APPENDIX B

Notice of Preparation, Erratum to the Notice of Preparation, and Summary of Scoping Meeting Comments and Responses to the Notice of Preparation

Notice of Preparation

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

INTRODUCTION

Pursuant to the Quantification Settlement Agreement (QSA) implementing legislation the California Department of Water Resources (DWR) and the California Department of Fish and Game (DFG), will prepare a Programmatic Environmental Impact Report (PEIR) on behalf of the Resources Agency for restoration of the Salton Sea ecosystem and preservation of its fish and wildlife resources. The PEIR will be prepared in compliance with California Environmental Quality Act (CEQA) requirements (California Public Resources Code Section 21000 *et seq*.)

The PEIR will be completed by December 2006, as required by the QSA implementing legislation. DWR and DFG will act as co-lead agencies under CEQA for the purposes of preparing the PEIR.

As required by Section 15082 of the State CEQA Guidelines, DWR and DFG are submitting this Notice of Preparation (NOP) to responsible, trustee, and other key agencies, involved federal agencies, private organizations, and interested individuals to invite specific comments on the scope and content of the PEIR. Public scoping meetings will be held at several locations throughout California to solicit additional comments and input on the preparation of the PEIR. Meeting locations are specified at the end of this NOP.

BACKGROUND

The Salton Sea is a hypersaline, eutrophic (nutrient-rich) lake located in a closed desert basin in Riverside and Imperial Counties in Southern California, south of Indio and north of El Centro (Figure 1). The Alamo and New Rivers flow into the Sea from the south and the Whitewater River flows into the Sea from the north. The Sea, the largest inland body of water in California, is located in the Salton Trough. The Sea has been designated by the federal government as a repository for surface and subsurface agricultural drainage in support of the nearly $1.5 billion per year agricultural industry in the Imperial and Coachella Valleys. The only outflow from the Sea is evaporation – it has no natural outlet. Each year, inflows to the Sea contribute about 4 million tons of salts. Because it is a terminal body of water, its salinity continues to increase as salts are left behind when water evaporates from its surface. The Sea's current salinity concentration is about 44,000 milligrams per liter (mg/L), or about 25 percent saltier than ocean water.

Historical and pre-historical information and geologic data have shown that the Colorado River has spilled into the Salton Trough on numerous occasions over the last thousand years. At various times the trough has been occupied by salt flats, wetlands, or intermittent lakes of varying salinity. The current Sea was formed in 1905-07 when a diversion structure failure along the Colorado River caused flows from the river to enter the basin for about 18 months. Since then, the Sea has been primarily sustained by continued

agricultural drainage from the Imperial, Coachella, and Mexicali Valleys and by smaller contributions from municipal and stormwater runoff. At present, the Sea is about 35 miles long and 15 miles wide with a surface area of approximately 367 square miles. It currently has a surface elevation of about 228 feet below mean sea level.

The Sea and surrounding habitats are home for several threatened and endangered species and species of special management concern including the desert pupfish, brown pelican, California least tern, willow flycatcher, Least Bell's vireo, and Yuma clapper rail. The combination of deep-water marine environment, wetlands, shorelines, desert scrub, riparian cottonwood/willow habitat and surrounding agricultural lands support more than 400 species of birds and provide important migratory and resident bird habitat within the Pacific Flyway. The Salton Sea ecosystem is unique for its juxtaposition of water-based habitats with extensive agricultural lands that provide bird feeding and resting areas. The Sea and surrounding habitats are considered one of the richest avifauna areas in the world.

The Salton Sea is under considerable stress from increasing salinity, nutrient loading, oxygen depletion, and temperature fluctuations that may be threatening the reproductive ability of some biota (particularly fish species) and causing additional ecosystem health problems. There are also indications that the deteriorating environmental conditions may be contributing to the prominence of avian disease at the Sea. Without intervention, the ecosystem at the Sea will continue to change in response to these stresses.

FEDERAL AND STATE INVOLVEMENT

The California Legislature and Congress have both enacted legislation stating that restoration of the Salton Sea is of state and national interest. In 1992, Congress passed the Reclamation Projects Authorization and Adjustment Act (Public Law 102-575) that directed the Secretary of Interior to "conduct a research project for the development of a method or combination of methods to reduce and control salinity, provide endangered species habitat, enhance fisheries, and protect human recreational values . . . in the area of the Salton Sea."

The Salton Sea Reclamation Act of 1998, PL 105-372, was enacted by Congress to further the restoration process. That law directed the Secretary to "complete studies including . . . environmental and other reviews, of the feasibility and benefit-cost of various options" to avoid further deterioration of the internationally significant habitat and wildlife values of the Salton Sea and to protect the wide array of economic and social values that exist in the immediate vicinity of the Sea.

In 2003, the Colorado River Quantification Settlement Agreement (QSA) was signed by Imperial Irrigation District (IID), Coachella Valley Water District (CVWD) and Metropolitan Water District of Southern California (MWD) to settle long-standing disputes among the local water agencies regarding their use of California's interstate apportionment of Colorado River water. 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. The QSA and related agreements are the mechanism by which the local water agencies are reducing their use of Colorado River water to California's basic interstate apportionment of 4.4 million acre-feet annually. 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.

State legislation to implement the QSA was enacted in 2003. The legislation is contained in three bills – SB 277 (Ducheny), SB 317 (Kuehl), and SB 654 (Machado). Among other things, the legislation establishes State policy with respect to the Salton Sea, stating "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 fish and wildlife dependent on that ecosystem". The legislation also provides that "no further funding obligations or in-kind contributions of any kind for restoration of the Salton Sea shall be required of the IID, the CVWD, the MWD, and the SDCWA, including federal cost-sharing or other federal requirements. Any future actions to restore the Salton Sea will be the sole responsibility of the State of California". Additionally, IID is held harmless from Salton Sea impacts resulting from transfers of conserved water.

The three local agencies (CVWD, IID, and San Diego County Water Authority [SDCWA]) are to contribute $30 million to a Salton Sea Restoration Fund managed by DFG. Monies in the fund are to be used for implementing conservation measures to protect the fish and wildlife resources dependent on the Sea. The geographic scope of the conservation measures is limited to the Salton Sea and lower Colorado River ecosystem, including the Colorado River Delta in Mexico.

