 million toward environmental mitigation under the QSA agreement.
5. Funds generated by the sale of Imperial Valley conserved water must be strictly targeted to the Salton Sea. None of these funds should be allocated to issues outside of the Imperial Valley, e.g., Colorado River delta restoration in Mexico.
6. Local entities should control the funds generated by the sale of Imperial Valley conserved water, due to their proximity to and experience with the Salton Sea.
7. The Imperial Valley is proceeding with the understanding, as stated in the QSA, of full indemnity from any and all environmental claims or costs associated with the Salton Sea that are beyond our current contractual obligations.
8. The Salton Sea must not be dried up or declared "dead" as a means to take further water from the Imperial Valley.
9. Salton Sea restoration efforts must not further hinder or dictate the Imperial Valley's own conservation and efficiency efforts.
10. Salton Sea restoration efforts should focus first on cleaning water and enhancing habitat in the streams, rivers, and canals that contribute to the Sea.
11. Consideration of Imperial Valley's Agricultural Resources must take into account the need for Imperial Valley farms to remain competitive in relation to other farming areas in the marketplace.

12. To address impacts to the Salton Sea, outside agencies (e.g., CA SWRCB) required Imperial Valley farmers and landowners to fallow farm ground instead of the planned implementation of additional on-farm water conservation to produce water for transfer. The Imperial Valley, therefore, should not be held responsible for any negative air quality impacts that may result from that fallowing.



MWD

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Executive Office

April 16, 2004

Mr. Charles Keene
California Department of Water Resources
770 Fairmont Avenue
Glendale, California 91203

Dear Mr. Keene:

Notice of Preparation of a Programmatic Environmental Impact Report for the
Restoration of the Salton Sea Ecosystem and Preservation of Its Fish and Wildlife Resources

The Metropolitan Water District of Southern California (Metropolitan) has reviewed a copy of the Notice of Preparation (NOP) of a Programmatic Environmental Impact Report (PEIR) for the Restoration of the Salton Sea Ecosystem and Preservation of Its Fish and Wildlife Resources. The California Department of Fish and Game (DFG) and Department of Water Resources (DWR) are acting as co-lead agencies under the California Environmental Quality Act for the purposes of preparing the PEIR. The objectives of the program are as follows: (1) restoration of long-term stable aquatic and shoreline habitat for the historic levels and diversity of fish and wildlife that depend on the Salton Sea; (2) elimination of air quality impacts from the restoration projects; and (3) protection of water quality. Metropolitan offers the following comments in response to the NOP.

State Legislation

Metropolitan understands that issuance of the NOP is in pursuit of the restoration study the Secretary of the Resources Agency (Secretary) is conducting pursuant to Legislative direction. Portions of this direction were discussed in the NOP. Metropolitan believes it is important that the Secretary ensure that DWR and DFG limit the scope of the restoration study to the boundaries set by the Legislature. Pertinent Legislative language is compiled herein as follows:

From §2931(a) of Fish and Game Code:

“It is the intent of the Legislature that the State of California undertake the restoration of the Salton Sea ecosystem and the permanent protection of the wildlife dependent on that ecosystem.”

Mr. Charles Keene

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April 16, 2004

From §2931(c) of Fish and Game Code:

“The preferred alternative shall provide the maximum feasible attainment of the following objectives:

“(1) Restoration of long-term stable aquatic and shoreline habitat for the historic levels and diversity of fish and wildlife that depend on the Salton Sea.

“(2) Elimination of air quality impacts from the restoration projects.

“(3) Protection of water quality.”

From §2081.7(e)(2) of Fish and Game Code:

“The restoration study shall establish all of the following:

“(A) An evaluation of and suggested criteria for the selection of alternatives that will allow for consideration of a range of alternatives including, but not limited to, an alternative designed to sustain avian biodiversity at the Salton Sea, but not maintain elevation for the whole sea, an alternative to maintain salinity at or below current conditions and elevation near 230 feet below mean sea level under a variety of inflow conditions, and a most cost-effective technical alternative.

“(B) An evaluation of the magnitude and practicability of costs of construction, operation, and maintenance of each alternative evaluated.

“(C) A recommended plan for the use or transfer of water provided by paragraph (2) of subdivision (c). No water may be transferred pursuant to that subdivision unless the secretary finds that transfer is consistent with the preferred alternative for Salton Sea restoration.

“(D) The selection of a preferred alternative consistent with Section 2931, including a proposed funding plan to implement the preferred alternative.”

Federal Legislation

In the second paragraph under “Federal and State Involvement” on page 2 of the NOP, the Congressional direction given to the Secretary of the Interior under §101(b)(1)(A) of the Salton Sea Reclamation Act of 1998 (Public law 105-372) was paraphrased. Metropolitan staff believes that the paraphrased language omits certain Congressional directions and misrepresents other directions. The actual text from Public Law 105-372 reads as follows:

“The Secretary shall complete all studies, including, but not limited to environmental and other reviews, of the feasibility and benefit-cost of various options that permit the continued use of the Salton Sea as a reservoir for irrigation drainage and: (i) reduce and stabilize the overall salinity of the Salton Sea; (ii) stabilize the surface elevation of the Salton Sea; (iii) reclaim, in the long term, healthy fish and wildlife resources and their habitats; and (iv) enhance the potential for recreational uses and economic development of the Salton Sea.”

In addition to the accommodation for irrigation drainage, direction under items (i) and (ii) were omitted from the description in the NOP. With respect to item (iii), rather than “avoid further deterioration of the internationally significant habitat and wildlife values” as stated in the NOP, the Congressional direction was to “reclaim, in the long term, healthy fish and wildlife resources and their habitats...” With respect to item (iv), rather than “to protect the wide array of economic and social values that exist in the immediate vicinity of the Sea” as stated in the NOP,

Mr. Charles Keene

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the Congressional direction was to “enhance the potential for recreational uses and economic development of the Salton Sea.”

Although not stated in the NOP, §101(b)(2) and §101(b)(3) Public Law 105-372 confirmed limitations on the availability of Colorado River water for Salton Sea reclamation purposes.

These omissions in the NOP’s description of Public Law 105-372 are identified here for informational purposes only. Metropolitan is confident that the DWR and DFG will scope the PEIR to appropriately reflect the boundaries set by the Legislature.

DWR’s administration of potential transfers of Imperial Irrigation District (IID) conserved water to Metropolitan

Page 3 of the NOP states the following:

“The legislation tasks DWR with purchasing up to 1.6 MAF of Colorado River water from IID and selling the water to MWD, under specified terms. Proceeds from sale of the water are to go to the Salton Sea Restoration Fund.”

The above described transaction relates to the water IID would conserve for transfer to Metropolitan pursuant to 2081.7(c) of the Fish and Game Code, rather than “purchasing” Colorado River water from IID and “selling” the water to Metropolitan. However, DWR *administers* the transfer of the water to Metropolitan. Note that DWR has no authorization from the Secretary of the Interior to receive Colorado River water.

Period in which the Interim Surplus Guidelines will be in effect

The last paragraph on page 2 includes the following sentence,

“The QSA and more than 30 related agreements cover intrastate management of Colorado River water, allow California to have access to special surplus water for a 15-year period, and provide for specified water transfers.” [underline added for emphasis]

It should be noted that the underlined text refers to the Interim Surplus Guidelines, and that those guidelines terminate at the end of calendar year 2016.

Current salinity of the Salton Sea

Within the “Background” discussion of the NOP, the last sentence of the first paragraph states that the Sea’s current salinity is about 44,000 milligrams per liter (mg/L). This current estimated salinity appears to be based on old data. The recent trend of declining Sea elevation implies an acceleration of the rate at which salinity is increasing. Enclosed with this letter is a summary of

Mr. Charles Keene

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salinity data from 1995 through 2003 Metropolitan has received from IID. This data indicates that the present salinity of the Salton Sea is approximately 48,000 mg/L.

Salinity of the Salton Sea will be a principal consideration of a Salton Sea restoration alternative. It would be appropriate to have water samples collected from the Sea and analyzed in the laboratory for total dissolved solids and other individual constituents to confirm the current Salton Sea salinity level and serve as a baseline or background level.¹

Selenium

Irrigation drainage discharging to the Salton Sea has elevated concentrations of dissolved selenium. Selenium levels in drainage water should be considered when developing feasible alternatives to be considered in the PEIR.

Use of the term "Mitigation"

During the scoping meetings attended by Metropolitan staff there appeared to be confusion over the term "mitigation" and how it applies to development of a preferred alternative for restoration of the Salton Sea. At times Salton Sea Restoration was described as mitigation for the transfers of conserved water from the Salton Sea basin under the QSA. This is not the case. Although no such statement was made in the NOP, the purposes of the Salton Sea Restoration study must be clearly explained in the PEIR. These purposes are outlined in the State legislation identified at the beginning of this letter.

Points of contact

Metropolitan Vice President, Dennis B. Underwood, is a member of the Salton Sea Restoration Advisory Committee assembled by the Secretary for the restoration study and, if necessary, is available to discuss the issues identified in this letter. John L. Scott of Metropolitan's Water Resource Management Group is assisting Mr. Underwood in this effort and is also available. Mr. Scott may be reached at (213) 217-7823.

¹ Metropolitan suggests the protocols for such a sampling effort be patterned after those followed recently by the Bureau of Reclamation. See Holdren, G. Chris, Montaño, Andrew; 2002; "Chemical and physical characteristics of the Salton sea, California"; *Hydrobiologia*, Volume 473, pages 1-21

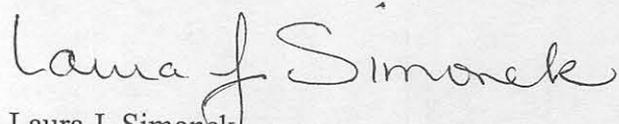
Mr. Charles Keene

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April 16, 2004

We appreciate the opportunity to provide input to your planning process and we look forward to receiving future documentation on this project. Please direct all future environmental documentation to my attention. If we can be of further assistance, please contact me at (213) 217-6242.

Very truly yours,

A handwritten signature in cursive script that reads "Laura J. Simonek". The signature is written in dark ink and is positioned above the typed name.

Laura J. Simonek

Manager, Environmental Planning Team

JAH/rdl

(Public Folders/EPU/Letters/16-APR-04A.doc - Charles Keene)

Enclosure

Salton Sea total dissolved solids (TDS) as measured by the Imperial Irrigation District
(parts per million)

Sample Date	Bertram Station	Desert Beach	Salton Sea Beach	Sandy Beach	Between Rivers	Average Without "Between Rivers"
10-May-95	40,546	40,012	41,057	40,626	42,585	
26-Oct-95	42,962	43,512	43,883	30,775	38,163	
1995 Average	41,754	41,762	42,470	35,701	40,374	40,422
25-Apr-96	40,628	41,713	42,332	42,386	38,889	
31-Oct-96	40,944	44,400	44,094	45,410	40,462	
1996 Average	40,786	43,057	43,213	43,898	39,676	42,739
21-Apr-97	40,515	42,057	43,359	43,742	36,353	
16-Oct-97	42,610	46,538	46,347	46,584	38,865	
1997 Average	41,563	44,298	44,853	45,163	37,609	43,969
06-May-98	42,872	43,226	42,956	43,214	31,710	
16-Nov-98	42,402	44,350	44,683	44,792	43,825	
1998 Average	42,637	43,788	43,820	44,003	37,768	43,562
05-May-99	42,978	43,167	43,176	43,547	31,995	
01-Nov-99	43,081	42,691	44,506	45,026	39,518	
1999 Average	43,030	42,929	43,841	44,287	35,757	43,522
11-May-00	43,972	44,361	44,332	----	38,212	
18-Nov-00	42,802	42,898	43,972	44,171	43,014	
2000 Average	43,387	43,630	44,152	44,171	40,613	43,835
18-May-01	45,509	37,615	38,272	45,342	39,254	
30-Nov-01	47,616	48,284	49,284	46,991	46,619	
2001 Average	46,563	42,950	43,778	46,167	42,937	44,865
11-Jun-02	41,610	42,236	43,364	45,938	45,111	
23-Oct-02	43,936	45,882	43,936	46,354	42,584	
2002 Average	42,773	44,059	43,650	46,146	43,848	44,157
18-Apr-03	45,744	47,382	49,954	47,042	44,165	
23-Oct-03	46,916	48,502	46,964	49,794	46,236	
2003 Average	46,330	47,942	48,459	48,418	45,201	47,787



April 15, 2004

Charles Keene
California Department of Water Resources
770 Fairmont Avenue
Glendale, CA 91203

Re: *Notice of Preparation of a Programmatic Environmental Impact Report for the Restoration of the Salton Sea Ecosystem and Preservation of its Fish and Wildlife Resources*

CHUCK
Dear Mr. Keene,

The Authority offers the following comments to the Notice of Preparation.

I. THE SALTON SEA AUTHORITY AND STATE SHOULD WORK AS CO-LEAD AGENCIES AND BE JOINTLY RESPONSIBLE FOR CEQA DOCUMENTS AND PROCESS AS WELL AS RESTORATION PLANNING DECISION MAKING

The Salton Sea Authority has been engaged in restoration planning for more than 10 years. Millions of dollars have been spent on background ecological studies and pilot projects. The Authority has held countless public meetings to receive local stakeholder input. In cooperation with the U.S. Department of Interior, Bureau of Reclamation, the Authority prepared the draft Salton Sea Restoration Project Environmental Impact Statement/Environmental Impact Report, with copious supporting studies. The Authority members have indicated a willingness to consider pledging hundreds of millions of dollars of tax revenues that will be generated by a restoration project to fund restoration efforts. The Authority is now poised to identify a preferred alternative.

It makes no sense for the State, at this point, to embark on a new, independent restoration planning effort. The State, Federal government and Authority should enter into agreements and structure a cooperative arrangement to avoid wasteful duplication of efforts, or worse, projects that operate at cross-purposes.

