



SOUTHERN CALIFORNIA WATER COMPANY

SAN DIMAS DISTRICT
121 EXCHANGE PLACE - POST OFFICE BOX 188
SAN DIMAS, CALIFORNIA 91773
(714) 599-1289

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SEP 23 1992

IMPERIAL COUNTY
PLANNING DEPARTMENT

Mr. Jurg Heuberger
Imperial County Planning Dept.
County Administrative Offices
940 W. Main Street
El Centro, CA 92243-2875

Subject: Program Environmental Impact Report
for the County of Imperial
General Plan Amendment

Dear Mr. Heuberger:

Southern California Water Company (SCWC) owns and operates two domestic water systems in Niland and Calipatria with approximately 1100 service connections. After review of the Notice of Preparation for the subject program, SCWC would like to submit the following comments with regard to domestic water service:

- **Water Supply:** The impacts on total water supply need to be evaluated which should include source quantity and quality.
- **Water Pollution:** Potential non-point source (NPS) pollution should be addressed in protecting water quality of water sources for potable water service.
- **Water Distribution:** SCWC can address proposed water distribution system improvements and expansions once proposed development projects are identified.

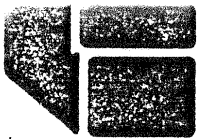
SCWC was not listed under "Utilities" and should be added.

If there are any questions, please feel free to call me at (714) 394-1387 or (714) 394-3600.

Very truly yours,

Michael A. Gutierrez
Director of Water Resources

cc: Richard Cabinilla
Don Sones
John Redding



caaicffplcy

April 24, 1990

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APR 25 1990

IMPERIAL COUNTY
BUILDING DIVISION

Jurg Heuberger
Planning Director
Planning Department
939 Main St.
El Centro, CA 92243

Dear Mr. Heuberger:

I understand you are currently working on the review of land use policy in Imperial County. Approximately a year ago (4-29-89), I supplied you with a list of aquaculture operations in Imperial County in the hope you and your staff would consult with members of the industry in the preliminary stages of this review to facilitate the process of adopting changes in land use policy regarding aquaculture.

Since I have yet to be contacted in this matter, I am taking the liberty of again supply you with a list of active aquaculture facilities in Imperial County and the principal product they produce.

Algae

Ron Henson
Earthrise Farms
P. O. Box 270
Calipatria, CA 92233
348-5027

Thomas Naylor
Algatec, Inc.
P. O. Box 299
Calipatria, CA 92233
348-5244

Catfish

George Ray
Fish Producers
P. O. Box 1004
Niland, CA 92257
359-3474

Ted Kasckow
Valley Fish Farms
P. O. Box 601
Brawley, CA 92227
344-5044

Widmann Fish Farm
P. O. Box 522
Niland, CA 92257
348-5398

(619) • 359 • FISH • P.O. BOX 1004 • NILAND • CALIFORNIA • 92257

Shrimp

San Diego Brine Shrimp
2212 Versus St.
San Diego, CA 92154
429-1900
(farm @ Salton City)

James La Fleur
P. O. Box 5025
Salton City, CA 92275
394-4580

Tilapia

F. L. Warmwater Ranch
Rt. 1, Box 61
Niland, CA 92257
359-1694

Bill Engler
Pacific Aqua Farms
Rt. 1, Box 30
Niland, CA 92257
359-1533

Noncommercial

Catfish

Wayne Parker
Imperial Warmwater Hatchery
Department of Fish & Game
8895 Hwy. 111
Niland, CA 92257
359-0204

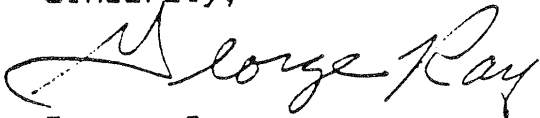
Grass Carp

Imperial Irrigation Dist.
P. O. Box 937
Imperial, CA 92243
399-0564

You may also wish to review the land use policies of
Riverside which favor aquaculture development.

If I can be of further assistance let me know.

Sincerely,



George Ray

CC: Billy Merrell

United States Department of the Interior
BUREAU OF INDIAN AFFAIRS

FORT YUMA AGENCY
P.O. Box 1591
Yuma, Arizona 85366-9591



SEPTEMBER 1, 1992

IN REPLY REFER TO:

Com: (619) 572-0248

Com: (619) 572-0249

Fax: (619) 572-0895

Imperial County Planning Department
County Administrative Offices
Attention: Jurg Heuberger, Planning Director
940 West Main Street
El Centro, California 92243-2875

Dear Mr. Heuberger:

The August 28, 1992, NOTICE OF PREPARATION PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE COUNTY OF IMPERIAL GENERAL PLAN AMENDMENT requests public agencies with specific statutory responsibilities to indicate their specific role in the project approval process. The Fort Yuma Indian Reservation is owned by the United States of America in trust for the Quechan Indian Tribe. As a result, the Secretary of the Interior is responsible for administering the trust responsibility and the related statutory duties.

The non-Indian areas of Bard and Winterhaven, California, are located entirely within the exterior boundaries of the reservation. Any development in these two communities creates a direct impact on the reservation.

As a result of the above, this Agency should be kept involved in the planning process.

Sincerely,

Realty Officer
Environmental Coordinator

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IMPERIAL COUNTY
PLANNING DEPARTMENT

EL CENTRO SCHOOL DISTRICT

1256 BROADWAY
EL CENTRO, CALIFORNIA 92243
PHONE (619) 352-5712
FAX (619) 352-7237



VERNING BOARD: KATHY ARNOLD LUCILLE DUGGAN JIM HAMILTON RON HULL DIANNA NEWTON

DISTRICT ADMINISTRATION:

JACK HILL, PH.D. - SUPERINTENDENT
EVERETT TAYLOR - ASSOCIATE SUPERINTENDENT,
ADMINISTRATION/PERSONNEL SERVICES

JOSEPH H. VOGEL, Ed.D. - ASST. SUPT., OPERATIONS/FACILITIES
MARGO TAYLOR - ASST. SUPT., EDUCATIONAL SERVICES
JEANETTE C. MILLER - DIRECTOR OF FISCAL SERVICES

September 4, 1992

Imperial County Planning Department
County Administrative Offices
940 W. Main Street
El Centro, CA 92243-2875

Attn: Jurg Heuberger, Planning Director

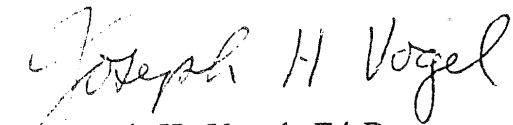
Dear Mr. Heuberger:

Please be informed that ECSD will want to participate in the update of the General Plan for Imperial County. ECSD is currently overcrowded and exceeding student housing capacity in excess of 1300 students.

Specifically, we will want input in the areas of public services, growth, land use, traffic circulation and cumulative effects. Due to our severe overcrowding, any increase in student growth will need to be mitigated as it impacts the schools.

Please keep us informed as you develop the plan so that we can provide input regarding the effect on the school district.

Sincerely,


Joseph H. Vogel, Ed.D.
Assistant Superintendent

JHV:kd

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IMPERIAL COUNTY
PLANNING DEPARTMENT

"All Children Can Learn"

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SEP 14 1992

IMPERIAL COUNTY
PLANNING DEPARTMENT



September 9, 1992

Imperial County Planning Department
940 W. Main Street
El Centro, CA 92243-2875

Southern California
Gas Company

1981 Lagoon Ave
Redlands, CA

Mailing Address:

Box 3003

Redlands, CA

92373-9982

ATTENTION: Jurg Heuberger/Richard Cabanilla

RE: County of Imperial General Plan Amendment

This letter is to inform you that Southern California Gas Company has facilities in the area where the above named project is proposed. Gas service to the project could be provided from main locations in and around project without any significant impact on the environment. The service would be in accordance with the Company's policies and extension rules on file with the California Public Utilities Commission at the time contractual arrangements are made.

You should be aware that this letter is not to be interpreted as a contractual commitment to serve the proposed project, but only as an informational service. The availability of natural gas service, as set forth in this letter, is based upon present conditions of gas supply and regulatory policies. As a public utility, the Southern California Gas Company is under the jurisdiction of the California Public Utilities Commission. We can also be affected by actions of federal regulatory agencies. Should these agencies take any action which affects gas supply or the conditions under which service is available, gas service will be provided in accordance with revised conditions.

Typical demand use for:

a. Residential (System Area Average/Use Per Meter) Yearly

Single Family	799 therms/year dwelling unit
Multi-Family 4 or less units	482 therms/year dwelling unit
Multi-Family 5 or more units	483 therms/year dwelling unit

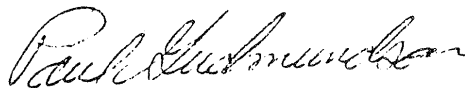
These averages are based on total gas consumption in residential units served by Southern California Gas Company, and it should not be implied that any particular home, apartment or tract of homes will use these amounts of energy.

b. Commercial

Due to the fact that construction varies so widely (a glass building vs. a heavily insulated building) and there is such a wide variation in types of materials and equipment used, a typical demand figure is not available for this type of construction. Calculations would need to be made after the building has been designed.

We have developed several programs which are available, upon request, to provide assistance in selecting the most effective applications of energy conservation techniques for a particular project. If you desire further information on any of our energy conservation programs, please contact our Area Market Services Manager, P.O. Box 3003, Redlands, CA 92373-0306, phone 1-800-624-2497.

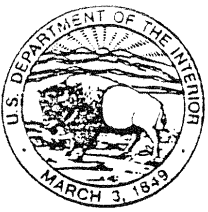
Sincerely,



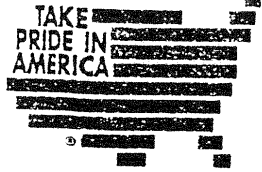
Paul Gudmundson
Technical Supervisor

KF:blh

cc: Environ Affairs -ML18C1



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Salton Sea National Wildlife Refuge
P.O. Box 120
Calipatria, CA 92233-0120

September 14, 1992

Mr. Jurg Heuberger, Planning Director
Imperial County Planning Department
940 W. Main Street
El Centro, CA 92243-2875

Subject: NOP of PEIR for County of Imperial General Plan Amendment

Dear Mr. Heuberger,

Normally we would likely wait to respond to the Program Environmental Impact Report, and not the Notice of Preparation, for the County of Imperial General Plan Amendment. However, there was one statement that should be clarified to allow the consultants, Brian F. Mooney Associates, to adequately encompass the biological resources of Imperial County in their Environmental Impact Report.

On page 5 of the NOP under "Biological Resources," the second sentence states that: "The important or protected biological resources that exist within the County are likely out of the existing agricultural areas, since these areas have been extensively farmed for decades." While it is true that these agricultural areas have been extensively farmed for decades, several important and/or protected wildlife species do occur in these agricultural areas. Examples may include the federally endangered Yuma clapper rail and desert pupfish, the California threatened sandhill crane, and California species of special concern such as the burrowing owl, white-faced ibis, long-billed curlew, and mountain plover. Alteration of certain important areas within the agricultural zone of Imperial County could have potential range-wide consequences for many of these species. Of course, several important and/or protected wildlife and plant species occur in other undeveloped portions of the county also.

I hope this comment will allow the biological resources of the county to be more adequately covered under the PEIR. Please contact me at (619) 348-5278 if you have further questions or comments.

Sincerely,

Marcia F. Radke

Marcia F. Radke
Wildlife Biologist

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SEP 15 1992

IMPERIAL COUNTY
PLANNING DEPARTMENT

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SEP 18 1992

UNITED STATES
DEPARTMENT OF
AGRICULTURE

SOIL
CONSERVATION
SERVICE

2151 ADAMS
EL CENTRO, CA. 92244
PHONE: (619) 352-7886

IMPERIAL COUNTY
PLANNING DEPARTMENT

September 15, 1992

Subject: Notice of Preparation Program
Environmental Impact Report for
the County of Imperial General Plan
Agreement

To: Imperial County Planning Department
County Administrative Offices
940 W. Main Street
El Centro, CA 92243-2875

In regards to the PEIR for the County of Imperial General
Plan Amendment, our major concern is how the soils of the
Valley will be impacted and the re-designation of land that
is currently designated for agricultural production. The
Imperial Valley consists mainly of prime farmland soils and
statewide important soils.

I am glad to see that the PEIR analysis will address these
impacts and identify mitigation measures and
recommendations. One particular concern of the Soil
Conservation Service is how and if this General Plan
Amendment will increase soil erosion on agricultural
producing soils.

Our position is that we encourage the preservation of prime
farmland and statewide important land for agriculture.

If I can be of further assistance, please let me know.

Sincerely,



Steve Cameron
District Conservationist

STATE LANDS COMMISSION
MINERAL RESOURCES MANAGEMENT DIVISION
245 W. BROADWAY, RM. 425
LONG BEACH, CALIFORNIA 90802-4471
TELEPHONE: (310) 590-5201
FACSIMILE: (310) 590-5295
CALIFORNIA RELAY SERVICE
TDD/TT: (800) 735-2929
VOICE: (800) 735-2922

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SEP 24 1992

IMPERIAL COUNTY
PLANNING DEPARTMENT

File Ref: W 6325.35

September 16, 1992

Imperial County
Planning Department
Attention: Jurg Heuberger,
Planning Director
940 W. Main Street
El Centro, CA 92243-2875

Subject: Statutory Responsibilities for Geothermal Development
on State-owned Lands.

Gentlemen:

The State Lands Commission has jurisdiction and management control over public lands of the State for geothermal development, and its authority is set forth in Division 6 of the Public Resources Code (PRC), Section 6902 et. seq. (copy enclosed). Generally, these lands include all ungranted "sovereign lands" (lands lying below tidal and navigable waters), "school lands" (lands granted by the U. S. Congress for support of public education), "swamp and overflowed lands" and certain proprietary lands. Permits and leases for exploration and development of geothermal resources on State lands may be issued by the Commission as provided in the PRC.

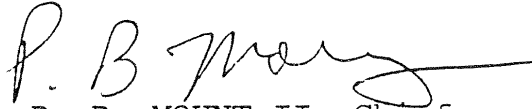
Geothermal resources occurring on these lands are managed by the Commission for the benefit of the public. Geothermal resource management policies of the Commission provide for orderly and efficient development of these resources consistent with public safety and environmental protection. All activities using State-owned lands or resources are subject to the requirements of the California Environmental Quality Act (CEQA), and no activity is approved until the requirements of CEQA have been met.

The County policy expressed in its proposed Geothermal Element of the General Plan Amendment should provide consideration for conservation of this unique resource and land use guidelines in maximizing resource utilization for the benefit of the public. The problem of over-development, as evidenced in The Geysers, should be thoroughly addressed in the Program EIR and mitigation measures identified to minimize adverse impacts and conflicts between short- and long-term reservoir management strategies.

W6325.35
9/16/92
Page 2

Should you require further information, please contact Mr. Al Willard of this office. We would appreciate receiving a copy of the Geothermal Element of the General Plan and being included on the mailing list for receipt of the Draft Program Environmental Impact Report for the County of Imperial General Plan Amendment.

Yours truly,



P. B. MOUNT II, Chief
Mineral Resources Management Division

PBM/ADW/hn

A:\W6325.35

ateral References:

1 Jul 2d Mines and Minerals § 174.
4 Am Jur 2d Mines and Minerals § 99

otations:

ffect of lessee's failure or delay in giving notice of intent to exercise right of renewal. 27 ALR 981; 44 ALR2d 1359.

99. Additional terms, covenants and conditions

ommission shall prescribe such additional terms, covenants and itions, consistent with the provisions of this chapter, of permits leases issued under this article as will in its opinion effectually ct the interests of the State in the mineral deposits reserved to it is chapter.

1 Stats 1941 ch 548 § 1.

aw: Stats Ex Sess 1938 ch 5 § 120 p 37.

ateral References:

1 Jul 2d Mines and Minerals § 174.
1 Am Jur 2d Mines and Minerals § 99.

10. Leases of tide and submerged lands: When authorized

ithstanding the provisions of Section 6890, the commission may, it appears to be in the public interest, grant leases for the ction of minerals other than oil and gas to the highest responsi- idder by competitive bidding from tide and submerged lands of itate whenever it appears that the execution of such leases and perations thereunder will not interfere with the trusts upon n such lands are held or substantially impair the public rights to ation and fishing.

Stats 1941 ch 551 § 2.

s References:

ommission's authority to grant oil and gas leases: §§ 6851 et seq.

ateral References:

1 Jul 2d Mines and Minerals § 146.
Am Jur 2d Mines and Minerals §§ 23, 99.

ney General's Opinions:

Ops Atty Gen 394 (granting of lease to person other than permittee).
Ops Atty Gen 179 (construction and application of section; sections 6890 and 6900 as being cumulative).

1. [Added by Stats 1945 ch 818 § 1 and repealed by Stats 1955 07 § 3.]

ARTICLE 5.5

Geothermal Resources

[Added by Stats 1967 ch 1398 § 39.]

- § 6902. Citation of article
- § 6903. "Geothermal resources"
- § 6904. Prospecting permits and leases: "State lands"
- § 6905. Who may receive prospecting permits and leases
- § 6906. Administration of article: Rules and regulations
- § 6907. Requiring lessee to produce other geothermal resources available commercially valuable quantities
- § 6908. Acreage limits: Compensatory agreements: Number of permits and lease
- § 6909. Issuance of permit to first qualified applicant: Fee: Known geothermal resources land
- § 6910. Term of permit: Extensions: Amendment or termination of permit
- § 6911. Right of permittee to lease upon classification as known geothermal resources land
- § 6912. Bids for leases in known geothermal resources areas: Classification areas: Development programs prescribed
- § 6913. Rentals and royalties
- § 6914. Quitclaim or relinquishment of rights under permit or lease
- § 6915. Use of surface by permittee or lessee
- § 6916. Waiver, suspension, reduction, alteration, and amendment of royalties operating requirements
- § 6917. Termination of permit or lease
- § 6918. Term of leases
- § 6919. Conversion of prior applications, prospecting permits and leases
- § 6920. Commingling of geothermal resources from nonleased lands
- § 6921. Reinjection of geothermal resources or residue
- § 6922. Sale of lands by state: Rights of landowner with respect to application and bids by others
- § 6923. Cooperative or unit plans
- § 6924. Lands and waters under jurisdiction of state departments or agencies
- § 6925. Assignment, transfer or sublease of permit or lease

Cross References:

Geothermal resources: §§ 3700 et seq.
Pertinent administrative rules and regulations: 14 Cal Adm Code §§ 1500 et seq.

Collateral References:

Geothermal Steam Act of 1970: 30 USCS §§ 530, 1001 et seq.
Geothermal Energy Research, Development, and Demonstration Act of 1974: 30 USCS §§ 1101 et seq.

§ 6902. Citation of article

This article shall be known and may be cited as the Geothermal Resources Act of 1967.

Added Stats 1967 ch 1398 § 39.

Cross References:

Liability for appropriation or conversion of mineral deposits: § 6224.2.

103. "Geothermal resources"

The purposes of this chapter, "geothermal resources" shall mean natural heat of the earth, the energy, in whatever form, below the surface of the earth present in, resulting from, or created by, or which may be extracted from, such natural heat, and all minerals in solution or other products obtained from naturally heated fluids, brines, associated gases, and steam, in whatever form, found below the surface of the earth, but excluding oil, hydrocarbon gas or other hydrocarbon substances.

Added Stats 1967 ch 1398 § 39.

Collateral References:

"Geothermal steam and associated geothermal resources": 30 USCS § 1001(c).

104. Prospecting permits and leases: "State lands"

Prospecting permits and leases for the extraction and removal of geothermal resources from lands belonging to the state may be issued under the commission as provided in this article. For purposes of this article, state lands shall be defined as all lands owned by the state, including school lands, proprietary lands, tidelands, submerged lands, riparian and overflowed lands, and beds of navigable rivers and lakes, and lands in which geothermal resources have been reserved to the state.

Added Stats 1967 ch 1398 § 39.

Collateral References:

Leases of government lands for development and utilization of geothermal steam, etc.: 30 USCS § 1002.

105. Who may receive prospecting permits and leases

Prospecting permits and leases under this article may be issued only to those who qualify for prospecting permits and leases under Section 104 of this code.

Added Stats 1967 ch 1398 § 39.

106. Administration of article: Rules and regulations

The administration of this article shall be under the principle of multiple use of public lands and resources, and shall allow coexistence of other uses or leases of the same lands for deposits of other minerals under applicable laws, and the existence of permits or leases issued pursuant to the provisions of this article shall not preclude other uses of the areas covered thereby. However, operations under such other

permits or leases or such other uses shall not unreasonably interfere with or endanger operations under any permit or lease issued pursuant to this article, nor shall operations under permits or leases issued pursuant to the provisions of this article unreasonably interfere with or endanger operations under any permit or lease issued pursuant to the provisions of any other act. Nor shall this article be construed to supersede the authority which the head of any state department or agency has with respect to the management, protection, and utilization of the state lands and resources under his jurisdiction. The commission may prescribe in its rules and regulations those conditions it deems to be necessary for the protection of other resources.

Added Stats 1967 ch 1398 § 39.

Cross References:

Rules and regulations under the Administrative Procedure Act: Gov C §§ 11371 et seq.

Collateral References:

Administration of Geothermal Steam Act of 1970 under multiple use principles: 30 USCS § 1016.

§ 6907. Requiring lessee to produce other geothermal resources available in commercially valuable quantities

Where it is determined by the commission independently or on advice of the Geothermal Resources Board that the production or use of geothermal resources is also susceptible of economically producing other of the geothermal resources in commercially valuable quantities and a market therefor exists, production of such other geothermal resources may be required by the commission.

Added Stats 1967 ch 1398 § 39.

§ 6908. Acreage limits: Compensatory agreements: Number of permits and leases

An application for a prospecting permit or lease shall not be made for less than 640 acres nor more than 2,560 acres and shall embrace a reasonably compact area; provided, however, that a permit or lease may be issued for a parcel less than 640 acres if such parcel is isolated from or not contiguous with other parcels of land available for permit or lease hereunder. The commission may provide compensatory agreements on those parcels of state land which it finds should be subjected to such agreements rather than to leasing thereunder. No person, association, or corporation shall take, hold, own, control at one time, whether acquired directly from the commission under this act or otherwise, any direct or indirect interests in state geothermal leases or permits exceeding 25,600 acres. In computing acreage holdings or control, the accountable acreage of a parcel

ing an undivided interest in a lease or permit shall be such party's proportionate part of the total lease or permit acreage. Likewise, the countable acreage of a party owning an interest in a corporation or association shall be his proportionate part of the corporation's or association's accountable acreage, except that no person shall be charged with his pro rata share of any acreage holdings of any corporation or corporation unless he is the beneficial owner of more than 10 percent of the stock or other instruments of ownership or control of such association or corporation. Parties owning a royalty or other interest determined by or payable out of a percentage of production from a lease or permit will be charged with a similar percentage of the total acreage. Prospecting permits or leases for lands, earth lakes and rivers, and below the mean high tide level of tide submerged lands, may be issued for not less than 640 acres nor more than 5,760 acres and shall embrace a reasonably compact area, except that a permit or lease may be issued for a parcel less than 640 acres if such parcel is isolated from or not contiguous with other parcels of land available for permit or lease hereunder. No limitation shall apply to the number of permits or leases granted under this act. Unitizing of acreage by two or more lessees pursuant to a cooperative or unit plan of development or operation approved by the commission shall be excepted in determining acreage holdings and lease or portion so committed shall continue in force so long as permitted to the plan beyond the expiration date of its primary term. Lease eliminated from any approved cooperative plan of development shall continue in effect for the original term of the lease or for years after its elimination from the plan or the termination thereof, whichever is longer, and so long thereafter as geothermal resources are being produced or utilized in commercial quantities. A lessee of geothermal resources pursuant to a sales contract approved by the commission shall not be deemed to have a direct or indirect interest in geothermal leases or permits.

1 Stats 1967 ch 1398 § 39; Amended Stats 1971 ch 431 § 1.

Amendments:

§ 971 Amendment: Added (1) "or permits" before "exceeding 25,600 acres" in the third sentence; and (2) the fourth, fifth, sixth, ninth, tenth, and eleventh sentences.

References:

pertinent administrative rules and regulations: 2 Cal Adm Code § 2250.

Other References:

Application for prospecting permit or lease to embrace reasonably compact area: 30 USCS § 1006.

§ 979. Issuance of permit to first qualified applicant: Fee: Known geothermal resources land

Act to the provisions of Section 6906, the commission shall issue a

permit to the first qualified applicant therefor under such rules, regulations as it may prescribe for lands which have not been classified as known geothermal resources lands, upon the payment of the commission of one dollar (\$1) per acre for each acre of land included in the permit, in accordance with subdivision (c) of Section 6913 of this code. An application for a permit shall be denied if, in the absence of the permit, the lands are classified or reclassified as known geothermal resources lands pursuant to subdivision (b) of Section 6912.

Added Stats 1967 ch 1398 § 39.

Collateral References:

"Known geothermal resources area": 30 USCS § 1001(e).

§ 6910. Term of permit: Extensions: Amendment or termination of permit

A permit shall give to the permittee the exclusive right for a period of three years to prospect for geothermal resources upon lands included within said permit. The commission may, in its discretion, extend the primary term of any permit for a period not exceeding two years, provided that the combination of the primary term and extension of any permit shall not exceed a total of five years. The commission may amend or terminate any permit issued by it within the primary term, period or within the extension, if any, with the consent of the permittee.

Added Stats 1967 ch 1398 § 39.

§ 6911. Right of permittee to lease upon classification as known geothermal resources land

Upon the classification of any of the lands included within a permit issued under this article as being known geothermal resources land, the permittee shall be entitled to a lease for such lands in accordance with Section 6918 of this code. The classification of any such land shall be made in accordance with subdivision (b) of Section 6912 of this code. The terms of such lease shall include the royalties and other terms contained in Section 6913 on the effective date of the lease.

Added Stats 1967 ch 1398 § 39.

