

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

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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

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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

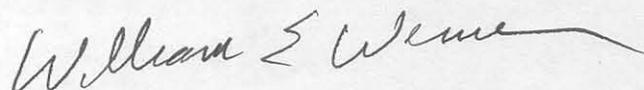
April 15, 2004

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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

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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 tail.

James H. Davenport
Chief, Water Division

JHD/jln

KENNY C. GUINN, *Governor*

STATE OF NEVADA

SHARI BUCK, *Commissioner*

RICHARD W. BUNKER, *Chairman*

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JAY D. BINGHAM, *Vice Chairman*

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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.

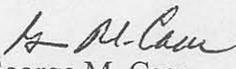
The CRC requests consideration by the California Department of Water Resources (CDWR) and California Department of Fish and Game (CDFG) to allocate a portion of the mitigation funds for the Quantification Settlement Agreement (QSA) for mitigation activities along the Lower Colorado River. Mitigation 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

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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
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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

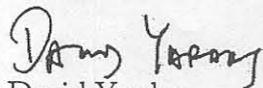
in Mexico, including the bi-national limotrophe reach, the Delta, and its principal tributaries are at long last fully integrated into any such plan.

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.

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