II. THE PROJECT DESCRIPTION NEEDS TO BE BROADENED TO INCLUDE COMPREHENSIVE ECOLOGICAL AND SOCIOECONOMIC RESTORATION GOALS

The NOP identifies the following project objectives: "(1) Restoration of long-term stable aquatic and shoreline habitat for the historic levels and diversity of fish and wildlife that depend on the Salton Sea; (2) Elimination of air quality

impacts from the restoration project; and (3) Protection of water quality.”

In comparison, the Authority and the Bureau of Reclamation, in the restoration DEIR, identified the following broader objectives:

1. Maintain the Sea as a repository of agricultural drainage;
2. Provide a safe, productive environment at the Sea for resident and migratory birds and endangered species;
3. Restore recreational uses at the Sea;
4. Maintain a viable sport fishery at the Sea; and
5. Enhance the Sea to provide economic development opportunities.

The Authority believes that these broader objectives should be included in the project description in order that the restoration process can achieve the full potential of ecological and socioeconomic values associated with the Salton Sea.

III. THE GOAL SHOULD BE TO PREPARE A PROJECT LEVEL EIR BY DECEMBER, 2006

The NOP states that the goal is to complete a programmatic environmental impact report by December, 2006. Such a goal would unnecessarily delay project implementation.

As noted above, extensive restoration planning and environmental analysis has already been completed. The Salton Sea Authority, in conjunction with the Bureau of Reclamation, in January 2002 produced a lengthy draft Salton Sea Restoration Project Environmental Impact Statement/Environmental Impact Report, with voluminous supporting documentation. There is no need at this point to re-invent that wheel.

Further, delay in implementing a restoration project will be costly, both in terms of damages to the living systems and to lost opportunities to capture potential revenue. Ecological systems are currently exhibiting considerable stress. Also, while restoration planning is ongoing, water is flowing into the Sea to maintain current levels that could be sold to pay for restoration efforts, if a project was underway. That potential revenue is lost if project implementation is delayed.

IV. THE RESTORATION EFFORTS SHOULD FOCUS ON THE SALTON SEA

The NOP indicates that the State’s restoration efforts may focus on the Colorado River, rather than the Salton Sea. While the Sea is a part of the historic Colorado River Delta and some effort to study the Sea in the context that the broader Delta is appropriate, restoration funds generated from a water transfer whose impacts predominantly are in the Salton Sea water shed should be spent entirely or predominantly at and near the Salton Sea.

V. THE PROCESS SHOULD INCLUDE FULL CONSIDERATION OF ANY RECOMMENDED RESTORATION PROJECT IDENTIFIED BY THE SALTON SEA AUTHORITY

As the State is aware, the Salton Sea Authority has been engaged for over one year in developing what may become a "preferred project". The Salton Sea Authority is at the end of a much longer and very arduous process of alternatives evaluation and consideration. The State, seemingly, is starting yet another alternatives evaluation process. Without taking the necessary policy and administrative to merge our efforts, disconnects between our two processes may continue. At the very least, the Salton Sea Authority requests that any project identified by the Authority as a potential preferred project be fully considered as an alternative, and perhaps preferred alternative, in the State's environmental documents. We strongly encourage the state to include a preferred alternative in its draft environmental documentation and not wait until a final EIR is prepared to do so.

VI. THE SALTON SEA AUTHORITY SHOULD CONTINUE TO PROVIDE POLICY DIRECTION AND DECISION MAKING AND THE STATE SALTON SEA ADVISORY SHOULD BE GIVEN GENUINE OPPORTUNITIES TO PROVIDE ADVICE AND GUIDANCE

The State effort, as envisioned by the NOP, does not indicate a role for the Salton Sea Authority. The Salton Sea Authority Board is comprised of local elected officials whose constituents have a direct stake in Salton Sea restoration. Local interests have been the driving force behind restoration efforts, and will be the primary beneficiaries of a successful project, or the primary victims of a failed effort. Local entities may be willing to commit hundreds of millions of dollars to the restoration effort. Their voice cannot be ignored in restoration planning. The Salton Sea Authority Board should continue to provide policy direction and decision-making, in partnership, with the Resources Agency and the federal government.

While related state legislation calls for the State to consult with the Salton Sea Authority on the study, the State has not done so. The Authority was not consulted in advance of the issuance of the Notice of Preparation (NOP), nor was it consulted in advance of the issuance of a request for qualifications (RFQ).

Equally as disturbing, the State appointed Advisory Committee was not consulted in advance of the issuance of the NOP and RFQ. The Salton Sea Authority is impressed with the breadth and depth of the participants on the Advisory Committee. Several members of the Advisory Committee also are involved directly or indirectly with Salton Sea Authority efforts. To-date, the Advisory Committee has been given no role in setting objectives, determining the scope of the study effort or providing guidance on any other substantive issue.



VII. A JOINT WORK PROGRAM AND MANAGEMENT STRUCTURE SHOULD BE IMPLEMENTED TO AVOID DUPLICATION AND WASTE

If implemented as currently planned, the state process would duplicate efforts already completed or in process by the Authority and the Bureau of Reclamation. Significant institutional resources, with years of restoration planning experiences are already in place and engaged in the restoration process:

- A. The Salton Sea Science Office marshals independent, peer reviewed scientific effort;
- B. The Salton Sea Authority conducts public outreach in the Salton Sea region, builds and operates pilot projects, and coordinates engineering and planning efforts;
- C. The Bureau of Reclamation assists with Salton Sea/Colorado River hydrological modeling, structural engineering, and federal environmental compliance.

These institutions should be fully integrated with state resources to take advantage of the full range of experience and expertise already available for the restoration process.

VIII. THOSE MOST AFFECTED BY DECISIONS AND ACTIONS NEED A VOICE

Public scoping meetings were held in Oakland, Sacramento, San Diego, El Centro and Coachella. While the Authority applauds your efforts to reach out to other areas of the State on what is increasingly recognized as a statewide and national asset, more meetings should be held closer to the Sea. No meetings were held to accommodate people who actually live along the Sea's shoreline. Again, a partnership with the Salton Sea Authority could help. The Salton Sea Authority has held over one hundred meetings near the Salton Sea and has spearheaded efforts to engage local people in decisions about the Salton Sea. Through a partnership with the State, we could bring our understanding of local concerns and politics to the table.

The Salton Sea Authority looks forward to working with the State of California to effectively, economically and efficiently implement a comprehensive Salton Sea Restoration Project.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tom Kirk", is written over a horizontal line.

Tom Kirk
Executive Director



San Diego County Water Authority

4677 Overland Avenue • San Diego, California 92123-1233

(858) 522-6600 FAX (858) 522-6568

www.sdcwa.org

April 16, 2004

Mr. Charles Keene
California Department of Water Resources
770 Fairmont Avenue
Glendale, California 91203

Re: Notice of Preparation, Program EIR for Restoration of the Salton Sea Ecosystem and Preservation of Its Fish and Wildlife Resources

Dear Mr. Keene:

The San Diego County Water Authority (SDCWA) has reviewed the Notice of Preparation (NOP) for the above-referenced Project and submits the following comments for your review and consideration. As a party to the Quantification Settlement Agreement (QSA) and water transfer with the Imperial Irrigation District (IID) the SDCWA has direct interests in the Salton Sea restoration project planning process. Indeed, many of the mitigation measures adopted as part of the QSA approval process could contribute to the State's efforts. However, it is important to note that the State's Salton Sea restoration effort is much broader in scope and scale than encompassed in the QSA mitigation measures. As you know, the SDCWA is also a member of the Salton Sea Advisory Committee, and our agency is on record as supporting a reasonable and feasible Salton Sea restoration program.

The following comments detail key issues we believe you should address in the Program EIR.

1. Project Description / Goals and Objectives

The Project Description in the NOP is very broad and describes a planning process rather than a project, and no explicit discussion of goals and objectives. We understand that this is a Program level document on a State legislated mandate to prepare a Plan, and that no specific "restoration" actions have been detailed at this time. However, such limited information necessarily constrains our ability to comment on potential environmental effects. We appreciate your goal to conduct early scoping and issuance of this NOP; however, we suggest that you consider issuance of a second NOP to more effectively solicit input on the specific environmental issues pertaining to a preferred project and alternative restoration plans when a more detailed Project Description is available. Relative to the restoration project planning process, we do offer the following specific comments.

2. Definition of "Restoration"

The NOP Project Description (page 3) states that the goal is to "...identify a preferred alternative

MEMBER AGENCIES

CITIES
• Del Mar • Escondido • National City
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IRRIGATION DISTRICTS
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WATER DISTRICTS
• Helix • Olay
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• Vallecitos

MUNICIPAL WATER DISTRICTS
• Carlsbad • Ramona
• Olivenhain • Rincon del Diablo
• Padre Dam • Valley Center
• Rainbow • Yuima

COUNTY
• San Diego
(ex officio)

PUBLIC UTILITY DISTRICT
• Fallbrook

FEDERAL AGENCY
• Pendleton Military Reservation

for restoring the Salton Sea ecosystem and permanently protecting the fish and wildlife dependent on the ecosystem." (underlined emphasis added). The Program EIR therefore needs to develop a definition of the term "restoration" that would permit a meaningful understanding of what conditions would constitute success of the program, i.e., what will the Salton Sea be "restored" to?

If informed decisions are to be made on the basis of this Program EIR document, the distinction between this and other "restoration" programs is essential to understand. Further, examination and analysis of this difference will be a critical basis for development of goals and objectives, Program Alternatives, and for evaluating whether these goals and alternatives are realistic or feasible to attain. Despite the adoption of similar terminology, "restoration" of the Salton Sea will be unique relative to most other restoration programs nationwide which are designed to reconstruct self-perpetuating natural conditions in the systems in question (for example the California Bay-Delta Program; the Chesapeake Bay Restoration Program; or the Everglades Program).

If the Salton Sea were to be restored to natural functions and conditions, it would be allowed to become hyper-saline, and significantly diminish by evaporation, followed at long and intermittent intervals by reflooding with fresh water, with a repetition of the evaporative shrinking and transition to hyper-salinity. This natural system has been permanently modified regionally with flood control on the Colorado River preventing the meandering flood flow events of the geologic and historic past, and locally, with the introduction of irrigated agriculture in the Imperial and Coachella valleys, and the unique designation of the basin in both federal and State law as an agricultural drainage water repository.

In contrast to other restoration efforts, the goal of the Salton Sea restoration alternatives considered to date has apparently been to create a static condition which resembles a stage in its transition that last occurred in the 1960s and early 1970s. The previous federal planning effort, for example, included a goal to maintain a "sport fishery" composed entirely of exotic fish species introduced by the California Department of Fish and Game in the 1950s. To accomplish that goal, engineered evaporation systems and dikes were proposed to be put in place and maintained in perpetuity to prevent the natural transition of the Sea to hyper-saline conditions. Other restoration projects are now being proposed, with varying concepts of what "restoration" means. It is not our purpose here to advocate a particular end result of the Salton Sea restoration efforts. However, it is important to understand that at this late date there is no consensus as to the desired result, and until we know the desired result we cannot devise the means to get there.

3. Definition of "Environmental Baseline"

The environmental baseline, or setting, is commonly established as a snapshot of existing conditions on the date the NOP is issued. It is important to clarify for this Program EIR analysis

that the existing condition of the Salton Sea includes an artificially maintained water body, designated as an agricultural drainage repository in both State and federal law, and subject to a long term trend of increasing salinity with fluctuating inflow volumes and shoreline positions. In other words, the traditional definition of baseline may not be appropriate for a system that is constantly changing. Baseline environmental setting descriptions of the Salton Sea basin will need to recognize that the Sea is a dynamic and fluctuating system that has naturally become hyper-saline in the past, including a description of the ecological changes that occur in response to both naturally occurring and induced water quality and quantity changes.

It should be considered that current conditions are consistent with known historic patterns of increasing salinity and radical ecological change, except that flood flows are now prevented from periodically refreshing the Sea, and water levels are sustained on a regular basis by agricultural drainage water. The hydrologic and biologic history of the Salton Sea region is well understood.

The natural pattern of progressive hyper-salinity will not be conducive to supporting the same species assemblages that are now present. If the preferred plan is to “restore” the Sea in a manner that continues to support all species currently present, then the Program EIR should state to decision-makers that the actions contemplated are to “restore” the Sea to an artificial and engineered state of equilibrium that would not be maintained under natural conditions.

4. Point of Clarification: Source of Reduced Inflow

Page 2 of the NOP, last paragraph, contains a statement that “*QSA water transfers – from IID to SDCWA and to CVWD – will reduce the inflows of agricultural runoff that constitute the Sea’s chief source of fresh water.*” This statement is technically incorrect. Agricultural water conservation practices will be employed to reduce the volume of irrigation water needed to produce crops within IID. The water conserved will be available for transfer to other users. Therefore, it is the act of agricultural water conservation – replacing low efficiency irrigation practices with high efficiency methods – that may reduce drainage to the Salton Sea below current levels. It is important to note that such conservation methods could be employed even in the absence of the QSA water transfer.

We recognize that the federal Salton Sea Reclamation Act of 1998 and other federal initiatives will not govern the State’s program, but suggest that you consider a restoration program that is consistent with federal objectives as well. Undoubtedly in the future, some measure of federal approval and financial support will be sought.

5. Hydrologic Assumptions for Restoration Planning

Significant hydrologic modeling of the Salton Sea has been undertaken in recent years to support impact assessments conducted for the stalled federal Salton Sea Restoration Program and for the

IID Water Transfer EIS/EIR. Obviously this Program EIR will first need to establish the physical conditions that restoration actions must respond to. We understand that there may be a strong inclination to rely heavily on the draft EIS/EIR prepared by the Bureau for the Salton Sea Restoration Program, and the EIR/EIS for the IID Water Transfer and Habitat Conservation Plan. Because the current Project scope differs from these prior efforts, DWR and CDFG should carefully examine the inputs and underlying assumptions used in the hydrologic modeling that supported those earlier analyses before relying upon their output as a basis to define effects and develop restoration plans in this Program EIR.