Collateral References:

"Known geothermal resources area": 30 USCS § 1001(e).

§ 6912. Bids for leases in known geothermal resources areas: Classification of areas: Development programs prescribed

(a) If the lands to be leased under this article within a known

normal resources area and no permit thereon has been issued, lands shall be leased to the highest responsible qualified bidder or such rules and regulations as the commission may prescribe for the public of terms and conditions of the sale, conduct of sale, receipt of bid, and awarding of the lease, and bidding shall be competitive bid and on the basis of a cash bonus, net profit, or a single biddable factor.

The classification of a known geothermal resources area, which contain at least one well capable of producing geothermal resources in commercial quantities, shall be made by the commission independently or upon recommendations of the Geothermal Resources Board.

The commission shall have the power in leasing lands hereunder to prescribe a development program. In prescribing such program, the commission shall consider all applicable economic factors, including net conditions and the cost of drilling for, producing, processing and utilizing of geothermal resources.

Added Stats 1967 ch 1398 § 39.

Collateral References:

Known geothermal resources area": 30 USCS § 1001(e).

Lease provisions under the Geothermal Steam Act of 1970: 30 USCS § 1003.

13. Rentals and royalties

A permit and lease issued under this article shall provide for the following rentals and royalties with respect to geothermal resources used, saved and sold from the lands included within said permit lease:

(a) A royalty of 10 percent of the gross revenue, exclusive of charges, to be paid by the commission, made or incurred with respect to production or other services or processes, received from the sale of oil, brines, from which no minerals have been extracted, and geothermal gases at the point of delivery to the purchaser thereof.

(b) A royalty of not less than 2 percent nor more than 10 percent of the gross revenue received from the sale of mineral products or chemical compounds recovered from geothermal fluids in the first lease term as to each such mineral product or chemical compound for the primary term of the lease.

(c) An annual rental payable in advance of one dollar (\$1) per acre or more thereof for each year of a permit or lease.

(d) If, after the discovery of geothermal resources in commercial quantities, the total royalties due to the state during any calendar year are equal to or exceed a sum equal to two dollars (\$2) per acre for each acre or fraction thereof then included in the permit or lease, the

permittee or the lessee shall, within 60 days after the end of the year pay such sum as is necessary to equal a minimum royalty of two dollars (\$2) per acre.

(e) The royalties specified herein shall be subject to renegotiation a minimum of 20 years from the effective date of the lease and at 10-year intervals thereafter based upon recommendations of the Geothermal Resources Board, and such renegotiations shall not be limited by the maximum royalties specified in subdivisions (a) and (b).

Royalty payments shall be made pursuant to the provisions of subdivisions (a) and (b) for all geothermal resources used by the permittee or lessee and not sold, with the gross revenue therefrom to be determined as though said geothermal resources had been sold to a third person at the then prevailing market price in the same mineral area and under the same marketing conditions; provided, however, that no royalties shall be payable for steam used by the permittee or lessee in the production of any geothermal mineral products or chemical compounds recovered from geothermal fluids in first marketable form subject to the payment of royalties under subdivisions (a) and (b).

Added Stats 1967 ch 1398 § 39.

Collateral References:

Lease provisions and royalties under the Geothermal Steam Act of 1970: 30 USCS § 1004.

§ 6914. Quitclaim or relinquishment of rights under permit or lease. The holder of any geothermal resources permit or lease may quitclaim or relinquish his rights under such permit or lease pursuant to the provisions of Section 6804.1 of this code.

Added Stats 1967 ch 1398 § 39.

Cross References:

Quitclaim deed on expiration of gas or mineral lease or on abandonment thereof: CC § 794.

Collateral References:

Cal Jur 2d Mines and Minerals § 151, Oil and Gas § 263.

54 Am Jur 2d Mines and Minerals § 128.

Relinquishment of rights by lessee: 30 USCS § 1009.

§ 6915. Use of surface by permittee or lessee

Subject to the other provisions of this article, the permittee or lessee shall be entitled to use so much of the surface as is reasonably necessary as determined by the commission for the production and conservation of geothermal resources.

Added Stats 1967 ch 1398 § 39.

16. Waiver, suspension, reduction, alteration, and amendment of rights and operating requirements

commission independently or upon the advice of the Geothermal Resources Board, may waive, suspend, or reduce the rental or minimum royalty for the lands included in any permit or lease, or any condition thereof, and waive, suspend, alter or amend the operating requirements contained in the lease or regulations promulgated hereunder affecting operations of the lease or permit, in the interests of conservation, and to encourage the greatest ultimate recovery of geothermal resources if it determines that such action is necessary or beneficial to promote development or finds that the permit or lease is not being successfully operated under the permit or lease terms or is in violation of the regulations. The commission shall file a report with the legislature annually on all waivers, suspensions, reductions, alterations or amendments made by the commission pursuant to the provisions of this section together with the reasons therefor.

Added Stats 1967 ch 1398 § 39.

Collateral References:

Waiver, suspension, or reduction of rental under the Geothermal Steam Act of 1970: 30 USCS § 1012.

17. Termination of permit or lease

A permit or lease may be terminated by the commission only pursuant to the provisions of Section 6805 of this code.

Added Stats 1967 ch 1398 § 39.

Collateral References:

Termination of leases under the Geothermal Steam Act of 1970: 30 USCS § 1011.

18. Term of leases

Leases under this article shall be for a primary term of 20 years and may be extended thereafter as geothermal resources are being produced or are capable of being produced or utilized in commercial quantities from such lands or from lands unitized therewith; provided, such leases shall not exceed a term of 99 years.

Added Stats 1967 ch 1398 § 39.

Collateral References:

Term of leases under the Geothermal Steam Act of 1970: 30 USCS § 1005.

19. Conversion of prior applications, prospecting permits and leases

Notwithstanding any other provision of this article, at any time within 180 days following the effective date of this article any person who has a permit or lease under this article may apply for a permit or lease pursuant to the provisions of this article if the person has made application for a permit or lease under this article prior to the effective date of this article has made application for a permit or lease under this article.

or who holds an unexpired prospecting permit or lease issued by the commission prior to said date, upon showing to the satisfaction of the commission that such application, prospecting permit, or lease, in any case may be, was made or issued to develop geothermal resources and may convert it to an application, permit, or lease under this article having a priority dating from the date of filing or issuance thereof. Conversion of such application, prospecting permit, or lease shall be accomplished in accordance with procedures prescribed by the commission; provided, however, that the competitive bidding provisions of Section 6912 shall not be applicable to conversion of such application, permit, or lease.

Added Stats 1967 ch 1398 § 39.

Collateral References:

Bids and conversion under the Geothermal Steam Act of 1970: 30 USCS § 1003.

§ 6920. Commingling of geothermal resources from non-leased lands

Any person engaged in the production of geothermal resources under a lease issued by the commission may commingle geothermal resources from any two or more wells without regard to whether the wells are located on the lands for which such lease was issued elsewhere, provided, however, that said lessee shall install and maintain meters or other measuring devices satisfactory to the commission to measure the amount of geothermal resources produced from lands for which leases were issued by the commission.

Added Stats 1967 ch 1398 § 39.

§ 6921. Reinjection of geothermal resources or residue

A permittee or lessee may upon the approval of the commission special wells, convert producing wells or reactivate and convert abandoned wells for the sole purpose of reinjecting geothermal resources or the residue thereof.

Added Stats 1967 ch 1398 § 39.

§ 6922. Sale of lands by state: Rights of landowner with respect to applications and bids by others

In case of an application for a permit or lease covering lands which have been sold by the state, subject to a reservation by the state of geothermal resources thereof, by anyone other than the owner of such lands, the owner shall have six months from the date of service of notice on the owner of such application within which to file an application for a permit or lease. Such notice shall be served by the applicant together with a copy of the application. If the owner exercises his rights hereunder and is a qualified person, his application shall be given priority over any other application for a permit or lease filed by any other person.

be granted but subject to all the other provisions of this article. If the owner fails to exercise the rights granted by this section, then the owner's rights hereunder shall thereupon cease and terminate and no original applicant shall be permitted to proceed with his application. In the event that the lands subject to such classification are classified as being within a known geothermal resource area, then, after the commission has determined the highest competitive bid thereon, the applicant may within 10 days after notification by the commission file a bid identical to such highest acceptable bid, in which case the commission shall issue a lease to such surface landowner. If the surface landowner does not file such a bid within such period of time, the commission may proceed with the award of the bid to other than the surface landowner.

Stats 1967 ch 1398 § 39.

Collateral References:

"Known geothermal resource area": 30 USCS § 1001(e).

3. Cooperative or unit plans

The purpose of more properly conserving the natural resources of geothermal resources areas, or any part thereof, the lessees of which may unite with each other or with others in collectively owning and operating under a cooperative or unit plan of development or operation of such geothermal resources lands, consistent with the provisions of Section 3756 of this code. The commission may, with the consent of the holders of leases involved, establish, alter, amend, and revoke any drilling and production requirements of such leases, permit apportionment of production, and may make such apportionments with reference to such leases, with like consent on the part of the lessees, in connection with the institution and operation of such cooperative or unit plan, as the commission deems necessary in order to secure the proper protection of the interests of the state.

Stats 1967 ch 1398 § 39.

Collateral References:

Cooperative or unit plan under the Geothermal Steam Act of 1970: 30 USCS § 1017.

4. Lands and waters under jurisdiction of state departments or agencies

The surface of state-owned lands sought for use or development of geothermal resources or the waters thereon are under the jurisdiction of a state department or agency other than the commission, the commission may issue permits or leases under this article only with the consent of and subject to such reasonable terms and conditions as

may be prescribed by such other department or agency to insure the adequate utilization of the surface of the lands or the waters thereon for the purposes for which they are then being administered or in which they were acquired, provided, however, that such other department or agency shall not prescribe any terms and provisions inconsistent with this article nor any rental or royalty for the use of such lands.

Added Stats 1967 ch 1398 § 39.

§ 6925. Assignment, transfer or sublease of permit or lease

A permit or lease under this article may be assigned, transferred, or sublet as provided for in Section 6804 of this code.

Added Stats 1967 ch 1398 § 39.

ARTICLE 6

Extraction of Sodium Chloride From Specified Lands

- § 6926. Sale of extractive rights
- § 6927. Period of right: Prescription of different royalty rate
- § 6928. Right of purchaser
- § 6929. Application for purchase of right by metropolitan water district
- § 6930. Conveyance of right of extraction by patent: Provision for reversion
- § 6931. Lands to which article applicable
- § 6932. Termination of right of extraction

Cross References:

Pertinent administrative rules and regulations: 2 Cal Adm Code §§ 2200 et seq.

§ 6926. Sale of extractive rights

Notwithstanding any other provision of this chapter, the right to extract sodium chloride, contained in any lands belonging to the State, or which may become the property of the State, situate in a township described in Section 6931, which may be necessary or convenient for use in conditioning a public water supply owned, controlled, or operated by any metropolitan water district of the State, may be sold at a reasonable price or royalty, or both, to be fixed by the commission and conveyed to any such metropolitan water district.

Added Stats 1941 ch 548 § 1.

Prior Law: Stats Ex Sess 1938 ch 5 § 49, as added by Stats 1939 ch 911 § 1 p 2526.

Collateral References:

Prospecting permits and leases of sodium lands belonging to United States: 30 USCS §§ 261, 262.
Sodium lands subject to appropriation: 43 USCS § 124.

Cal Jur 3d Mines and Minerals § 84.

§ 6901. Citation of article

This article shall be known and may be cited as the Geothermal Resources Act.

§ 6902 Amended and Renumbered Stats 1978 ch 1139 § 1.

Amendments:

1978 Amendment: Substituted "Geothermal Resources Act" for "Geothermal Resources Act of 1967".

Vote—Stats 1978 ch 1139 also provides:

SEC. 22. The State Lands Commission is authorized to amend prospecting permits and leases pursuant to this act.

Amendments:

1978 Amendment: Amended the section to read as at present.

6907. Requiring lessee to produce other geothermal resources available in commercially valuable quantities

where it is determined that the production or use of geothermal resources is also

NOTES OF DECISIONS

In an action for injunctive and declaratory relief challenging the constitutionality of former Pub. Resources Code, § 6922 (now Pub. Resources Code, § 6912), enacted as part of the Geothermal Resources Act of 1967 (now the Geothermal Resources Act, Pub. Resources Code, § 6901-6925), the trial court, in ruling on a demurrer to the complaint, properly took judicial notice of various legislative materials consisting primarily of two major legislative committee reports on geothermal resources, the

final legislative history of the act, excerpts from testimony given at public legislative hearings, and some correspondence directed to the governor's office recommending his signature on the act from the legislative analyst, a state agency, and an individual legislator. These materials are in the category of "official acts of the legislative, executive, and judicial departments of the United States and of any state of the United States." (Evid. Code, § 452, subd. (c).) *Post v Fraai* (1979) 90 CA3d 626, 153 Cal Rptr 511.

ARTICLE 5.5

Geothermal Resources

§ 6902. Legislative findings and declaration; Development of geothermal resources

The Legislature hereby finds and declares that development of geothermal resources beneath state lands is an essential element in the development of additional energy sources for the State of California. It is further recognized by the Legislature that different parcels of state lands have varying degrees of potential for the successful development of geothermal resources. As some parcels display strong indications of geothermal resources and likelihood of commercially producible energy which could be let at competitive lease sale, and other parcels indicate potential but need additional exploration, and still other parcels have never been explored, the flexible leasing program established by this chapter is necessary to promote more rapid and extensive geothermal development on state lands.

§ 6903. "Geothermal resources"

Low-temperature geothermal well"; Pub Res C § 3703.1

§ 6904. Prospecting permits and leases; "State lands"

permits and leases for exploration and development of geothermal resources on lands belonging to the state and leases for the development of geothermal resources reserved by the state may be issued by the commission as provided in this article. For purposes of this article, state lands shall be defined as all lands owned by the state, including school lands, lieu lands, proprietary lands, tidelands, submerged lands, swamp and overflowed lands, and beds of navigable rivers and lakes, and lands in which geothermal resources have been reserved to the state.

§ 6905. Who may receive prospecting permits and leases

permits and leases may be issued pursuant to this article only to those who qualify for permits and leases under Section 6801.

§ 6907. Requiring lessee to produce other geothermal resources available in commercially valuable quantities

where it is determined that the production or use of geothermal resources is also

Amended Stats 1983 ch 369 § 18.

1983 Amendment: Deleted "independently or on advice of the Geothermal Resources Board" before "that the production".

§ 6908. [Section repealed]

Repealed by Stats 1978 ch 1139 § 5. See § 6972.

§ 6909. Nonexclusive geothermal or geophysical exploration permits

The commission may grant nonexclusive geological or geophysical exploration permits for geothermal resources upon such terms and conditions as the commission may prescribe, but any such permit shall not give the permittee any preferential right to a geothermal resources lease.

Added Stats 1978 ch 1139 § 7.

Former Sections:

Former § 6809 was added by Stats 1967 ch 1398 § 39, and repealed by Stats 1978 ch 1139 § 6.

§ 6910. Issuance of prospecting permits; Submission by applicant of prospecting program; Lease entitled-

(a) Subject to the provisions of Section 6906, the commission may issue a prospecting permit to the first qualified applicant therefor under such rules and regulations as it may prescribe for lands which have not been selected by the commission for lease by competitive public bid. An application for a permit shall be denied if, prior to the issuance of the permit, the lands are selected by the commission for lease by competitive public bid.

The applicant shall submit for the commission's approval a prospecting program, including a time schedule, which may include, but not be limited to, the conduct of surveys, tests, or experiments using geological, geophysical, or other exploratory methods, including exploration drilling. Such prospecting program shall be specified in the terms and conditions of the prospecting permit. At a minimum, each prospecting permit issued under this article shall provide that the permittee is required to drill a geothermal well during the term of the permit, and such term shall not be extended pursuant to subdivision (b) unless the permittee has commenced the drilling or applied for the necessary permits to drill such a well. Rental shall escalate each year until a well is drilled, whereupon the rental, royalties, and other terms shall be as specified in Section 6913. The escalating rental shall be one dollar (\$1) per acre during the first year, not more than five dollars (\$5) per acre during the second year, and not more than twenty-five dollars (\$25) per acre during the third year and every year thereafter. In the event the permittee elects to relinquish its interest in a permit prior to the expiration of the initial two-year term, its obligation to drill a geothermal well shall thereupon terminate.

(b) A prospecting permit shall give to the permittee the exclusive right for a term of two years to prospect for geothermal resources upon lands included within such prospecting permit. The commission may, in its discretion, extend the term of any prospecting permit for a period not exceeding two years; provided that the combination of the term and extension of any prospecting permit shall not exceed a total of four years. The commission may amend or terminate any permit issued by it within the term or within the extension, if any, with the consent of the permittee.

(c) Upon the discovery of geothermal resources in commercial quantities within the prospecting permit area, the permittee shall be entitled to a lease by the commission if provided as a term of the permit, for such lands within the permit area. The terms of such lease shall include the royalties and other terms contained in Section 6913.

(d) Obligations imposed by a prospecting permit or lease pursuant to this section may be suspended during such time as a lessee is prevented from complying therewith by wars, riots, acts of God, laws, rules and regulations from any federal, state, county or municipal agency, or by such other unusual conditions as are beyond the control of the lessee.

Added Stats 1978 ch 1139 § 9.

Former Sections:

Former § 6910, similar to the present section, was added by Stats 1967 ch 1398 § 39, and repealed by Stats 1978 ch 1139 § 8.

§ 6911. Lease of lands by competitive bids

(a) Lands may be selected for lease by the commission and shall be leased by competitive bid on the basis of a cash bonus, net profit, or other single biddable factor.

(b) In leasing lands the commission may prescribe in the lease document an exploration and development program. The commission shall consider all applicable economic factors, including market conditions, and the cost of drilling for, producing, and utilizing geothermal resources.

(c) Lands so selected for lease by the commission shall be leased to the highest responsible qualified bidder under such rules and regulations as the commission may prescribe for notice to the public of terms and conditions of the sale, receipt of bid, and awarding of the lease.

Added Stats 1978 ch 1139 § 11.

Former Sections:

Former § 6911 was added by Stats 1967 ch 1398 § 39, and repealed by Stats 1978 ch 1139 § 10.

§ 6912. Application for permit or lease; Notice; Submission of bid by owner

use of an application for a permit or lease covering lands which have been sold by the owner

alterations, or amendments made by the commission pursuant to this section, together with the reasons therefor.

Amended Stats 1978 ch 1139 § 13, Stats 1983 ch 169 § 19, Stats 1985 ch 434 § 1

Amendments:
 1978 Amendment: (1) Added a comma after "after", and (2) substituted "the commission" for "it" before "Determines that" in the first sentence.
 1983 Amendment: Deleted "independently or upon the advice of the Geothermal Resources Board," after "The commission" in the first sentence.
 1985 Amendment: (1) Added subd (a); (2) added subdivision designations (b) and (c); (3) amended subd (b) by (a) adding "also" after "commission may"; (b) substituting "adopted pursuant to this section" for "promulgated hereunder"; and (c) substituting "he" for "such" after "determines that"; and (4) deleted "the provisions of" after "commission pursuant to" in subd (c).

§ 6918. Term of lease not to exceed 10 years; Extensions
 Leases under this article shall be for a primary term not to exceed 10 years and so long thereafter as geothermal resources are being or capable of being produced or utilized in commercial quantities, if the lessee is in compliance with the terms and conditions of an exploration and development program specified in the lease pursuant to Section 6911.

Added Stats 1978 ch 1139 § 13.4.
 Former Sections:
 Former § 6918, similar to the present section, was added by Stats 1967 ch 1398 § 39, and repealed by Stats 1978 ch 1139 § 13.2.

§ 6919. Drainage agreements; Geothermal leases of state-owned lands
 Notwithstanding any other provision of law to the contrary, the commission may negotiate and enter into agreements for compensation for drainage or geothermal leases of state-owned lands if any of the following conditions exist:

- (a) Wells drilled upon private or public lands, including state-owned lands, are draining or may drain geothermal resources from state-owned lands; provided, that where wells are drilled on state-owned lands and other state-owned lands are or may be subject to drainage, the development is allowed only by drilling from already developed state lands.
- (b) The lands are determined by the commission to be unsuitable for competitive bidding because of such factors as their small size or irregular configuration, or their inaccessibility from surface drill sites reasonably available or obtainable.
- (c) The state owns a fractional interest in the lands.
- (d) The lease or agreement is determined by the commission to be in the best interests of the state.

Added Stats 1983 ch 1171 § 7.
 Former Sections:
 Former § 6919, similar to the present section, was added by Stats 1967 ch 1398 § 39, and added by Stats 1978 ch 1139 § 15 and repealed by Stats 1983 ch 1171 § 6.

Former § 6919 was repealed by Stats ch 1139 § 14.
 Collateral References:
 Review of Selected 1983 Legislation, 15 Pacific LJ 690.

§ 6921. Reinjection of geothermal resources or residue
 A permittee or lessee may, upon the approval of the commission and pursuant to the provisions of Chapter 4 (commencing with Section 37000) of Division 3, drill special wells, convert producing wells or reactive and convert abandoned wells for the sole purpose of reinjecting geothermal resources or the residue thereof. If the lessee realizes a profit on such operations or if the geothermal resources proposed for reinjection are produced from other than state leased lands, then the commission may charge such consideration as is determined to be in the public interest, not to exceed the net profits or royalties payable under the lease.

Amended Stats 1978 ch 1139 § 16.
 Amendments:
 1978 Amendment: Amended the section to read as at present.

§ 6922. Lease acreage limitations; Prospecting acreage limitations
 No prospecting permit or lease shall be made for less than 640 acres nor more than 5,760 acres and the permit or lease shall embrace a reasonably compact area. A prospecting permit or lease may be issued for a parcel less than 640 acres if the parcel is isolated from or not contiguous with other parcels of land available for a prospecting permit or lease hereunder or if the parcel would otherwise be subject to leasing rights as provided in subdivision (b) of Section 6912 by more than one surface owner. No person, association, or corporation shall take, hold, own, or control at one time, whether acquired directly from the commission under this article or otherwise, any direct or indirect interests in state geothermal leases or prospecting permits exceeding 25,600 acres. In computing acreage holdings or control, the accountable acreage of a party owning an undivided interest in a lease or prospecting permit shall be the party's proportionate part of the total lease or prospecting permit acreage. Likewise, the accountable acreage of a party owning an interest in a corporation or association shall be his proportionate part of the corporation's or association's accountable acreage, except that no person shall be charged with his pro rata share of the acreage of any association or corporation unless he is the beneficial owner of more than 10 percent of the other instruments of ownership or control of the association or corporation. Parties to a prospecting permit shall be deemed to have agreed with each other that the limit of production from a lease or other interest determined by or payable out of a percentage of production from a lease or prospecting permit shall be the same as the limit of production from a lease or other interest.

to the number of prospecting permits or leases granted under this article. In the utilizing of acreage by two or more lessees pursuant to a cooperative or unit plan of development or operation approved by the commission, accountable acreage of a party owning an interest shall be his pro rata share and any lease portion so committed shall continue in force so long as committed to the plan beyond the expiration date of its primary term. Any lease eliminated from any approved cooperative plan of development shall continue in effect for the original term of the lease or for two years after its elimination from the plan - the termination thereof, whichever is longer, and so long thereafter as geothermal resources are being produced or utilized in commercial quantities. A purchaser of geothermal resources pursuant to a sale contract approved by the commission shall not be deemed to have a direct or indirect interest in geothermal leases or prospecting permits.

Added Stats 1978 ch 1139 § 18; Amended Stats 1983 ch 617 § 2.
 Former Sections:
 Former § 6922, similar to present § 6912, was added by Stats 1967 ch 1398 § 39, and repealed by Stats 1978 ch 1139 § 1.

Amendments:
 1983 Amendment: In addition to making technical changes, added "or if the parcel would otherwise be subject to leasing rights as provided in subdivision (b) of Section 6912 by more than one surface owner" at the end of the second sentence.

Historical Derivation:
 Former § 6908.
 Collateral References:
 Cal Jur 3d State of California § 88.

§ 6924. Lands and waters under jurisdiction of state departments or agencies
 Where the surface of state-owned lands sought for use or development of geothermal resources or the waters thereon are under the jurisdiction of a state department or agency other than the commission, the commission may issue permits or leases under this article only with the consent of and subject to such reasonable terms and conditions as may be prescribed by that other department or agency to ensure the adequate utilization of the surface of the lands or the waters thereon for the purposes for which they are then being administered or for which they were acquired. The other department or agency shall not prescribe any terms and provisions inconsistent with this article.

Notwithstanding Section 6217, as of June 30th of each year, a sum that is 50 percent of the revenue received by the state for the fiscal year ending on that June 30th, pursuant to leases for the development of geothermal resources on the surface of lands under the jurisdiction of that state department or agency shall be available for appropriation by the Legislature solely for the programs of that state department or agency.

Amended Stats 1978 ch 1139 § 19; Amended Stats 1989 ch 1017 sec 1.
 Amendments:
 1978 Amendment: (1) Deleted "nor any rental or royalty for the use of said lands" at the end in the first paragraph; and (2) added the second paragraph.

1989 Amendment: In addition to making technical changes, (1) divided the former first sentence to be the first and second sentences by substituting "The" for " provided, however, that such"; (2) substituted "ensure" for "insure" after "agency to" in the first sentence; and (3) substituted "solely for the programs of that" for "for the support of, and for apportionment and transfer by the State Controller to, such", after "by the Legislature" in the second paragraph.

Cross References:
 Disposition of moneys collected by commission: Pub Res C § 6217.
 § 6925.1. Power of commission to order immediate suspension of drilling and production operation: Resumption of operations; Delegation of authority

Whenever, as determined by the commission, any operation conducted under a geothermal exploration permit, prospecting permit, or lease pursuant to this article constitutes an unreasonable risk to the health, safety, or welfare of any human being or of pollution or contamination caused in any manner or resultant from such operations, the commission shall order an immediate suspension of any drilling and production operations, except those which are corrective, protective, or mitigative. Such operations shall not be resumed until the commission determines that adequate corrective measures have been taken. The commission may delegate the power to order a cessation of operations to its executive officer. Resumption of operations shall only be permitted by the commission.