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 Resources Secretary is directed to prepare a Salton Sea ecosystem restoration study and a programmatic environmental document by the end of 2006. The study, to be conducted in consultation with a legislatively mandated advisory committee and with the Salton Sea Authority (SSA), is to include a proposed funding plan for implementing the preferred alternative.

PROJECT DESCRIPTION

In compliance with the QSA implementing legislation, the Resources Secretary will identify a preferred alternative for restoring the Salton Sea ecosystem and permanently protecting the fish and wildlife dependent on the ecosystem. The implementing legislation requires that "the preferred alternative shall provide to the maximum extent 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; and (3) Protection of water quality." The PEIR will describe the ecological values the ecosystem currently provides and evaluate the potential loss of certain values as a result of factors such as hypersalinity, eutrophication, and reduced inflows. The PEIR will analyze a wide range of alternatives including, but not limited to, a "No Project" alternative, Partial-Sea restoration alternatives, and Habitat Enhancement alternatives.

Many concepts to address the Sea's rising salinity have been proposed in prior studies. Whole-Sea restoration alternatives were evaluated in a January 2000 Draft Environmental Impact Statement and Environmental Impact Report by the United States Bureau of Reclamation (USBR) and the SSA, and in a January 2003 Salton Sea Status Report by USBR. Whole-Sea restoration approaches would seek to restore and maintain the historical characteristics of the entire Sea. These potential concepts may be considered in the PEIR; however, the PEIR will not duplicate past federal studies but will instead

incorporate that information into the PEIR by reference (State CEQA Guidelines Section 15150). A brief summary of whole-Sea restoration alternatives studied pursuant to the 1998 federal legislation is attached.

There have also been conceptual proposals for Partial-Sea restoration alternatives, although these proposals have not been analyzed at the level of detail used for the Whole-Sea alternatives. Partial-Sea approaches would alter the Sea by constructing dikes or embankments to divide the present water body into subunits designed to provide ecological or functional values such as depositories for brine and other byproducts of restoration. In concept, part(s) of the present sea would be maintained at near-marine salinities, while the remainder of the present seabed would be converted to a mixture of areas such as wetlands, riparian corridors, salt flats, mudflats, salt evaporation ponds, or brine disposal ponds. 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. Partial-Sea approaches would entail extensive construction of features such as dikes or embankments, water conveyance and control infrastructure, and byproduct disposal areas.

Habitat Enhancement alternatives would seek to identify, protect and enhance valuable habitats that support federal and State-listed species, species of special concern, and other key species that depend on the Sea and its surrounding environs. The habitats protected or enhanced would be located in the Salton Sea and lower Colorado River ecosystems as specified in the legislation. Habitat types incorporated in the alternatives could include deep-water hypersaline or marine environments, varied shoreline environments, shallow-water wetlands, riparian and freshwater marsh, native fish refugia, uplands, or agricultural lands. Habitat Enhancement approaches could include acquisition of land from willing sellers for conversion to habitat, acquisition of conservation easements to ensure continued agricultural land uses, and construction of features needed to sustain the desired habitat values. Habitat Enhancement approaches might entail use of water transfers to make a portion of Sea inflows available for sale to urban water users, to generate revenues for carrying out restoration work. Some elements of Habitat Enhancement alternatives, such as use of constructed wetlands, will likely be common among most of the PEIR's alternatives.

The PEIR will evaluate phased or staged implementation of potential alternatives, and will display the incremental benefits gained from varying levels of ecosystem restoration.

ACTIONS BY OTHERS

Other parties are taking actions that could influence the design of the PEIR's ecosystem restoration alternatives or affect implementation of potential alternatives. Some of these related projects and programs are described below:

- Local Agency QSA Mitigation Actions: 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. Mitigation measures incorporated in these plans and in the agencies' compliance with CEQA and State Water Resources Control Board requirements for the water transfers will include actions to benefit selected species within the Salton Sea and lower Colorado River ecosystems.

- Lower Colorado River Multi-Species Conservation Plan: Colorado River water and power users in Arizona, California, and Nevada have been working with the state and federal resource agencies to develop a plan for compliance with Endangered Species Act and California Endangered Species Act requirements in regard to ongoing Colorado River operations. Compliance measures in the plan will include actions to benefit selected species within the Salton Sea and lower Colorado River ecosystems.

- Constructed Wetlands: Local agencies and environmental groups have constructed pilot wetlands along the New and Alamo Rivers. Expansion of constructed wetland projects in Imperial Valley could improve the quality of water flowing into the Sea, but would also cause some reduction of inflows.

- Total Maximum Daily Load Program: This program being implemented by the Regional Water Quality Control Board is designed to provide a long-term reduction in key constituents in Sea inflow. Although improving the quality of water that flows into the Sea would be beneficial, it is also possible that TMDL efforts could result in some reduction of inflow.

- Mexicali Wastewater System Improvements: Mexico has been pursuing construction of projects to improve the collection and treatment of wastewater in Mexicali. These projects would improve the quality of water flowing across the international border. Because the Mexicali Valley has insufficient water supplies, it is possible that improving the quality of wastewater could make it attractive for reuse in Mexico. If this occurs in the future, some water now flowing to the Sea from the New River may no longer be discharged to the New River.

PROJECT AREA

The restoration program area includes the Salton Sea and lower Colorado River ecosystems, including the Colorado River Delta in Mexico. Figure 1 depicts the general project area. The PEIR will evaluate ecosystem restoration options within the Colorado River Delta in Mexico. However, 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.

ALTERNATIVES

CEQA Guidelines Section 15126.6 states that an EIR shall describe a range of reasonable alternatives to the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant adverse environmental effects of the project, and evaluate the merits of the alternatives. An EIR is not required to consider every conceivable alternative to a project. Rather, it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation.