The IID lands draining to the Salton Sea involve a unique water use setting. Records of total annual diversions at Imperial Dam show a range from as low as about 2.6 MAF, up to a maximum of about 3.3 MAF, a historical variation of up to 700,000 acre-feet. Water use has varied significantly in past years in response to weather conditions, crop selection, multi-seasonal cropping, and other economic factors. Using a simple average water use figure of 2.77 MAF as the sole basis of analysis may underestimate past and future variability of actual hydrologic and related ecologic conditions.

6. Actions by Others

Page 4 of the NOP, first paragraph, states that actions taken by other parties could influence design of ecosystem restoration alternatives or affect implementation of potential alternatives. Included in this list of possible actions are mitigation measures being undertaken as part of the approved QSA water transfers. It is important to clarify that the mitigation measures adopted as part of QSA approval to address impacts in and around the Salton Sea will provide benefits to a variety of species inhabiting the Imperial and Coachella Valleys and along the Colorado River regardless of the eventually selected Salton Sea restoration alternative.

The NOP also states that SDCWA, IID, and CVWD intend to obtain take authorization for the QSA water transfers through preparation of a federal Habitat Conservation Plan and State Natural Communities Conservation Plan. In that context, please acknowledge that endangered species compliance and incidental take authorizations for the QSA water transfers has been obtained through the federal Section 7 and State 2081 Endangered Species Act processes. The QSA parties have agreed to pursue approval of a future federal Habitat Conservation Plan and State Natural Communities Conservation Plan to better address the long-term needs of the transfer program.

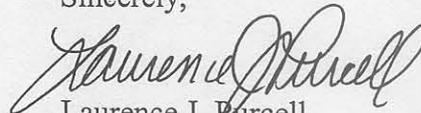
Conclusion

We appreciate this opportunity to review and comment on the NOP. We firmly believe that a full disclosure analysis – including thorough examination and development of a specific Project Description as well as Program Goals and Objectives, and use of clearly stated assumptions to

Mr. Charles Keene
Salton Sea Restoration PEIR NOP
Page 5 of 5

guide selection of Program Alternatives is needed to provide accurate and meaningful guidance to decision-makers in selecting an appropriate course for long-term environmental management of the Salton Sea.

Sincerely,

A handwritten signature in cursive script, appearing to read "Laurence J. Purcell".

Laurence J. Purcell
Water Resources Manager



South Coast Air Quality Management District

21865 E. Copley Drive, Diamond Bar, CA 91765-4182
(909) 396-2000 • www.aqmd.gov

April 20, 2004

Mr. Charles Keene
California Dept. of Water Resources
770 Fairmont Avenue
Glendale, CA 91203

Dear Mr. Keene:

Notice of Preparation of a Programmatic Environmental Impact Report for Salton Sea Ecosystem and Preservation Project

The South Coast Air Quality Management District (SCAQMD) appreciates the opportunity to comment on the above-mentioned document. The SCAQMD's comments are recommendations regarding the analysis of potential air quality impacts from the proposed project that should be included in the Draft Environmental Impact Report (EIR). The SCAQMD previously submitted comments on the Salton Sea Restoration project Draft Environmental Impact Statement/Report (EIS/DEIR) (see attached May 5, 2000 and April 26, 2002 letters). Those comment letters are incorporated herein by reference.

Air Quality Analysis

The SCAQMD adopted its California Environmental Quality Act (CEQA) Air Quality Handbook in 1993 to assist other public agencies with the preparation of air quality analyses. The SCAQMD recommends that the Lead Agency use this Handbook as guidance when preparing its air quality analysis. Copies of the Handbook are available from the SCAQMD's Subscription Services Department by calling (909) 396-3720. Alternatively, lead agency may wish to consider using the California Air Resources Board (CARB) approved URBEMIS 2002 Model. This model is available on the CARB Website at: www.arb.ca.gov.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the project and all air pollutant sources related to the project. Air quality impacts from both construction and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). As noted in previous comments on the Salton Sea Restoration Project Draft Environmental Impact Statement/Report (see May 5, 2000 comment letter attached), the proposed project has the potential to reduce the water level of the Salton Sea, thus, exposing substantial

Cleaning the air that we breathe...

areas of new shoreline. The SCAQMD requests that potential PM10 fugitive dust emissions be comprehensively and quantitatively evaluated. Further, pursuant to the SCAQMD's April 26, 2002 comment letter (attached), the SCAQMD recommends that the Draft Program Environmental Impact Report include recommendations made at the April 2002 Salton Sea Science Office Workshop to include studies on portable wind tunnel and salt mineralogy and baseline air quality and meteorology monitoring. Finally, air quality impacts from indirect sources, that is, sources that generate or attract vehicular trips should be included in the analysis. An analysis of all toxic air contaminant impacts due to the decommissioning or use of equipment potentially generating such air pollutants should also be included.

Mitigation Measures

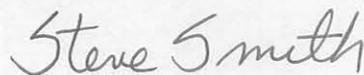
In the event that the project generates significant adverse air quality impacts, CEQA requires that all feasible mitigation measures be utilized during project construction and operation to minimize or eliminate significant adverse air quality impacts. Because the proposed project has the potential to generate substantial quantities of fugitive dust (PM10) a thorough and comprehensive dust control plan should be included in the Program Environmental Impact Report. To assist the Lead Agency with identifying possible mitigation measures for the project, please refer to Chapter 11 of the SCAQMD CEQA Air Quality Handbook for sample air quality mitigation measures. Additionally, SCAQMD's Rule 403 – Fugitive Dust, and the Implementation Handbook contain numerous measures for controlling construction-related emissions that should be considered for use as CEQA mitigation if not otherwise required. After implementing best available control measures (BACMs) pursuant to SCAQMD Rules 403 and 403.1 if substantial PM10 emissions remain, the lead agency should identify additional measures beyond those BACMs required by SCAQMD Rules 403 and 403.1. Pursuant to state CEQA Guidelines §15126.4 (a)(1)(D), any impacts resulting from mitigation measures must also be discussed.

Data Sources

SCAQMD rules and relevant air quality reports and data are available by calling the SCAQMD's Public Information Center at (909) 396-2039. Much of the information available through the Public Information Center is also available via the SCAQMD's World Wide Web Homepage (<http://www.aqmd.gov>).

The SCAQMD is willing to work with the Lead Agency to ensure that project-related emissions are accurately identified, categorized, and evaluated. Please call Charles Blankson, Ph.D., Air Quality Specialist, CEQA Section, at (909) 396-3304 if you have any questions regarding this letter.

Sincerely,



Steve Smith, Ph.D.
Program Supervisor, CEQA Section
Planning, Rule Development and Area Sources

SS:CB:li

RVC040415-11LI
Control Number



Terry Tamminen
Secretary for
Environmental
Protection

State Water Resources Control Board

Executive Office

Arthur G. Baggett Jr., Chair
1001 I Street • Sacramento, California 95814 • (916) 341-5615
Mailing Address: P.O. Box 100 • Sacramento, California • 95812-0100
Fax (916) 341-5621 • <http://www.swrcb.ca.gov>



Arnold Schwarzenegger
Governor

April 16, 2004

Mr. Charles Keene
Department of Water Resources
770 Fairmont Avenue
Glendale, CA 91203

SUBJECT: NOTICE OF PREPARATION OF A PROGRAMMATIC ENVIRONMENTAL IMPACT REPORT (PEIR) FOR THE RESTORATION OF THE SALTON SEA ECOSYSTEM AND PRESERVATION OF ITS FISH AND WILDLIFE RESOURCES

Dear Mr. Keene:

We have reviewed the above-referenced document and offer the following comments for your consideration. Comments that have been previously submitted by the Regional Water Quality Control Board by letter dated April 6, 2004, are included by reference. In addition, to these comments, we offer the following:

- The meaning of the Programmatic Environmental Impact Report (PEIR) Objective #1 must be clearly defined and understood by all. What are the definitions of "long term stable aquatic and shoreline habitat" for the "historic levels" and "diversity" of fish and wildlife that depend on the Salton Sea? These definitions are quite critical, and should be resolved before too much work is done related to the PEIR.
- Implementation of many of all PEIR alternatives may lead to conflicts with the Basin Plan for the Regional Water Quality Control Board, Colorado River Region, including the potential elimination of existing beneficial uses of the Salton Sea. Resolution of any conflicts with the Basin Plan must be given a high priority.
- Regarding the funding and location of potential mitigation projects in Mexico, extensive discussions with federal, state and local governmental agencies as well as non-governmental organizations and private property owners in Mexico will be necessary. Bi-national agreements must be developed to firmly guarantee the funding, implementation, and maintenance of such projects.

Mr. Charles Keene

2

April 16, 2004

We appreciate your consideration of our comments. Please call me at 916 341 5615 if you would like to further discuss these comments or clarify our concerns.

Sincerely,



Celeste Cantú
Executive Director

cc: SWRCB Board Members

Phil Gruenburg, Executive Officer
Colorado River Basin Regional Water Quality Board

Ricardo Martinez
Senior Policy Advisor for Border Affairs
State Water Resources Control Board

ARIZONA DEPARTMENT OF WATER RESOURCES

500 North Third Street, Phoenix, Arizona 85004

Telephone 602 417-2410

Fax 602 417-2415

April 15, 2004



Janet Napolitano
Governor

Herbert R. Guenther
Director

Mr. Charles Keene
California Department of Water Resources
770 Fairmont Ave.
Glendale, California 91203

Dear Mr. Keene:

The Arizona Department of Water Resources (ADWR) has reviewed the Notice of Preparation (NOP) of the Programmatic Environmental Impact Report (PEIR) for the Restoration of the Salton Sea Ecosystem And Preservation Of Its Fish And Wildlife Resources that was issued by the California Department of Water Resources and Department of Fish and Game. By this letter, ADWR submits the following comments on the scope of the PEIR.

The State of Arizona and its water users have a vital interest in the use of Colorado River water by other states and Mexico because Arizona will bear the full economic burden of any shortage under the current operating rules on the river. If water is delivered in excess of the water supply apportionments of the Boulder Canyon Project Act or the 1944 Treaty with Mexico, the risk of water supply shortages to Arizona increases significantly. Thus, it is vitally important that the State of California facilitate reductions in Colorado River water uses by its water agencies to no more than 4.4 million acre-feet of water. In the interest of minimizing excess deliveries of water, ADWR fully supports the planned water transfers pursuant to the California Quantification Agreement (QSA) and the subsequent reduction of Colorado River water use.

ADWR agrees with the definition of the "No Project" Alternative in the NOP. The project that is under consideration is the Salton Sea Restoration program. This project is independent of the planned water transfers and agricultural water use reductions required by the Interim Surplus Guidelines (ISG) and the QSA. We recognize that the purpose of the Restoration program is to mitigate the impacts of water use reductions and transfers, and we encourage that an appropriate restoration project be adopted to meet this goal.

Under the heading "Actions By Others", the content of the PEIR must include a description about the legally authorized uses for Colorado River water allowed by the Colorado River Compact, federal laws, the 1944 Treaty with Mexico, water delivery contracts and federal regulations, collectively known as the "Law of the River". The Law of the River determines the actions by the federal government, other states and Mexico to manage and allocate water from the Colorado River. This information must be used to evaluate the legal feasibility to provide water for the restoration alternatives.

We note that the geographic scope of the conservation measures can include measures in the lower Colorado River ecosystem. We suggest that California consider measures along the

Mr. Charles Keene

April 15, 2004

Page 2 of 2

mainstream of the Colorado River that might supplement or enhance habitat for species that also use the Salton Sea. Any conservation measures taken by California along the mainstream of the river will be certainly be enhanced by the efforts of the Lower Colorado River – Multi-Species Conservation Program.

Alternatives for ecosystem restoration within the Colorado River delta in Mexico should be coordinated closely with bi-national environmental initiatives, including Minute 306 to the Treaty. Without bi-national endorsement by the U.S and Mexico governments, such alternatives are not feasible options to mitigate the impacts on the Salton Sea. Any such alternative that requires water supplies from the U.S. will impact all water users in the United States and will require full federal environmental compliance. The State of California should be praised for recognizing the potential for enhancing environmental resources within Mexico, but we strongly suggest that much more will be accomplished to further its public policies if it cooperates with the federal government and other states regarding ecosystem restoration in Mexico.

We thank you for the opportunity to comment on the NOP for the Restoration of the Salton Sea. We encourage the State of California to move ahead to secure the money for the Salton Sea Restoration Fund and design a feasible plan for mitigation. If you or your staff have questions or responses to these comments please send them to me at the above address.

Sincerely,

A handwritten signature in cursive script, appearing to read "Herbert R. Guenther".

Herbert R. Guenther

CC: Jerry Zimmerman, Colorado River Board of California
Lester Snow, California DWR
Lori Faeth, Natural Resources Advisor to Governor Janet Napolitano



THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT

2221 WEST GREENWAY ROAD, PHOENIX, AZ 85023-4399
(602) 942-3000 • AZGFD.COM

GOVERNOR
JANET NAPOLITANO
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DIRECTOR
DUANE L. SHROUFE
DEPUTY DIRECTOR
STEVE K. FERRELL



April 15, 2004

Charles Keane
California Department of Water Resources
770 Fairmont Ave.
Glendale, CA 91203

Re: Notice of Preparation of a Programmatic Environmental Impact Report for the Restoration of the Salton Sea Ecosystem and Preservation of its Fish and Wildlife Resources

Dear Mr. Keane:

The Arizona Game and Fish Department has reviewed the referenced Notice of Preparation and we submit the following comments. Of the species of interest, the willow flycatcher and Yuma clapper rail presently occupy the lower Colorado River. Desert pupfish were historically found along the river and brown pelican are seen in the area occasionally. Conservation opportunities exist along the lower Colorado River for most of the species of interest and funding of conservation efforts in that area could provide significant benefit to the species and provide important metapopulation benefits and hence resiliency to perturbation for these species.