Added Stats 1978 ch 1139 § 20.
§ 6925.2. Leases; Acreage exceptions on parcels used for purposes other than electricity generation
 Notwithstanding any other provision of this article, the commission may, at its discretion, issue a lease to the first qualified applicant for a parcel of less than 640 acres if the geothermal resources to be developed on this parcel are utilized entirely for purposes other than electricity generation. The terms, conditions, rentals, royalties, drilling requirements, and development programs of such leases shall be as determined by the commission. If there is an existing geothermal resources lease or permit for such land, the applicant shall obtain the permission of the lessee or permittee.

Added Stats 1978 ch 1139 § 21.
 CHAPTER 4.1
 Leases For Taking Minerals From Waters and Corals

Collateral References:
 Cal Jur 3d State of California § 78, 80, 93



(619) 339-9392
FAX (619) 339-9392

IMPERIAL IRRIGATION DISTRICT

OPERATING HEADQUARTERS • P. O. BOX 937 • IMPERIAL, CALIFORNIA 92251

GM

September 21, 1992

RECEIVED

SEP 23 1992

Imperial County Planning Department
County Administrative Offices
940 West Main Street
El Centro, CA 92243-2875

IMPERIAL COUNTY
PLANNING DEPARTMENT

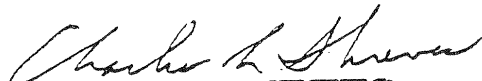
This is in response to your Notice of Preparation, Program Environmental Impact Report (PEIR) for the County of Imperial General Plan Amendment.

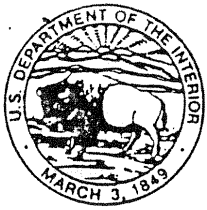
In accordance with 14 CCR Section 15375, it is understood that "[t]he purpose of the notice is to solicit guidance from those agencies as to the scope and content of the environmental information to be included in the EIR." Additionally, the Imperial Irrigation District (IID) would like to inform the County of Imperial that it is a responsible agency as defined under 14 CCR Section 15381 and possesses jurisdiction by law under 14 CCR Section 15366(a)(3) which entitles it to exercise authority over resources which may be affected by the project.

Pursuant to California Public Resources Code Section 21080.4(a), the environmental information which is germane to IID's statutory responsibilities in connection with the proposed project and which, pursuant to the requirements of Sections 21000-21177, shall be included in the EIR is as follows: Information involving water quality and availability for irrigation and domestic uses, electric power supply and distribution, sewage treatment and flood control.

In accordance with Section 21080(4)(b), the IID hereby requests one or more meetings with County representatives for the purpose of assisting the County in determining the scope and content of the environmental information that may be required. Please contact the Assistant General Manager Robert McCullough, at the number above, to arrange an acceptable meeting schedule for water and power issues.

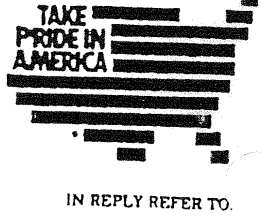
Yours truly,


CHARLES L. SHREVES
General Manager



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
California Desert District Office
6221 Box Springs Boulevard
Riverside, California 92507-0714



9/24/92

MEMORANDUM

To: Open Space Element Mailing List (partial)
From: Dick Crowe
Subject: Scoping Meeting for Biological Resources Subgroup

In the spirit of keeping you informed of activities and progress on the Open Space Element, I am enclosing a copy of the request for the subject meeting. The importance of this work is such that you should be aware and are welcome to attend. This notice and offer for involvement is made at the risk of having too many people attend: however, I feel the involvement is more important—especially for the counties and county associations of governments.

At the next Open Space Work Group meeting (October 14) we will make more subgroup assignments, tackling the list of issues that was included in the September 15 Work Group Meeting notice.

Enclosure

Dick Crowe

RECEIVED

SEP 28 1992

IMPERIAL COUNTY
PLANNING DEPARTMENT

MEMORANDUM

9/23/92

To: Open Space Element Biological Resources Subgroup

From: Dick Crowe

Subject: Scoping Meeting for Subgroup Task

Date: Friday, October 2, 1992

Time: 10:00 AM

Location: BLM Riverside Office
6221 Box Springs Blvd
Riverside, CA 92507
My # (714) 697-5216
(Map Enclosed)

I have talked with you about the need for such a meeting. This is to confirm the meeting and provide some background for you to put your thinking cap on between now and then. This is new and exciting and I look forward to the project. This is a shortterm subfunction of the overall Open Space effort; so I do not see a need to meet more than couple of times. I appreciate your support.

Enclosed is some background information on the Open Space Element project for those of you who are new to it. As you can see the task and the size of the area are enormous. Following are some thoughts that I have accumulated since I have been on the project that the project in general and the biological aspect in particular should address. I am certainly open to suggestions, new ideas and even having my mind changed. We may not necessarily get to all these items, but they help in providing perspective.

1. We're dealing with resource values from a regional significance point of view.
2. I would like to deal from a habitat basis, but will probably want species lists to emphasize the potential for species listings.
3. One goal is to manage resources so that listings are not necessary.
4. We want to recognize area size and population linkage needs to maintain gene pool viability.
5. We can't save it all.
6. How do we describe the regionally significant biological resources given the amount of information available, scale, time and extremely limited labor (eg hand work for mapping) available?

7. We want to collect information in GIS form; we do have GIS capability in the BLM office to manipulate -not digitize- data.
8. We want to provide a regional perspective as to what's going on where agencies, in their limited individual or small group perspectives, are not seeing the big picture.
9. Most of the problem is the wholesale loss of resources on private lands to development.
10. Our purpose is not to do the planning that local agencies should be doing, but to point out where local planning is lacking or plan implementation is a problem. Can we suggest new groupings of agencies for planning and resource management?
11. What will happen if existing trends are not arrested (eg species listings, increased environmental and development costs, species extirpation) ?
12. Resource protection has a range of protection and management from preservation (very limited additional uses) to multiple use management (as practiced by BLM/USFS) to low density or limited private development.
13. Given #12 can we develop a scheme of open space protection categories as well as lands that are appropriate for full development? I realize that this may violate thought #10 above.

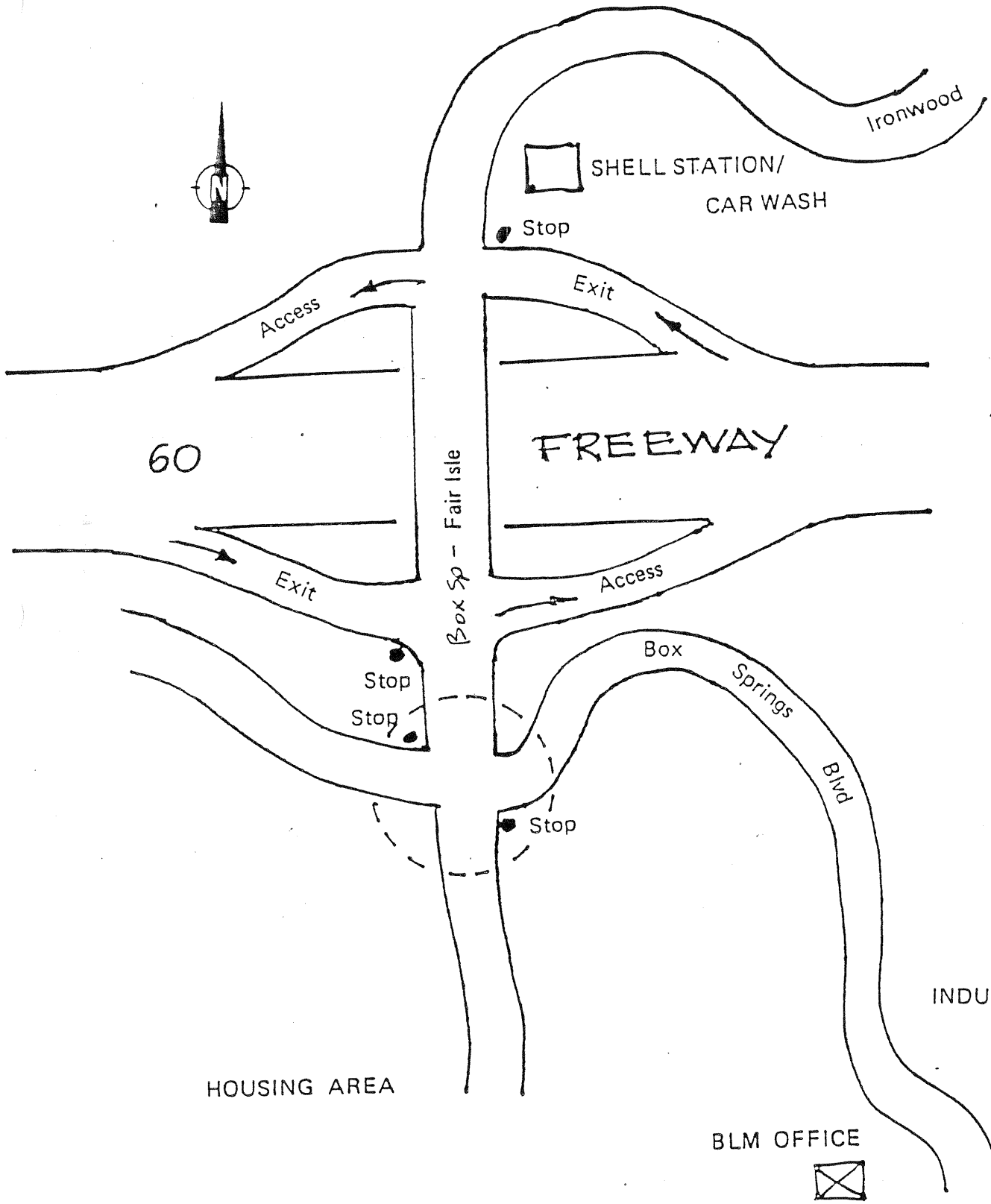
Even though there are 12 people listed below I do not have commitments from all, so I doubt there will be too many people.

Enclosures



Distribution:

1. Tom White, Zone Ecologist, Cleveland NF (619) 673-6180 x3055
2. John Bradley & Peter Stine, Wildlife Biologists, USF&WS, Carlsbad (619) 431-9440
3. Bill Havert, Planner, Dangermond & Assoc., Hemet (619) 765-6250
4. Tom Scott, Wildlife Biologist, UCR Extension (714) 787-5115
5. Steve Loe, Wildlife Biologist, San Bdn NF (714) 383-5609
6. Larry Foreman, Wildlife Biologist, BLM, Riv (714) 697-5387
7. Marc Hoshovsky, Wildlife Biologist, CDF&G, Sacto (916) 322-2446
8. Gary Bell & Cameron Barrows, TNC, Murrieta & Palm Sp(resp) (714) 677-2909 & (619) 343-1234, respectively
9. Santa Monica Mtns National Recreation Area (no name, yet)
10. Santa Monica Mtns Conservancy (no name, yet)



60

FREEWAY

Box Sp - Fair Isle

SHELL STATION/
CAR WASH

Ironwood

BLM OFFICE

HOUSING AREA

INDUSTRIAL AREA

Stop

Stop

Stop

Stop

Access

Exit

Exit

Access

Box

Springs

Blvd

Hwy 1



CITY OF YUMA

Three West Third Street
Main Street Plaza
3 W. 3rd Street
Yuma, Arizona 85364-2292
(602) 783-1277

September 29, 1992

Imperial County Planning Department
County Administrative Officer
940 W. Main Street
El Centro, CA 92243-2875

Attn: Jurg Neuberger, Planning Director

Subject: County of Imperial General Plan Amendment
Program Environmental Impact Report (PEIR)

Dear Mr. Neuberger:

Thank you very much for sending us the August 28, 1992 notice for the above. As Imperial County and the City of Yuma are immediately adjacent to each other, the City of Yuma is very interested in this project.

Due to our continuing interest, could you please be so kind as to advise this division of the progress of your work and its findings.

Thank you for keeping us informed

Sincerely,

Mark G. Bales, B.E.S.
Advanced Planner

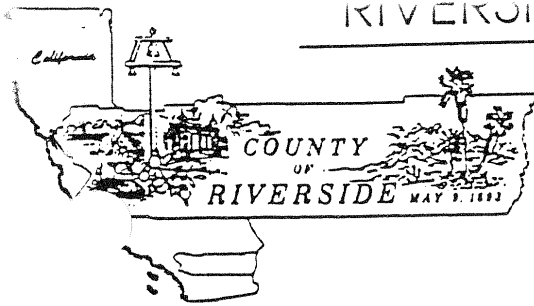
MGB/mg

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OCT 02 1992

IMPERIAL COUNTY
PLANNING DEPARTMENT

Joseph A. Richards, Planning Director
Keith D. Downs, A.I.C.P., Assistant Director



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OCT 0 2 1992

IMPERIAL COUNTY
PLANNING DEPARTMENT

BMC:7681
September 30, 1992

Mr. Jurg Heuberger, Planning Director
Imperial County Planning Department
County Administrative Offices
940 W. Main Street
El Centro, CA 92243-2875

RE: "Notice of Preparation", Program Environmental Impact Report for the County of Imperial General Plan Amendment.

Dear Mr. Heuberger:

Thank you for the opportunity to review the Notice of Preparation relating to the Imperial County General Plan update. There are issues of regional importance that affect Imperial County and Riverside County individually and collectively. The DEIR should address the potential to impact Riverside County from all the issues identified in the NOP.

More specifically, several of the issues identified in the NOP are of special interest to Riverside County. First and foremost is air quality. Additionally, land use, traffic/circulation, cultural and biological resources, water quality, growth inducing and cumulative effects are important.

ANALYSIS:

Land Use

EASTERN COACHELLA VALLEY PLAN:

The Riverside County Eastern Coachella Valley (ECVP) Plan was adopted by the Board of Supervisors on July 2, 1985, through Resolution No. 85-291 and incorporated into the Riverside County Comprehensive General Plan on December 17, 1991. The ECVP covers the area from San Diego County on the west, eastward to the All American Canal. The Land use allocation map of the ECVP identifies the following designations and densities:

Mr. Jurg Heuberger, Planning Director
Imperial County Planning Department
September 30, 1992
Page 2

- Desert Areas 1 du/10 acres maximum
- Mountainous Areas 1 du/10 acres maximum
- Agriculture 1 du/10 acres maximum
- Water Resources/Flooding 0 du
- Planned Residential Reserve 0-5/du

The Planned Residential Reserve designation is applied to sections 33 and 34, T8S, R8E, which are immediately adjacent to the Imperial County line on the north. The Planned Residential Reserve extends to the northwest in sections, 28, 20, 21, 16, 9, 4 and 5.

Plans in the northwestern part of Imperial County that allow for higher densities than those allowed in the ECVP or commercial and/or industrial land uses, could have impacts on the residents in Riverside County.

The Planned Residential Reserve (PRR) category is designed to provide for development in the "cove" areas (mouths of canyons at the base of the Santa Rosa Mountains). The category is intended to provide for self-supporting communities such as large scale resort/retirement projects. The adequacy of circulation systems and public facilities must be demonstrated to support the proposed developments before approval can be given.

The remainder of Riverside County bordering Imperial County eastward from the ECVP and All American Canal to the Colorado River, is covered by the Open Space and Conservation Map of the Riverside County Comprehensive General Plan (RCCGP).

The land use designations for the area covered in the RCCGP are Mountainous Areas, Agriculture and Desert Areas. Each of the designations allows a maximum of 1 du/10 acres.

The DEIR should address the potential impacts from higher density land uses on the largely rural landscape in southern and southeastern Riverside County.

Commercial and Industrial

The ECVP policies covering these land uses follow:

Under the ECVP (5. Land Use Policy - Industrial); industrial development should be located in areas with the necessary support infrastructure; noise sensitive receptor areas are to be avoided; buildings are not to exceed 50' in height; agricultural area industrial uses related to agriculture are to be encouraged. Industries that contribute to reduced air and water quality are to be discouraged.

Mr. Jurg Heuberger, Planning Director
Imperial County Planning Department
September 30, 1992
Page 3

Commercial uses are located along highways or at or near intersections with secondary highways. Tourists/commercial type services are to be located on major transportation routes.

4. Land Use Policy - Open Space and Conservation

This designation is intended to protect the County's environmental resources. Agricultural and associated uses are included in this designation. Farm worker housing is allowed in this designation.

TRAFFIC/CIRCULATION:

Riverside County Comprehensive Plan Circulation Study Area Map No. 9, Figure IV.10 illustrates SR 86 as an expressway with a variable width. On the east side of the Salton Sea, SR 111 is shown as an Arterial Highway with a 110' right-of-way. Study Area Map #10, Figure IV.11 covers the Palo Verde Valley. SR 78 is shown as a major road with a 100' right-of-way. Residential, Commercial and/or Industrial development proposals adjacent to or near SR 86, SR 111 and SR 74 could have impacts on traffic and circulation in Riverside County. No other roads are identified on Circulation Study Area Maps for the extensive area between SR 111 and SR 74. (See attached maps). Development proposals in Riverside County along major arterials and highways will be reviewed for architecture, landscaping setbacks, placement of utilities underground and screening of mechanical equipment (2. Land Use Policy - General.f.). Imperial County's general plan should provide for development standards compatible with those in Riverside County.

Rail

The Riverside County Transportation Commission (RCTC) has completed a feasibility study for intercity rail service from Riverside County through Imperial County down to Mexicali. "Intercity" service is Amtrak-type rail service. This proposal is regional in its effects.

Mr. Carl Schiermeyer of Schiermeyer Consultants has informed Riverside County Planning staff that CALTRANS has received the RCTC-initiated rail service study. CALTRANS is preparing a ridership study and anticipates going to the California Transportation Commission in Spring of 1993. The DEIR document should include a discussion of this proposal.

Regional Transportation Systems which provide alternatives to automobile travel should be seriously considered and addressed in the DEIR.

Mr. Jurg Heuberger, Planning Director
Imperial County Planning Department
September 30, 1992
Page 4

Particulate Material

One of the major contributors to reduced air quality is particulate material. The SCAQMD has prepared a publication on the PM¹⁰ Emission Control Measure Demonstration Projects in the Coachella Valley (February 1992). The demonstration projects are designed to test the effectiveness of drift fences and chemical stabilizers.

The Imperial County DEIR should include a review and discussion of these PM¹⁰ control methods. Wind fences could be disruptive to animal movements and create untenably altered habitat for certain species, such as the flat tailed horned lizard or fringe toed lizard, for example. Research concerning potential impacts to sensitive species should be thorough and the results and proposed mitigations included in the draft document. Monitoring programs should be prepared to accompany the DEIR.

Soil stabilizers

Chemical stabilizers are recommended to reduce PM¹⁰ in some cases. Many useful or at least harmless invertebrates nest or burrow into sand or other desert soil types. Chemical stabilizers could create a surface through which such animals could not emerge. There could be economic repercussions, in agriculture for example, if useful and/or parasitic insects are impacted by the use of chemical stabilizers. Consultation with the California Department of Fish and Game (CDFG) biologists, the U.S. Fish and Wildlife Service (USFWS, Carlsbad Field Office) and Mr. Greg Ballmer, Scientific Research Associate, at the University of California, Riverside, is strongly recommended. A thorough analysis of the various products and their reactions should be included in the DEIR. A monitoring program should accompany any mitigation proposals that include the use of chemical stabilizers.

BIOLOGICAL RESOURCES

Animals

The NOP is incorrect in stating that important biological resources are most likely to be found outside of agricultural areas. Quite the contrary; the agricultural areas are in and of themselves, biological resources of incredible importance to birds. The list of species that utilize the agricultural fields in the Imperial Valley is extensive. National Audubon Society Christmas Bird counts have been conducted for years in the Imperial Valley under the auspices of the San Diego Audubon Society. The Salton Sea provides food, rest and refuge for many species of water birds; however, the agricultural fields are the foraging sites for raptors, gulls, waders, ducks, geese, shore birds and sandhill cranes.

Mr. Jurg Heuberger, Planning Director
Imperial County Planning Department
September 30, 1992
Page 5

Given the importance of the Imperial Valley's agricultural fields to migrating, wintering and breeding birds, the DEIR should include these areas in the analysis of biological resources. Helpful contacts in addition to San Diego's expert birding community, are Messers. Gene Cardiff and Bob McKernan, curator and assistant curator of birds at the San Bernardino County Museum.

Additional biological studies should be required for all project proposals which are in undeveloped areas including agricultural land uses.

Vegetation

The plant resources should not be overlooked. Agricultural practices would more likely eliminate the plant resources which may have been present; however, if an area has lain fallow or is crossed by interior dirt roads or drainage ditches or contains clearings, etc. sensitive plant species could still be present. Consultation with the Bureau of Land Management, USFWS and CDFG botanists, is strongly recommended.

An explanation of the CEQA process, State and Federal Endangered Species Acts and local Open Space ordinances should be included in the DEIR.

FLOOD/CONTROL HYDROLOGY

The National Pollutant Discharge Elimination System (NPDES) requires that the problem of non-point pollution be addressed and the impacts from runoff from construction and impervious surfaces reduced.

The improvements to SR 86, 111 and 74 will increase the amount of impervious surfaces and increase the runoff from those roads. The run off contains pollutants which will find their way into the Salton Sea and other drainages and aquifers which Riverside County may share with Imperial County. The New and Alamo Rivers contribute raw sewage, pesticides, and other pollutants into the Salton Sea. Agricultural run off is another source of ground and surface water pollution. An explanation of how the prevention of non-point pollution is to be addressed in the General Plan should be included in the DEIR.

GROWTH INDUCEMENT

Growth inducing proposals such as highway and road improvements in Imperial County will probably have an effect on Riverside County also.

Changes in land use patterns can lead to growth inducing development. Avoidance of impacts to the public health, safety and welfare provides the best protection for the our

Mr. Jurg Heuberger, Planning Director
Imperial County Planning Department
September 30, 1992
Page 6

county's constituencies. When mitigations are proposed to reduce environmental impacts, monitoring programs are required to accompany the proposed mitigations (AB 3180). This allows for review of the monitoring proposals at the same time the change in land use is proposed.

The DEIR should address the potential impacts from higher density land uses on the largely rural landscape in southern and southeastern Riverside County.

CUMULATIVE EFFECTS

The cumulative effects of the Imperial County Program EIR for the General Plan on those regional issues identified in these comments, should be analyzed for their fiscal impacts to neighboring jurisdictions, specifically, Riverside County, and included in the DEIR. Again, thank you for the opportunity to comment on the NOP for the Program EIR of the Imperial County. We hope that our comments will be useful to you in the preparation of your general plan update and EIR. If you have any questions about our comments, please contact Ms. Beverly McIntosh (714) 275-1875 of our staff.

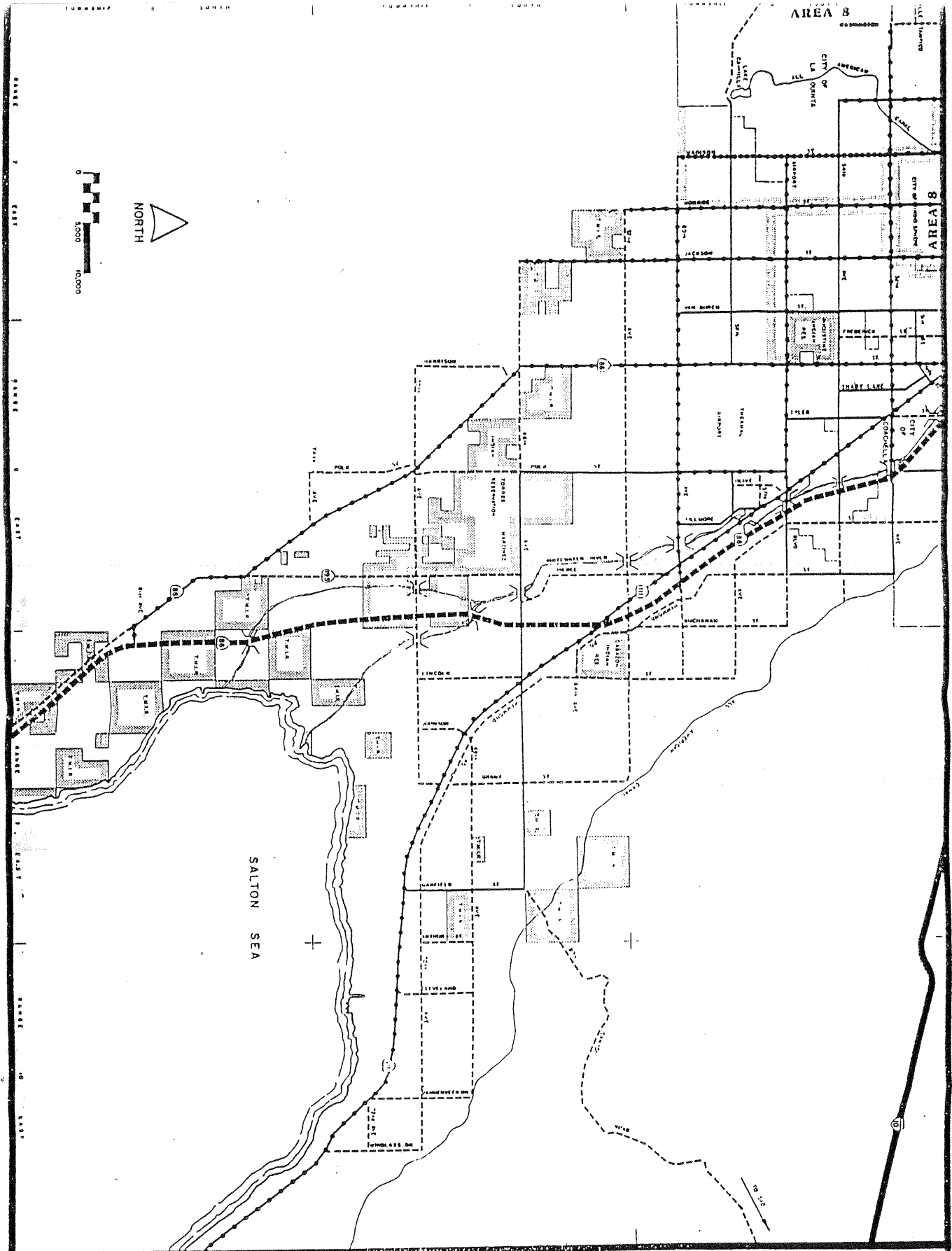
Very truly yours,

RIVERSIDE COUNTY PLANNING DEPARTMENT
Joseph A. Richards, Planning Director



Jerry Joliffe, Principal Planner

BM:mif



RIVERSIDE COUNTY GENERAL PLAN CIRCULATION STUDY AREA 9

LEGEND

SCHEMATIC	SCALE	SYMBOL
MAJOR	80'	—————
ARTERIAL	100'	—————
ARTERIAL	110'	—————
METROPOLITAN ARTERIAL	110'	—————
URBAN ARTERIAL	134'	—————
EXPRESSWAY	VARIABLE	—————
FREIGHTWAY	VARIABLE	—————
SPECIALTY ROAD	VARIABLE	—————
BIWAY		—————
SIGN OF THE FRONTAGE		—————
STATE & FEDERAL LANDS		—————

THIS MAP WAS ADOPTED MARCH 6, 1984 BY THE RIVERSIDE COUNTY BOARD OF SUPERVISORS THROUGH RESOLUTION NO. 84-77 AS A PART OF THE PUBLIC FACILITIES AND SERVICES ELEMENT OF THE COMPREHENSIVE GENERAL PLAN

RESOLUTION	DATE	RESOLUTION	DATE	RESOLUTION	DATE
84-452	12-11-84	88-485	10-6-88		
84-527	12-18-84	88-545	12-18-88		
85-291	5-28-85	89-528	11-28-89		
85-282	10-29-85	89-615	12-19-89		
85-750	12-31-85	89-639	12-19-89		
86-317	7-15-86				
86-454	10-21-86				
87-124	5-12-87				
87-254	12-22-87				
88-119	6-14-88				

* INDICATES AMENDMENT TO THIS MAP

NOTE: OTHER AERIAL MAPS ARE A GRAPHIC REPRESENTATION IDENTIFYING THE GENERAL LOCATION AND DISCONTINUITY OF EXISTING AND PROPOSED THROUGHWAYS IN THE COUNTY. ANY QUESTIONS REGARDING THESE AMENDMENTS OR GOVERNMENT STANDARDS SHOULD BE REFERRED TO THE COUNTY ENGINEER'S OFFICE.