DWR and DFG will, through the CEQA process, identify a reasonable range of alternatives for implementation of a proposed project. Feasible alternatives that meet most of the basic project objectives and avoid or substantially lessen the significant effects of the project will

Figure 1 - General Project Area

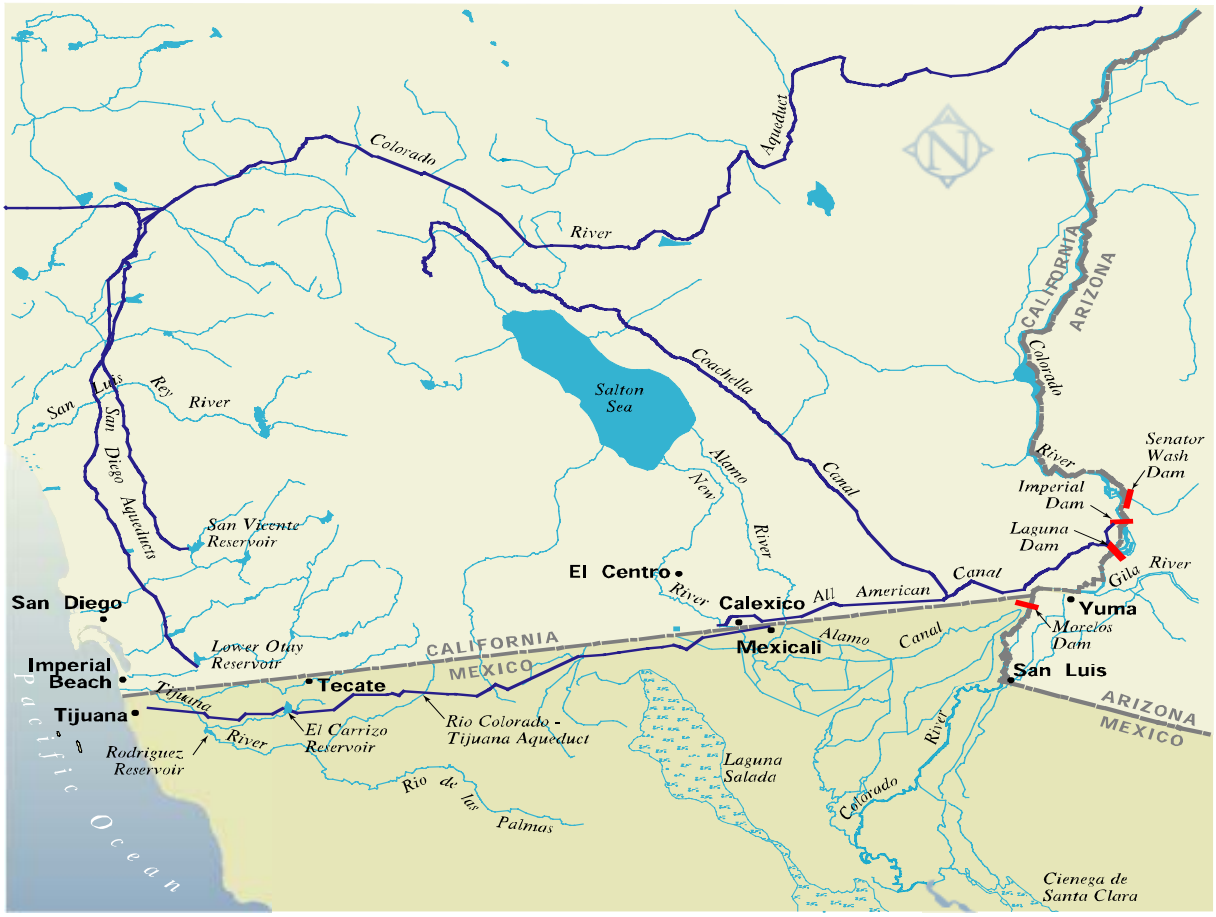

Figure modified from DWR Bulletin 160-98

be explored in response to public and agency input including Notice of Preparation comments, scoping meetings, and subsequent technical and environmental analyses.

DWR and DFG have identified a "No Project" Alternative, which is required under CEQA Guidelines Section 15126 (e), with the following scenario that will be evaluated in the EIR:

- QSA implementation, including reduction of Salton Sea inflows due to QSA-related water transfers, and implementation of QSA-related mitigation measures. No additional projects or actions would be taken by the State under the "No Project" alternative.

PROBABLE ENVIRONMENTAL IMPACTS

The PEIR will assess physical changes to the environment that would likely occur from restoring the Salton Sea ecosystem and permanently protecting its fish and wildlife resources. The PEIR will address the overall effects of the ecosystem restoration program on water resources and biological resources, as well as potential impacts associated with

implementation of the identified alternatives. The analysis itself will be conducted at a program level of detail. The PEIR will include a description of the environmental setting and a discussion of potential impacts from physical changes for each resource category included in Appendix G of the CEQA Guidelines. The PEIR will develop mitigation measures to reduce or eliminate the impacts of implementing the identified alternatives.

The following section summarizes potential impacts associated with implementing the alternatives or concepts that were discussed previously.

Aesthetics

Construction activities could temporarily affect local aesthetics. Once completed, actions such as construction of evaporation ponds, salt mounds, pipelines, salt flats, or dikes could affect scenic viewsheds. The PEIR will identify scenic vistas and evaluate potential effects on local and long-range views of proposed actions.

Agriculture Resources

The federal government's designation of the Sea as a repository for agricultural runoff will be unchanged by actions evaluated in the PEIR. Current agricultural resources or operations and land uses may be impacted positively or negatively by potential actions described in the PEIR. The PEIR will identify the impact on agriculture from implementation of the proposed actions.

Air Quality

Implementation of a preferred program and associated actions could result in emissions of pollutants. Creation of salt flats in the Partial-Sea alternatives could result in airborne particulate matter. The PEIR will estimate the amount of new pollutant emissions associated with proposed actions.

Biological Resources

The restoration will include measures to protect and, where possible, improve habitats for targeted species. Construction and operation of the proposed projects could potentially affect biological resources including sensitive species and habitats. The PEIR will identify sensitive species and habitats in the region and will assess potential effects of proposed actions.