Significant conservation opportunities exist of lands within the Havasu, Cibola, and Imperial National Wildlife Refuges along the Colorado. Implementation of conservation measures is severely constrained within the California portion of those refuges by lack of Colorado River entitlement. Opportunities to provide water to enable implementation of conservation measures in those California portions of the refuges should be explored in the Environmental Impact Report. We believe that that implementation of conservation measures for the species of interest, and other threatened and endangered species, can be accomplished on the National Wildlife Refuges in concert with traditional uses through careful planning. Conservation measures creating and restoring native riparian woodland habitats can result in significant benefit to all native wildlife associated with those habitats.

In addition to National Wildlife Refuge lands, Native American reservations include significant opportunities for creation and restoration of native habitats used by the species of interest. The 'Ahakhav Tribal Preserve on the Colorado River Indian Tribes reservation includes good examples of backwater, marsh, and riparian woodland restoration. Other lands along the river provide conservation opportunities as well.

Mr. Charles Keane

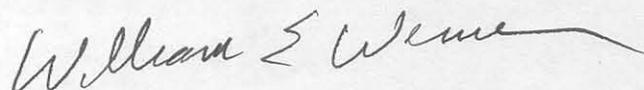
April 15, 2004

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Existing conservation programs with goals that include many of the species of interest include efforts by the Bureau of Land Management, Arizona Game and Fish, and California Department of Fish and Game through cooperative Habitat Management Plans. In addition, the Bureau of Reclamation has worked with the Backwater Committee of the interagency Lower Colorado River Management Program Workgroup in implementing habitat maintenance and restoration activities associated with backwater, wetland and riparian habitats. The Lower Colorado River Multi-Species Conservation Program, in development, includes significant native backwater, marsh, and riparian habitat goals, including specific conservation goals for willow flycatcher and Yuma clapper rail. While conservation actions through some programs are limited geographically, or by ownership, other programs are broader in scope and all potentially offer opportunities to implement conservation described in the Notice of Preparation.

In summary, we encourage a broad look approach in review of conservation opportunities for the species of interest as described in the Notice of Preparation. If you have any questions please contact me at 602-789-3607.

Sincerely,

A handwritten signature in cursive script that reads "William E. Werner". The signature is written in dark ink and has a long, sweeping horizontal line extending to the right.

William E. Werner

Aquatic Habitat Coordinator

ww

KENNY C. GUINN, *Governor*
RICHARD W. BUNKER, *Chairman*
JAY D. BINGHAM, *Vice Chairman*
GEORGE M. CAAN, *Executive Director*

STATE OF NEVADA



SHARI BUCK, *Commissioner*
OSCAR B. GOODMAN, *Commissioner*
LAMOND R. MILLS, *Commissioner*
ROLAND D. WESTERGARD, *Commissioner*
MYRNA WILLIAMS, *Commissioner*

COLORADO RIVER COMMISSION
OF NEVADA

March 12, 2004

Mr. Charles Keene
California Department of Water Resources
770 Fairmont Avenue
Glendale, CA 91203

RE: Programmatic Environmental Impact Statement for the Restoration of the Salton Sea Ecosystem and Preservation of its Fish and Wildlife Resources

Dear Mr. Keene:

Thank you for providing the opportunity for the Colorado River Commission of Nevada to submit comments regarding the above-referenced Programmatic Environmental Impact Statement.

The Notice of Preparation for the above-referenced Programmatic Environmental Impact Statement states, at p. 4, that "Partial-Sea approaches might entail use of desalination technology or water transfers to make a portion of Sea inflows available for sale to urban water users, to generate revenues for carrying out restoration work." The last item listed in the Attachment to the Notice, entitled "Alternatives Studied Pursuant to 1998 Federal Legislation," states: Desalination: Desalination plants using vertical tube evaporation (VTE) technology would be constructed to desalt Sea water near the Sea's south end. Desalination could produce replacement water for the Sea or for sale to urban areas."

As expressed in our previous correspondence, "the Resource Plan of the Southern Nevada Water Authority identifies desalination as one of a menu of future options it may consider when developing the water supply to meet southern Nevada's long-term resource needs. Multi-state desalination involving sea water from the Pacific Ocean, or perhaps salty Salton Sea water, would likely require agreements between California and Nevada water purveyors. The Commission would definitely favor facilitating such agreements through interstate relationships securing the interstate transfer of water

Mr. Charles Keene
California Department of Water Resources

March 12, 2004
Page 2

pursuant to those agreements.” In order that the option be maintained for interstate agreements between California and Nevada, enhancing water supplies in urban environments in Nevada. In exchange for revenues that would be helpful to California’s carrying out restoration work on the Salton Sea, we encourage your thorough consideration of such alternatives in the Programmatic Environmental Impact Statement.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Davenport". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

James H. Davenport
Chief, Water Division

JHD/jln

KENNY C. GUINN, *Governor*

STATE OF NEVADA

SHARI BUCK, *Commissioner*

RICHARD W. BUNKER, *Chairman*

OSCAR B. GOODMAN, *Commissioner*

JAY D. BINGHAM, *Vice Chairman*

LAMOND R. MILLS, *Commissioner*

GEORGE M. CAAN, *Executive Director*

ROLAND D. WESTERGARD, *Commissioner*

MYRNA WILLIAMS, *Commissioner*



COLORADO RIVER COMMISSION
OF NEVADA

April 12, 2004

Mr. Charles Keene
California Department of Water Resources
Southern District Office
770 Fairmont Avenue
Glendale, CA 91203

Subject: Comments on the Environmental Impact Report (EIR) for the Salton Sea
Ecosystem Restoration Project

Dear Mr. Keene:

Thank you for the opportunity to comment on the Environmental Impact Report (EIR) for the Salton Sea Ecosystem Restoration Project. The Colorado River Commission of Nevada (CRC) is the State Agency with the responsibility of administering the water, power, and land resources of the Colorado River for Nevada. We are participants, along with California, Arizona, and agencies of the Department of the Interior, in the Lower Colorado River Multi-Species Conservation Program. This long-term program seeks compliance with the Endangered Species act (ESA) for federal and non-federal activities on the Lower Colorado River by engaging in various conservation efforts for endangered as well as threatened species while working toward their recovery.

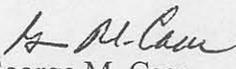
The CRC requests consideration by the California Department of Water Resources (CDWR) and California Department of Fish and Game (CDFG) to allocate a portion of the mitigation funds for the Quantification Settlement Agreement (QSA) for mitigation activities along the Lower Colorado River. Mitigation activities would improve the habitat condition and environmental baseline of the Lower Colorado River, and would provide significant benefit to the implementation of the LCR MSCP. The targeted species associated with these mainstream conservation activities include Yuma clapper rail, black rail, and the southwestern willow flycatcher. We feel that funds spent on species and habitat conservation actions would benefit species that not only occupy the Lower Colorado River, but also the Salton Sea ecosystem.

Mr. Charles Keene
California Department of Water Resources

April 12, 2004
Page 2

Again, thank you for the opportunity to provide comments on this important document. Please feel free to contact me if you have any questions regarding comments offered by the Colorado River Commission of Nevada.

Sincerely,


George M. Caan
Executive Director

GMC:AM:jlh

MyDocs:Final EIR Comment



State of Utah

Department of
Natural Resources

ROBERT L. MORGAN
Executive Director

Division of
Water Resources

D. LARRY ANDERSON
Division Director

OLENE S. WALKER
Governor

GAYLE F. McKEACHNIE
Lieutenant Governor

April 15, 2004

Charles Keene
California Department of Water Resources
770 Fairmount Avenue
Glendale, California 91203

Mr. Keene:

I am writing to comment on the scoping notice for A Programmatic Environmental Impact Report (PEIR) for the Restoration of the Salton Sea Ecosystem and Preservation of its Fish and Wildlife Resources. As the Governor of Utah's representative on Colorado River issues I wish to convey Utah's support of a PEIR process that will lead to meeting the conditions necessary to fulfill the requirements of the Quantification Settlement Agreement (QSA).

This importance of the QSA and California's use of Colorado River water is of significant importance to the Colorado River Basin States and cannot be overemphasized. The PEIR process California is undertaking needs to facilitate the implementation of the QSA and provide sufficient resources to meet the obligations for Salton Sea mitigation. Addressing the Salton Sea issue need to be of high priority by the State of California and associated water users in California and will be key to California's use of Colorado River water.

I encourage you to proceed with all diligence and sufficient resources to complete this process and move on to the job ecosystem preservation for the Salton Sea.

Thank you,

D. Larry Anderson, P.E.
Director



State Engineer's Office

HERSCHLER BUILDING, 4-E CHEYENNE, WYOMING 82002
(307) 777-7354 FAX (307) 777-5451
E-mail: seoleg@state.wy.us

DAVE FREUDENTHAL
GOVERNOR

PATRICK T. TYRRELL
STATE ENGINEER

April 19, 2004

Mr. Charles Keene
California Department of Water Resources
770 Fairmont Avenue
Glendale, California 91203

Re: Comments in Regard Notice of Preparation of A Programmatic Environmental Impact Report for the Restoration of the Salton Sea Ecosystem and Preservation of Its Fish and Wildlife Resources

Dear Mr. Keene:

The Wyoming State Engineer's Office, on behalf of the State of Wyoming, has reviewed the subject Notice of Preparation and offer several comments. The Notice of Preparation recounts that the 2003 California Legislature enacted authorizing legislation for the Quantification Settlement Agreement (QSA) to enable the QSA local agencies to reach agreement on how to reduce their use of Colorado River water to California's basic annual apportionment, that legislation obligates the State of California to accomplish specified environmental mitigation obligations for the Salton Sea and for Salton Sea ecosystem restoration. The subject state statutes and this Notice direct the Secretary for Resources to prepare an ecosystem restoration plan by the end of 2006. Further, the Department of Fish and Game is to manage a restoration fund to be used for implementing fish and wildlife conservation measures in the Salton Sea and lower Colorado River ecosystems; while the Department of Water Resources is to carry out specified water transfers that provide revenues for the restoration fund.

Related State activities include issuance of:

- State Water Resources Control Board water rights order for the QSA water transfers
- Department of Fish and Game incidental take permits for special status species affected by the QSA water transfers, and
- California Infrastructure and Economic Development Bank loan guarantee for water conservation measures within Imperial Irrigation District

As a participating state in the ongoing dialogue and agreements with the QSA parties and the State of California, Wyoming is vitally interested in seeing California succeed in these endeavors and in assuring that California lives up to its commitments to the other Colorado River Basin States. The necessity for California to reduce its dependence on its Colorado River water supply to its basic apportionment level of Four Million Four Hundred Thousand Acre-Feet in

Surface Water
(307) 777-7354

Ground Water
(307) 777-6163

Interstate Streams
(307) 777-6151

Mr. Charles Keene
April 19, 2004
Page 2

years of "normal" water supply is paramount and inescapable. Our State is both supportive of and insistent that California implements those steps necessary to accomplish the necessary reduction of its dependence on Colorado River water. The efforts noticed in the Notice of Preparation are important aspects of the many ongoing efforts that California and the QSA local agencies have committed to undertake and complete.

Thank you for the opportunity to provide these comments in response to the subject Notice of Preparation. Should you have any questions or find that we may assist in some manner, please don't hesitate to contact me at 307-777-6151 or via e-mail at jshiel@state.wy.us.

With best regards,

John W. Shields
Interstate Streams Engineer

JWS/js

cc: Sue Lowry, Administrator, Interstate Streams Division, State Engineer's Office
Gerald R. Zimmerman, Executive Director, Colorado River Board of California
Jeanine Jones, Drought Preparedness Manager, CA Department of Water Resources

Keene, Chuck

From: John Shields [jshiel@state.wy.us]
Sent: Friday, April 16, 2004 11:59 AM
To: crb@crb.ca.gov; Sue Lowry; Keene, Chuck; Jones, Jeanine
Cc: randy.Seaholm@state.co.us; wcook@uc.usbr.gov; robertking@utah.gov
Subject: Wyoming State Engineer's comments on Notice of Preparation of PEIR for Salton Sea Restoration

Charles Keene
Chief, Water Management Branch
Department of Water Resources
770 Fairmont Avenue, Suite 102
Glendale, CA 91203-1035

Dear Mr. Keene,

In response to the subject Notice of Preparation of a Programmatic Environmental Impact Report for the Restoration of the Salton Sea Ecosystem and Preservation of its Fish and Wildlife Resources issued by the Department of Water Resources and our understanding that comments on same are being accepted through the close of business today, the Wyoming State Engineer's Office wishes to submit written comments. Due to the impending deadline, we have submitted our comments via this e-mail message and the attached letter. Thank you for inclusion of our comment letter in the scoping record and for their consideration. Should you have any questions, please don't hesitate to contact me.

With best regards,

John W. Shields
Interstate Streams Engineer
Wyoming State Engineer's Office
Herschler Building, 4th East, Cheyenne, Wyoming 82002-0370
Phone: 307.777.6151 Fax: 307.777.5451 Cell: 307.631.0898
E-mail: jshiel@state.wy.us



ENVIRONMENTAL DEFENSE

finding the ways that work

April 16, 2004

Mr. Charles Keene
California Department of Water Resources
770 Fairmont Avenue
Glendale, CA 91203

Re: Notice of Preparation (NOP) of a Programmatic Environmental Impact Report (PEIR) for Restoration of the Salton Sea Ecosystem and Preservation of its Fish and Wildlife Resources

Dear Mr. Keene:

We appreciate the opportunity to provide these comments to the California Departments of Water Resources (CDWR) and Fish and Game (CDFG) on the above-referenced NOP on behalf of Environmental Defense, a national non-profit membership-based organization representing almost 63,000 members in California and more than 72,000 members in the lower Colorado River basin states and Mexico.