CITY OF CALEXICO

408 Heber Avenue

Calexico, Ca 92231

(619) 768-2110

September 30, 1992

County Planning Department
Mr. Jurg Heuberger, Planning Director
940 W. Main Street
El Centro, CA 92243

Re: Notice of Preparation Program Environmental Impact Report for
the County of Imperial General Plan Amendment

Dear Mr. Heuberger:

Thank you for the opportunity to comment on the Notice of
Preparation Program Environmental Impact Report County of Imperial
General Plan Amendment.

The City of Calexico respectfully requests that the County of
Imperial General Plan Amendment incorporate the following
recommendations in the Calexico Land Use Plan:

1. Establish an overly zone contiguous to Calexico's city
limit boundaries, wherein Calexico's General Plan would
be the guiding Land Use document;
2. Establish development standards for those areas
surrounding Calexico's boundaries which would be
compatible and in conformance with Calexico's property
improvement standards;
3. Revise county's zoning ordinance within the Calexico
Planning Unit for consistency with Calexico's General
Plan and Zoning Ordinance.

Should you have any questions please contact the undersigned at
768-2118.

Sincerely,

Ricardo Hinojosa
Planning Director

CC: City Manager
PRC

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OCT 01 1992

IMPERIAL COUNTY
PLANNING DEPARTMENT

DEPARTMENT OF PARKS AND RECREATION

Salton Sea Sector - Colorado Desert District
P.O. Box 3166
North Shore, CA 92254
(619) 393-3059 fax: 393-1338



October 1, 1992

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OCT 06 1992

IMPERIAL COUNTY
PLANNING DEPARTMENT

Mr. Jurg Heuberger
Planning Director
Imperial County Planning Department
County Administrative Offices
940 W. Main Street
El Centro, CA 92243-2875

Dear Mr. Heuberger:

Thank you for requesting a response from us, regarding the Program Environmental Impact Report that the County is preparing for the General Plan Amendment. We are encouraged by such an endeavor, and look forward to being of whatever assistance that we might as you progress with the PEIR.

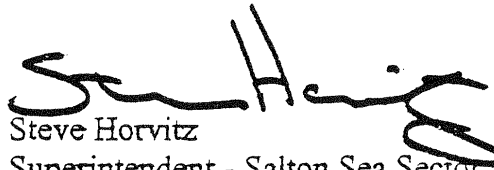
As you know there are portions of four California State Parks within Imperial County, Anza Borrego Desert State Park, Ocotillo Wells State Vehicle Recreation Area, Salton Sea State Recreation Area, and Picacho State Recreation Area. I have been assigned as your contact, should you need our assistance or input during this process.

We are confident that you will consider the needs of the Department, and the Department's physical relationship to the County as you progress with your plan.

Please call me if I can be of service. I would appreciate being placed on your mailing list and will plan on attending at least some of your public meetings regarding the PEIR.

Good luck with your program.

Sincerely,


Steve Horvitz
Superintendent - Salton Sea Sector
Colorado Desert District

DEPARTMENT OF TRANSPORTATION

DISTRICT 11, P.O. BOX 85408, SAN DIEGO, 92186-5408

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OCT 13 1992

IMPERIAL COUNTY
PLANNING DEPARTMENT

(619) 688-6002

October 8, 1992

11-IMP-007

0.0/1.2

Mr. Jurg Heuberger
Planning Director
County of Imperial
940 W. Main Street
El Centro, CA 92243-2875

Dear Mr. Heuberger:

Notice of Preparation of a Program Environmental Impact Report
for the County of Imperial General Plan Amendment

Caltrans District 11 comments are as follows:

- Traffic/Circulation (Page 4) - The analyses for the Circulation/Scenic Highways Element of the proposed General Plan need to include future State Route 7 (SR-7) in the evaluations of potential environmental impacts and recommended mitigations.
- We assume that the General Services Administration (Federal) has received a copy of the subject Notice of Preparation (NOP) for their review and comments. Our agency is particularly concerned that coordination for the proposed Port-of-Entry and future SR-7 is maintained.

Our contact person for future SR-7 is Mark Parra, Project Manager, Project Development Branch "B", (619) 688-6952.

Sincerely,

JESUS M. GARCIA
District Director

By

A handwritten signature in black ink, appearing to read "Bill Dillon".

for BILL DILLON, Chief
Planning Studies Branch

AGRICULTURE

Steve Birdsall, Imperial County Agricultural Commissioner
Wes Bisgaard, Manager, Imperial Valley Farm Bureau
Refugio Gonzalez, Director, Cooperative Agricultural Extension
Don Cox, Farmer
Lester Bornt, Farmer

** COMMON CONCERNS **

- I. Leap-frog development that creates "patches" of residential and other kinds of non-agricultural development in the midst of agricultural lands.
- II. Preservation of Agricultural land.
- III. Need for "Right-to-Farm" ordinance to protect farming interests from non-agricultural land users.
- IV. Need for education and concern for maintenance of local infrastructure needs (i.e. roads) so that agricultural equipment can be transported safely and effectively.
- V. Potential labor shortage in years to come.

**VOLUME II
FINAL
ENVIRONMENTAL IMPACT REPORT
FOR THE
COUNTY OF IMPERIAL GENERAL PLAN
COMMENTS AND RESPONSES**

Prepared for:

County of Imperial
Planning Department
940 West Main Street
El Centro, California 92243-2875

Prepared by:

Brian F. Mooney Associates
9903-B Businesspark Avenue
San Diego, California 92131

May 1993

INTRODUCTION

This volume of the Final Environmental Impact Report for the County of Imperial General Plan contains the comments received during public review of the Draft EIR, and the responses to those comments. A total of 23 comment letters were received, and these letters contain a total of 780 specific comments. A list of the agencies and individuals who submitted comments, and the associated comment numbers, is provided on the subsequent page. This list is followed by all the comment letters, and then the responses to all comments.

DRAFT EIR LETTERS AND COMMENT NUMBERS

<u>Name</u>	<u>Comment Numbers</u>
U.S. Fish and Wildlife Service - March 1, 1993	1-45
Bureau of Land Management - March 18, 1993	46-92
California Department of Transportation - March 8, 1993	93-101
California Integrated Waste Management Board - February 25, 1993	102-103
California Regional Water Quality Control Board - February 25, 1993	104-106
California River Board of California - March 16, 1993	107-123
Imperial County Department of Public Works - March 22, 1993	124-143
Imperial Irrigation District - March 22, 1993	144-172
Metropolitan Water District of Southern California - March 22, 1993	173-211
Coachella Valley Water District - February 3, 1993	212-216
Southern Pacific Lines - March 22, 1993	217-223
Southern California Association of Governments (SCAG) - March 10, 1993	224-232
City of Brawley - March 15, 1993	233-238
City of Calexico - March 22, 1993	239-247
City of Calipatria - March 2, 1993	248-257
City of El Centro - March 22, 1993	258-265
City of Imperial - March 5, 1993	266-275
El Centro Chamber of Commerce - March 17, 1993	276
El Centro Regional Medical Center - March 22, 1993	277-286



DRAFT EIR LETTERS AND COMMENT NUMBERS

<u>Name</u>	<u>Comment Numbers</u>
Sierra Club, San Diego Chapter - March 22, 1993	287-771
Glenn L. Gearhart - March 15, 1993	772-774
Sutherland & Gerber - March 22, 1993	775
Edith Harmon - March 17, 1993	776-780

COMMENT LETTERS



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Salton Sea National Wildlife Refuge Complex
Post Office Box 120
Calipatria, California 92233-0120

March 1, 1993



RECEIVED

MAR 04 1993

IMPERIAL COUNTY
BUILDING INSPECTION

Mr. Jurg Heuberger, Planning Director
Imperial County Planning Department
939 Main Street
El Centro, CA 92243-2856

Dear Mr. Heuberger,

Thank you for the opportunity to review the draft EIR for the County of Imperial General Plan Revision. Any discussion concerning mitigation should be conducted with biologists in our Enhancement office located in Carlsbad, California. Following are specific suggestions, itemized by page number, toward improving the Draft.

- 1 Page II-7c. Include national wildlife refuge, state parks, etc.
- 2 Page III-11. The southern area of the Salton Sea is a U.S. Fish and Wildlife Service National Wildlife Refuge and should be depicted as such under 3 (shown as 8 on figure 3).
- 3 Page III-20. The Mesquite Lake SPA also contains duck clubs which harbor an important sandhill crane (California threatened) winter roost site. Many industrial uses may not be compatible with this roost.
- 4 Page III-47. The correct name is U.S. Fish and Wildlife Service. The USFWS is currently conducting studies of the pesticide DDT and its metabolites on piscivorous birds.
- 5 Page III-50. Non-agricultural development that does not adjoin at least one side of an existing urban use may in some cases also constitute a significant impact to wildlife species which utilize the area as habitat. This is also a good mitigation measure towards decreasing fragmentation of agricultural lands used by wildlife species.
- 6 Page III-51. These agricultural buffer zones will also provide needed buffer zones for wildlife species which may be utilizing agricultural lands.
- 7 Page III-52. A significant impact of the Mesquite Lake SPA may be the disturbance of the sandhill crane roost. This should be discussed in more detail with mitigation measures included.
- 8 Page III-53. Will mitigation for the Interstate 8/SR 111 SPA, which brings suitable off-site replacement land into agricultural production, have any impacts to currently undeveloped wildlife habitat?
- 9 Page III-54. Same comment as III-53 for Tamarack Canyon and Bravo Ranch SPA.

10 Page III-87. Plants and Vegetative Habitats. In this section, you fail to adequately mention important wetland plant communities and vegetation. Sedge, cattails, rush, and bulrushes would not be located in the overstory of wetland plant communities.

11 Page III-89. Wildlife. In the second paragraph, it would be more accurate to say "2) those which are seemingly tolerant of the agricultural activities occurring in the Valley;."

12 Page III-89. Fish. At the end of the first paragraph, it would be more accurate to say that the "... pupfish is a native fish found in the Salton Sea, whitewater River, San Felipe Creek, Salt Creek, and at least 72% of all agricultural drains at the Sea."

13 Page III-89. Amphibians and Reptiles. Add Woodhouse's toad to the list of amphibians. Delete Sonoran mud turtle and spiny softshell turtle from amphibian list and add them to reptile list. You list both "Barefoot banded" and "magic gecko" as separate species, actually barefoot gecko and magic gecko are two names for the same animal, with "barefoot gecko" being the generally accepted common name. Use one of these names consistently throughout the draft and tables. Banded gecko is a separate species which needs to be added to your list of "typical" species. Change "western iguana" to desert iguana. Change "Colorado fringe-toed lizard" to Colorado Desert fringe-toed lizard. Change "western rattlesnake" to western diamondback rattlesnake. Add long-nosed snake, rosy boa, leaf-nosed snake, shovel-nosed snake, speckled rattlesnake, and western ground snake to your list of "typical" species.

14 Page III-90. Birds. In the first paragraph at least 378 bird species and 41 mammal species have been documented in Imperial County. It would be more accurate to state that "The food potential of cultivated areas is a contributor to the broad range of bird species frequenting the County, however, agricultural monocultures generally produce low diversity of wildlife species." In the third paragraph it would be more accurate to state "The diversity of resident bird species is relatively low..."

15 Page III-90. Mammals. In the middle of the first paragraph house mouse should be added. "Brush rabbit" should be changed to desert cottontail rabbit. It would be most accurate to state that "bats... are found in all areas of Imperial County due, in part, to agricultural canals, which provide abundant insects and reliable water sources. It is also true that agricultural pesticides have greatly led to the demise of bat populations in the U.S. In the second paragraph, "desert and blacktail jackrabbit," should be changed to only "blacktail jackrabbit."

16 In figure 11 of Sensitive Plants, Wildlife Areas and Unusual Plant Assemblages, the areas depicting flat-tailed horned lizard and desert tortoise need to be expanded to be accurate. Add the sandhill crane roosting area near the town of Imperial to this figure. This roost is important in maintaining the wintering population of this threatened species within the Imperial Valley.

17 See the attached input from us on Table 14 of Sensitive Animal Species in Imperial County to make the information more accurate. It may be appropriate

17 to list bird species in the order listed by the American Ornithologist's Union.

18 Page III-106. Fish. In the first paragraph, it would be most accurate to state that "... pupfish occurs within the Salton Sea, San Felipe Creek, Whitewater River, Salt Creek, and at least 72% of all agricultural drains feeding the Sea." In the third paragraph, it is not accurate to state that "Designated critical habitat...at best contains unstable populations of desert pupfish." It would be more accurate to state that "Designated habitat...protects populations of desert pupfish which are generally increasing throughout the Salton Sea ecosystem."

19 Page III-106. Amphibians and Reptiles. Listing of the flat-tailed horned lizard is imminent and must be planned for. In the third paragraph it would be appropriate to mention that the U.S. Fish and Wildlife Service is currently preparing a listing package for the flat-tailed horned lizard which will be listed as a threatened or endangered species.

20 Page III-107. Birds. In the second paragraph it would be most accurate to state that "Agricultural areas in the County provide important habitat for species such as the sandhill crane, which utilizes wetland roosting areas between Brawley and Imperial and forages throughout the Valley." The Imperial Valley contains populations of both greater and lesser subspecies of sandhill crane. Several plans, including the City of Imperial Annexation and the Imperial County Enterprise Zone, have the potential to affect this roost with further development in these areas. Therefore, include more discussion on this topic.

21 The U.S. Fish and Wildlife Service Enhancement Field Office in Carlsbad should be informed of any plan within the county with the potential to affect any federally listed species or their habitat in order to initiate formal consultation as provided under the Endangered Species Act. A discussion of each of these listed and proposed species, as listed in this DEIR, should be included with a more thorough discussion of each species' habitat.

22 Page III-108. Mammals. It is most accurate to state that "Agricultural areas in the County provide foraging habitat for some bat species through the availability of water and flying insects. Agricultural pesticides, however, can have a negative impact on bat populations."

23 Page III-113. Replace wintering with migrant bird species.

24 Page III-119. If crayfish are indeed a sensitive species, please provide more information!

25 Page III-120. Correct name is Colorado Desert fringe-toed lizard.

26 Page III-123. It should be noted that the Pacific Flyway Management Plan specifically mentions the crane roost located near Imperial and calls for the roost's future protection. The Mesquite Lake SPA, City of Imperial Annexation, and Imperial County Enterprise Zone may produce results which could become conflicting with this Management Plan.

- 27 Page III-125. Agriculture/Pesticide Spraying. Your treatment of this topic should include a discussion of impacts to other insectivorous wildlife including birds and bats.
- 28 Page III-126. Roads and Transmission Lines. Your treatment of this topic should include a discussion of direct powerline mortality to birds.
- 29 Page III-129. Off-Highway Vehicles. Your treatment of this topic should include a discussion of direct impact by ORV's on desert reptiles and other wildlife through crushing and harassment, along with destruction of habitat.
- 30 III-126. The USFWS has completed the Drainwater Study. Research currently conducted includes levels of DDE (a DDT metabolite) and its effect on piscivorous birds.
- 31 Page III-129. An extension of the Ocotillo Wells State Vehicle Recreation Area into flat-tailed horned lizard habitat may require formal consultation with the USFWS Enhancement Field Office in Carlsbad pending listing of this species.
- 32 Page III-130. Include a discussion of the impacts of mining on the federally threatened desert tortoise. Formal consultation with USFWS would be required for any such activities in desert tortoise habitat. Also include a discussion of possible effects of cyanide leaching ponds to migratory birds, and a discussion of habitat destruction due to mining.
- 33 Page III-130. Who will pay for a qualified biologist to design site-specific mitigation measures? Include more of a discussion on how this process will be implemented, and how the responsible agency (planning dept.) will enforce this reconnaissance and report from a biologist.
- 34 Page III-132. Revegetation with native species should be a concept for all developments, not just those contiguous with undisturbed wildlife habitat. Neotropical migrants and resident nesting birds would all benefit from native vegetation in residential areas.
- 35 Page III-195. Include a discussion of the mining activities on visual resources (i.e. Cargo Muchacho Mts., Mesquite Mine, etc.).
- 36 Page III-200. It may be misleading to state abnormalities in wildlife have not been detected since no studies to-date have been completed which studied this aspect.
- 37 Page III-203. Include a discussion of quantity of water discharged to drainage systems as a result of urbanization with the resulting effect on drains and the Salton Sea.
- 38 Page III-204. Water conservation is generally accepted as a good idea. However, in the case of the Salton Sea, decreased amounts of water inflow may result in higher concentrations of salt and contaminants. If water conservation is desired, implementation of graded water costs to private residences could be required.
- 39 Page IV-3. Include more discussion of the conversion of currently undeveloped land here and elsewhere where appropriate in this document. Where is this

39 land located? Where is the land not owned by BLM? What is the land's current use? What wildlife species could be affected?

40 Page V-6. A decrease in water run-off due to conversion of agricultural to urban uses could result in increasing salt and contaminant concentrations in water.

41 Page IX-8. If the majority of the land is BLM, who owns the remainder? Any projects which would affect flat-tailed horned lizard habitat would require formal consultation with USFWS.

42 Page IX-24. Include a discussion of where the areas are where agriculture would be allowed as compared to the 1973 General Plan which maintained these areas as Preservation.

43 Page D-4. Correct the scientific name spellings of antelope ground squirrel, cactus mouse, mule deer, hispid cotton rat, Norway rat, and whitethroated woodrat. The bird list is only partial, and should include many additional species found in the county, including several species which frequent agricultural lands.

44 Page D-7. The reptile list should include those mentioned under comments for page III-89.

45 Page D-8. See comments for page III-89.

I hope these comments are useful in the completion of your Draft. If you have any questions, or require further discussion, please contact me at (619) 348-5278.

Sincerely,

Marcia F. Radke

Marcia F. Radke
Wildlife Biologist

TABLE 14
SENSITIVE ANIMAL SPECIES IN IMPERIAL COUNTY

Species	Status & Authority	Status In Imperial County	Habitat Preference	Locale
<i>Xenotail chub</i> <i>Gila elegans</i>	State - endangered Federal - endangered	Possibly extirpated	Freshwater springs, streams, rivers, agricultural drains, irrigation channels, ponds, lakes, reservoirs	Lower Colorado River
Colorado squawfish <i>Pychocheilus lucius</i>	State - special concern Federal - category 2	Possibly extirpated	Freshwater springs, streams, rivers, agricultural drains, irrigation channels, ponds, lakes, reservoirs	Lower Colorado River
Jumpback (or razorback) sucker <i>Xyrauchen texanus</i>	State - endangered Federal - endangered	Extremely rare; adults may still persist in a few backwater areas	Freshwater springs, streams, rivers, agricultural drains, irrigation channels, ponds, lakes, reservoirs	Possibly Senator Wash at lower Colorado River
desert pupfish <i>Cyprinodon macularius</i>	State - endangered Federal - endangered	Stable; present in at least 57% of agricultural drains	Shoreline pools of Salton Sea, slow-moving streams with sand-silt substrate, refugium ponds, shallow waters, agricultural drains; abundant algae	San Felipe and Whitewater Creeks, Salton Sea National Wildlife Refuge <i>monthly every dam and tributary of the Se</i>
Colorado River toad <i>Bufo alvarius</i>	State - special concern	Declining	Springs, streams, reservoirs; ranging from arid mesquite-creosote bush lowlands to oak-sycamore mountain canyons	Lower Colorado River
couch's spadefoot toad <i>Scaphiopus couchii</i>	State - special concern	Unknown	Streams, temporary pools, lakes, reservoirs, marshes	Eastern edge of Algodones Dunes
lowland leopard frog <i>Rana yavapaensis</i>	State - special concern	Very rare; possibly extirpated from San Felipe Creek	Desert streams and pools; may occur in agricultural drains throughout Imperial Valley	San Felipe Creek
Sonoran mud turtle <i>Kinosternan sonoriense</i>	State - special concern	Extremely rare	Streams, backwaters of Colorado River	Lower Colorado River (old records), near Palo Verde and Yuma Indian Reservation
desert tortoise <i>Gopherus agassizi</i>	State - threatened Federal - threatened	Fairly common, but declining in northeastern portion of County; extremely rare in remaining eastern Imperial County	Desert oases, riverbanks, washes, dunes; creosote scrub	<u>Northeastern Imperial County</u> <i>check current maps!</i>

TABLE 14
SENSITIVE ANIMAL SPECIES IN IMPERIAL COUNTY

Species	Status & Authority	Status In Imperial County	Habitat Preference	Locale
barefoot banded gecko <i>Coleonyx switaki</i>	State - threatened Federal - category 2	Rare	Rock dweller; ranging from creosote scrub flats to the pinon-juniper belt; dry desert	Native desert of dune habitats of Imperial County <i>Rocky habitat W. Imperial County</i>
flat-tailed horned lizard <i>Phrynosoma mcalli</i>	State - special concern Federal - category 1	Population trends show declines over past 10 years	Dunes and sandy flats of low desert; sparse/barren vegetation	Yuha Desert, West Mesa, East Mesa, Algodones Dunes, Salton Sea
Colorado Desert fringe-toed lizard <i>Uma notata notata</i>	State - special concern Federal - category 2	Stable	Dunes, riverbanks, washes; creosote scrub or scant vegetation; dry desert	Algodones Dunes, Salton Sea Navy Test Base, East Mesa, Bat Cave Buttes, Glamis Dunes, Superstition Mountain
common loon <i>Gavia immer</i>	State - special concern Federal - sensitive	Uncommon migrant in spring and fall; remaining in winter along Colorado River	Open lakes, bays, sea	Salton Sea
western grebe <i>Aechmophorus occidentalis</i>	State - watch list Blue list - special concern	Common breeding migrant throughout the year at Salton Sea; very localized breeding resident along Colorado River	Rushy lakes, bays	Salton Sea
American white pelican <i>Pelecanus erythrorhynchos</i>	State - special concern Federal - sensitive	Fairly common migrant in spring and summer, common visitor in fall and winter at Salton Sea; rare migrant in summer and winter along Colorado River	Lakes, salt bays, marshes	Freshwater inlets at Salton Sea <i>also entire Salton Sea</i>
California brown pelican <i>Pelecanus occidentalis californicus</i>	State - endangered Federal - endangered	Rare visitor in winter and spring, common visitor in summer, casual visitor in fall at Salton Sea; nonbreeding visitor in summer and fall along Colorado River	Coastal salt water and open ocean	Salton Sea

