



January 15, 2007

VIA FED-EX AND E-MAIL

Attn: Dale Hoffman-Floerke
Salton Sea PEIR comments
CA Department of Water Resources
Colorado River & Salton Sea Office
1416 9th Street, Room 1148-6
Sacramento, CA 95814

Re: Comments on Draft PEIR for Salton Sea

Dear Ms. Hoffman-Floerke:

Citizens United for Resources and the Environment, Inc., ("CURE") a California non-profit dedicated to sensible resource management, and Consejo de Desarrollo Economico de Mexicali ("CDEM") submit this letter into the Administrative Record relating to the Programmatic Environmental Impact Study ("PEIS") for Salton Sea restoration circulated by the California Department of Water Resources ("DWR").

CURE has devoted significant time and effort for nearly a decade regarding proposed agricultural to urban water transfers. CURE publicly opposed the Quantification Settlement Agreement ("QSA"), because of the failure of the Imperial Irrigation District and other state agencies to fully assess the socio-economic and environmental affects of cumulative water transfers from the Mexicali and Imperial Valleys to San Diego. Further, CURE objected to adoption of any project accelerating the decline of the Salton Sea before mitigation had been identified and full funding committed.

CURE's board members have extensive experience with international environmental issues and a dedicated commitment to a healthy and productive environment and economy of the United States and Mexico at the border. In 2000, CURE participated in a study funded by the Packard and Ford Foundations concerning restoration of the Colorado Delta, and it is a named plaintiff in pending litigation to halt the destructive encasing of the All American Canal in concrete unless and until full environmental review is completed.

CDEM is a leading civic and business organization in the Mexicali Valley. In that capacity, it participates in a wide number of projects to enhance environmental sustainability, tourism, and healthy urban living (such as reduced air pollution through natural gas busses and urban parks). It regularly collaborates with the leading universities and government entities in Baja, California, concerning

matters of environmental importance. CDEM also is a member of the Tri-Valley Economic Alliance, promoting trade, educational opportunities and job creation amongst the Mexicali, Imperial and Coachella Valleys, the futures of which all depends upon a healthy and viable Salton Sea..

CURE and CDEM's comments focus on the complete failure of DWR to consult with Mexican environmental groups, government agencies or academics in connection with developing possible alternatives to Salton Sea restoration that would encompass a complete watershed solution in both countries including the Salton Sea, the New River, the All American Canal, and the Colorado Delta. We thus are concerned that the same precipitous engineering error that lead to creation of the Salton Sea in the first instance will be aggravated by DWR's failure to look at a long-term, bi-national solution that maximizes resources in both countries. Though commendable that the State of California now recognizes the importance of the Salton Sea as an imperiled water body and the need for its restoration, the process underway appears driven solely by the goal of creating the "illusion" of a "fix" to facilitate the QSA rather than a true commitment to long-term restoration and development in the area. Given the huge costs associated with restoration, CURE/CDEM recommend that DWR and the State conduct a far more careful analysis before launching remedies that could cost taxpayers billions of dollars with minimal hope of success.

The QSA (and accompanying legislation) ultimately turned the CEQA process on its head by approving a project – the water transfer from Imperial to San Diego – before feasible alternatives were adopted. This timing, in itself, is subject to litigation which has yet to be resolved. (See *Consolidated In re Quantification Settlement Agreement Cases*). Until these cases are resolved, the fate of the entire Salton Sea process and the underlying funding mechanisms for financing remedies remains completely in doubt. As a practical matter, the DWR could select a remedy and begin implementing it only to find that the QSA is then not validated by the courts.¹

Second, the DWR (both in writing and in public hearings) has been openly dismissive of questions and comments by the public about the viability of a canal/pipeline to the Sea of Cortes in Mexico as a bi-national solution. This idea was first proposed by Congressman George Brown and has been advocated by numerous interests.² This failure to fully evaluate holistic watershed solutions again is likely driven by the Legislature's unrealistic schedule for remedy

¹ Similarly, the DWR alternatives have failed to consider what potential the All American Canal litigation will have on the Salton Sea as part of its inflow assessments. Further, DWR did not assess the cumulative air quality problems associated with additional fallowing of farm land in Mexicali resulting from the proposed lining. (See *Declarations in Support of Complaint for Injunctive Relief, CDEM et al. v. United States* (Exhibit 1)).

² See Petition to Form the Salton Sea Harbor Improvement District of Riverside County (Exhibit 2). See also, "A Canal to Save the Salton Sea", www.fdugan.com. (Exhibit 3) and "The Salton Sea: A Valuable Natural Resource in Crisis", Quinlan, P.E., ASME Congressional Science and Engineering Fellow Office of Congressman George E. Brown, Jr. (Exhibit 4).

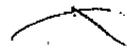
selection. Nevertheless, because of DWR's negative attitude about "dealing with Mexico", an objective evaluation of the economic or environmental feasibility of this long-recognized alternative was not performed as part of the current process. CDEM/CURE urge that DWR reconsider the limited scope of its analysis, and that it consult with the State of Baja about collaborative undertakings that would build upon the prior studies conducted.

The "perceived" difficulties of "dealing" with Mexico stem, in part, from the traditional structure of channeling all issues through the International Boundary and Water Commission – located thousands of miles away from the regional at hand. As Governor Schwarzenegger and Governor Elorduy have demonstrated in other instances, the future economic relationship between the Baja, California and California Norte necessitates increased dialogue at the State and local levels. Developing a joint project to assess the economic viability of a canal and shipping port to solve some of the Salton Sea environmental issues is an excellent opportunity to implement this vision. Nowhere would such collaboration be more beneficial than with joint economic/environmental development on both sides of the borders. If a canal and pipeline are feasible, they could significantly increase property values; promote greater trade and distribution of goods; and potentially restore the Salton Sea to serve as an economic engine for the Coachella, Imperial, Riverside and Mexicali Valleys.

Finally, CURE/CDEM join in the following sections of correspondence from *Defenders of Wildlife* dated 2/16/07: specifically, Section C.4 (Shallow Saline Habitat); Section D (Air Quality Impacts); Section 5 (hydrologic Model); Section F (Environmental Justice Requirements); Section G (Hydro Model); Section IV (A and B)

Thank you very much for the opportunity to submit comments into the Administrative Record. We look forward to working with the State of California and DWR in advancing the restoration of the Salton Sea.

Very truly yours,



Rene X. Acuna
Economic Director
CDEM



Malissa Hathaway McKeith
President
CURE

Exhibits 1-4
Enclosures/ for Administrative Record