The Salton Sea ecosystem The Salton Sea ecosystem and its fish and wildlife resources are integral parts of the lower Colorado River ecosystem in both the United States and Mexico. Accordingly, restoration planning for the Salton Sea must be approached not as an isolated effort within California, but as part of a comprehensive suite of interstate and bi-national efforts to protect and restore much-degraded aquatic and flyway resources throughout the lower Colorado River basin. Only this kind of comprehensive view gives meaning to the terms "lower Colorado River ecosystem" and "Colorado River delta" in related enabling legislation, and only this kind of approach makes ecological sense over time. We urge both CDWR and CDFG to reach out to their sister agencies in Arizona and Nevada, and in Baja California and Sonora as well, and to work with and through the IBWC and CILA to ensure that ecological needs throughout the bi-national region serve as the foundation for restoration planning for the Salton Sea ecosystem.

Of course, adopting a comprehensive view should not become an excuse for diluting or hijacking an already-limited pool of authorized restoration resources. We thus urge that funds made available through the Salton Sea Restoration Fund (SSRF) be directed towards Salton Sea and tributary restoration proper, and towards restoration of the Colorado River delta (as authorized) pursuant to the bi-national advisory task force process established by Minute 306 to the 1944 Treaty. In no case should SSRF funds be allowed to supplant state or participating agency obligations under the Multi Species Conservation Plan (MSCP) being developed for portions of the lower Colorado River; however, should additional state, federal, or other resources eventually come into play, we would support their deployment for MSCP purposes provided that (a) the MSCP beneficiaries contribute their apportioned shares concurrently and (b) the Colorado River

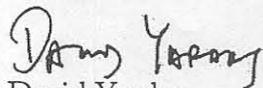
in Mexico, including the bi-national limotrophe reach, the Delta, and its principal tributaries are at long last fully integrated into any such plan.

Socio-economic considerations Restoration planning for the Salton Sea ecosystem should affirm and advance the socio-economic mitigation and improvement objectives of the Quantification Settlement Agreement (QSA) and related agreements and legislation. The lead agencies should work closely with (and if necessary provide funding for) the California Department of Food and Agriculture to ensure timely review as authorized by SB 277 of the Local Entity (socio-economic mitigation/improvement) program, and to expand and improve that program as warranted as part of the final preferred alternative for Salton Sea restoration. Moreover, because the bulk of the region's human population lives in Mexico, the preferred alternative should ideally serve to promote and leverage the combined interests of "the Californias" and advance socio-economic improvement opportunities throughout the bi-national region. (For example, drinking water and sanitation improvements are not only desperately needed in Mexicali but affect tributary flows into the Salton Sea ecosystem and potentially the Delta in Mexico.) The preferred alternative should also formalize efforts to assist displaced farm workers qualify for newly-created jobs in the restoration and conservation sectors throughout the Imperial-Mexicali region.

Other considerations Restoration planning for the Salton Sea/lower Colorado River ecosystem should be based upon principles of affordability and sustainability (i.e., "passive" solutions incorporating shallow dikes and wetlands will generally be preferable to "active" solutions like desalination, where recurrent annual energy costs, air quality effects, and salt disposal will each present ongoing challenges). The preferred alternative should also endeavor to keep the Colorado Aqueduct full in order to limit exports to southern California from the northern Bay-Delta system and to avoid other re-directed impacts.

Thank you again for the opportunity to provide these comments.

Sincerely,



David Yaldas
Senior Analyst

cc: Congresswoman Mary Bono
Congressman Bob Filner
State Senator Denise Ducheny
State Assemblywoman Bonnie Garcia
Resources Secretary Mike Chrisman
Food and Agriculture Secretary A.G. Kawamura
CDWR Director Lester Snow
CDFG Director Ryan Broddrick
Salton Sea Authority Executive Director Tom Kirk
Salton Sea Advisory Committee Chair Jeanine Jones



Working Together to Protect and Restore the Salton Sea

March 31, 2004

Salton Sea Coalition Members:

Cabazon Band of Mission Indians

California Waterfowl Association

Center for Biological Diversity

Defenders of Wildlife

Planning and Conservation League

National Audubon Society, California

Native American Land Conservancy

National Wildlife Federation

The Pacific Institute

Planning and Conservation League

San Diegans for the Salton Sea

San Diego Audubon Society

Sierra Club

Torres Martinez Desert Cahuilla Indians

United Anglers of Southern California

Western Outdoor News

Charles Keene
California Department of Water Resources
770 Fairmont Avenue
Glendale, CA 91203

Re: NOP of PEIR for Salton Sea Ecosystem Restoration

Dear Mr. Keene:

The Salton Sea Coalition submits the following comments on the "Notice of Preparation of a Programmatic Environmental Impact Report (PEIR) for the Restoration of the Salton Sea Ecosystem and Preservation of its Fish and Wildlife Resources." The Salton Sea Coalition is a group of 14 environmental and recreational organizations and tribes working together to protect and restore the Salton Sea ecosystem. Our organizations represent more than 1.3 million people, including more than 500,000 people in California.

We appreciate the opportunity to comment on the scope of the PEIR. We offer the following comments in an effort to improve the process and the substance of the PEIR, and in the hopes that the PEIR will identify a feasible restoration plan that can enjoy broad public support. The Resources Agency's dedication to a transparent, public process with broad objectives, and its willingness to explore a range of potential alternatives to meet the objectives laid out in the state's QSA implementing legislation, will greatly increase the likelihood of identifying a project that the legislature will endorse.

The NOP raises concerns that the California Department of Water Resources and the California Department of Fish and Game (the lead agencies) plan to draft a PEIR based upon a very narrow interpretation of the state's implementing legislation. We encourage the lead agencies to select a feasible alternative that satisfies the fish and wildlife, air quality, and water quality objectives of the implementing legislation, and that also identifies potential recreational and economic development opportunities that could be implemented by other state or local agencies. The state's implementing legislation does not preclude consideration of recreation or economic development

in the selection of a preferred alternative. Although these issues are beyond the authority of the lead agencies, other state and local agencies, including the Department of Parks and Recreation and the Salton Sea Authority, have a clear interest in promoting these values at and around the Salton Sea. We urge the lead agencies to collaborate with state and local agencies, to incorporate appropriate recreational and economic development elements into Salton Sea ecosystem restoration alternatives. Incorporating these elements into the project design, rather than forcing the other agencies to adjust their plans after the project has been selected, will generate a more robust plan that can enjoy broader public support. The legislature may then choose to fund these project elements from other sources, but at least will have the benefit of a more comprehensive plan.

We also encourage the lead agencies to address air quality concerns at and around the Salton Sea. Air quality in the Salton Sea area already violates national and state ambient air quality standards. The exposure of additional lakebed due to decreased inflows to the Sea will very likely exacerbate current conditions. One of the objectives noted in the NOP is "Elimination of air quality impacts from restoration projects." The lead agencies should read this objective broadly, and not act only to mitigate direct air quality impacts arising from project construction. We strongly urge the lead agencies to work proactively with the Air Resources Board and the local air quality districts, to address the current and likely future air quality problems in the project area. Although air quality issues lie beyond the purview of the lead agencies, the State of California ultimately will bear fiscal responsibility for the impacts of the QSA-related water transfers; from a state-wide perspective, it makes sense for the lead agencies to address these broader issues up front, rather than waiting for other California agencies to address them after human health in the area is affected. Air quality agencies should be full partners in the development and evaluation of potential alternatives; the lead agencies must not wait to consult them until after alternatives have already been developed. The construction of air quality monitoring stations, and conducting on-site emissivity tests for exposed lakebed, will provide necessary data for understanding actual conditions at and around the Sea. We urge the lead agencies to coordinate such tests and monitoring with the Air Resources Board and Cal EPA, as soon as possible. Protecting and improving human health, as well as avian health, will be a deciding factor in the evaluation of any alternative.

We also urge the lead agencies to adopt a broad vision regarding project financing. The NOP, and conversations several of us have had with DWR staff, suggest that DWR intends to limit its range of alternatives to those that can be funded by the \$300 million Salton Sea Restoration Fund established by SB 317 (Kuehl). In our view, such an *a priori* funding constraint would be unreasonable and counter-productive. Nowhere does the implementing legislation constrain the project to this funding. The innovative funding mechanism authorized by SB 317 offers initial funding for a restoration project, based on the important principle of beneficiary pays. It in no way purports to be the sole source of funding for any such project. Indeed, SB 317 specifically directs the Secretary of the Resources Agency to pursue federal participation in the restoration of the Salton Sea. SB 277 (Ducheny) provides that the restoration of the Salton Sea ecosystem shall use the funds "in the Salton Sea Restoration Fund *and other funds made available by the Legislature and the federal government*" (emphasis added). It is not reasonable to assume that no additional state or federal appropriations, or state bond funds, will be available once a feasible alternative has been identified. The lead agencies should not limit the PEIR by excluding reasonable alternatives that would exceed some arbitrary

cost threshold.

The PEIR should clearly define the project area. The NOP offers the following geographic scope: "The restoration program area includes the Salton Sea and lower Colorado River ecosystems, including the Colorado River delta in Mexico," and a map of the "General Project Area" (titled Figure 1, depicting most or all of Imperial, Riverside, and San Diego counties, as well as parts of Arizona, Baja California, and Sonora). Many of the birds found at and around the Salton Sea use the Sea itself only for part of their daily or annual activities. Many species forage in the surrounding fields, returning to the Sea at night. Many more bird species depend on the agricultural land in the region; the potential impacts to these birds must be addressed in the PEIR. The Sea's ecosystem extends well beyond the existing shoreline, to encompass the varied built and natural habitats in the area. The PEIR should clearly describe and define these varied habitats, as well as the potential impacts that would result from alterations in the Sea's extent, water quality (such as salinity, nutrient concentrations, selenium concentration, and temperature), and biota. Additionally, DWR should develop a more informative map depicting the general project area.

The Salton Sea Coalition strongly believes that the conservation measures necessary to protect the fish and wildlife species dependent on the Salton Sea should be implemented at and around the Salton Sea. The Coalition strongly opposes a preferred alternative that would spend funds from the Salton Sea Restoration Fund on activities covered by the Lower Colorado River Multi-Species Conservation Program.

A sound "No Project" alternative will be a critical element in the evaluation of any project alternative. Such an independent baseline would greatly improve understanding of the Sea, and would prove invaluable for determining the relative merits of current and new restoration proposals. To date, no credible projection of future conditions at the Salton Sea has been developed, despite repeated requests to the Salton Sea Science Office. The lead agencies should contract with the Science Office to convene an expert workshop, to project future conditions at the Salton Sea. The lead agencies, in consultation with the Salton Sea Advisory Committee, should identify a set of hydrologic conditions, such as the current transfer schedule, an accelerated transfer schedule, and drought conditions, as well as other on-going and planned and possible future actions that may affect the quantity and quality of inflows to the Sea. Based on these hydrologic conditions, the expert workshop would project the likely physical and biological conditions at the Salton Sea in the years, for example, 2010, 2025, 2050, and 2100. We urge the lead agencies to start this process as soon as possible, so that the Science Office has time to develop a credible set of scenarios.

We also encourage the lead agencies to improve their public outreach. The CEQA Guidelines recommend early public consultation with concerned citizens and organizations in order to solve any potential issues (see Guidelines §15083). While initial scoping sessions have been held, there has been considerable controversy regarding whether these sessions were organized with sufficient public notice as to encourage maximum public input. The lead agencies should hold additional scoping workshops in the Coachella and Imperial valleys, and especially at least one public scoping meeting in a community alongside the Salton Sea. The residents of the Coachella and Imperial valleys, and especially those residents living alongside the Sea, must be actively consulted in the development of any restoration alternative. No restoration program can expect to be successful if it fails to engage local residents.

The Torres Martinez Desert Cahuilla Indians, as one of the largest Salton Sea area landowners (and one of the tribal governmental bodies directly impacted) must be consulted by the State or any other authority charged with implementing changes to the remnants of "Ancient Lake Cahuilla." The federal government recognizes the sovereignty of Indian Tribes and thus there is no credence to State jurisdiction over tribal lands near and beneath the Sea. For instance, Torres Martinez reservation land maintains a "checkerboard" pattern in all northern areas of the PEIR consideration but nonetheless the Sea's unique features and use by Tribes should not be diminished. Tribal people have co-existed within the region before the Sea's transformation to that of an enormous agricultural run-off repository. From a tribal perspective, the Salton Sea and adjacent land areas consist of Natural Features, Landscapes, Traditional Properties, Sacred Sites, and Historic Sites that have sustained value, character, or cultural significance. To insure the protection and preservation of tribal heritage, it is critical that the Tribes retain and rediscover as much of their cultural heritage as possible. The Sea is representative of a continuous biographical chapter embedded in the consciousness of tribal heritage.

Prior to beginning the PEIR, the lead agencies must develop specific performance standards or objectives for this project, beyond the general objectives set forth by the Legislature. These standards or objectives can then be translated into site-specific mitigation. The NOP fails to provide an indication of what the agencies expect are the specific goals and objectives for a Restoration Plan. Without specific goals and objectives, it is impossible to ascertain the quality of the range of alternatives.

We urge the lead agencies to adopt the following standards and objectives for the restoration plan:

- The restoration plan must ensure that the Salton Sea ecosystem (including the surrounding agricultural land) continues to support the diversity and comparable population size of bird species. In addition, the restoration plan should provide for improved conditions for bird species, including addressing causes of bird disease.
- The Salton Sea ecosystem must support a thriving and sustainable fishery as well as provide habitat for the endangered pupfish.
- The Salton Sea ecosystem must continue to maintain its exceptional recreational opportunities, including birding, hunting, and fishing.
- The restoration plan must be consistent with a thriving agricultural economy in the Imperial and Coachella Valleys.
- The restoration plan must address water quality issues at the Sea and in its tributaries, and should build upon current TMDL efforts.
- The restoration plan should not contribute to any decline in air quality in the Imperial and Coachella Valleys.
- The restoration plan should attempt to leverage opportunities for providing

economic stability for the communities in the Salton Sea ecosystem.