Cultural Resources

Excavation activities or reduction in area covered by the Sea could uncover previously unknown archaeological or paleontological resources. In addition, some proposed actions could affect historical resources. The PEIR will assess potential effects of the proposed actions on cultural resources.

Hydrology/Water Quality

Proposed alternatives will be designed to improve the water quality of the areas planned for possible wildlife habitat. However, changes in the inflow to the Sea and development of wetlands or salt-water marshes could worsen the water quality of parts of the Sea. In

addition, construction activities could entrain sediments into the water column, increasing turbidity or concentrations of constituents such as selenium. The PEIR will assess potential effects of the proposed actions on local hydrology and water quality.

Geology and Soils

The Salton Trough region is highly seismically active. Construction of evaporation ponds, embankments, or pipelines could be subject to potential seismic hazards including shaking and surface rupture. In addition, construction activities could expose soils to wind and water erosion. The area also has extensive geothermal resources whose operation can be enhanced or possibly impacted as a result of the actions taken. The PEIR will evaluate geologic hazards in the region and will develop mitigation measures to reduce potential effects from the proposed actions.

Hazards

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.

International Impacts

Proposed actions may have indirect impacts on resources within Mexico. The PEIR will evaluate proposed actions for their effect on Mexico and will develop mitigation measures to reduce potential effects.

Land Use/Planning

Implementation of certain actions may require coordination with and/or approval from local planning agencies. The PEIR will evaluate existing land uses to assess compatibility with other proposed projects or actions.

Noise

Construction activities and implementation of proposed actions could generate noise. The PEIR will evaluate the potential for noise to impact sensitive land uses and biological resources.

Public Services and Utilities

Proposed actions will comply with the QSA, but could result in changes to agricultural water delivery and drainage systems, or could possibly involve export of water to fund restoration work. The PEIR will evaluate potential impacts to regional public services.

Recreation

Some alternatives may impact recreational use of the Sea. Biological resources such as the fisheries or waterfowl could be affected, and other recreational uses of the Sea such as boating and swimming could also be affected. The PEIR will evaluate the potential for proposed actions to affect recreation.

Transportation/Traffic

Construction and implementation of proposed actions could affect traffic and regional transportation plans. The PEIR will evaluate the potential for the projects to affect traffic.

SCOPING MEETINGS

Date	Location
March 16, 2004	Coachella, California
March 17, 2004	El Centro, California
March 18, 2004	San Diego, California
March 22, 2004	Sacramento, California
March 24, 2004	Oakland, California

Specific times and locations of the scoping meetings will be posted on the DWR website at http://www.water.ca.gov about two weeks in advance of the scheduled meetings.

WRITTEN COMMENTS

Within 30 days after receiving the Notice of Preparation, each Responsible Agency shall provide the Lead Agency with specific details about the scope, significant environmental issues, reasonable alternatives, and mitigation measures related to the Responsible Agency's area of statutory responsibility that will need to be explored in the Draft PEIR. In accordance with CEQA Guidelines Section 15082(b)(1)(B), responsible and trustee agencies should indicate their respective level of responsibility for the project in their response. Comments on this Notice of Preparation from other federal, State and local governmental agencies, private organizations, and interested individuals will be accepted until April 16, 2004.

Comments from individual respondents, including names and home addresses of respondents, will be made available for public review. Individual respondents may request that their home address be withheld from public disclosure, which we will honor to the extent allowable by law. There may also be circumstances in which we would withhold a respondent's identity from public disclosure, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. We will make all submissions from organizations or businesses, and from individuals identifying themselves as affiliated with organizations or businesses, available for public disclosure in their entirety.

Written comments on the scope of the PEIR should be sent to Charles Keene, California Department of Water Resources, 770 Fairmont Avenue, Glendale, California 91203. Telephone number (818) 543-4620.

Attachment

Alternatives Studied Pursuant to 1998 Federal Legislation

Whole-Sea Restoration Approaches

Alternatives within the Whole-Sea approach fall into two broad categories:

- Exporting water from the Sea and conveying it to ocean discharge via pipelines or canals, and then importing lower-salinity ocean water salinity to the Sea.

- Pumping water out of the Sea and discharging it to local desalting plants or evaporation ponds. This would require disposal of large quantities of salt residues near or within the Sea.

Export/import actions would be designed to help curb the increase in the Sea's salinity, while also stabilizing elevation. These actions include:

- Export Salton Sea water to the Gulf of California, Pacific Ocean, or Palen Dry Lake. Salton Sea water would be conveyed via pipeline to one of these sites. Water from the Gulf of California or Pacific Ocean could then be pumped to the Sea to help stabilize its elevation.

- Import water via Yuma, Arizona. The water would originate as a brine stream as part of a proposed Central Arizona Salinity Interceptor (CASI) project. The CASI project is currently only in a concept stage of development.

Local salt removal and disposal actions would control salt accumulation within the Sea, but would not stabilize the shoreline elevation. The actions include:

- In-Sea Ponds: A series of shallow, in-Sea solar ponds would be constructed and Salton Sea water would be pumped in to them. Water would flow by gravity through successively more saline ponds, and the saturated brine would eventually be pumped to an in-Sea salt disposal site.

- Ground-Based Enhanced Evaporation Systems (EES): This would involve spraying water in the air by ground-based blowers to accelerate the rate of evaporation. These would be used in conjunction with a series of evaporation ponds located on land instead of within the Sea. After passing through the evaporation units and ponds, concentrated brine would be piped to an off-site, on-land salt disposal facility.

- Tower-Based Enhanced Evaporation System: An on-land EES tower system would spray water from nozzles attached to hoses extending between 80- to 130-foot high towers to evaporate Sea water. Salt would be disposed of at an on-land facility.

- In-Sea and On-Land Ponds: This would utilize a combination of in-Sea solar ponds with in-Sea disposal, and on-land solar ponds with an on-land disposal facility.

- On-Land Ponds: Solar ponds with on-land salt disposal facilities would be constructed a distance from the Sea.

- 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.