TABLE 14
SENSITIVE ANIMAL SPECIES IN IMPERIAL COUNTY

Species	Status & Authority	Status In Imperial County	Habitat Preference	Locale
double-crested cormorant <i>Phalacrocorax auritus</i>	State - special concern Blue list - local concern	Fairly common breeding resident throughout the year at Salton Sea; common localized breeding resident throughout the year along Colorado River	Rivers, lakes, bays, reservoirs; nests colonially in trees on lake margins	Salton Sea and freshwater ponds and drains in the Imperial Valley
western least bittern <i>Icthyophaga exilis hesperis</i>	State - special concern Federal - category 2 Blue list	Common resident in summer, uncommon resident in winter	Cattail marshes near sources of freshwater	Salton Sea shoreline and freshwater ponds and drains
Reddish egret <i>Egretta rufescens</i>	State - special concern Federal - category 2	Accidental occurrence	Shorelines, agricultural drains, fields	Salton Sea shoreline "
great blue heron <i>Ardea herodias</i>	Blue list - local concern	Fairly common localized breeding resident in winter; common migrant in spring, summer and fall	Mudflats, marshes, swamps, sloughs	Salton Sea shoreline "
black-crowned night heron <i>Nycticorax nycticorax howicki</i>	Blue list - local concern	Fairly common localized resident throughout the year	Forages around irrigation channels, lakeshores, freshwater marshes; roosts in groves of trees during midday	Salton Sea shoreline "
White-faced ibis <i>Plegadis chiliti</i>	State - special concern Federal - category 2	Fairly common breeding resident throughout the year	Shallow freshwater ponds, irrigated agricultural fields	Imperial Valley agricultural fields and freshwater ponds
Wood stork <i>Mycteria americana</i>	State - special concern	Summer migrant at Salton Sea	Shallow ponds	Imperial Wildlife Area (Hazard Unit) near Red Hill
fulvous whistling duck <i>Dendrocygna bicolor</i>	State - special concern Federal - category 2	Fairly common (but declining) resident in summer, remaining rarely in winter; very rare or casual visitor in summer along Colorado River	Dense cattail marshes and adjacent shallow water	South end of Salton Sea National Wildlife Refuge, Finney Lake, freshwater impoundments above the mouth of Alamo River
Alcution Canada goose <i>Branta canadensis leucopareta</i>	Federal - threatened	Common visitor in winter; very abundant around Salton Sea, localized along Colorado River	Managed habitats, wildlife refuges; forages in grain fields near lakes and ponds	Salton Sea National Wildlife Refuge
Barrow's goldeneye <i>Bucephala islandica</i>	State - special concern	Accidental occurrence in winter	Mudflats, marshes, open water	Salton Sea

TABLE 14
SENSITIVE ANIMAL SPECIES IN IMPERIAL COUNTY

Species	Status & Authority	Status In Imperial County	Habitat Preference	Locate
golden eagle <i>Aquila chrysaetos</i>	State - special concern	Casual visitor in winter along Colorado River; uncommon resident throughout the year elsewhere	Grasslands, broken chaparral or sage scrub; soars all over; nests in rugged mountains	Anza-Borrego Desert State Park
prairie falcon <i>Falco mexicanus</i>	State - special concern	Uncommon; most often observed soaring over agricultural fields in Imperial Valley or perched on utility poles	Open desert scrub and grasslands, agricultural areas; nests in cliffs or rocky outcroppings	Imperial Valley agricultural fields
American peregrine falcon <i>Falco peregrinus anatum</i>	State - endangered Federal - endangered	Rare migrant and non-breeding visitor in summer at Salton Sea; rare migrant and casual visitor throughout the year elsewhere	Oases, mud flats, shores, or ponds with other water birds; nests in cliff faces near coastal estuaries	Salton Sea shoreline, New River delta, Morton Bay
osprey <i>Pandion haliaetus</i>	State - special concern Blue list - local concern	Uncommon to rare migrant throughout the year	Large inland lakes in foothills and mountain areas	Salton Sea, lower Colorado River
merlin <i>Falco columbarius</i>	State - special concern	Rare migrant in fall and winter	Most often seen soaring over agricultural areas in Imperial Valley	Imperial Valley agricultural fields
California black rail <i>Laterallus jamaicensis coturniculus</i>	State - threatened Federal - category 1	Uncommon to rare localized resident in summer; fairly common resident at Imperial Dam in spring and summer	Freshwater bullrush marshes	Salton Sea National Wildlife Refuge, Finney Lake, Seeley, Niland, Salt Creek, Imperial Dam, Carrizo Marsh in Anza-Borrego Desert State Park
Yuma clapper rail <i>Rallus longirostris yumanensis</i>	State - threatened Federal - endangered	Fairly common resident in summer, uncommon resident in winter at Salton Sea; fairly common to common resident in summer, rare in winter along Colorado River	Ephemeral freshwater marshes consisting of pure cattails and rushes to marginal stands of cane and flooded salt cedar	Salton Sea and Imperial National Wildlife Refuges, New and Alamo Rivers, Whitewater River, Salt Creek ^{any freshwater marshes in Imperial Valley}
greater sandhill crane <i>Grus canadensis tabida</i>	State - threatened Federal - sensitive	Common visitor in winter	Grasslands and agricultural fields	Between Brawley and El Centro, Cibola National Wildlife Refuge, lower Colorado River
willow flycatcher <i>Empidonax traillii eximius</i>	State - endangered Federal - category 1 Blue list - special concern	Fairly common to common migrant throughout the year; very rare resident in summer	Among any trees or large scrubs; nests in willow thickets in riparian woodland	Lower Colorado River

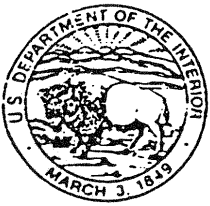
TABLE 14
SENSITIVE ANIMAL SPECIES IN IMPERIAL COUNTY

Species	Status & Authority	Status In Imperial County	Habitat Preference	Locale
tricolored blackbird <i>Agelaius tricolor</i>	Federal - category 2	Accidental occurrence	Freshwater marshes, cattails, tules, willows, mulefat; forages in agricultural areas, lakeshores, damp lawns	Imperial Valley agricultural fields
northern cardinal <i>Cardinalis cardinalis superba</i>	State - special concern	Accidental occurrence	Hedgerows, wooded margins, desert washes, residential areas	Lower Colorado River
yellow warbler <i>Dendroica petechia brewsteri</i>	State - special concern	Fairly common migrant in spring, uncommon localized resident in summer, fairly common to common migrant in fall, rare visitor in winter	Breeds in riparian woodlands, esp. broad leaf trees	Lower Colorado River, Imperial National Wildlife Refuge
Virginia's warbler <i>Vermivora virginiae</i>	State - special concern	Accidental to occasional migrant in spring and fall	Mesquite thickets or brushy areas, riparian woodlands, tree rows	Lower Colorado River, Imperial National Wildlife Refuge
yellow-breasted chat <i>Icteria virens</i>	State - special concern	Uncommon to occasional migrant	Riparian woodlands	Lower Colorado River
summer tanager <i>Piranga rubra</i>	State - special concern	Accidental occurrence	Residential areas with larger trees	Imperial Valley
mountain plover <i>Charadrius montanus</i>	State - special concern Federal - category 2	Common to very common localized visitor in winter; reduction of grasslands is main cause for decline	Newly disked or burnt agricultural fields	Imperial Valley agricultural fields
western snowy plover <i>Charadrius alexandrinus nivosus</i>	State - special concern Federal - category 2 Blue list - special concern	Rare to uncommon breeding resident in spring	Shorelines, shallow water areas, flooded agricultural fields	Salton Sea shoreline (Unit 1), barmacle bars
long-billed curlew <i>Numenius americanus</i>	State - special concern Federal - category 2	Common migrant and visitor in winter, uncommon and local visitor in summer	Freshwater ponds, mudflats, salt marshes, irrigated agricultural fields	Imperial Valley agricultural fields and freshwater ponds
laughing gull <i>Larus atricilla</i>	State - special concern	Non-breeding visitor in summer and fall	Open water, shorelines, mudflats; formerly nested in the County, but no recent breeding recorded	Salton Sea shoreline
California gull <i>Larus californicus</i>	State - special concern	Common migrant in spring and fall	Open water, freshwater ponds, lakes, shorelines, mudflats, agricultural fields, garbage dumps	Salton Sea shoreline

TABLE 14
SENSITIVE ANIMAL SPECIES IN IMPERIAL COUNTY

JOHNSON DAMS
IN RIVERSIDE CO.

Species	Status & Authority	Status In Imperial County	Habitat Preference	Locale
Gull-billed tern <i>Sterna nilotica</i>	State - special concern	Uncommon breeding resident in spring and summer	Shorelines; Salton Sea is only inland-occurring nesting colonies in western U.S.	Salton Sea shoreline near Red Hill, Johnson's Drain Mullet Island - also near Barth Rd.
California least tern <i>Sterna antillarum browni</i>	State - endangered Federal - endangered	Populations currently suffering serious declines	Shorelines; nests along the coast	Salton Sea shoreline
elegant tern <i>Sterna elegans</i>	State - special concern Federal - category 2	Accidental occurrence	Mudflats, shorelines	Salton Sea shoreline
black skimmer <i>Rynchops niger</i>	State - special concern	Uncommon breeding resident in spring and summer	Dikes, mudflats; Salton Sea is only inland-occurring nesting colonies in western U.S.	Salton Sea shoreline near Red Hill also Mullet Island east near Barth Rd.
western yellow-billed cuckoo <i>Coccyzus americanus occidentalis</i>	State - endangered Federal - sensitive	Accidental occurrence	Riparian corridors, cottonwood-willow habitat	Lower Colorado River
short-eared owl <i>Asio flammeus</i>	State - special concern Blue list	Rare to uncommon localized migrant in winter	Salt marshes, open grasslands, agricultural areas	Imperial Valley agricultural fields
long-eared owl <i>Asio otus</i>	State - special concern	Rare localized resident and visitor in winter	Wooded areas near open country	Anza-Borrego Desert State Park (Tamarisk Grove campground)
burrowing owl <i>Athene cucularia</i>	State - special concern Blue list - special concern	Common resident throughout the year; Western Breeding Bird Surveys show localized declines	Grasslands, agricultural areas	Imperial Valley agricultural fields & drain
elf owl <i>Micrathene whitneyi</i>	State - endangered	Accidental occurrence	Native desert areas	Lower Colorado River
black swift <i>Cypseloides niger</i>	State - special concern	Accidental occurrence	Soaring over ponds	All areas of Imperial County
gila woodpecker <i>Melanerpes uropygialis</i>	State - endangered	Rare resident throughout the year	Trees	Brawley, Catala Park, Cattle Coll
California leaf-nosed bat <i>Macrotus californicus</i>	State - special concern Federal - category 2	Uncommon localized breeding migrant throughout the year; declining due to habitat loss	Caves and mine shafts during the day; occasionally found in buildings at night; forages in washes	All areas of Imperial County; most common in mountains of eastern Imperial County
pallid bat <i>Anurozous pallidus</i>	State - special concern	Uncommon migrant throughout the year; declining due to habitat loss	Caves, mines, cliff crevices, buildings; roosts in trees	All areas of Imperial County



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
El Centro Resource Area
1661 South 4th Street
El Centro, California 92243-4561



March 18, 1993

1791
(C-067.22)

Planning Department, Imperial County
Attn. Jurg Heuberger
939 Main Street
El Centro, CA 92243-2856

Dear Mr. Heuberger:

Enclosed are comments compiled by my staff resource specialists, who reviewed the Draft Environmental Impact Report (EIR) for the Imperial County General Plan Update. Please consider the enclosed comments for preparation of the Final EIR.

We are available to meet with your planning staff to discuss our concerns with you. Please contact Kerry Schwartz, of our office, to set up a time that would be convenient for a meeting.

Thank you for your cooperation with this office.

Sincerely,

G. Ben Koski
Area Manager

enclosures

RECEIVED

MAR 18 1993

IMPERIAL COUNTY
BUILDING INSPECTION

**COMMENTS ON THE IMPERIAL COUNTY
DRAFT
ENVIRONMENTAL IMPACT REPORT**

46 Both the Draft General Plan Update (DGP) and the Environmental Impact Report (EIR) need to discuss the significant changes (e.g., new laws, new species listed as sensitive, threatened or endangered) that have occurred since the 1973 General Plan. Specifically, the Draft General Plan Update and the EIR assume there have been no changes since the previous General Plan in 1973. For example, the Federal Land Policy and Management Act (FLPMA) was passed in 1976 and directed BLM to retain most of these lands. No longer would public lands be available for disposal for agricultural use. Only those lands found not to be in the national interest for retention through the Bureau's planning process can be disposed off. Even then, FLPMA established a series of tests that a parcel must pass before it can be disposed off. Under these requirements, very few can be disposed of for agricultural use. Both the DGP and the EIR treat public lands on East and West Mesa as though they are prime farm land.

<u>Page</u>	<u>Comments</u>
47 [S-4 Para 3	The EIR should discuss the negative impacts to resources from the proposed increase in county road right-of-way widths.
48 [S-7 Para 7	The EIR should list the types of impacts that are expected from hikers and equestrian users. The magnitude of these impacts should be projected under each alternative.
49 [S-7 Para 9	The EIR should discuss the negative impacts to natural resources from off-highway vehicle use. The magnitude of those impacts should be projected under each alternative.
50 [S-7 Para 9	For consistency, the EIR and DGP should use the term "off-highway vehicle" instead of "off-road vehicle". The State of California has adopted the former term to be used in the state.
51 [S-9 Para 2	The discussion of mitigation measures should be expanded beyond the costs of the proposed plan upon the County government. For example, increased housing will cause more BLM managed lands to be disturbed for new or expanded roads. New sand and gravel areas will be required from public lands. Associated electrical and water needs will require additional rights-of-ways across public lands. The increase in the County's population will cause increased recreation uses and demands upon public lands. Federal law enforcement activities by BLM Rangers to protect public lands would also increase. The mitigation measures discussed would not have any effect upon the impacts to BLM managed lands.

- 52 S-13 Para 7 The mitigation measures should include how the impacts of proposed recharge facilities upon flat-tailed horned lizard habitat would be mitigated.
- 53 S-14 Para 2 The discussion is incorrect because most of the East Mesa area consists of public lands which are not available for agricultural use.
- 54 Figure 2 The Superstition Mountains are not part of the parachute testing area.
- 55 II-5 Figure 2 San Felipe Townsite should be removed from the map because it is not addressed in the EIR or the DGP. In addition, does the San Felipe Townsite still exist south of San Sebastian Marsh? If it is on public lands, the sensitive resources present would preclude the area from being disposed of.
- 56 II-13 Para 2 The Housing Element should be addressed in the EIR. The DGP and EIR have many sections that deal with housing. The impacts of the Housing Element were analyzed in relation to the 1973 General Plan. But the impacts of that element and of the DGP on the housing element needs to be discussed in terms of cumulative impacts and changes that have occurred since that element was adopted by the Board of Supervisors.
- 57 III-8 Para 3 For consistency in the EIR and DGP, "Imperial Sand Dunes" or "Algodones Sand Dunes" should be used instead of "Sand Hills".
- 58 III-16 Para 9 The EIR should discuss the reduction of agricultural designations that are a result of the DGP and not the result of legislation passed since 1973. As discussed above, most of the East Mesa lands do not qualify as agricultural lands.
- 59 III-17 Para 2 The EIR should discuss the County of Imperial's responsibility for private lands where there is a checkerboard ownership pattern. The BLM is responsible for managing only the public lands in these areas. It is incorrect to imply that the California Desert Plan applies to the private lands. Likewise, it is inaccurate to state "BLM, therefore, is the principal entity charged with the protection of natural resources within these areas." in regards to private lands.
- 60 III-18 Para 3 The boundaries of the military reservations in the county are incorrect. Please contact our office for a copy of a map with the correct boundaries.
- 61 III-22 Para 1 For consistency and accuracy, the EIR should use "Imperial Sand Dunes" or "Algodones Sand Dunes" instead of the "Glamis Sand Dunes". Likewise, "Osborne Scenic Overlook" should be used instead of "Osborne Park".

62	III-54 Para 4	It is incorrect for the EIR or the DGP to claim a proposed 289,949 acre, or 452 square mile, reduction in lands designated for agriculture in the East Mesa. Both documents are using the fact that most of the acreage is unfarmed public lands and the Federal Land Policy Management Act of 1976 removed them from consideration as agricultural lands.
63	III-69 Para 5	The EIR needs to evaluate and discuss the impacts of noise on sensitive wildlife receptors. Neither here nor elsewhere is there much evaluation of noise impacts upon wildlife and the definition of sensitive receptors used in the DGP specifically includes wildlife.
64	III-87 Para 3	Change "...associated with fan palms..." to read "...associated with palm oasis habitat."
65	III-87 Para 4	The EIR and the DGP should also note that natural California fan palms are found in the Jacumba Mountains.
66	Figure 10	See attached map for change(s) in habitat boundaries. The text should note who determined which areas are considered sensitive and which are not.
67	Figure 11	See attached map(s) for change(s) in sensitive plant and unusual plant assemblages boundaries. The following name changes should be made to the unusual plant assemblages: <ul style="list-style-type: none"> -Yuha Desert Crucifixion Thorn UPA -Imperial Sand Dunes UPA
68	III-108 Habitats	Somewhere in this section, reference should be made to figure ten for a definition of a sensitive habitat.
69	Figure 14	The Colorado River Herd Management Area Plan should be listed as a resource area. The narrative to follow should include the following: The Wild Horse and Burro Act, passed by Congress in 1971, provides the basis for the management of wild horses and burros by the Bureau of Land Management. It states that: "...the Secretary of the Interior shall manage wild free-roaming horses and burros in a manner that is designed to achieve and maintain a thriving natural ecological balance on public lands." The act also provides for the inventory, study, and removal (if necessary) of wild horses and burros.
70	Table 13	<i>Pholisma sonora</i> instead of <i>Ammobroma sonora</i> .
71	III-113 Para 5	Is it accurate that the surface of the Salton Sea National Wildlife Refuge's manageable acres of marsh habitat has shrunk from 35,000 acres in 1930 to 2,200 acres today due to flooding of the Salton Sea?

71 If this is incorrect, the paragraph should be rewritten for clarity and accuracy.

72 III-131 Para 2 Does CEQA treat mere consideration of the effects of an action as mitigation or does it require specific, substantive actions that can be implemented? The EIR primarily calls for consideration of the effects of proposed actions.

73 III-138 Para 3 For internal consistency, the EIR and DGP should use "Mount Signal" instead of "Signal Mountain" throughout both documents.

74 III-140 Para 2 The EIR should use the precise term "geoglyphs" that has replaced the older term of "intaglios".

75 III-140 Para 5 The EIR should point out that the West Mesa, East Mesa, Fish Creek Mountains, and Superstition Mountains areas also contain sensitive cultural resources.

76 III-143 Para 1 The EIR should point out that an Act of Congress dedicated the Juan Bautista de Anza National Historic Trail. The trail has been formally recognized to be of national significance.

77 III-147 Para 4 The EIR and DGP need to consistently use the same element titles. For example, "the Conservation and Open Space Element of the 1973 General Plan" is used here, but "the Conservation Element" of the 1973 General Plan is used on p. III-144, paragraphs 4 and 5.

78 III-149 Para 5 The EIR should use "emergency medical services" instead of "emergency services".

79 III-166 Para 3 The EIR should note that BLM provides parking pads, pit toilets, and trash dumpsters along Grays Well Road at the Buttercup Camping Area, the Midway Camping Area, and adjacent to the Plank Road.

80 III-170 Item g The EIR should discuss the impacts of sewage treatment in rural residential areas and in recreation/open space areas.

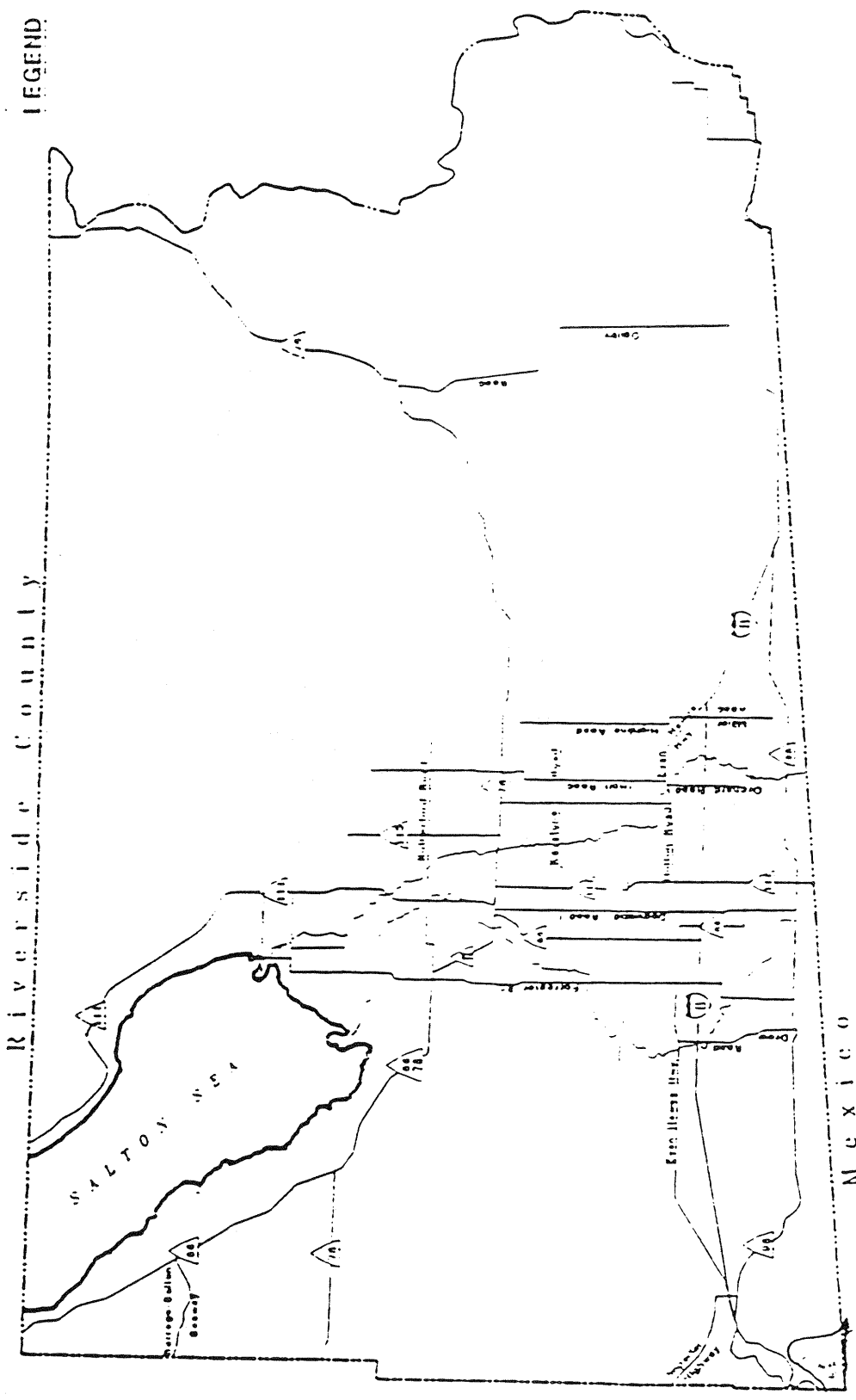
81 III-193 Para 5 The California Highway Commission was responsible the construction and maintenance of the Plank Road. It is inaccurate to imply that they took over responsibility for the road after it was constructed.

82 III-194 Para 3 Is "El Picacho" really Picacho Peak? If yes, the formation is located on public lands and is not in the Picacho State Recreation Area.

83 III-196 Section J Non-point source pollution should be addressed in this section.

84 III-216 Para 1 The EIR needs to quantify the effects of grading upon the removal of natural habitat and vegetation.

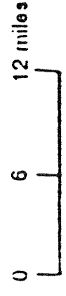
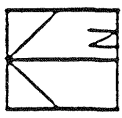
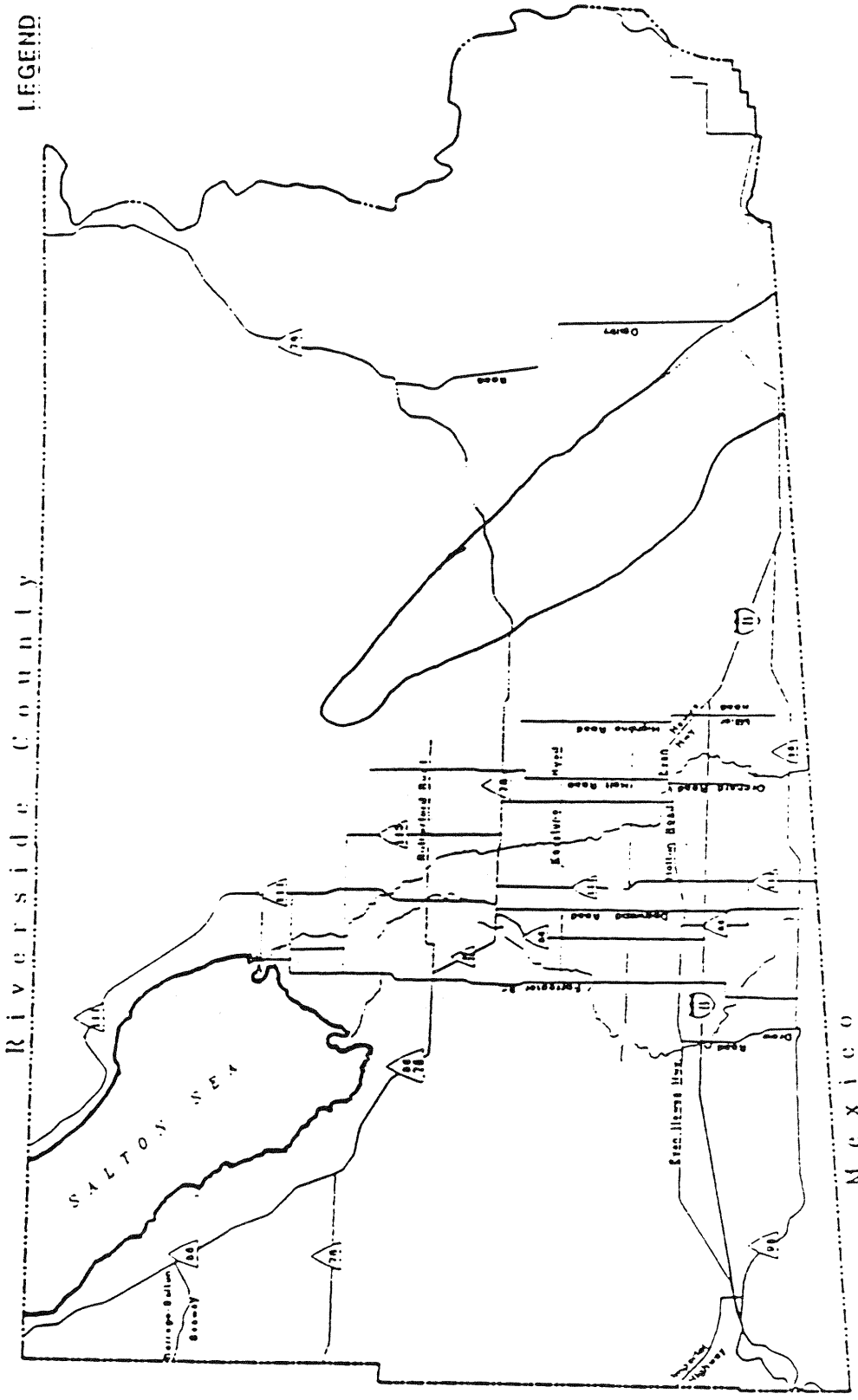
5	III-220 Para 3	The paragraph needs to be clarified. If in 1907 the Salton Sea was 195 feet below mean sea level and in 1925 was 250 feet below mean sea level, how come 226 below mean sea level in 1984 was the highest level of the Salton Sea? Isn't -195 feet higher than -226 feet?
86	IX-1 Para 4	The increase in agricultural area is not viable because most of the area for expansion consists of public lands and active military target areas.
87	IX-2 Figure 25	The EIR considers the size of military target areas as much smaller than their actual size. It is also unrealistic to expect parts of the existing target areas to be converted to agricultural lands.
88	IX-7 Para 5	A discussion of the impacts to the flat-tailed horned lizard populations and habitat losses from increasing the producing agricultural lands is needed. One of four flat-tailed horned lizard habitats in California would probably be eliminated by this proposal if it were not for being in Federal ownership.
89	IX-8 Para 5	The proposed designation of public lands for agricultural use would be in direct conflict with the Bureau's California Desert Conservation Area Plan because public lands are not available for agricultural disposals.
90	IX-21 Para 3	The EIR needs to complete the sentence by stating what "virtually" refers to.
91	IX-22 Item C	The EIR needs to discuss what the cumulative impacts would be if the 1973 General Plan would continue to be implemented. The analysis should view the impacts from a 1993 perspective. Compliance with the laws in place today (e.g., FLPMA), new sensitive and endangered species designations and regulations, and other changes since 1973 would produce different impacts than were found in 1973.
92		The scale on all of the maps included in this document makes it difficult to read them.