The NOP fails to describe the process for this project, and fails to provide any timeline beyond "the PEIR will be completed by December 2006." The lead agencies should describe a specific plan for how this PEIR will be prepared in conjunction with the State Advisory Committee and how affected local constituencies will be able to provide input throughout the process. Given the magnitude of this project, the agencies should be designing a PEIR process that provides maximum ability for public input. In addition, it is critical that the lead agencies clearly inform the public whether future CEQA documents are anticipated. Such information will affect the manner in which people review the first tier EIR.

Finally, while the lead agencies have stated that they intend to prepared a programmatic EIR, we strongly encourage the creation of an EIR with as much site-specific, project-specific environmental analysis as possible. We are very concerned that the development of a programmatic EIR, followed by a project-level EIR in 2007 or later, will result in significant delay in the implementation of a restoration plan.

Thank you for the opportunity to comment on the NOP. We look forward to working with the lead agencies to develop a sound and feasible restoration plan for the Salton Sea ecosystem. Please do not hesitate to contact us if you would like clarification of any of the above comments or recommendations.

Sincerely,

Michael Cohen
Senior Associate
Pacific Institute
948 North St Suite 7
Boulder CO 80304

Fred Cagle
Volunteer Representative
Sierra Club
4415 37th Street
San Diego CA 92116

Daniel S. Cooper
Director of Bird Conservation
Audubon California
87 No. Raymond Ave. Suite 700
Pasadena, CA 91103

Kim Delfino
Director, California Program
Defenders of Wildlife
926 J Street, Suite 522
Sacramento, CA 95814

Karen Douglas
Natural Resources Director
Planning and Conservation League
926 J Street, Suite 612
Sacramento, CA 95814

Bill Karr, Editor
Northern California Edition
Western Outdoor News
P.O. Box 1536
Placerville, Ca. 95667

Kathleen Satterfield
Past President
San Diego Audubon Society
4891 Pacific Highway, #112
San Diego CA 92110

Tribal Council of Torres Martinez
Torres Martinez Desert Cahuilla Indians
66-725 Martinez Road
PO Box 1160
Thermal, CA 92274

cc: Congresswoman Mary Bono
Congressman Bob Filner
Senator Denise Ducheny
Assemblywoman Bonnie Garcia
Secretary Mike Chrisman
Director Lester Snow
Tom Kirk

My name is Marie Barrett, New River Wetlands Educational Outreach Coordinator.

The concerns regarding the Salton Sea Ecosystem include nutrient loading; oxygen depletion and other health problems.

We have found through three years of monitoring our two pilot wetlands that the wetlands have a significant effect on decreasing nitrogen and phosphorus load and total suspended solids . We have also documented a very positive increase in the amount of dissolved oxygen added to New River water that has gone through the wetlands.

Another pollutant that has been decreased by up to 99.8% is fecal coliform.

After three years of monitoring experience with our two constructed wetlands, results prove that wetlands work to clean both New River and agricultural drain water. Based on our monitoring results we feel that a series of up to 8000 acres of wetlands along the Alamo and New River will significantly clean nutrients, total suspended solids and fecal coliform from the water before it reaches the Salton Sea. This will reduce some of the stress on the Sea and clean water will be a lot easier to process – whether it be for desalination, salt marsh wetlands or any reclamation planned

We have completed a reconnaissance Inventory of Wetland Sites along both the Alamo and New River and have identified over 80 possible sites for wetlands. We have chosen 40 as preferred sites. We are working with the cities of Westmorland, Brawley and Holtville to build wetlands as tertiary treatment at their wastewater treatment plants.

Besides the very important water quality aspects, the wetlands offer tremendous opportunity for education, recreation and birdwatching.

This project is beneficial for Imperial County and the Salton Sea. We would urge you to consider funding and expanding the wetlands project.

Thank you

Resan Bingham
5158 St. Andrew Place
Los Angeles, California 90062
(323) 291-1050

April 14, 2004

Dear Mr. Keene

My name is Resan Bingham, CEO of Clear Water Fishing Club. I'm writing this letter because of the condition of the Salton Sea. It saddens me that a place that my family has enjoyed for over 40 years and across 3 generations is being completely ignored. The condition can only be blamed on the politicians in office - with everything else going on in the world, I guess it's just not anywhere near the top of their list of priorities. It is on the top of mine, though.

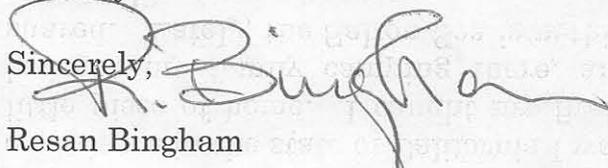
Just to give you a little background on why this matter concerns me, I am originally from Missouri - where fishing is fishing - and, on my first fishing experience in the state of California I was 13, I felt like the Salton Sea was a little piece of home. I caught my first Corvina there! Since then I have brought my family camping there, and my fishing experience has been shared. Lately, the Salton Sea is nothing like back home in Missouri - and nothing like I remember it.

For this area to have been neglected and ignored really bothers me. It is one of the largest inland bodies of water in the country and home to so many endangered species. It deserves better. Maybe if the people that made decisions about the Salton Sea had actually BEEN to the Salton Sea, they would agree that it should be saved. Like I do. Like so many other people do.

Please keep my club members and me up to date on issues regarding this matter. So that we can keep up with what's going on with this natural treasure, I would like to be added to any mailing list of upcoming conferences, debates or advisory board activities regarding the Salton Sea.

Thank you!

Sincerely,


Resan Bingham

Quentin & Ellen Burke

817 East Eighth Street • P.O. Box 55 • Holtville, CA 92250
Phone 760 356-4102 Fax 760 356-2778 quellen@brawleyonline.com

Dear Mr. Charles Keene
California Dept. of Water Resources

I would like to comment on the future plans for the Salton Sea.

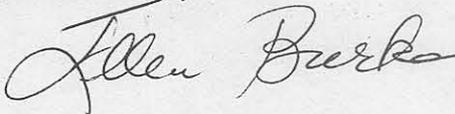
The Sea has in past decades been a great recreational resource boating, fishing and 40 years ago or more, swimming, in the northern end. So, we want to improve that aspect ... clean up the pollutants coming in or before they get to the Sea ... and provide sufficient water for human recreational use and for wildlife. We want to service the large bird population that visits or stays at the Sea, by providing wetlands free of contaminants and with just enough water and plants enough for their use. If the water is cleaner, it will be better for the fish population.

Since the wetlands projects on the New River have been a great success, cleaning the water, why not continue this idea up to the south end of the Sea for wildlife habitat, using both the New and Alamo Rivers which drain into the south end of the Sea., making a wetlands area, or bayou, if you will, at the south end. This would satisfy the wildlife needs and cut down on a possible dust problem should that area be allowed to dry up completely. The north end of the sea would be in better shape for development of human recreation facilities.

The Salton Sea is California's largest lake ... we must save this resource ~~whole~~ we can. The Salton Sea Authority, promoted by the Board of Supervisors of Imperial County, has done a lot of research, gathering possible plans for saving the Sea. They probably would be a great help to the DWR (and save repetition of work) in coming up with future possibilities for uses for the Sea.

Further, with the burgeoning population in coastal areas to the west, the Salton Sea can and should be developed for recreational use. Not only do we want to save water, we want to make the best use of it. The State needs to pick up the ball and run with it, using the SS Authority as a helper/partner. By all means save the Salton Sea...the State will be sorry in future years if the ball is dropped! Imagine: sailboat races, ski-doo derbies, fishing derbies, fishing classes for youngsters. So much could be possible, and possibly take some of the crush off the sand dune areas of Imperial County.

Thank you for the opportunity to comment,

 Ellen Burke
April 14/04

4/15/04

Ted Deckers
3100-R West Hwy 86
Desert Shores, CA 92274
(760) 395-0056

Charles Keene
California Department of Water Resources
770 Fairmont Ave
Glendale, California 91203

I am writing to have my comments registered in regards to a plan for protecting and restoring the Salton Sea.

I have two major concerns:

First is that your plan does not have provisions to improve recreation and provide for economic development around the Sea. How can you ignore the valuable resource of tax dollars the State so sorely needs?

The second concern is that you are not working with the Salton Sea Authority. You are proceeding to waste valuable time and money duplicating studies and tests that already have been done. You need to team up with the Salton Sea Authority on an equal basis and move forward not backward.

The Salton Sea Authority has a preferred plan that will reduce and control salinity. It also will reduce and control the nutrient overload. It does provide for economic and recreation development. This plan has a flexibility built in that will allow for less inflow of water while improving wildlife habitat.

By working with them, you could still make sure the fish, birds and the entire ecosystem is properly cared for.

Sincerely,



Ted Deckers

cc: Mike Chrisman, Sec.
The State Resources Agency



March 26, 2004

Mr. Charles Keene
California Department of Water Resources
770 Fairmount Ave.
Glendale, CA 91203

Dear Mr. Keene:

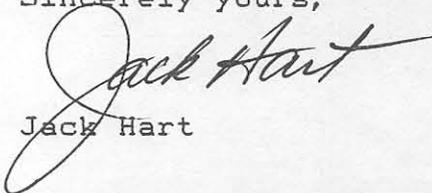
I am writing to you because I have been told that you, as head of the California Department of Water Resources, are the person most responsible for directing the planning and implementation of the restoration of the Salton Sea.

I am a native resident and business owner in Imperial Valley, and this has allowed me to experience, long-term, most of the socio-economic aspects of this region. I am excited now because I am seeing the beginning of a process to reshape a gigantic resource as significant as the Salton Sea. This excitement is somewhat guarded by the uneasy feeling of not knowing today what the reshaped future will be like. I would feel better if I knew that, in addition to meeting the goals of the water transfer, much of our future was being developed by, and for, the people that live here. Although an approach such as this is a reasonable one, I wonder if those that don't live here feel the same. What is your feeling on this.

There is an agency situated very near called the Salton Sea Authority (SSA). I attend their meetings from time to time and I am learning more about the organization. They have developed, and are continuing to compile, a tremendous amount of data about the Sea specifically, and the region in general. The more I learn about them the more confident I feel about the direction of their leadership. It would not be unreasonable to allow them a responsible role in the myriad of activities that lie ahead. This would be the recipe for a wonderful balance between local involvement and state and national overview. What is your feeling about this?

The restoration of the Salton Sea is a significant development for California and the Pacific Region. The road map there goes right through Imperial County, and their voice must not be denied. Let the Salton Sea Authority be the entity that speaks on their behalf.

Sincerely yours,



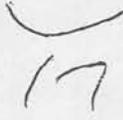
Jack Hart

3-3-04

To: Charles Keene, DWR, and Others

Re: Comments on the NOP of the PEIR for the Restoration of the Salton Sea Ecosystem

1. The implementing legislation is scoped to the ecosystem.
2. In contrast, the preliminary Salton Sea Restoration Plan, as presented by the SSA at its 2-26-04 meeting, deals with:
 - a. Benefits to the people and their communities
 - b. Enhancement of the Greater Communities of the Coachella and Imperial Valleys
 - c. Enhancement of the Fish and Wildlife habitat within the region (if not the Salton Sea proper)
3. Therefore, I have concern that your ecosystem scope, of and by itself, is special interest ("environmental community") oriented. And, conversely, that it is not in the public interest nor for the common good. And more particularly, I conclude that to use this ecosystem design as the basis for developing a preferred alternative constitutes a "tail wagging the dog" syndrome.
4. Therefore, it is deemed to be in the public interest and for the common good for DWR and DFG, as co-lead agents, as well as the Salton Sea Advisory Committee to support using the SSA restoration plans as the preferred alternative.
5. As conveyed earlier to the SSA board, I request that the plan-making process include:
 - a. There shall be a separate Salton Sea Restoration Plan document.
 - b. This plan shall be based on less inflow from IID into the Sea.
 - c. This plan shall be introduced and subject to public comment before it is acted on by SSA and/or DWR/DFG.
 - d. This plan shall become the preferred alternative of the PEIR.
6. SSA proceeding in a timely manner to develop and introduce its preliminary restoration plans for public comment, and the State recognizing these plans as the preferred alternative, or at least one of the alternatives, accommodates my plan-making requests on an "inconcert basis."
7. The project area description is very specific and very general. I think that the non-descript nature of the non-specific areas (i.e. those areas exclusive of Salton Sea proper and the Delta in Mexico) creates a pandora's box. More particularly, I think the project area is not properly described.


Cliff Hurley

Cliff Hurley • 1108 W. Evan Hewes Hwy, El Centro, CA 92243 • Phone/fax (760) 352-6496

April 5, 2004

Mike Maier
5101 Tyler Ave.
Temple City, Ca. 91780

Mr. Charles Keene
Calif. Dept. Water Resources
770 Fairmont Ave.
Glendale, Ca. 91203

SUBJECT: Programmatic Environ-
mental Impact Report On Salton
Sea Restoration

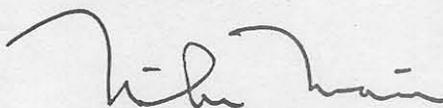
Dear Mr. Keene,

Here following are my comments in response to the request for public commentary on the DWR Programmatic Environmental Impact Report For Restoration Of The Salton Sea Ecosystem And Preservation Of Its Fish And Wildlife Resources. For many years I have been involved with wildlife issues including Salton Sea matters, so my comments derive from experience, so please consider the following.

There are at least two thousand acres of privately owned managed freshwater wetlands on properties around the north and south shores of the Salton Sea. These habitats perform a public trust function by providing freshwater and feed for wild ducks, geese and a variety of other birdlife, water and food that are not available on the Sea. Increased salinity has rendered the Sea virtually of no value for ducks and geese except as resting habitat. These and other species must seek other habitat for their essential needs, and that to a large extent means area duck hunting clubs.