Erratum to the Notice of Preparation

ERRATUM

TO 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

SCH #2004021120

Notice is hereby provided clarifying the lead agency designation for preparation of the Programmatic Environmental Impact Report (PEIR) for the Restoration of the Salton Sea Ecosystem and Preservation of its Fish and Wildlife Resources. The California Resources Agency is the lead agency responsible for complying with provision of the California Environmental Quality Act (CEQA) for preparation of the PEIR.

The NOP of February 27, 2004 identified the California Department of Water Resources and the California Department of Fish and Game as the co-lead agencies for conducting this environmental review. While DWR and DFG will continue to share the obligation for preparing the environmental document for the Salton Sea Ecosystem Management Plan on behalf of the Resources Agency, the Resources Agency is and will continue to be the lead agency for purposes of this environmental review.

As part of the environmental review process, DWR and DFG are continuing to accept comments regarding the scope and content of the PEIR. Written comments should be directed to:

Charles Keene
Department of Water Resources
770 Fairmont Avenue, Suite 102
Glendale, California 91203

The NOP is hereby amended to reflect this clarification.

Filed with the State Clearinghouse on March 15, 2005

Summary of Scoping Meeting Comments and Responses to the Notice of Preparation

PROGRAMMATIC ENVIRONMENTAL IMPACT REPORT FOR RESTORATION OF THE SALTON SEA ECOSYSTEM AND PRESERVATION OF ITS FISH AND WILDLIFE RESOURCES

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Summary of Scoping Meeting Comments and Responses to the Notice of Preparation

The California Departments of Water Resources (DWR) and Fish and Game (DFG) have been charged with preparing a Programmatic Environmental Impact Report (PEIR), on behalf of the Secretary of Resources, for restoration of the Salton Sea ecosystem and preservation of its fish and wildlife resources. In compliance with the California Environmental Quality Act (CEQA), DWR and DFG, as co-lead agencies, prepared a Notice of Preparation (NOP) for the PEIR on February 27, 2004 and mailed it to over 300 responsible and involved agencies and interested organizations and individuals. To solicit additional comments on the scope and content of the PEIR, DWR and DFG held five public scoping meetings throughout California during mid- to late-March. The following table lists the logistical details for each public meeting.

Date	City	Location	Time	Approximate Attendance
March 16	Coachella	Desert Alliance for Community Empowerment 53-990 Enterprise Way	7 to 9 p.m.	50
March 17	El Centro	Imperial Irrigation District Auditorium 1285 Broadway	6 to 8 p.m.	40
March 18	San Diego	San Diego County Water Authority 4677 Overland Avenue	7 to 9 p.m.	20
March 22	Sacramento	Resources Building Auditorium 1416 Ninth Street	2 to 4 p.m.	30
March 24	Oakland	Elihu M. Harris State Building 1515 Clay Street	7 to 9 p.m.	10

In addition to public scoping meetings, the U.S. Department of Interior - Bureau of Indian Affairs arranged a scoping meeting for several Indian tribes with DWR on March 16, 2004 at the Torres-Martinez Tribal Headquarters, 66-725 Martinez Road, Thermal, California. About 14 people attended that meeting.

This report summarizes the written responses to the NOP and the major themes and/or comments from various scoping meetings. The five scoping meeting attracted over 150 people, many of whom provided oral comments on the environmental compliance process, scope and content of the PEIR, and the legislative authority and mandate for conducting the restoration feasibility study.

DWR and DFG received over 70 written responses to the NOP during the specified comment period of February 27 through April 16. The written comments received are attached as an Appendix to this report. The table below is a listing of those agencies, organizations and individuals that submitted written comments.

Agencies, Organizations, and Individuals that Submitted Written Comments on the NOP

Federal Agencies and Tribes (8)		
Congressman Bob Filner (California, 51st District)		
Department of the Interior, Bureau of Land Management (BLM)		
Department of Interior, Bureau of Indian Affairs (BIA) – 2 letters		
Department of Interior, Fish and Wildlife Service (FWS)		
United States Environmental Protection Agency – Region IX		
United States Geological Service (USGS)		
The Torres Martinez Desert Cahuilla Indian Tribe		
California Agencies, Districts, and Local Jurisdictions (14)		
California Air Resources Board		
California Department of Food & Agriculture		
California Department of Transportation		
California Regional Water Quality Control Board – Colorado River Basin Region		
City of Brawley		
Imperial County Air Pollution Control District		
Imperial County Planning/Building Department		
Imperial Irrigation District		
Imperial Valley Farm Bureau		
Metropolitan Water District of Southern California		
Salton Sea Authority		
San Diego County Water Authority		
South Coast Air Quality Management District		
State Water Resources Control Board		
Colorado River Basin State Agencies/Organizations (6)		
Arizona Department of Water Resources		
Arizona Game and Fish Department		
Colorado River Commission of Nevada – 2 letters		
Utah Department of Natural Resources		
Wyoming State Engineer's Office		
Environmental Organizations or Groups (2)		
Environmental Defense		
Salton Sea Coalition		
Individuals and Private Companies (44)		
Marie Barrett	Cliff Hurley	Sandra Walker, Solar Bee
Resan Bingham	Mike Maier	R.C. Wymore
Quentin and Ellen Burke	Patrick J. Maloney	Form Letter (32 individuals)
Ted Deckers	Steven Petroff	
Jack Hart	George Ray	

The major themes and/or issue areas expressed as part of written and oral comments on the NOP are summarized below under "Scope and Content of the PEIR". More specific comments on the scope and content of the NOP are categorized under " Specific Comments". Finally, comments or statements not directly pertinent to the scope and content of the PEIR are summarized under "Other Comments".

Scope and Content of the PEIR

Many of the written and oral comments on the NOP can be summarized or grouped into several major themes or topics. Some of the more prevalent themes expressed were: (1) in addition to the fish and wildlife, air quality and water quality objectives of the project, the PEIR should also identify potential recreational and economic development opportunities at and around the Sea; (2) the PEIR should develop and clearly define the specific goals, objectives, and performance standards that will guide the alternative formulation and assessment process; (3) the PEIR should clearly define what is meant by "restoration" of the Salton Sea ecosystem; (4) the PEIR should accurately monitor, assess, and fully mitigate potential air quality impacts associated with implementation of a preferred action; (5) Tribal trust assets should be protected; (6) the PEIR should analyze existing and projected water quality and quantity for the Sea; and (7) restoration alternatives should focus on the Sea.