Imperial County Habitat Map
Pinyon-Juniper & Mixed Chaparral

Imperial County
General Plan

LEGEND



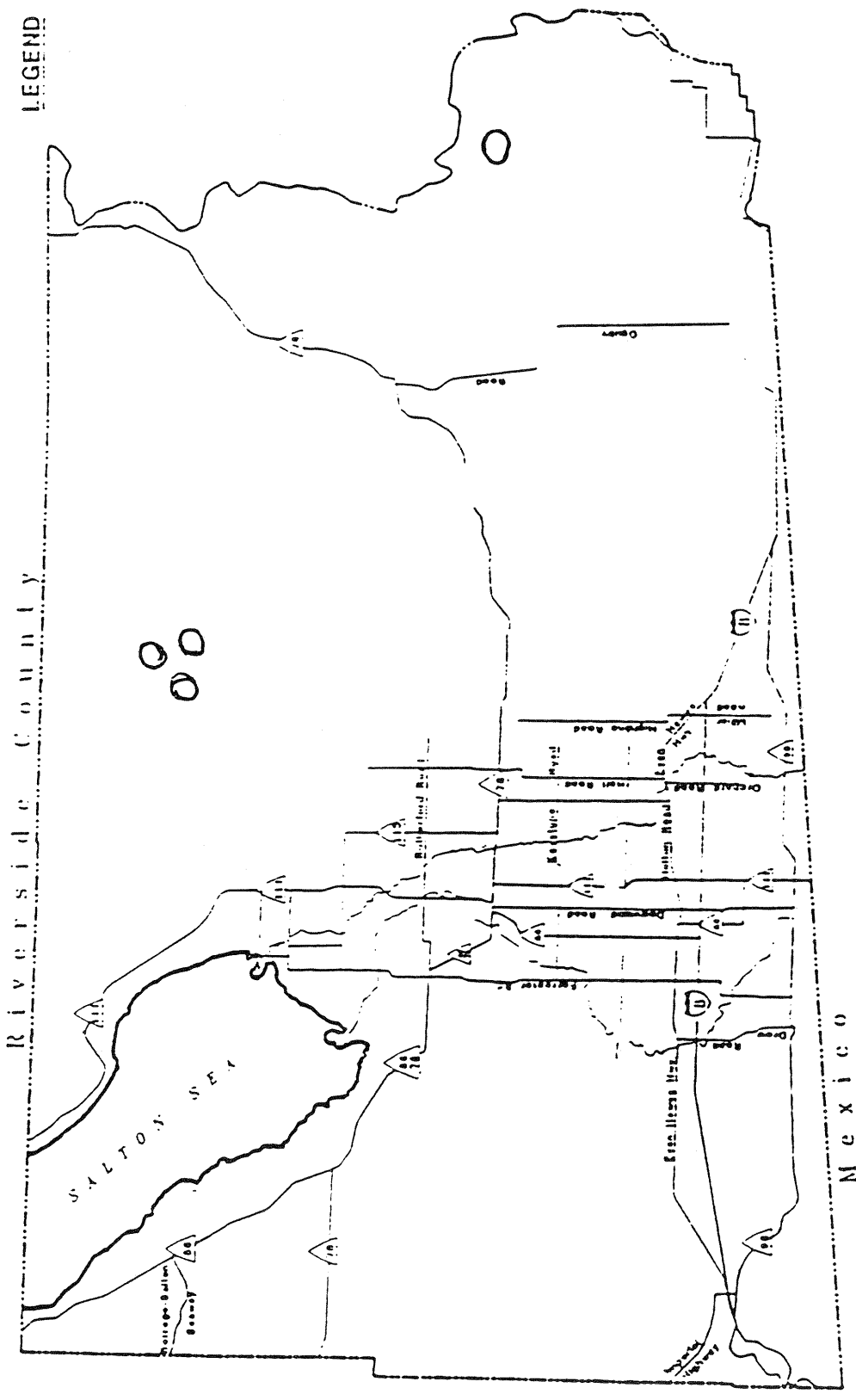
Imperial County
General Plan

Imperial Sand Dunes
Unusual Plant Assemblage

Figure

11

Land Use Element



Imperial County
General Plan

Picacho Peak / Chocolate Mtns. All Thorn
Unusual Plant Assemblage

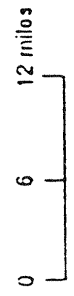
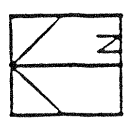
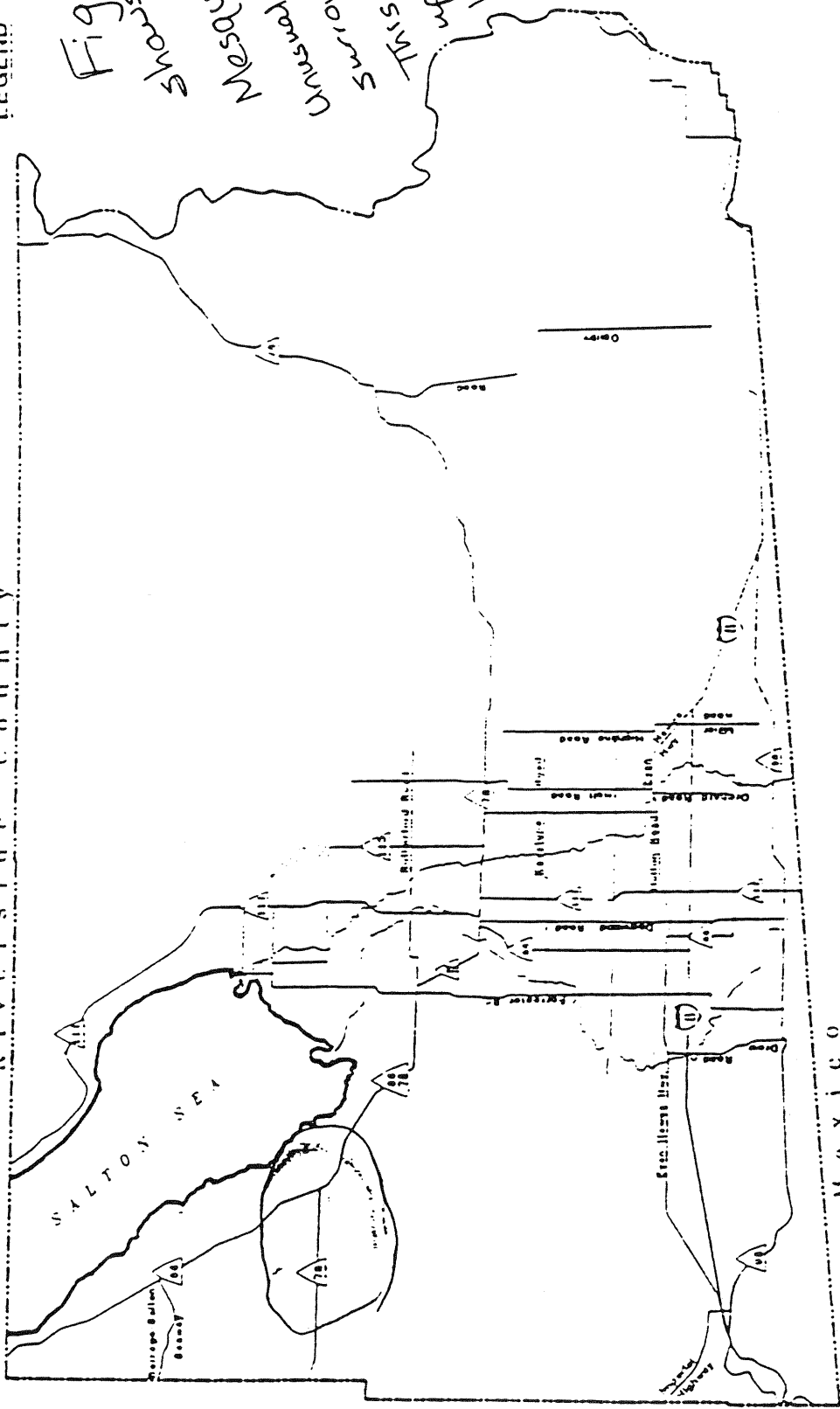
Figure
11

Land Use Element

LEGEND

Shows the Mesquite Hummocks
 Unusual Plant Assemblage
 Surrounding the Salton Sea
 This information was being updated. A mesquite structure
 in Imperial Co. is considered to be
 WPA. Most are located along Hwy. 78, west of Salton &

Riverside County



Imperial County
 General Plan

Mesquite Hummocks
 Unusual Plant Assemblage

Figure
 11

Land Use Element

Riverside County

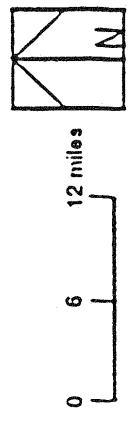
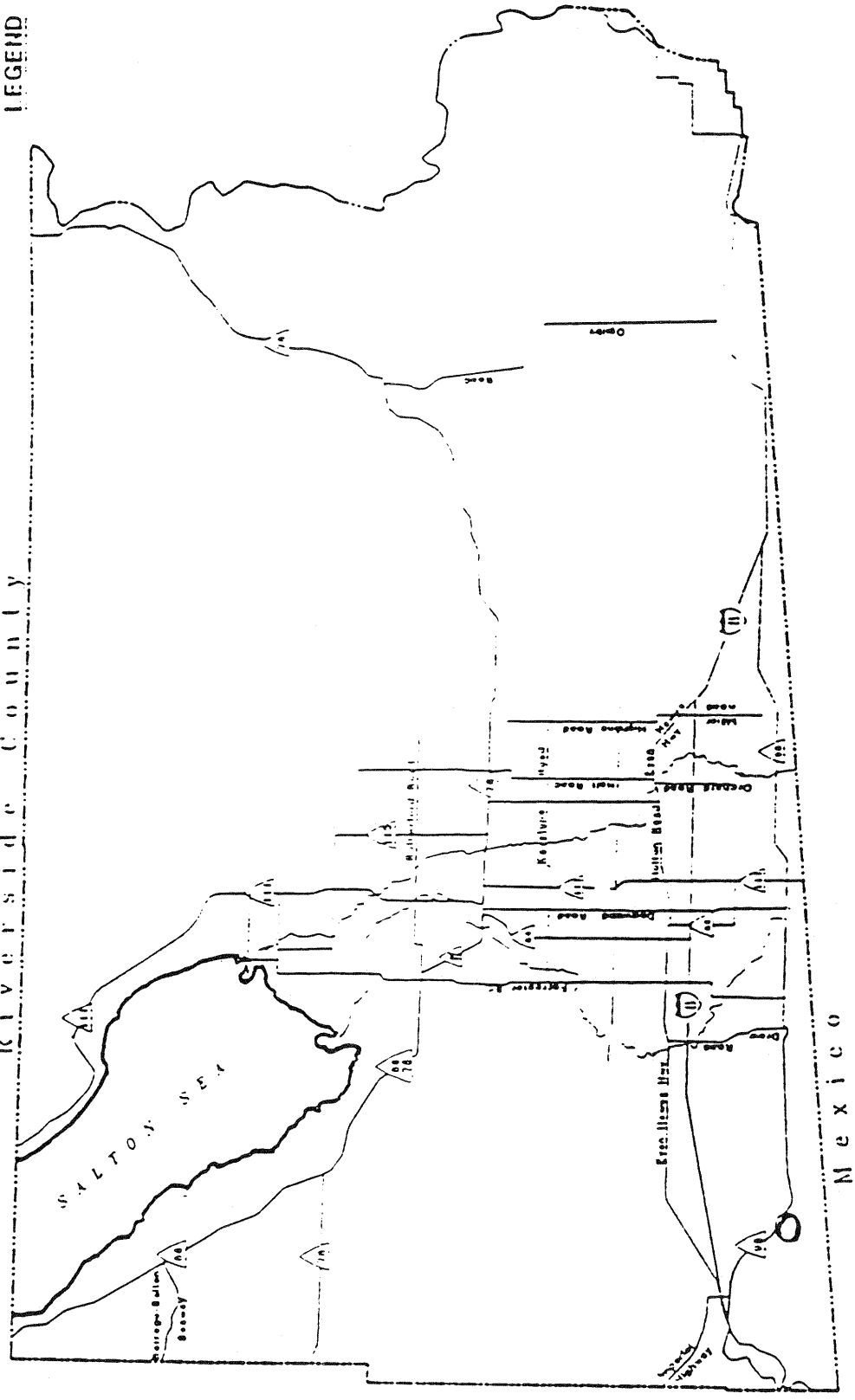


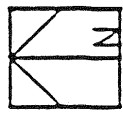
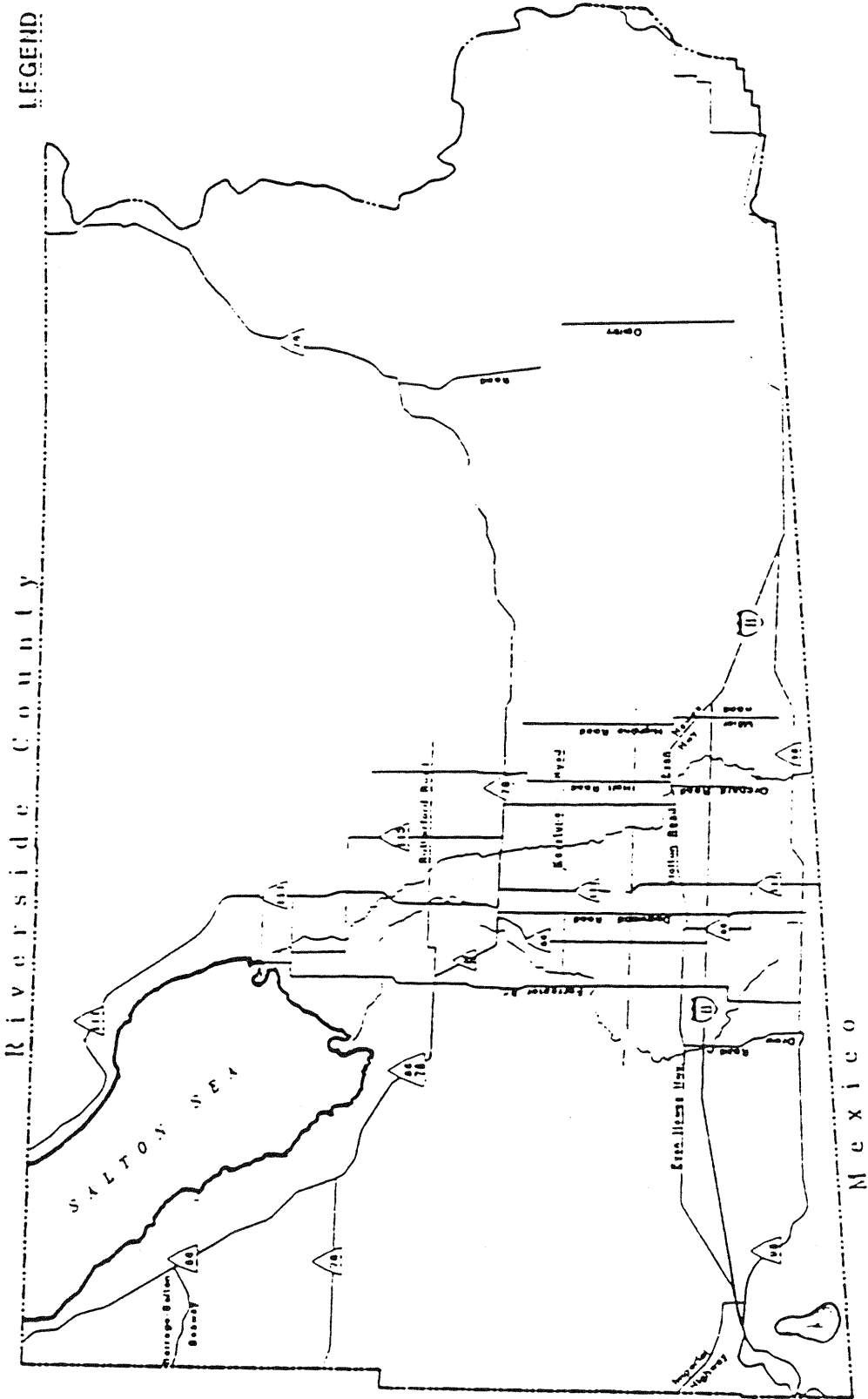
Figure 11

Yuba Desert Crucifixion Thorn Unusual Plant Assemblage

Imperial County General Plan

Land Use Element

LEGEND



0 6 12 miles

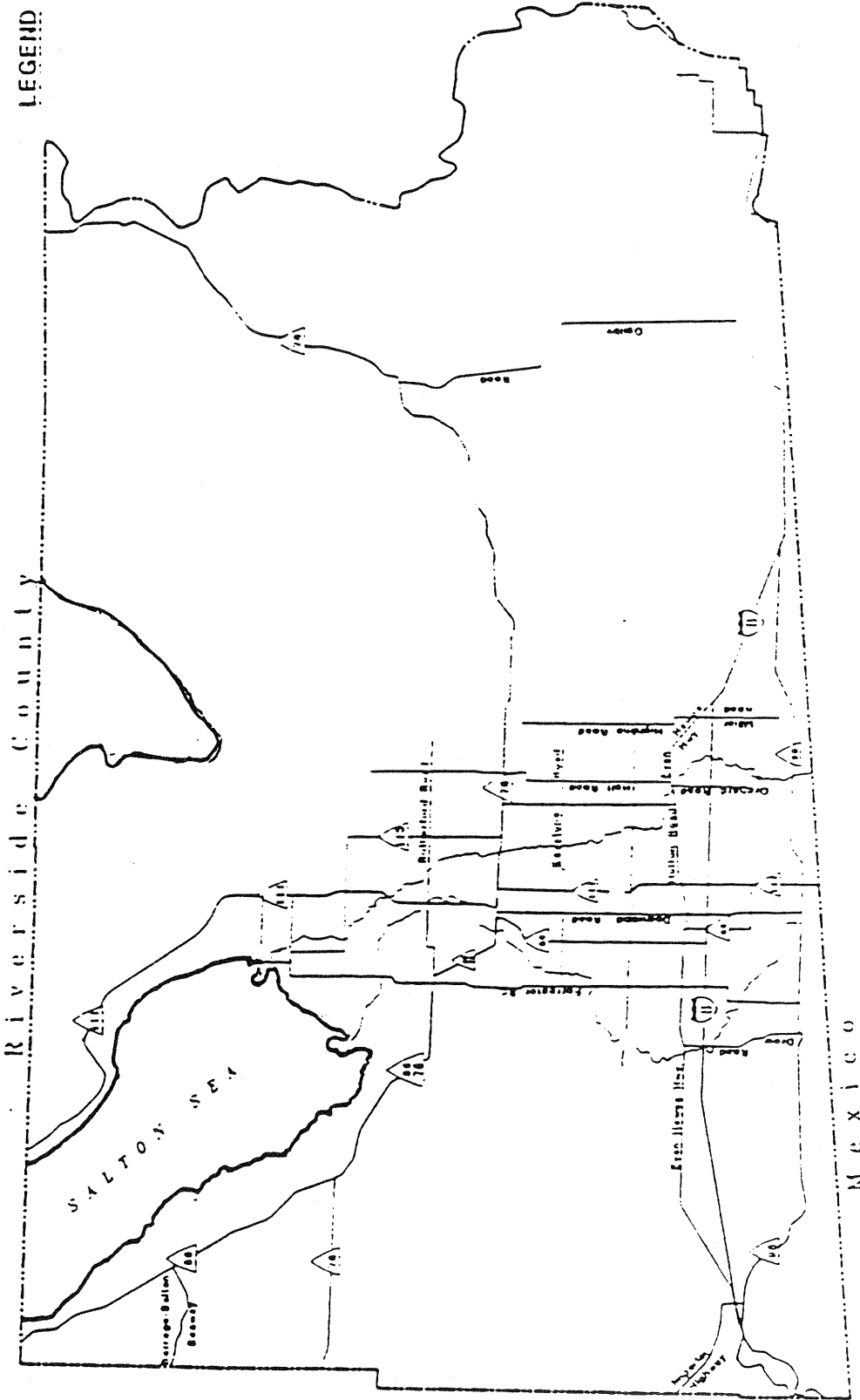
Imperial County
General Plan

Davies Valley Succulent Scrub
Unusual Plant Assemblage

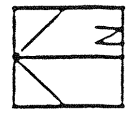
Figure

11

Land Use Element



LEGEND



0 6 12 miles

Chocolate Mtn. Muz Cholla
 Unusual Plant Assemblage & Sensitive Plant
 Distribution