In preparation of the E.I.R. the involved agencies and personnel should consider possible project impacts upon privately owned managed wetlands. These habitats perform a mitigative function for Sea habitat quality debased and lost because of salinity. Even if the Sea is stabilized or improved to a salt content at or near ocean water it cannot provide for the water and nutritional needs of ducks, geese and other freshwater dependent birds. The E.I.R. should recognize this mitigative function and recommend official mitigation in the form of state and federal policies that provide incentives for managed habitat owners to improve and expand their water acres and provide feed adequate to maintain desirable populations of wintering waterfowl and other birds. Owing to the absolute scarcity of quality wetland habitat in Southern California, said mitigation should extend to all southern counties.

Sincerely,


Mike Maier

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THOMAS S. VIRSIK

April 15, 2004

Charles Keene
California Department of Water Resources
770 Fairmont Avenue
Glendale, California 91203.

Re: Salton Sea Ecosystem Restoration Project—Notice of Preparation

Dear Mr. Keane,

Introduction

This office represents landowners of Imperial Valley who own approximately twenty-five percent 25% of the irrigated agricultural land in the Imperial Valley. These landowners will be referred to as the "Imperial Group" throughout this filing. The Website for the Imperial Group is www.imperialgroup.info. The members of the Imperial Group have filed multiple lawsuits against the Imperial Irrigation District and other signatories to the Quantification Settlement Agreement ("QSA"). These suits challenge the validity of the QSA and the mismanagement of water resources by IID. The members of the Imperial Group have asked the Court to make a determination that it represents all of the irrigated agricultural acreage in the Imperial Valley. The Court has not yet acted on this request. The irrigated agricultural acreage in the Imperial Valley uses over 98% of the water used in the Imperial Valley.

In this letter, the Imperial Group formally responds to the Notice of Preparation and raises the following issues: (1) the NOP should address alternative solutions should the QSA be invalidated as the Salton Sea will continue to be a problem regardless of the QSA; (2) alternatives should be considered that do not require state funding; (3) solutions to the Salton Sea must incorporate better water management in the Imperial and

Mexicali Valleys so that the water resource is optimized; (4) the NOP should promote projects that can be implemented quickly rather than continue being studied for years.

The Imperial Group is committed to developing an economically feasible plan to optimize the water resources of the Colorado River and restore the Salton Sea Ecosystem within a six-month period with a build out of five years. The Imperial Group has created a Consortium (see footnote 1) of international construction and engineering firms committed to a feasible Salton Sea Ecosystem Restoration Project, which would optimize the water resources of the Colorado River for all of California and protect the Imperial and Mexicali Valleys. While developing this plan the Imperial Group fully expects to continue its meetings with job trainers in Imperial County, members of the community, environmentalists, and governmental officials both Mexican and American.

The Imperial Group estimates that the landowners of irrigated agriculture in the Imperial Valley and their predecessors in interest have invested in excess of 1.3 billion dollars to develop the water resources of the Imperial Valley over the last 100 years. Without this investment there would be limited agricultural production in the Imperial Valley, the development of Coachella Valley and other Southern California communities would be severely limited, and finally there would be no Salton Sea. Over the years the economy of the Imperial and Mexicali Valleys have become integrated and any action which hurts the citizens and economy of the Mexicali Valley hurts the citizens and economy of the Imperial Valley and vice versa. The Imperial Group is concerned about the efforts of the State of California and its related subdivisions including but not limited to the Imperial Irrigation District, Coachella Valley Water District, Metropolitan Water District, San Diego County Water Authority and Salton Sea Authority to develop a Salton Sea Ecosystem Restoration Project as an alternative to existing conditions in the Salton Sea. The Imperial Group's concern is that the entities will just continue to study the issue and fail to develop a feasible project because there are insufficient financial resources available in the State of California and the Federal Government to finance a Salton Sea Ecosystem Restoration Project. The problem will not be solved and turned into continuing rounds of litigation while the environment and economy of the region suffers. As landowners and citizens of Imperial County the Imperial Group is concerned that the same thing will happen to the Salton Sea and Imperial County that Professor Robert Kagan described in his studies on the dredging delays in the San Francisco Bay. See Exhibit A for copies of Professor Kagan's articles on how the "extraordinarily cumbersome, legalistic, and costly method for

balancing environmental and economic considerations" caused the dredging delays in the San Francisco Bay. The environment and economy will not tolerate such delay on the Salton Sea issues and the Imperial Group will do everything in its power to prevent such delays.

Current Condition

The situation in the Salton Sea is grave. The Salton Sea Ecosystem is rapidly deteriorating. To the extent any bird and fish Ecosystem still exists in the Imperial and Mexicali Valleys, it is due to the continued agricultural investments and activities in the Imperial and Mexicali Valleys. Indeed, the entire Ecosystem of the Western Hemisphere benefits from these continued agricultural activities. The present interpretation of the QSA contemplates massive fallowing in California and the lining of the All-American Canal. These destructive policies are best illustrated by flying over the Coachella, Imperial and Mexicali Valleys during the early Spring. One can see significant economic activities in Coachella. The only exception is the land on the east side of US 10 and the Torres-Martinez Indian Reservation. These are areas where there has been a restriction on the use of water. When you fly over Imperial County and Northern Mexico there are verdant fields and economic development where there is water. If the water is restricted either in the Imperial or Mexicali Valleys without a plan to optimize the water resources of the Colorado River for the benefit of all the people in the region and California, substantial portions of these Valleys will become deserts. The Imperial Group intends to prevent this from happening.

Historical Facts Surrounding Mexico, Imperial Valley and the Salton Sea

The Salton Sea Reference Information supplied by the Department of Water Resources ("DWR") did not describe the Salton Sink prior to 1900. The Imperial Group offers the maps as set forth in Exhibits B1 through B8 to further illustrate the development of the Salton Sea Ecosystem. Understanding the historical development of the Salton Sea and the Alamo and All-American Canals helps to better define the environmental issues involved in considering any Salton Sea Ecosystem Restoration Project. When this analysis is made DWR necessarily must consider the conditions that existed both in Mexicali, Coachella and Imperial Valleys before the Salton Sea and the Alamo and All-American Canals were created. From that analysis a baseline can be developed which will help assess alternatives, optimize the water resources for all three Valleys and restore the historic Ecosystems of the Valleys. The baseline has to be developed

to reflect the situation prior to the investment of the 1.3 Billion Dollars by the members of the Imperial Group and other landowners in the Imperial Valley. Then if the State desires to take advantage of this investment and the opportunities for the future that this investment gives the Imperial and Mexicali Valleys, the State should fully compensate the landowners for their past investment and any loss of the landowners' future economic opportunities. Once the scope and value of the historic investment by the agricultural landowners is understood, the financially feasible alternatives available to the State for any Salton Sea Ecosystem Restoration Project are narrowed.

Legal Basis of Imperial Group's Position

The United States Supreme Court has recognized the unique nature of the water rights held by the landowners in the Imperial Valley. See Bryant v. Yellen (1980) 447 US 352, at n. 23. These rights are inviolate. The Imperial Group vigorously objects to any attempt by any governmental agency to interfere with their exercise of these rights and until this issue is satisfactorily resolved there will be a serious impediment to any Salton Sea Ecosystem Restoration Project. IID has mismanaged the diversions from the Colorado River. See Decision 1600 of the SWRCB. In 2003 the United States Bureau of Reclamation or BOR commenced a so-called Part 417 Process against IID to determine whether or not IID was appropriately managing its diversions from the Colorado River and permitted extensive briefing by all interested parties including but not limited to the State of California through the California Resources Agency, Imperial Irrigation District and the National Audubon Society. The Imperial Group participated in this process and its position is set forth in Exhibit C and incorporated herein by reference. Many of the positions, which the Imperial Group is taking in this proceeding, were taken in the 417 Proceeding. At the conclusion of its proceeding BOR made recommendations as to how IID could improve its management of the diversion from the Colorado River. A copy of the Decision is attached hereto marked Exhibit D and incorporated herein by reference.

The landowners of Imperial Valley have the right to use the Salton Sea as an agricultural sump or drain. This right is recognized by the State of California and the United States. However, under the principles announced in the Nacimiento Regional Water Management Advisory Committee v. Monterey County Water Resources Agency (1993) 15 Cal.App.4th 200 and the above referenced BOR Decision, the landowners of Imperial Valley have no obligation to maintain the Salton Sink as a sea and no EIR or environmental mitigation is required if the landowners

choose to reduce the flow of water into the Salton Sea. See also the decisions of the SWRCB in Garrapata Water Company, Decision 1639 and Monterey County Water Resources Agency, Order 2001-17.

It is the Imperial Group's position that the following principles promulgated by the BOR in the above-referenced 417 Decision should be the operating principles of IID or its successor and the landowners of Imperial Valley when water is delivered or used in the Imperial Valley:

The materials reviewed and considered by Reclamation demonstrate that conservation and operating measures recommended below vary widely in cost, ease of implementation and the potential to conserve water. Reclamation recognizes that many of the recommendations relating to conservation measures would require investments by IID and its farmers, however others would not. While Reclamation encourages IID to seriously consider the suggested measures, the mix of measures that are ultimately adopted by IID and by the farmers within IID is a local decision. Many of the measures may be implemented simultaneously. All of the recommended measures are being successfully used in other irrigated areas of the Southwest with conditions similar to those in IID.

In the following section, Reclamation presents these recommendations in order of priority based upon its independent professional analysis, but fully recognizes that implementation and prioritization of the measures identified below remains a matter of local determination.

Based on these considerations, Reclamation recommends the following measures:

A. Opportunities for conservation that can be implemented by IID within existing IID policy or with some modification of existing policy.

Recommendation 1. Water Measurement. Reliable water measurement records are essential to the decisions that result in water conservation. Reclamation recommends that IID develop, maintain and use a district-wide network of water measurement devices for the consistent monitoring, recording and reporting of system and on-farm water use data.

Measurements within the IID should include: 1) canal and lateral spills, 2) actual deliveries to farmers' head gates, 3) tail water runoff, 4) drain flows, including discharges from drains, and 5) leach water and other components of water diverted from the Colorado River for use in IID.

IID may consider a carefully planned and executed measurement program approach to install continuous recorders at selected representative sites and conduct regular spot measurements at the remaining sites. This approach could be used at lateral and farm turnouts and well as drain ditches.

Recommendation 2. Scheduling Water Orders. Under current IID policy, a farmer is charged for a full 12-hour period of water delivery, whether or not the farmer needs or uses the water. Modification of this early termination policy by IID would give farmers greater flexibility with water deliveries and enhance their ability to manage and conserve water.

Recommendation 3. Tailwater Management. Currently, hundreds of thousands of acre-feet of water are not consumed by crops, but flow off the ends of fields in IID. Reclamation recommends that IID strictly enforce its ordinance limiting tail water to 15 percent. Reclamation recommends that the 15 percent tail water limit be reduced incrementally over a specified number of years. Additional measures might include implementing a tiered penalty for tailwater discharge or implementing a tiered water rate schedule that increases with additional water ordered above a set allocation. Under current practice IID farmers pay millions of dollars for water that flows off the ends of their fields. Further, Reclamation believes that the 15% is excessive over the long-term and that IID should evaluate, establish and enforce further reductions in tailwater volumes.

Reclamation supports the principal of matching delivery rate and irrigation set time required to refill the crop root zone to have the least possible amount of tail water. Reclamation believes significant efforts in this regard can be accomplished with little or no additional costs and without necessarily constructing on-farm reservoirs or tail water recovery systems.

Recommendation 4. Physical Improvements. Physical improvements can increase flexibility in the system and reduce the possibility of spills. Conservation measures might include implementing the measures identified in lid's draft Agricultural Water Management Plan (March 2002), which include constructing additional mid-lateral reservoirs and constructing both limited flexibility and full flexibility interceptor laterals. Installation of tailwater recovery systems is also addressed in the draft Agricultural Management Plan as a conservation measure, although Reclamation notes that constructing such systems to collect water from more than one field would cost less than the approach proposed in the draft Plan.

Recommendation 5. IID Farmer Outreach. IID through its Irrigation Management Unit provides a multitude of farm evaluations, demonstration projects and water conservation measures that assist till farmers in IID to conserve water. Current programs and services offered include:

- Irrigation evaluations to determine best water use on a per- field basis
- Scheduling of Irrigations
- Soil moisture sensors to better determine when to irrigate crops
- Flume measurements for measuring tail water accurately
- Salinity assessment
- global positioning system mapping to help with salinity control
- Land leveling, which could include level basin, modified level and matching grade.
- Field length or irrigation length reduction
- Alternative irrigation methods such as high flow level basins, drip irrigation systems, linear move sprinklers, and cut-back irrigation

Reclamation encourages IID to continue and increase the level of participation in outreach activities to provide these services to farmers to assist farmers in making decisions about a wide variety of water conservation.

Recommendation 6. Irrigation Management. The goal of a good irrigation management program is to use water efficiently by scheduling irrigations to meet crop needs. Reclamation

recommends that IID assist farmers in using climatic and evapotranspiration data to help determine when to irrigate and how much water to apply. Potential benefits from scheduling irrigations to meet crop needs include:

The lengthening of irrigation intervals by two to three days on annual crops resulting in at least one less irrigation during crop season

Improved yields both quantitatively and qualitatively

Higher yields for alfalfa and less compaction by harvesting equipment Improved crop management using information gathered during field visits Salt management in areas of highly saline soils by irrigating alternate rows early in the irrigation system

Improved quality of specialty crops such as peppers, tomatoes, watermelons and cantaloupes with properly timed irrigation during bloom development and just prior to harvest

B. On-farm activities that can be implemented by farmers in IID at little or no cost.

Recommendation 7. Cultural Practices. Cultural practices can be implemented by farmers to better manage their irrigation water and control the advancement of the water down a furrow or border to the end of the field. These practices can be implemented at little or no cost to the farmer and can result in water savings and increased yields. Practices such as these are used to some degree within IID and throughout the western United States to save water, reduce costs, optimize yields and improve profits:

The irrigator can terminate the irrigation or change the set (move the water) when the water in the border or furrow reaches a pre-determined point before the end of the field. This early cut-off practice is simple and inexpensive and can reduce the amount of water that flows off the end of the field and minimizes the amount of water standing at the bottom of the field that will cause scalding.