Expand Project Description

As stated in the NOP, in October 2003 three bills became law - Senate Bill 277 (Ducheny), SB 317 (Kuehl), and SB 654 (Machado) [respectively, Chapter 611, 612, and 613, Statutes of 2003] - for the purpose of facilitating implementation of the Colorado River Quantification Settlement Agreement (QSA). The QSA, and over 30 related agreements, provide a mechanism by which local water agencies are reducing their use of Colorado River water to California's basic interstate apportionment of 4.4 million acre-feet annually. The QSA implementing legislation required that the State of California undertake restoration of the Salton Sea ecosystem and permanent protection of the wildlife dependent on the sea. The QSA implementing legislation further required that "the preferred alternative shall provide to the maximum extent 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; and (3) Protection of water quality."

Many respondents felt the QSA implementing legislation, as interpreted by the lead agencies, inappropriately limited the scope of the PEIR and formulation and evaluation of alternatives and suggested expanding the scope of the document to include potential recreational and socioeconomic opportunities. Some suggested that funds generated by developing recreational opportunities could help pay for the restoration effort. Several of those commenting recommended that any preferred plan attempt to leverage opportunities for providing economic stability and growth for local communities around the Sea consistent with support for a thriving agricultural economy in the Coachella and Imperial Valleys.

Develop Specific Goals and Objectives

Congress, in 1998, enacted the Salton Sea Reclamation Act, Public Law 105-372, to help advance restoration of the Sea. That law specified certain criteria to guide evaluation of the various restoration options, including (1) continue to use the Sea as a reservoir for irrigation drainage; (2) reduce and stabilize the overall salinity of the Sea; (3) stabilize surface elevation of the Sea; (4) reclaim, in the long-term, healthy fish and wildlife resources and their habitats; and (5) enhance the potential for recreational uses and economic development of the Sea.

In 2000, the U.S. Bureau of Reclamation (USBR) and the Salton Sea Authority (SSA) prepared a draft EIS/EIR on restoration of the Salton Sea. That report identified the following project objectives: (1) maintain the Sea as a repository for 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 draft EIS/EIR was never finalized and no actions were taken to implement any of the alternatives described therein.

Many respondents pointed out the discrepancy between the project goals and objectives as outlined in the QSA implementing legislation and those specified the Salton Sea Reclamation Act and the USBR/SSA effort. Many felt DWR and DFG were interpreting the State legislation too narrowly and encouraged the lead agencies to adopt a broader scope of objectives as specified in earlier efforts or, at the very least, define more specific project objectives needed to adequately formulate and evaluate alternatives, although others believed that the restoration effort should closely follow the statutory provisions. Others were concerned that the lead agencies would emphasize alternatives for ecosystem restoration with little regard to the potential effects to people living around the Sea.

Define what "Restoration" Means

Various commenters pointed out that the meaning of "restoration" needs to be defined as it applies to this artificially created ecosystem whose fishery is almost all non-native. Most ecosystem restoration projects, such as the Bay-Delta or the Everglades, entail re-establishing some level of self-sustaining historical conditions at the project site. Historical conditions at the Sea have varied widely – at times it has been a dry salt flat or marsh area or hypersaline lake. The present Sea began as a freshwater lake and transitioned to hypersaline conditions, with accompanying changes in fish species. Is the goal to "restore" the Sea to a 1960s-1970s condition, and to intensively maintain it in that condition? In terms of defining a baseline for restoration, the PEIR should clearly describe historical conditions from pre-1905 to pre-tilapia and post-tilapia fish introductions, and the ecological changes that occurred in response to changing inflow and water quality conditions.

Also, the definition of restoration needs to encompass an understanding of what the statutory requirements for permanent protection of wildlife, and historic levels and diversity of fish and wildlife mean.

Fully Address Potential Air Quality Impacts

As a result of the approved water transfers between Imperial Irrigation District (IID) and San Diego County Water Authority (SDCWA) and Coachella Valley Water District (CVWD) the amount of inflow to the Salton Sea is expected to decrease, resulting in a decline in its surface water level and corresponding exposure of as much as 77,000 acres (120 square miles) of previously inundated sediments. Consequently, many, including the responsible air districts near the Sea, expect a significant increase in PM10 emissions (inhalable particulate matter) with attendant increases in ambient air pollution levels and associated public health concerns. However, the water transfer agencies are required to mitigate for impacts of the transfers, including air quality impacts. Specific mitigation requirements are included in the State Water Resources Control Board's Order 2002-13 for the transfers.

Several respondents expressed concern that actions taken to protect the Salton Sea ecosystem could exacerbate current air quality problems by cumulatively contributing to a net increase in several pollutants for which Imperial and Riverside Counties are considered in non-attainment under applicable federal or state ambient air quality standards. Many of the comments stressed the importance of early consultation with State and local air quality agencies during development and evaluation of alternatives and the need for better baseline air quality and meteorological data, salt mineralogy, and emissivity modeling of the exposed lakebed.

Comments stressed the importance of thoroughly evaluating and implementing all feasible mitigation measures for potential air quality impacts throughout all phases of the project and the need for including a comprehensive dust control plan in the PEIR that addresses possibly significant fugitive dust issues that may occur. The PEIR should also consider the impacts of changes in land use enabled by restoration (e.g., recreational developments) on future air pollution levels. Many expressed a need to include projects that would not only mitigate potential air quality impacts associated with implementation of a preferred alternative, but would also improve regional air quality.

Protect Indian Trust Assets

There are six federally recognized Indian Reservations comprising nearly 120,000 acres within the Salton Sea watershed. The Torres-Martinez Desert Cahuilla Indian Reservation is the largest individual non-federal landowner under and surrounding the Sea with more than 22,000 acres (10, 000 acres of which is presently overlain by the Sea). The Torres-Martinez Indian Tribe's traditional ancestral territory has long been associated with ancient Lake Cahuilla (a precursor to the present Salton Sea). The territory consists of natural features, landscapes, traditional properties, and sacred and historic sites associated with ancient Lake Cahuilla and considered important to tribal heritage and for cultural stability.