Imperial County
 General Plan

Figure

11

Land Use Element

Riverside County

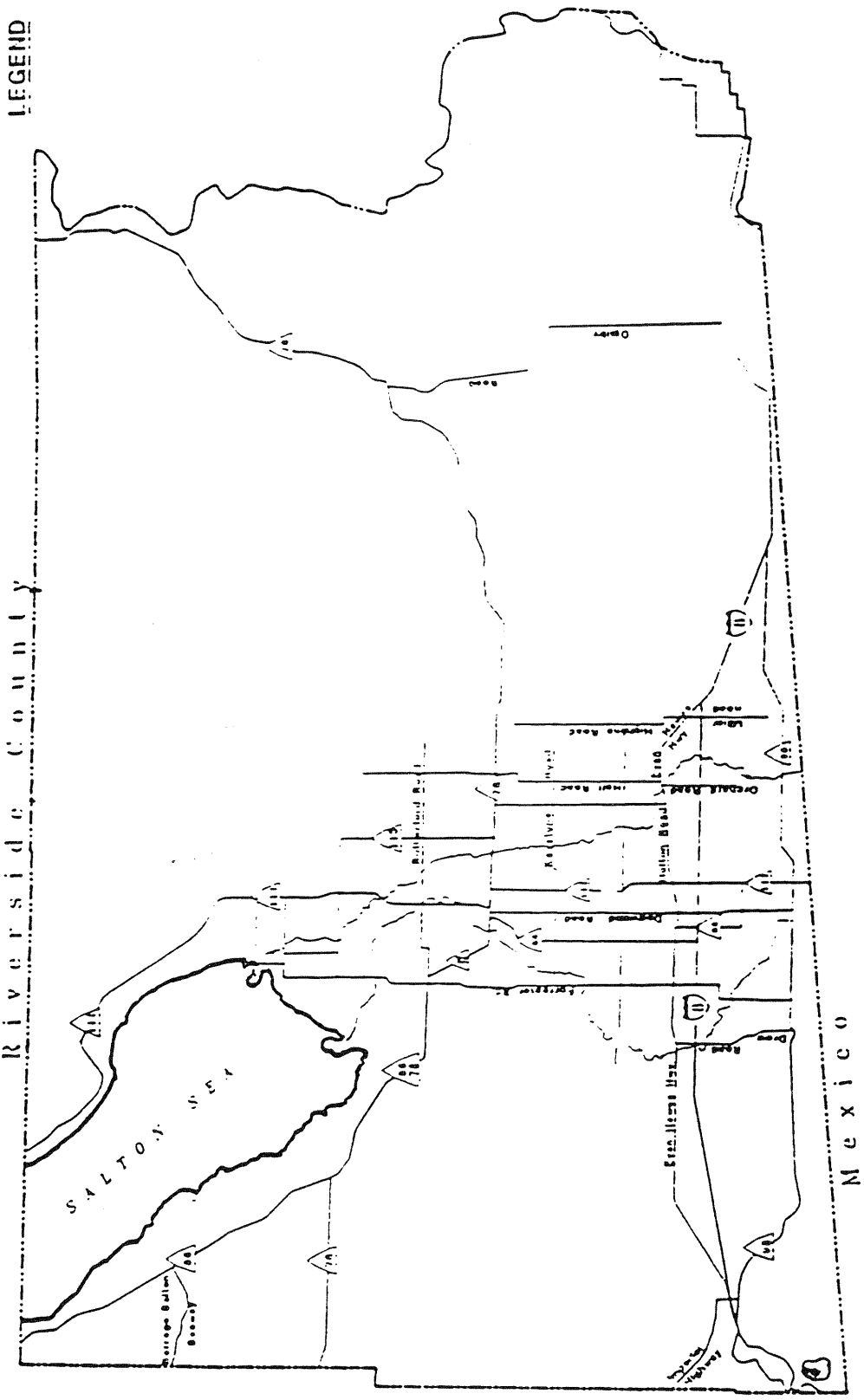


Figure 11

Smugglers Cave Chaparral
Unusual Plant Assemblage

Imperial County
General Plan

Land Use Element

LEGEND

P. milk-etch is scattered throughout dunes system, rather than being in south dunes as indicated by Figure II.

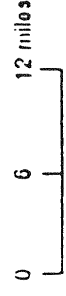
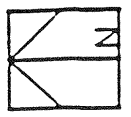
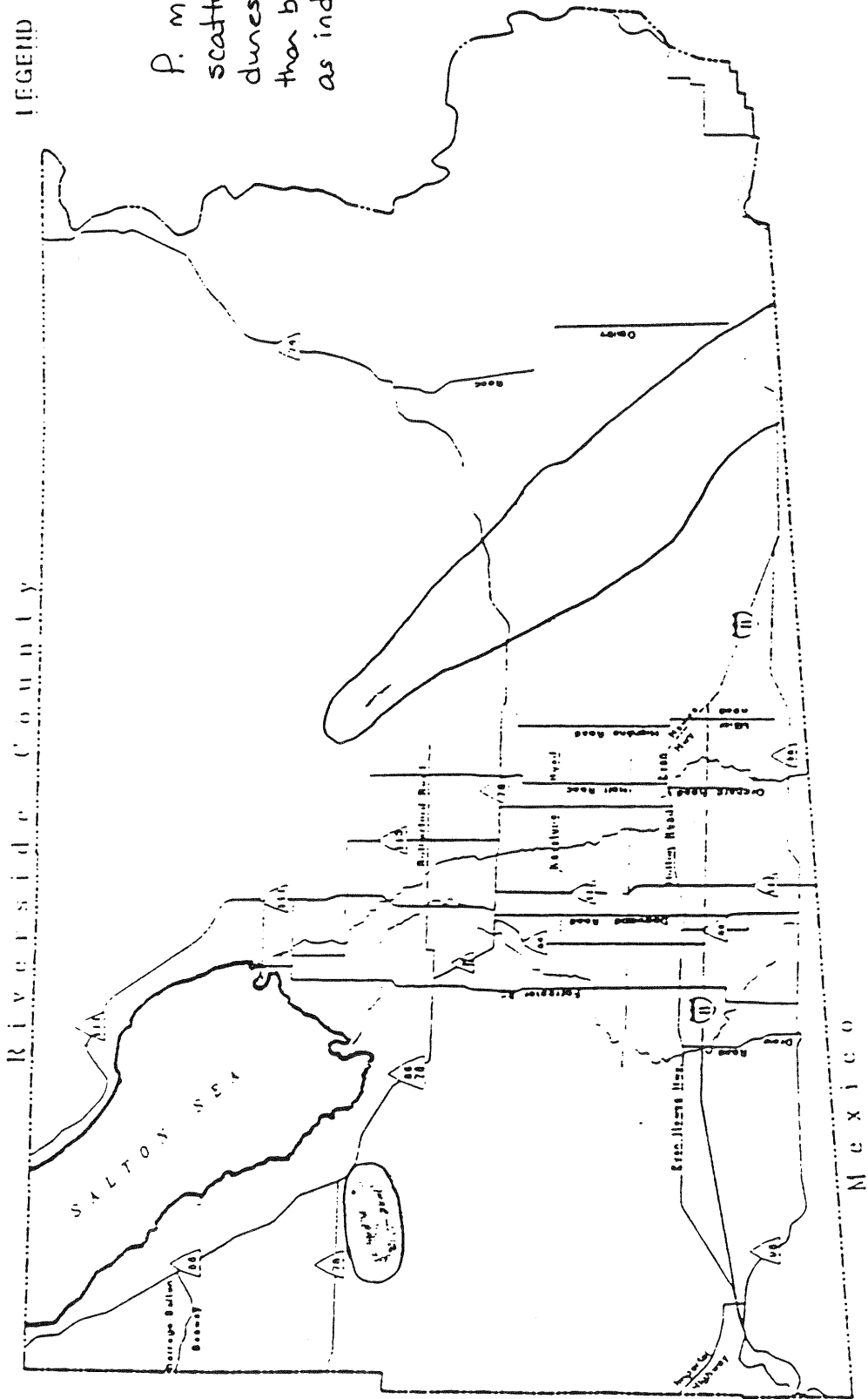


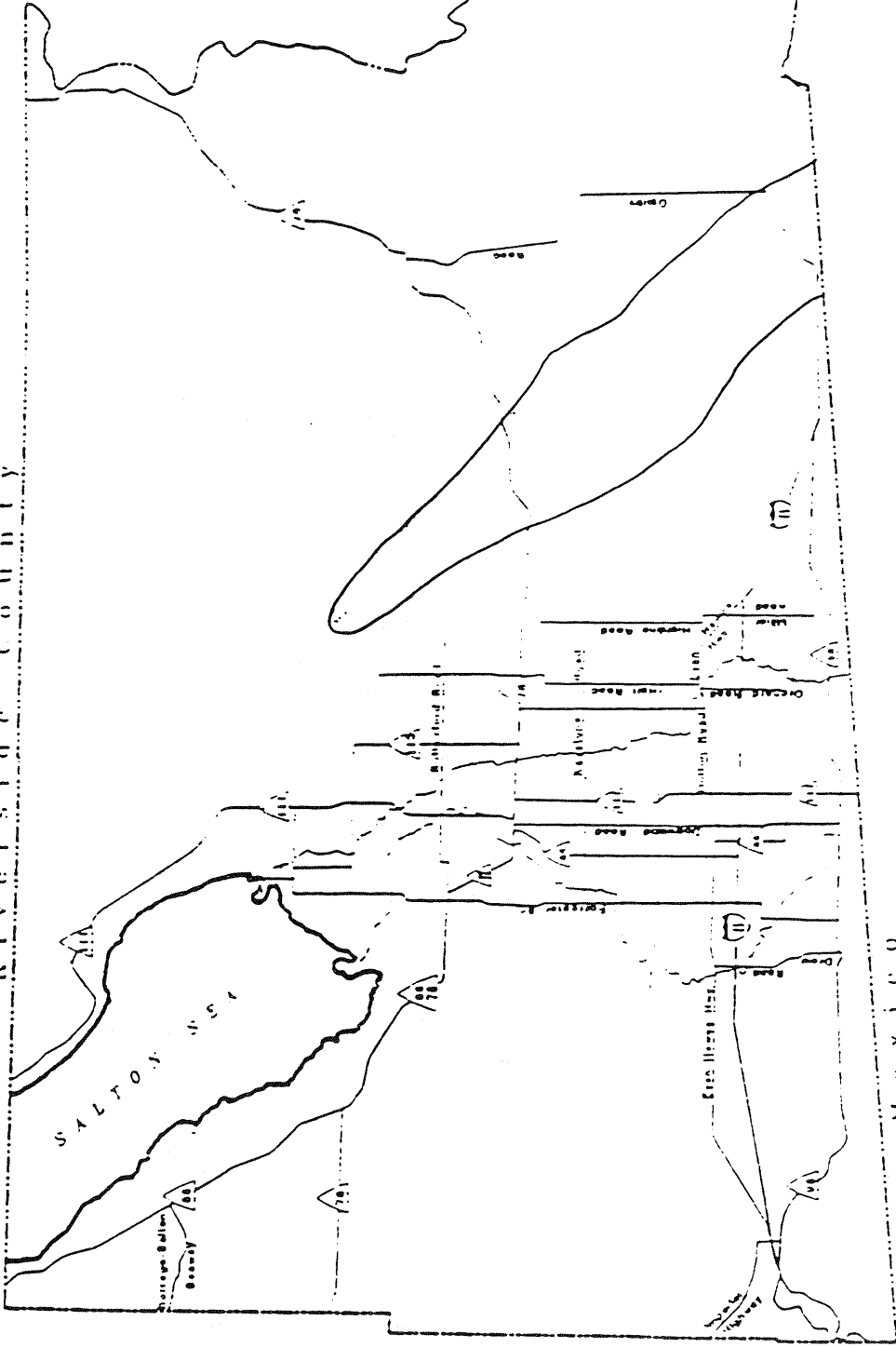
Figure II

Sensitive Plant - Pierson's Milk-etch

Imperial County General Plan

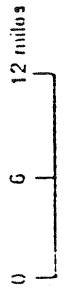
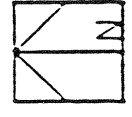
Land Use Element

River Side County



LEGEND

Sand Food is scattered throughout the dunes system, rather than being in north dunes as indicated by Figure 11.



Imperial County
General Plan

Sensitive Plant - Sand Food

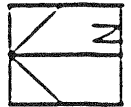
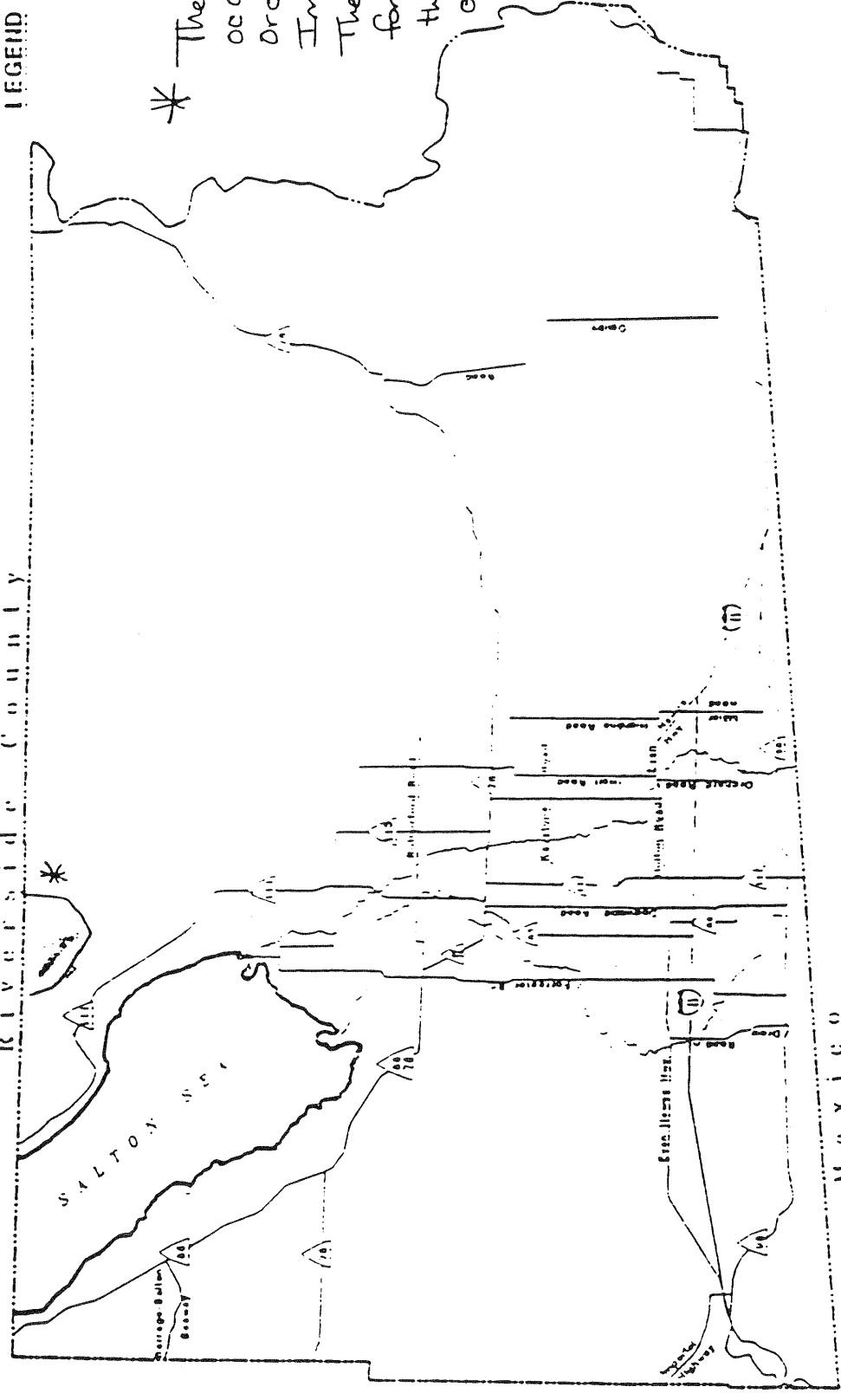
Figure
11

Land Use Element

LEGEND

* There are no known occurrences of Orocapia Sage in Imperial Co.
 There is a potential for it to occur near the northern border of Imp Co.

Riverside County



Figure

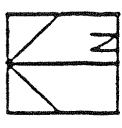
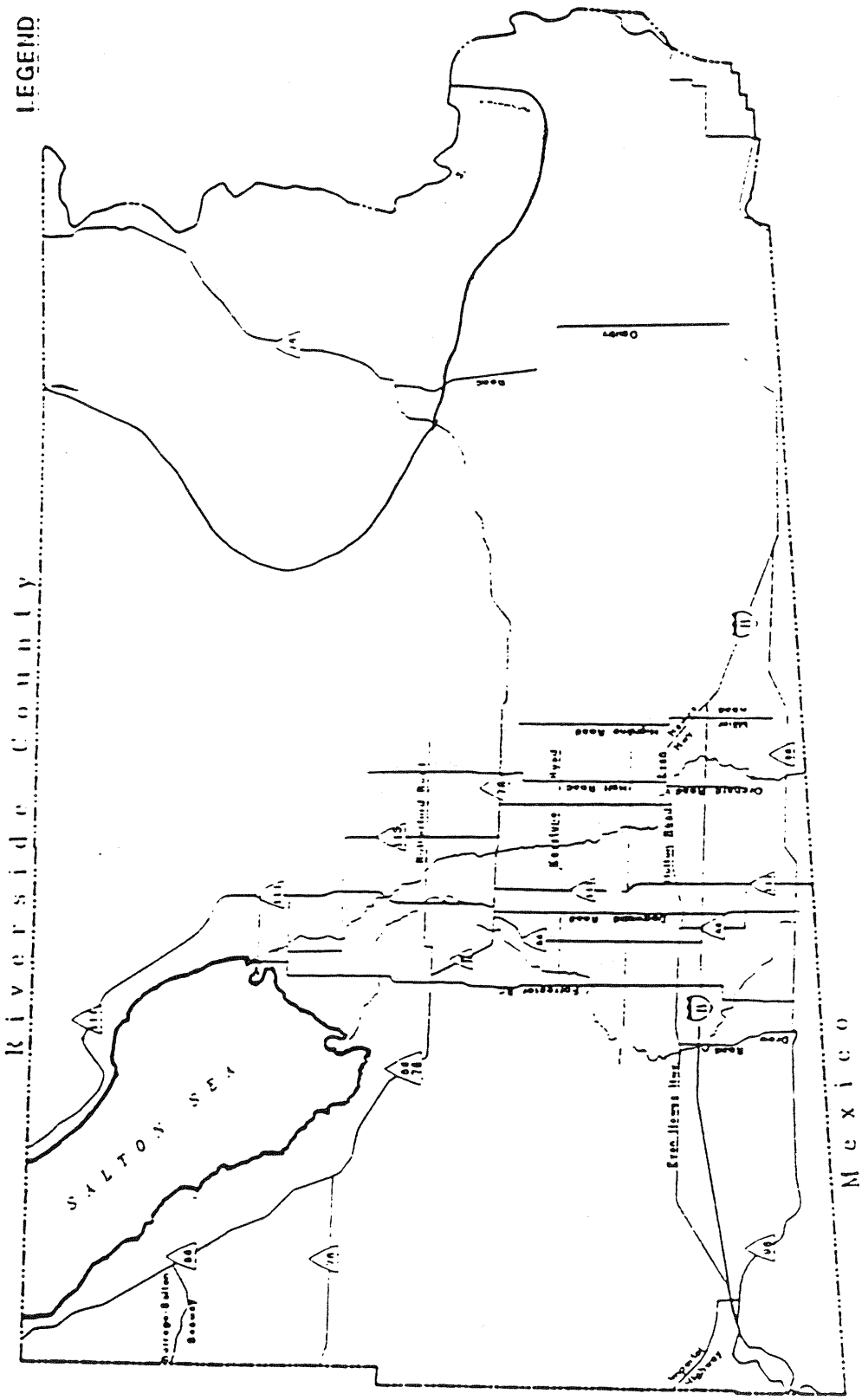
11

Sensitive Plant - Orocapia Sage

Imperial County
 General Plan

Land Use Element

LEGEND



0 6 12 miles

Imperial County
General Plan

Colorado River Herd Mgmt. Area Plan (CRHMAP)
Resource Area

Figure
14

Land Use Element

Memorandum

To: STATE CLEARINGHOUSE
T.Loftus

Date : March 8, 1993
File: 11-IMP-VAR

From: DEPARTMENT OF TRANSPORTATION
District 11 Planning

Subject: DEIR for the County of Imperial General Plan Update - SCH 93011023

Caitrans District 11 comments on the DEIR are as follows:

- 93 [• Traffic/Circulation - We are interested in project-specific and cumulative traffic impacts at existing and future State highways. The calculation of those impacts should be based on 20-year traffic forecasts.
- 94 [• LOS (Level of Service) - The County of Imperial can mitigate LOS impacts at State highways through Local/State Partnerships and development impact fees (fair share).
- 95 [• SR-98 (relocated) - Our agency will consider the proposal to relocate SR-98 through the City of Calexico using Cole Road only if the city upgrades that road.
- 96 [• SR-7 (various exhibits) - Why is State Route 7 shown as a curved alignment?
- 97 [• SR-111 - The proposed easterly extension of the City of Brawley airport will probably necessitate an easterly realignment of existing State Route 111.
- 98 [• SR-78 - Preliminary studies are to be undertaken for the State Route 78 by-pass of the City of Brawley. The possible relocation of State Route 78 to north of that city should be discussed in the Circulation Element.
- 99 [• East Border Crossing - The various discussions of this facility should include proposed State Route 7.
- 100 [• Traffic Analysis - Tables 3 and 4, add State Route 7 (proposed).
- 101 [• Master Transportation Plan (regional travel services) - The County of Imperial should add a statement in the General Plan requiring developers to dedicate right of way needed for State highway improvements when the subdivision or development of property adjacent to or straddling an existing or future State highway is proposed.

State Clearinghouse
March 8, 1993
Page Two

Caltrans will continue to coordinate with the County of Imperial on the route adoption of a specific alignment for State Route 7 which may not exactly match that shown in the subject DEIR for the General Plan Update. Our contact person is Mark Parra, Project Manager, Project Development Branch "B", (619) 688-6952.

A handwritten signature in black ink, appearing to read "Bill Dillon". The signature is fluid and cursive, with a long horizontal stroke at the beginning and a loop at the end.

BILL DILLON, Chief
Planning Studies Branch

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

8800 Cal Center Drive
 Sacramento, California 95826



February 25, 1993

Mr. Tom Loftus
 State Clearinghouse
 1400 Tenth Street
 Sacramento, CA 95814

Mr. Jurg Hueberger
 Imperial County Planning Department
 940 West Main Street
 El Centro, CA 92243-2875

Subject: SCH #93011023, DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)
 FOR IMPERIAL COUNTY GENERAL PLAN (PLAN)

RECEIVED
 MAR 01 1993
 IMPERIAL COUNTY
 BUILDING INSPECTION

PROJECT DESCRIPTION

The proposed project consist of the adoption of a General Plan Update for development of the County of Imperial. The proposed Plan Update will replace the existing General Plan, originally prepared in 1973, to more effectively and comprehensively plan for the long-term physical development of the County. The Plan Update includes the following mandatory Elements: Land Use, Housing, Circulation and Scenic Highways, Conservation and Open Space, Seismic and Public Safety, and Noise.

California Integrated Waste Management Board (Board) staff has reviewed the DEIR for the document cited above and offer the following comments:

I - GENERAL COMMENT

Board staff will only address those portions of the subject document relating to solid waste generation and disposal, pursuant to California Environmental Quality Act [CEQA Guidelines, Section 15205(c)].

Board staff request that the final EIR include the following information:

102 II - Pages S-2, S-3. County-operated landfills will be designated as Special Purpose Facilities in the Plan. The intent of this designation for such proposed or existing facilities is to protect them from encroachment by development or incompatible land uses.

Board staff support this approach and commend the County planners for addressing the need to protect landfill sites from encroaching development and incompatible land uses.

103

III - Pages III-4, III-9, III-150, III-169. Implementation of the Plan will result in new residential, commercial and industrial development, thus the generation of additional solid waste. Landfill sites on Bureau of Land Management (BLM) land (six sites) and Quechan Indian land can be closed on short notice; BLM has requested that the existing landfills in Imperial County on BLM land be closed. Two large scale, privately-owned landfill projects are proposed for Imperial County (Mesquite Regional Landfill and Chocolate Mountain Regional Landfill).

Current landfill capacities are estimated to be sufficient until the year 2005 (page 3-8). The life of the landfill could be extended by development of waste diversion programs (source reduction, recycling and composting) for Imperial County. Staff request waste diversion programs be addressed in the final EIR.

Thank you for the opportunity to comment on the subject project. If you have any questions regarding these comments, please call Michael Keffer of the Board's Waste Generation Analysis and Environmental Review Branch at (916) 255-2328.

Sincerely,



Lorraine Van Kekerix, Manager
Waste Generation Analysis & Environmental Review Branch

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
 COLORADO RIVER BASIN • REGION 7

73-720 FRED WARING DR., SUITE 100
 DESERT, CA 92260
 (619) 346-7491
 FAX (619) 341-6820



FEB 25 1993

RECEIVED

MAR 01 1993

IMPERIAL COUNTY
 BUILDING INSPECTION

County of Imperial Planning Department
 940 West Main Street
 El Centro, CA 92243-2875

Attn: Jurg Hueberger, Planning Director

RE: DEIR for the Imperial County General Plan

We have reviewed the County of Imperial General Plan DEIR that we received from you on January 25, 1993 and have the following comments:

24 This document is incomplete in that the potential impacts to ground water from the implementation of the General Plan are not discussed or evaluated. Section S-II discussing the environmental impacts to water quality states that the development of new residential, commercial, and industrial uses would result in minimal impact to water quality. No estimates of the projected discharges from the above mentioned sources are provided to justify this claim. Estimates should include any expected changes in the volume and quality of discharges in each category examined (Agricultural, Urban, Industrial), the expected amount of increase in pollutants associated with these discharges and whether there are any new pollutants expected as a result of the implementation of this plan.

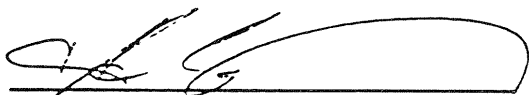
105 Impacts to water quality from storm water discharges are not discussed. This discussion should include impacts to surface water and ground water from the expected levels of nitrates, organics, metals, and TDS as well as any mitigation measures necessary to ensure that these impacts will be brought to less than significant levels. Until these sources and potential sources are fully examined it is not possible to determine the impact to water quality. The following comments concern the ability of the mitigation measures presented in section S-II to deal with impacts to water quality. Mitigation measures 1-3 will not necessarily improve water quality conditions for the Imperial County drainage and the Salton Sea. The implementation of conservation measures may increase the salinity levels in the Salton Sea and agricultural drainage ways. The re-use of treated waste water may increase nitrate and TDS levels in ground water and surface water drainage. Mitigation measures should be included to deal with landfills located near the New River in order to minimize the impacts of contaminant leaching.

106 In the discussion of water quality on page 125 of section III, it is stated that the fish in the Salton Sea average 10 ppm of Selenium. Our data indicates the level is closer to 3-4 ppm of Selenium.

Mr. Jurg Heuberger, Planning Director
County of Imperial Planning Department

Page 2

If you have any questions regarding this matter please contact Cary Anderson
(619) 776-8945.



CARY ANDERSON
Environmental Specialist II

CA/ci

File: ER IIMP 1.0

COLORADO RIVER BOARD OF CALIFORNIA

700 MOUNTAIN AVENUE, SUITE 100
 EL PASO, CA 91203-1035
 (818) 543-4676
 (818) 543-4685 FAX

MAR 18 1993



IMPERIAL COUNTY
 BUILDING INSPECTION

March 16, 1993

Imperial County Planning Department
 County Administrative Offices
 940 West Main Street
 El Centro, California 92243-2875

Attn.: Jurg Hueberger

Re: Response to the Draft Environmental Impact Report
 for the County of Imperial General Plan

The Colorado River Board of California (Board) appreciates being provided an opportunity to comment on the subject draft report. The Board has the following general comments on the Land Use, Public Service/Safety, and Flood Control/Hydrology elements of the proposed General Plan as well as the following specific comments.

107 The Board is responsible for protecting the State of California's rights and interests in the water resources of the Colorado River. With respect to the proposed changes in the Land Use Element, the Board seeks to ensure that any project which relies upon Colorado River water acts in a manner consistent with policies governing the river. Under the collective "Law of the River" all users of Colorado River water, including those with a present perfected right, must have a water service contract with the Secretary of the Interior (Secretary). In addition to water being diverted directly from the river, water being drawn from the mainstream by underground pumping is considered to be Colorado River water under the 1964 Supreme Court Decree in Arizona v. California, and thus requires a contract with the Secretary.

109 Historically, California's use of Colorado River water has exceeded its basic annual apportionment of 4.4 (maf) per year. As Arizona and Nevada approach full utilization of their annual apportionments' it is unlikely that California will be permitted continued use in excess of its basic apportionment except when surplus or excess water is available. When California is cut back, those entities without a contract and those with a contract entitlement with a priority outside of the State's basic apportionment will be terminated.