The ends of the rows (furrows) can be blocked to back water up the furrow at the bottom of the field. The ends

of the furrows, or a group of furrows, can be opened after a specific time period to allow water to flow off the field.

Cross-checks can be placed in borders to slow down the advance of water. Furrow dikes (portable) can be placed in furrows to reduce the advance of water down the furrow.

Border crops can be planted on the contour grade rather than in the direction of the border to reduce the advance rate of water.

Longer fields can be divided with new header rows.

Rows can be angled against the field slope at the lower end of the field.

Rows and borders can be angled against the field slope for the entire length of the irrigation run to reduce the advance rate down the row or border on the tight soils.

C. On-farm activities that can be implemented by farmers in IID at higher costs

Recommendation 8. Land Leveling and Grading. The field slopes in IID are not great but are enough to warrant study. There is significant potential for reducing existing slopes in most fields in IID (both clay soils and light textured soils). Tailwater runoff can be reduced by improved uniformity of applied water. The elimination of field slope in either dead level or modified level systems is not recommended for IID at this time but may be appropriate as changes in technology warrant. Reducing one-half-mile irrigation runs to one-fourth mile for fields with medium and light textured soils can result in better management of the irrigation water, better uniformity of application of applied water and the reuse of any tailwater from the upper fields onto the lower fields.

Recommendation 9. Linear Move Sprinklers. Based on the layout and size of fields in the Imperial Valley, linear move systems appear to be a viable irrigation alternative. Although

they are relatively expensive and require more intensive management, linear move sprinkler systems can be used successfully on light textured soils where slopes are relatively steep and the depth of soil is such that grading or leveling is not feasible.

Recommendation 10. Drip Irrigation Many IID farmers use surface or subsurface drip irrigation to irrigate vegetable crops with no runoff from the fields. In 2002 there were approximately 12,000 acres on which drip irrigation is used in IID. Drip irrigation is a proven technology and has been successfully used in IID but its use is limited to high value crops.

See pages 62-66 of the BOR Decision. Exhibit D.

Any DEIR must consider the potential adoption of these principles and the impact they may have on flows into the Salton Sea. The adoption of these principles over an extended period of time will help to optimize the water resources of the Colorado River. If the DWR disagrees with the recommendations of BOR the DEIR should describe in detail where it disagrees with the recommendations. However, one of the ramifications of increased optimization of the water resources by IID and its potential successor and the existing agricultural landowners is that it will reduce the flow of water into the Salton Sea.

Financial Alternatives

The DWR has been directed to look at financial alternatives to finance the Salton Sea Ecosystem Restoration Project. The Imperial Group objects to any attempt by the State of California or any other governmental entity to impose any type of assessments either directly or indirectly on their water rights to finance any modification in the Salton Sea. However, the Imperial Group has developed its own alternative and submitted it in writing to the Resources Agency and the Staff of the Governor. The Consortium consists of the Dutra Group and Bean Stuyvesant, a joint venture between CF Bean and Bosklais.¹ Its submission is attached hereto and marked Exhibit E and incorporated herein by reference. (In Exhibit E you will also find a pamphlet prepared by the Provincie Flevoland in

¹ The respective websites of the members of the Consortium are as follows: www.Boskalis.com, www.Dutragroup.com, ww.cfbean.com/cfbean/default.htm, and www.cfbean.com/beanstuy/defaultcont.htm

Holland entitled "Facts and Figures of the Zuiderzee Project." This pamphlet discusses in detail the issues involved in reclaiming the Zuiderzee. Boskalis, a member of the Consortium, was involved in the project and the project was significantly larger than the Salton Sea Ecosystem Restoration Project.) After worldwide consultation, the Imperial Group chose to develop this alternative because in part this was how Prime Minister Margaret Thatcher solved the Environmental Problems in England. See the Presentation to ACWA entitled "English Experience with the Privatization of its Water and Sewer Industries" prepared by Kathy Neal, Patrick J. Maloney and Norma Morales dated September 9, 1996. A copy of the presentation is attached hereto and marked Exhibit F. In order to accomplish a project to immediately deal with the problems of the Ecosystem of the Salton Sea there has to be recognition of the water rights of the Imperial Valley landowners. The importance of the recognition of these water rights is discussed in detail in the Imperial Group 417 filings. The environment, citizens, and landowners of Imperial Valley and northern Mexico cannot afford to have continued studies about the Salton Sea with nothing accomplished. This has been the practice of the Federal, State and Local Governments for the last 25 years.

Issues that should be considered in the DEIR

Develop an accurate baseline that presents a fair picture of the Coachella, Imperial and Mexicali Valleys before the development of the Salton Sink and the development of agriculture in the Imperial and Mexicali Valleys.

How the water resources of the Colorado River can be optimized so that Imperial and Mexicali Valleys are not stripped of their historic resources and future potential by the current economic power of Coachella Valley and the Coast of California?

What is the extent and nature of the landowners' water rights in the Imperial Valley and the landowners' ability and obligation to control the flows into the Salton Sea?

How can the water rights of the landowners in the Imperial Valley be better protected so they can be used as an engine to help finance the Salton Sea Ecosystem Restoration Project?

How can a feasible plan be developed so the best minds in the world will participate in the design and building of the project?

Conclusion

The Department of Water Resources has been charged with preparing a DEIR on the Salton Sea Ecosystem Restoration Project. The Agricultural landowners of Imperial Valley are fully aware of the problems in the Ecosystem of the Salton Sea. They have developed a Consortium with the most competent people capable of solving the problem in the world. Issues relating to the Salton Sea cannot be dealt with in isolation. The Restoration of the Salton Sea Ecosystem impacts multiple publics: Imperial, Coachella, Mexico, Arizona, the Coast of California, and the San Francisco Bay Delta and the problem is urgent. It is essential that an integrated approach be taken that guarantees a rapid solution and involves the parties directly impacted. Only by doing so will a viable solution be developed and successfully implemented.

Respectfully submitted,



PATRICK J. MALONEY

GEORGE RAY'S COMMENTS ON "A PROGROMATIC EIR FOR RESTORATION OF THE SALTON
SEA ECOSYSTEM AND PRESERVATION OF ITS FISH AND WILDLIFE RESOURCES

You are charged with preparing "A Progromatic Environmental Impact Report for the Restoration of the Salton Sea Ecosystem and Preservation of its Fish and Wildlife Resources." Unfortunately, legislation (SB 277-Ducheny, SB 317-Kuehl, and SB 654-Machado) leading to this program is based on a flawed assumption.

For over 20 years, the Salton Sea has been an exotic fishery based on tilapia, a fish from Africa, and fish and other organisms from the Sea of Cortez. By most environmental standards this exotic fishery should not be preserved, yet it has many supporters who claim to be environmentalists. Is it really the intent of the State of California to favor exotic species over native species? Is it really the intent of the State of California to favor exotic landforms and habitat over more natural conditions? What is going on here?

Why should we spend millions of dollars in an effort to return the Salton Sea Ecosystem to a state approximating that of the 1960's and 1970's? That was not, is not, and will not long remain the "natural state of the Salton Sink".

SALTON SINK ECOSYSTEM

The historic natural state of lower part of the Salton Sink Ecosystem is that of being part of a large river delta (often nearly dry), not that of a large stable inland sea (either fresh or salt), with miles of contiguous shoreline and large expanses of open relatively deep water. Before the coming of irrigated farmland to the Coachella and Imperial Valleys, the Salton Sink was an ever changing landscape of intermittent streams, flooding tributaries (including the Colorado River), fresh water marshes, salt marshes, riparian habitat, salt flats, small fresh water lakes, and small saline and hypersaline lakes, and, yes, for brief periods of time a sizeable lake. But these large lakes would soon evaporate, leaving behind an environment approximately that found in the year 1900, not the year 1970.

SOLUTION - MANAGED DELTAS

Please do not spend millions of dollars on a collapsed exotic fishery and unsustainable grandiose plans with little tangible benefits. Lets work on returning the lower part of the Salton Sink to conditions that existed over 100 years ago - a less costly, more natural environmental target.

As the Salton Sea shoreline recedes as a result of the San Diego water transfer, why not construct and manage river and stream delta like landforms such as meandering streambeds, islands, marshes, shallow fresh water lakes, and other landforms associated with nearly flat river delta landscapes? As the shoreline recedes, why not, populate these river delta landforms with suitable plant species to attract animal wildlife suitable for this environment -- an environment approximating the environment that once existed in this sea bed not so long ago? On the South end of the basin, the mouths of the New River, the Alamo River, and numerous IID drain canals could be extended and landscaped to better resemble rivers and streams meandering across the bottom of a drying sea. The managed deltas should be intended to complement, not duplicate the existing Sonny Bono National Wildlife Refuge.

Similarly, the Whitewater flood control ditch and other irrigation and storm drains could be extended to better resemble rivers and streams meandering across the North end of the basin, creating attractive landforms and useful habitat for many wildlife species.

The HCP that was accepted as part of the San Diego water transfer does propose "mini deltas" (page 3.2-158), this concept should be expanded. In other words, **mitigate for and on the receding shoreline! Mitigate for water quality, not quantity!**

The managed delta approach will leave Imperial Valley with an attractive sustainable wildlife habitat we can be proud of -- a refuge that favors native species over exotic species. The managed delta approach can offer a wide variety of sustainable recreational opportunities for valley residents and others. Thousands of acres seabed and shoreline the IID or the government already owns will be put to productive use and allow more Colorado River water to be used for economic development in Imperial Valley. This approach will go a long way in dealing with alleged dust problems that may result as the shoreline of the Salton Sea recedes.

Managed deltas may not a perfect solution, nor is this a perfect world. Managed deltas will not leave our valley landscape covered with huge piles of salt, evaporating salt ponds, energy consuming evaporators, huge dikes, gouged landscaped, and still more idle farmland. It will partly mitigate for the esthetics of a drying seabed, possible dust and odor problems, help mitigate for lowered water quality, and help mitigate for a retreating shoreline. And yes, it will mitigate for native species rather than exotic species of wildlife.

March 27, 2004

Charles Keene
California Department of Water Resources
770 Fairmont Avenue
Glendale, CA 91203

Re: Comments on the Notice of Preparation of a Salton Sea Restoration Plan 

Dear Mr. Keene,

I am writing to register my comments on the direction of a plan for protecting and restoring the Salton Sea.

I think it is very important that the Department of Water Resources (DWR) develops a plan that protects fish and wildlife in and around the Salton Sea. Given the poor air quality that already exists in the Coachella and Imperial Valleys, and the danger that a shrinking Salton Sea will make matters worse, the plan must also include projects to improve air quality in the region. DWR should also consider ways that other state and local agencies can improve recreational and economic development opportunities in the area, as part of any selected plan.

I think it is very important that DWR selects a plan for the Salton Sea itself. DWR should not select a plan that would spend Salton Sea Restoration Fund money on projects along the Colorado River, or in any location other than at and around the Salton Sea.

Please keep me informed of your efforts to protect and improve the Salton Sea.

Sincerely,

Signature: 

Print Name: LINDA-MARIE SUNDSTROM

Address: 6949 DOHENY PL #C

City: ALTA LOMA State: CA Zip: 91701

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March 9, 2004

Mr. Charles Keene
California Department of Water Resources
770 Fairmount Avenue
Glendale, CA 91203

Re: PEIR for Restoration of Salton Sea Ecosystem

Dear Mr. Keene:

We request that the Programmatic Environmental Impact Report for the Restoration of the Salton Sea Ecosystem and preservation of its fish and wildlife resources include consideration of the SolarBee technology. SolarBees are solar powered circulation devices that moving large volumes (10,000 gallons per minute) of freshwater and saltwater in lakes and reservoirs. SolarBees have been utilized to improve water quality, increase DO, reduce nutrients, prevent fish kills and control odors.

There are now more than 70 units installed in California, and more than 500 around the US. We have been researching the Salton Sea and current efforts to restore the Salton Sea ecosystem and preservation of its fish and wildlife resources. We believe that SolarBees could provide an effective, low capital cost, low maintenance cost solution for targeted areas where chronic fish kills and bird die offs are occurring. SolarBees have been very successful at defeating blue green algae here in California.

We have also been working with the U.S. Bureau of Reclamation at their evaporation ponds at the Salton Sea, where we have learned that the SolarBees can be operated to reduce evaporation while improving water quality.

A packet of information is enclosed for your reference, along with a short, 11 minute video. We would appreciate an opportunity to visit with you about how SolarBees might be appropriately applied at the Salton Sea. Please contact us with any questions, or comments that you might have.

Regards,

Sandra Walker
California District Sales Manager



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Charles Keene,
California Dept. of Water Resources,
770 Fairmount Ave.,
Glendale, CA 91203

3/25/04

Dear Sir,

As a long time resident of California and especially of Imperial Valley, I am another person who realizes that it would be a great project to save the Salton Sea in a manner that would create many benefits and prevent future adverse problems from happening. As a mechanical person I have a favorite saying that there is no way to calculate how many fingers did not get cut off from having a guard on a set of moving V Belts on some machinery. In other words if we improve and maintain the Sea we won't have to find out how many problems had been avoided but there would certainly be many of them. I concur with Mr. Alin Kalin who has lived near the Sea and with other local people have developed ways of improving water quality in our two rivers without much expense. That action should be taken by the proper authorities to take advantage of the opportunity that we now have with the Salton Sea.

Sincerely Yours,

R.C. Wymore