The U.S Department of Interior, Bureau of Indian Affairs holds legal title in trust for the lands and natural resources of federally recognized Indian Reservations in the Coachella Valley and has responsibilities to protect Indian trust assets including accounts, land, natural resources, minerals, air, and water. Because of their fiduciary trust responsibilities, the BIA has requested that the lead agencies formally consult and advise the tribes on any actions that can potentially affect tribal assets having sustained values, character, or cultural importance for the tribes.

Several other respondents also expressed the need to protect tribal assets and assist the tribes in retaining and rediscovering as much of their cultural heritage as possible, while assuring that any project ultimately proposed will allow them to live and enjoy their land for generations to come.

Evaluate Impacts to Water Quality and Quantity

As described in the NOP, the Salton Sea is a hypersaline, eutrophic (nutrient-rich) lake and repository for agricultural drainage and municipal wastewater from the Imperial, Coachella, and Mexicali Valleys. The Regional Water Quality Control Board - Colorado River Basin Region, lists the Sea, as well as its four main tributaries – the New and Alamo Rivers, Coachella Valley Stormwater Channel, and Imperial Valley Drains – as impaired surface waters. The Salton Sea is a sump not only for the water that flows into the Sea but also for all of the salts, sediments, and other constituents dissolved in or transported by that water. The major constituents in the Sea directly influencing water quality are salts (chloride, sodium, and sulfate), nutrients (ammonia, nitrates, and phosphates), natural minerals (selenium, arsenic, and boron), agricultural pesticides and herbicides, suspended solids (sediments), and urban wastes (fecal coliform). Oxygen depletion, pH, and temperature stratification and fluctuations also impact water quality of the Sea. Synergistically, these constituents threaten the reproductive ability of some biota (particularly fish species) and may be causing other ecosystem health problems.

Several respondents indicated that more information and consideration of water quality impacts related to reduction in inflows to the Sea was needed. Specifically, concerns were expressed on potential conflicts with the goals and objectives for the proposed project/preferred alternative and compliance with Section 303(d) of the federal Clean Water Act regarding Total Maximum Daily Loads (TMDLs) for impaired surface waters in the Salton Sea Watershed. Additional water quality concerns were raised about possible impacts to the restoration effort resulting from raw sewage and other partially treated and untreated waste discharges from Mexico into the Salton Sea via the New River. Several respondents also indicated that the effects of selenium as an environmental toxicant needed to be evaluated in context with any restoration option. Moreover, many respondents asked that impacts to the fishery of the Salton Sea be analyzed with respect to the water quality concerns. A few commenters indicated that, in addition to potential water quality impacts of any restoration option, the lead agencies should also examine possible water quality effects of implementing recommended mitigation measures.

Some commenters also mentioned the desirability of and support for expansion of constructed and/or managed wetlands/deltas as part of any preferred action. Several pointed out that such managed areas could help alleviate many of the water quality concerns and would have positive ecosystem-wide benefits as well.

Ecosystem Restoration Alternatives Should Focus on the Salton Sea

The QSA implementing legislation directs the lead agencies to evaluate the feasibility of implementing conservation measures necessary to protect fish and wildlife species dependent on the Salton Sea at the Sea and/or along lower Colorado River ecosystems, including the Colorado River Delta in Mexico. Scientists, environmental organizations, and bi-national resource groups support this regional-wide approach to ecosystem protection as the best way to deal with biodiversity conservation issues of highly mobile organisms (e.g., migratory waterbirds of the Pacific Flyway).

Many respondents commented that monies from the Salton Sea Restoration Fund, which are earmarked for the ecosystem restoration efforts, should not be spent anywhere but at the Salton Sea. Several commenters expressed a strong desire to limit consideration and implementation of conservation measures to areas at or around the Sea and to forgo any investigation of measures in connection with the Colorado River ecosystem. In particular, State funds should not be used for regulatory compliance activities that would be the responsibility of beneficiaries of the Lower Colorado River Multi-Species Conservation Plan (LCRMSCP). However, some respondents pointed to the possible advantages of providing funds for conservation measures identified by the LCRMSCP. Most commenters felt strongly that restoration funds should not be spent for projects in Mexico, although some commenters urged collaboration with Mexico and the International Boundary and Water Commission on bi-national restoration actions.

Specific Comments

In addition to the main themes and issue areas described above that were expressed by many of the respondents to the NOP, specific remarks on the scope and content of the PEIR were provided by one or more commenters. Several commenters asked that an evaluation of potential effects to biological resources, threatened and endangered species, water sources and hydrology, cultural resources, visual/aesthetic resources, public access and recreation, and risks associated with the handling of dangerous or hazardous materials be included in the PEIR.

Some specific points or remarks received include:

- Maintain the Salton Sea as an agricultural drain repository. This should be included as a key objective of any restoration proposal.
- Identify 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.
- Consider potential impacts to resources on federal and tribal lands.
- Describe the legally authorized uses for Colorado River water allowed by the Colorado River Compact, federal laws and regulations, the 1944 Treaty with Mexico, water delivery contracts, and court rulings (collectively known as the “Law of the River”) to evaluate the legal feasibility to provide water for various restoration alternatives.
- Establish an acceptable water budget for the Salton Sea, including assumptions on projected inflows from various sources, especially the possible reduction in New River inflows to the Sea because of proposed actions in Mexico to reuse its wastewater. Factors such as variability in Colorado River water use in Imperial Valley – due to hydrologic/climatic conditions or changes in cropping patterns – must be considered in developing estimates of future Sea inflow.
- Describe the various habitats at and surrounding the Salton Sea (agricultural lands, wetlands, drains, etc.) that support the abundant bird life; analyze the potential impacts to avifauna that would result from alteration of the extent, water quality, and biota of the Sea.

- Identify a sound, scientifically supported "No Project" alternative for determining the relative merits of current and new restoration proposals; based on future hydrologic conditions, forecast likely physical and biological conditions at the Sea in the future. Also identify who is responsible for the Sea if a "no project/no action" alternative is selected.
- Summarize existing land ownership, land use and water rights that would be affected, and describe how the State would implement actions involving land or water rights it does not own.
- Develop a more informative map of the project area.
- Include the proposed "Mary Bono"/Salton Sea Authority Restoration Plan as an alternative for evaluation in the PEIR.
- Address and/or explain how other related actions – QSA water transfer mitigation, LCRMSCP, planned Mexican habitat restoration actions – fit or coordinate with Salton Sea ecosystem restoration. Identify the cumulative impacts associated with these programs and with Salton Sea restoration, such as accelerated conversion of farmland to urban land use.
- Consider multiple partial-Sea alternatives, including a South Lake alternative, and habitat enhancement alternatives that do not divide the Sea. Cost estimates for the alternatives must include operations and maintenance costs. Variations in estimated costs could make a significant difference in financial feasibility – close attention should be paid to accuracy of estimated costs.
- Include an evaluation of alternatives utilizing desalinization technologies that could augment water supplies for potential urban transfer and use. Consider evaluating an alternative that relies on agriculture to produce biomass/crops that could create energy to power desalination.
- Analyze alternatives that incorporate better agricultural water management practices in the Imperial and Mexicali Valleys.
- Investigate the feasibility of implementing non-structural restoration alternatives, such as modifying and enhancing the New and Alamo Rivers by developing a series of managed deltas and wetlands along with meandering streams and small shallow lakes – similar to a more natural, pre-1900, system that existed before irrigated agriculture was introduced to the Imperial Valley.
- The effort should focus on habitat for native species, not exotic species.
- Habitat for migratory waterfowl is important – the present Sea is too saline to be of much value to waterfowl.
- Analyze an alternative that mimics the natural cycle of the prehistoric Lake Cahuilla and Mexican Delta system, including providing for periodic fresh water flows (e.g., Colorado River flood flows to the Sea and the Delta), removal of non-native tilapia, and allowing the Sea's salinity to fluctuate naturally including being hypersaline.
- Include cleanup of the New and Alamo Rivers in restoration efforts for the Salton Sea.
- Integrate educational opportunities about the Salton Sea and its ecosystem as part of the program objectives.
- Including the City of Brawley's proposed Colorado River Aqueduct Desalination and Salton Sea Water Supply Project as a component of any Salton Sea ecosystem restoration strategy.
- Include an alternative for restoring the Salton Sea in the event the QSA is stopped by legal action or it does not move forward for other reasons.

- Evaluate the effects of selenium and selenium loading, at a level of detail equal to that used for salt loading and general water quality issues, for each proposed restoration alternative. This ecological analysis should be as detailed as that of engineering and economics and include models (e.g., bird use, selenium pathways, bio-accumulation) to aid in the development of realistic loading and concentration scenarios and the forecasting of biological effects.
- Perform a human health risk assessment for exposures at the Sea (e.g., inhalation of air toxics or ingestion of selenium-contaminated fish).
- Consider impacts to the Sonny Bono Salton Sea National Wildlife Refuge and the California Department of Fish and Game's Imperial Wildlife Area.
- Consider the potential impacts on privately owned and managed wetlands around the Sea for restoration alternatives.
- Evaluate potential socioeconomic impacts of the restoration alternatives, particularly those to the local agricultural economy of the Imperial and Coachella Valleys.
- Consider possible growth-inducing effects of restoration of the Salton Sea.
- Analyze the feasibility of implementing conservation measures for the Colorado River Delta in Mexico, including the need for extensive coordination with federal, state, and local governmental agencies as well as non-governmental organization and private-property owners in Mexico.
- Recognize and address potential conflicts between the restoration project and changes it may cause in the existing beneficial uses of the Salton Sea pursuant to Part 131 et seq., of Title 40 Code of Federal Regulations and the approved Water Quality Control Plan (Basin Plan) for the Colorado River Basin Region.
- Provide updated information and data on the present salinity of the Salton Sea to act as a baseline for alternative evaluation and impact analysis.
- Adopt a broad vision regarding project financing and funds that may become available for implementation of a preferred alternative; do not limit consideration of alternatives to those that can be funded by the $300 million that may be available from the Salton Sea Restoration Fund established by SB 317 (Chapter 612, Statues of 2003). Likewise, alternatives should also be considered that require no state funding.
- Develop a PEIR with as much site-specific and project-specific environmental analysis as possible so implementation of restoration plans for the Salton Sea is not delayed.

Other Comments

Several respondents also included comments not directly pertinent to the scope and content of the PEIR. Some of the comments concerned the scope of the QSA implementing legislation; the desire for the Salton Sea Authority to assume a larger role in the ecosystem restoration planning effort; and, the importance of and need for improved the public input and participation during preparation of the PEIR. Some of the comments received included:

- The QSA implementing legislation too narrowly defines the project goals and objectives. New legislation should be enacted to include more direct benefits for people around the Sea and not just fish and wildlife.

- Restoration planning should advance the socio-economic mitigation objectives of the QSA water transfers, and should advance socio-economic improvement opportunities in both Mexico and the United States.
- The Salton Sea Authority should continue to provide policy direction and have shared decision-making authority over restoration planning for the Salton Sea; they should remain lead agency for identifying and implementing corrective measures to preserve beneficial uses of the Sea.
- Available funding should be directed/redirected to the Salton Sea Authority for remediation efforts specifically related to the Salton Sea.
- Current restoration efforts by the State duplicate efforts already completed or in process by the Salton Sea Authority and the U.S Bureau of Reclamation.
- Conduct additional scoping meetings in the Coachella and Imperial Valleys, plus at least one public scoping meeting in a community alongside the Salton Sea.
- Establish a detailed process for soliciting input from local communities; residents living alongside the Sea must be actively consulted in the development of any restoration alternative.

APPENDIX

(Written Comments Received on the NOP)

Written Comments are available on DWR's Website at: saltonsea.water.ca.gov