110 Non-agricultural water users along the river without contractual water rights or with insufficient rights to meet their present or future needs, may have an opportunity to receive an exchange water supply under the Lower Colorado Water Supply Project (Project). Now under construction, the Project consists of a well field along the All-American Canal in Imperial County where groundwater would be withdrawn and discharged into the All-American Canal in exchange for the rights to consumptively use an equivalent amount of water from the Colorado River, up to a maximum of 10,000 acre-feet per year. Exchange water from this Project is not available for agricultural uses. The Board is of the opinion that the Public Service/Safety Element may serve as a valuable vehicle to alert those using Colorado River water without a contract or whose contract entitlement is insufficient and may be eligible to participate in the Project.

112 With respect to the groundwater and well water sections of the Flood Control/Hydrology Element, the Board stresses that the Supreme Court has set forth that "Consumptive use from the mainstream within a state shall include all consumptive uses of water within the mainstream, including water drawn from the mainstream by underground pumping...". This element of the plan should state that any such withdrawal is considered to be pumping mainstream water and requires a contract with the Secretary.

Specific comments and suggestions are as follows:

113 Sec. III, pg. 160 - The second paragraph under "Winterhaven Water District" should be modified to read "Winterhaven has obtained rights for the use of Colorado River water based on a present perfected right obtained under the 1979 Supplemental Decree in Arizona v. California with a priority date of 1856. The right was based on an original irrigation use on 130 acres of land. The water is presently used for both irrigation and municipal supplies."

114 Sec. III, pg. 196 - The first sentence in the third paragraph under "Water Quality" should be corrected to reflect that the Colorado River provides water to 18 million people and the fourth paragraph should reflect that the dissolved salts cost California water users an estimated \$290 million in annual damages.

115

- 116 [Sec. III, pg. 199 - The seventh sentence under "Salton Sea" should be corrected to reflect that the total dissolved solids increases by approximately 550 mg/L per year.
- 117 [Sec. III, pg. 200 - The total dissolved solids value for 4/27/90 should be verified.
- 118 [Sec. III, pg. 219 - The second sentence in the first paragraph under "Surface Waters" should be corrected to read Blythe, California. The final sentence should read "Final diversions are made from the All-American Canal for use in the Yuma, Imperial and Coachella Valleys."
- 119 [Sec. III, pg. 220 - With respect to the third paragraph under "Groundwater", it is the Board's opinion that only a small portion, if any, of the 400,000 acre-feet of annual groundwater recharge contributes to the groundwater reservoir underlying Imperial Valley. Most of the recharge is to shallow aquifers which is lost to the extensive drainage system in the Valley. Reference to the source of the 1.1 - 3 billion acre-feet should be cited. The quality of water in the deep-water reservoir is probably not suitable for all beneficial uses as implied in the reference that 20% of the water in storage is recoverable.
- 120 [
- 121 [
- 122 [Sec. III, pg. 221 - The sixth sentence of the second paragraph under "Well Water" should be corrected to read "The lining of the Coachella Canal has reduced water loss due to seepage, but has not affected the wells in the area." An additional sentence may be added to reflect the current consideration of plans to line a portion of the All-American Canal and a portion of the remaining unlined Coachella Canal.
- 123 [Sec. III, pg. 222 - Under the "Flooding" heading, the Board suggests adding the following paragraph - "The Colorado River Floodway Protection Act, Public Law 99-450, provided for the establishment of a federally-declared Floodway along the Colorado River from Davis Dam to the Southerly International Boundary between the United States and the Republic of Mexico. It is to accommodate either a one-in-one hundred year river flow consisting of

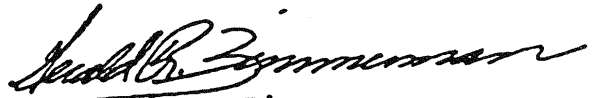
Mr. Jurg Hueberger
March 16, 1993
Page 4

123

controlled releases and tributary inflow, or a flow of forty thousand cubic feet per second, whichever is greater. The forty thousand cubic feet per second flow corresponds to the long-standing target maximum flood control release objective of Hoover Dam which was established with the closure of the dam in 1935. The one-in-one hundred year frequency flow is the standard level of protection that has been adopted in the administration of the National Flood Insurance Act."

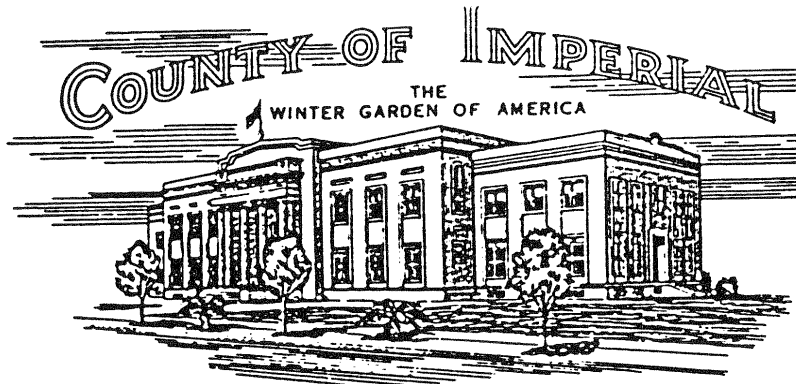
The Board again wishes to thank the County of Imperial for the opportunity to comment on this draft plan and should the County have any questions or comments please contact me at the above address and telephone number.

Sincerely,



Gerald R. Zimmerman
Executive Director

HARRY ORFANOS
DIRECTOR OF PUBLIC WORKS
COUNTY ROAD COMMISSIONER
COUNTY SURVEYOR
COUNTY ENGINEER
SOLID WASTE OPERATIONS
COUNTY - WIDE TRANSIT



155 SOUTH 11TH STREET
EL CENTRO, CALIFORNIA 92243-2833
TEL: (619) 339-4462
FAX: (619) 352-1272

DEPARTMENT OF PUBLIC WORKS

March 22, 1993

RECEIVED

MAR 23 1993

IMPERIAL COUNTY
PLANNING DEPARTMENT

Mr. Jurg Heuberger, Director
Imperial County Planning Department
Courthouse
El Centro, CA 92243

SUBJECT: Draft Environmental Impact Report for the Imperial
County General Plan Update

Dear Mr. Heuberger:

124 [Thank you for the opportunity to review the above mentioned document. The document contained a substantial amount of material. Although an effort was made to be as thorough as possible, this office may have overlooked something. Therefore, we reserve the right to add to our comments. Additionally, maps and other supporting documents were not included in the report.

The following is a compilation of the Public Works Department staff's comments on the Environmental Impact Report prepared in conjunction with the General Plan update.

- 125 [1. On Page S-12, please provide additional information on specific locations subject to landslides, the existing statement is too broad. In addition, please provide source used to identify the landslide areas.
- 126 [2. On Page S-13, it is stated that a drainage study should be conducted by a "registered hydraulic engineer". To our knowledge, no such title exists. Please be advised that the work should be performed by a registered civil engineer experienced in performing drainage studies.
- 127 [3. On Page II-9, "Urban Areas", there should be a distinction that the "Urban Areas" of Holtville, Imperial, Westmorland, Heber, Niland, Seeley and West Shores/Salton City are not recognized by the Federal government as "Federal Aid Urban" for road funding. Additionally, the term "Urban Area" is not consistent with the definition of "Urban" per Federal standards.
- 128 [4. On Page II-10, "Circulation and Scenic Highways Element", there is no mention of public transit. It is felt that there should be a discussion of the available services.

- 129 [5. On Page III-14, "Special Purpose Facility", please be advised that there are other operators of landfills in the County besides the County. It is suggested that these operators also be mentioned in the documents.
- 130 [6. On Page III-60, "Public Transportation", the information provided in this section is not sufficient. It should be expanded to include the same information and maps found in the January 21, 1993 Willdan report. Information regarding fares and private contract bus line operator should be eliminated as they are too specific.
- 131 [
- 132 [7. On Page III-65, Table 8, the minimum width cross sections should be 40' for the roadbed and 60' for the right-of-way.
- 133 [8. On Page III-150, "Solid Waste", the Department of Public Works views the alternate landfill site, in the Bard/Winterhaven area on Bureau of Land Management (BLM) property, as a viable option only if BLM will transfer the property to the County.
- 134 [9. On Page III-150, "Solid Waste", to our knowledge, there are no County requirements for the proposed Mesquite or the proposed Chocolate Mountain Landfills to accommodate local solid waste.
- 135 [10. On Page III-150, "Solid Waste", this office has recently met with the BLM and discussed the transfer of ownership of the BLM property to the County. BLM responded favorably and agreed to initiate the transfer of ownership of BLM property, which had been leased to the County for solid waste sites.
- 136 [11. On Page III-151, Figure 18, rather than lumping all landfills into one category, they should be identified separately on the map according to classification.
- 137 [12. On Page III-169, "Solid Waste", there is no documentation to support the statement that some County landfills, due to proximity to New River or on BLM lands, may not continue to be available to the County due to environmental concerns.

- 138 [13. On Page III-215, "Grading", it is stated that grading should be minimized to reduce or avoid import or export of soil. Please be advised these grading operations may be necessary to protect properties from flooding.
- 139 [14. On Page III-220, "Surface Waters", it is suggested that the Imperial Irrigation District (IID) be consulted due to the recent policy decision of the IID to act as the Flood Control Agency for the area within their boundary.
- 140 [15. On Page III-225, "Surface Drainage and Erosion Control", please refer to Comment #2 of this correspondence, as it is applicable here as well. Additionally, the last statement that the study can be waived should not even be included in the text.
- 141 [
- 142 [16. Please be advised that Appendix C, "Traffic Report For Imperial County", is not the most current. It is believed that Willdan has prepared a document dated January 21, 1993.
- 143 [It became painfully apparent upon reviewing the document that many references, figures and maps had not been updated or not even included in the report. It is suggested that the document is carefully reviewed prior to finalizing to ensure the highest level of accuracy.

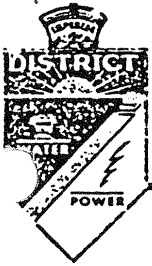
Should you have any questions, please do not hesitate to contact this office. Thank you for the opportunity to review and comment on this project.

Sincerely yours,
S. HARRY ORFANOS
Director of Public Works

by: *Frank Fiorenza*

Frank Fiorenza
Assistant County Engineer

sp



IMPERIAL IRRIGATION DISTRICT

OPERATING HEADQUARTERS • P O. BOX 937 • IMPERIAL, CALIFORNIA 92251

AGM

March 22, 1993

Mr. Jurg Heuberger
Planning Director
County of Imperial
939 Main Street
El Centro, CA 92243-2856

RECEIVED
MAR 23 1993
IMPERIAL COUNTY
BUILDING INSPECTION

Dear Mr. Heuberger:

Subject: Draft Environmental Impact Report (EIR) for the Imperial County General Plan

This is in response to your letter of January 20, 1993 requesting written comments. Our understanding is that the comment period has been extended to March 22, 1993 (60-days).

144 Perhaps, there should be a reference in the document regarding IID (Imperial Irrigation District) authority. Our letter of September 21, 1992 suggested, "The IID is a responsible agency as defined under 14 CCR Section 15381 and possesses jurisdiction by law under 14 CCR Section 15366 (a) (3) which entitles it to exercise authority over resources which may be affected by the project."

145 On page III-48 and following, the environmental impacts on agriculture as a result of the proposed plan are discussed. In the first paragraph on page III-49, it is stated, "These 28,000 acres represent about 5% of the 560,000 acres currently under production in the County." Apparently, the reference is to harvested acreage as stated in Table 5 on page III-30. IID farmed acreages for the years 1987 - 1991 are 455,718, 460,965, 463,923, 468,828, and 468,451 respectively. Using IID farmed acreage will increase the percentage reduction of Important Farmland to 6%, based on the 1991 acreage. Other references to harvested acres should also be corrected.

March 22, 1993

Reference should be made in the document regarding the impacts to IID of the Important Farmland acreage reduction on:

- Water Revenues
- Drainage and Water Conveyance Facilities
- Storm Runoff and Flood Control

These impacts will most likely result in increased costs and water rates to urban users to assure a long-term balanced financial support for the IID water conveyance and drainage infrastructure.

A second very important section of the plan is the circulation element. Reference must be included in the mitigation measures section on page III-66 to the requirement for highway and road plans to be coordinated with the District to assure efficient compatibility with current and future water and power plans. You recall a meeting that was held which included County staff, Brian F. Mooney Associates, and IID water and power department staff on this important issue.

Specific comments on sections of the report are enclosed as Attachment "A". Thank you for the opportunity to provide these comments. Please contact this office at 339-9477 if there is a need for additional information.

Sincerely,


CHARLES L. SHREVES
General Manager

ATTACHMENT
general2.pln
RAM:djb

IMPERIAL COUNTY GENERAL PLAN
DRAFT ENVIRONMENTAL IMPACT REPORT

Attachment "A"

Specific supplemental comments to the IID letter of March 22, 1993 are as follows:

<u>Page/Paragraph</u>	<u>Comment</u>
S-7 Par. 2	149 [It should be clarified that "...other toxic compounds; organochlorine pesticides and herbicides; municipal waste discharges; erosion and siltation; and bacteria levels." are found in surface drainage water, not all waterways within the County.
S-11 Par. 1	150 [Discharge of total petroleum hydrocarbons (stormwater discharge) will increase.
S-11 Par. 4	151 [In the third line, replace the word "ditches" with the word "drains".
III-31 Fig. 5	152 [The Brock Research Center should be included on the map as agricultural land.
III-45 Par. 5	153 [The mitigation section for the agricultural element should reference the requirement for communities/developers to fund pipeline/canal/drain modifications to accommodate urban developments.
III-55 Par. 3	154 [(Also on page S-3, paragraph 3.) Mitigation for the loss of Important Farmland is defined as locating and securing replacement Important Farmland. Recognition should be given to the fact that urban land water use is one to three AF/AC, whereas water use on agricultural land in the Imperial Valley averages five to six AF/AC. Significant cost could be associated with serving/developing new lands and providing new water through conservation or other measures to meet any increased water demand. Furthermore, loss of revenue with this change in water use per acre must be mitigated.
III-126 Par. 3	155 [Reference is made to a 1980 Bureau of Land Management estimate of a three-fold increase in electrical power transmission facilities across the California desert by the year 2000. A two-fold increase would be a more reasonable estimate at this time.
III-153 Last Par.	156 [With the repowering at the steam plant, the capacity will be 260 megawatts rather than 180 megawatts.
III-154 Top Par.	157 [Add at the end of the paragraph, "In 1991, the IID authorized the asset purchase of 104 megawatts from the San Juan Generating Station (coal fired) in New Mexico".

<u>Page/Paragraph</u>	<u>Comment</u>
III-154 Par. 1	158 Add to the end of the paragraph, "In 1992, the IID initiated permitting for a 500-kV transmission line from the Palo Verde switchyard (Arizona) to the IID service area extending north to the Southern California Edison Devers Substation.
III-156 Par. 3	159 Revise the fourth line to read, "...that receive irrigation water from the IID for subsequent domestic and drinking water treatment are:...".
III-156 Par. 4	160 The first line should read, "IID also supplies irrigation water to approximately 3,800 persons living in rural areas...".
III-156 Par. 5	161 (Seventh line) Delete New Briar and revise to read, "...from these three main canals and from the lateral canals...".
III-170 Par. 4	162 Revise to read, "...reliance on the existing canal system may have significant adverse health impacts".
III-196 Par. 1	163 The fresh waters generally have a total dissolved solids concentration ranging from 600 ppm to 1,000 ppm.
III-197 Par. 2	164 (Sixth line) Should read, "The water flowing in these canals is used by people in rural locations for a variety of domestic purposes...".
III-197 Par. 3	165 Canal water is normally filtered by a gravel filter in the rural water user's water cistern. In some cases the rural water is also disinfected by various means. The seventh line should be revised to read, "...the EPA found that some of the canals were contaminated with coliform bacteria".
III-204 Second *	166 (Also page S-11, second *) Encouraging farmers to use irrigation methods that conserve water is listed as a mitigation measure in the water quality section. Irrigation measures that conserve water, in most instances, result in poorer quality drainage water, not improved water quality.
III-219 Par. 6	167 The capacity of outfall structures (tailwater structures) ranges from one to six cfs depending on the hydraulic conditions at the site.
III-220 Par. 2	168 Drainage from the Coachella Valley should also be included as drainage to the Salton Sea.

<u>Page/Paragraph</u>	<u>Comment</u>
III-221 Par. 3	169 [Surface elevations of the Salton Sea fluctuate each year, depending on the rate of evaporation and precipitation, and runoff from Mexico, Imperial Valley, Coachella Valley, and the surrounding watershed.
III-221 Par. 3	170 [The last sentence should read, "The lining of the Coachella Branch of the All American Canal has reduced water losses due to seepage, but has not affected the wells in these areas".
7-1 Par. 3	171 [Reference needs to be added that entities will be required to provide the necessary water treatment facilities and sewer hookups to new developments.
9-7 Par. 2	172 [(Also S-14, paragraph 2) If additional agricultural land were to become new irrigated land, and increases the total irrigated acreage and/or the total water demand, additional water supplies would be required.



MWD

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Office of the General Manager

March 22, 1993

Mr. Jurg Heuberger
Planning Director
Planning/Building Department
County of Imperial
939 Main Street
El Centro, California 92243

Dear Mr. Heuberger:

Comments on the County of Imperial
General Plan's Draft Environmental Impact Report

Metropolitan has reviewed the Draft Environmental Impact Report for the County of Imperial General Plan. The enclosed comments represent Metropolitan's response as a potentially affected public agency.

We appreciate the opportunity to provide input to your planning process. If we can be of further assistance, please contact me at (213) 217-6272.

Very truly yours,

A handwritten signature in cursive script that reads "Kathleen M. Kunysz". The signature is written in dark ink and is positioned above the typed name and title.

Kathleen M. Kunysz
Manager, Environmental Affairs

FZK:bvf

Enclosures

Enclosure 1

Metropolitan's Comments on the County of Imperial
General Plan's Draft Environmental Impact Report (EIR)

- 173 1. The first paragraph, page III-13, states that the Recreational/Open Space category of land use includes recharge of the groundwater basin but does not specifically mention the recovery of said water. As a way of more efficiently utilizing Colorado River resources, the U.S. Bureau of Reclamation (Reclamation) is studying the feasibility of recharging surplus flows of the Colorado River in the East Mesa through the old Coachella Canal. Recharged water could be recovered by wells and discharged into the Coachella Canal in years of need. The EIR should recognize the potential implementation of this project.
- 174 2. The fourth paragraph, page III-24, states that the Tamarack Canyon Specific Plan Area includes constructing lakes. From the description provided in the draft EIR, it is unclear what the source of the water would be for filling the lakes. It should be noted in the EIR that Imperial Irrigation District's (IID) Colorado River water delivery contract with the Secretary of the Interior limits use as reasonably required for potable and irrigation purposes.
- 175 3. Under "Water Resources" third paragraph, page III-40, replace "Palo Verde Weir" with "Palo Verde Diversion Dam". Replace "2.6 million acre-feet" with "2.9 million acre-feet" to more accurately reflect IID's historical average net diversion from the Colorado River for 1986-1991. This change should be made throughout the EIR such as on pages III-156 and III-219.
- 176 4. Since the Salton Sea is in a closed basin, the salinity load will continue to rise. Even if the quality of drainage water improves there will still be a substantial amount of salt loading to the Sea. Selenium carried by the drainage water enters the Salton Sea where it precipitates to the sediments. It is from these sediments that selenium enters the food chain leading to bioaccumulation in the higher trophic levels. It should be noted in the EIR, page III-47, third paragraph, that while the total dissolved solids (TDS) concentration of the Salton Sea has continued to increase, the selenium concentration in the water column has remained steady at 1 part per billion (ppb).
- 177 5. From Figures 12 and 13, pages III-109, III-111, it is unclear whether the areas designated as "Mountains" also serve as flat-tailed horned lizard habitat. The second paragraph on page III-107 indicates they do exist in the sand dunes. Please clarify.

-2-

178 6. The third paragraph, page III-113, indicates agricultural related canals of Imperial Valley have highly specialized communities that will require protection. It should be noted in the EIR that the All American Canal from Pilot Knob to Drop 3 and the remaining unlined portions of the Coachella Canal within Imperial County are proposed to be lined with funding provided by a California Contractor holding a Colorado River water delivery contract with the Secretary of the Interior. Reclamation is currently preparing the environmental documentation for these two projects which outline appropriate mitigation measures to maintain, replace, and/or compensate for existing wildlife resources that may be impacted by the two lining projects. Reclamation estimates that the All American Canal Lining Project Final Environmental Impact Statement/Environmental Impact Report (EIS/EIR) will be released to the public in July 1993 and the Coachella Canal Lining Project Draft EIS/EIR will be released in April 1993. Also, the current surface elevation of the Salton Sea should 179 be corrected from 277 feet, as cited in paragraph 5 on the same page, to 227 feet.

180 7. Under off-highway vehicles, the acronym "CPS" is used, page III-129, but the meaning is not clear and the definition is difficult to locate. Since the document uses many acronyms, the reader's understanding would be facilitated by including a list of acronyms with their definitions in an appendix.

181 8. Mitigation measures outlining revegetation of graded sites and disturbed lands must take into account the climate of the Imperial Valley. It may be unreasonable to revegetate an area that would require long-term irrigation. The EIR should be specific, pages III-132 and III-133, in noting that only native plants should be used such that minimal intervention and maintenance would be required. Considering Imperial County averages less than three inches of rain per year, it is difficult to imagine a "rainy season" during which planting should occur. Many lands in Imperial County do not have water available for such revegetation efforts, and some groundwater resources may be of inadequate quality. Any revegetation requirement ordered by Imperial County must consider the availability of water and the sustainability of the vegetation in the arid climate.

182 9. Revise "Palo Verde County Irrigation District" to "Palo Verde County Water District" in the second sentence of the first paragraph on page III-155.

-3-

- 183 10. Revise the discussion following the first sentence of the second paragraph on page III-155 to state: "In accordance with the Colorado River Compact of 1922, the Upper and Lower Basin States are each apportioned the exclusive beneficial consumptive use of 7.5 million acre-feet (MAF) of Colorado River System water each year, in perpetuity. In addition, an option is granted to the Lower Basin States for the use of an additional 1.0 MAF of such waters each year for beneficial consumptive use. The 1929 California Limitation Act limits California's annual consumptive use to 4.4 MAF of the Lower Basin's 7.5 MAF per year basic apportionment, plus not more than one-half of any excess or surplus water unapportioned by the Colorado River Compact." This more accurately reflects the language contained in the documents cited.
- 184 11. Revise the third paragraph on page III-155 to state: "By treaty signed on February 3, 1944, Mexico is entitled to 1.5 MAF of Colorado River water each year. The Colorado River Compact anticipated the recognition of Mexico's rights to Colorado River water by the United States and specified that such water shall be first supplied from waters unapportioned by the Colorado River Compact. If unapportioned amounts should be insufficient, any shortfall shall be borne equally by the Upper and Lower Basin States. In years of extraordinary drought or other disaster causing extreme low flow conditions, Mexico's entitlement would be reduced in the same proportion as consumptive uses in the United States." This more accurately reflects the language contained in the documents cited.
- 185 12. In the first sentence of the fourth paragraph, page III-155, revise "Element" to "Plant". In the second sentence, insert "Colorado River" following "District and other" as well as before "water annually" to clarify for the reader that Colorado River water was the subject of the discussion. Revise the order of discussion such that the 1931 Seven Party Agreement is mentioned before the 1964 U.S. Supreme Court decree. Also, the last line refers to Figure 19 which is claimed to show the apportionment priorities outlined in the California Seven Party Agreement. However, Figure 19 deals with other subject matter. Enclosure 2 is a copy of the 1931 Seven Party Agreement showing the priorities.
- 187 13. Prior to the phrase "California Seven Party Agreement" on page III-156, insert "execution of the".
- 188 It is unclear from the EIR what other contract is being referenced in the first sentence of the third paragraph.
- 189 14. On page III-156 in paragraph 5, please state the specific tasks which IID is to undertake to satisfy the

189 December 22, 1992 Environmental Protection Agency
Administrative Order and the schedule for compliance.

190 15. Delete the second and third sentences of the fourth paragraph on page III-159. Metropolitan disagrees with the statements made that IID can transfer Colorado River water under state law. Article 1 of the United States Supreme Court decision in Arizona v. California dated June 3, 1963 states that "It is the (Boulder Canyon Project) Act and the contracts made by the Secretary of the Interior under § 5, not the law of prior appropriation, that controls the apportionment of water among the States; and the Secretary, in choosing between the users within each State and in settling the terms of his contracts, is not required by §§ 14 and 18 of the Act to follow state law." Article 17 of IID's December 1, 1932 water delivery contract incorporates the provisions of the California Seven Party Agreement which apportions Colorado River water under the third priority "...to the Imperial Irrigation District and other lands served by the All American Canal in Imperial and Coachella Valleys...." Article III(C) of the subsequent United States Supreme Court decree in Arizona v. California dated March 9, 1964 enjoined IID, among other Colorado River water users, "From diverting or purporting to authorize the diversion of water from the mainstream the diversion of which has not been authorized by the United States for use in the respective states; and provided further that no party named in this Article and no other user of water in said states shall divert or purport to authorize the diversion of water from the mainstream the diversion of which has not been authorized by the United States for its particular use."

191 It is apparent from the above documents that use of Colorado River water is apportioned under federal law and IID cannot unilaterally transfer what it may define as conserved or surplus water. It is Metropolitan's position that in accordance with the Colorado River Compact, the Boulder Canyon Project Act, the California Seven Party Agreement, the United States Supreme Court decision in Arizona v. California dated June 3, 1963 and subsequent decrees, water delivery contracts with the Secretary of the Interior, and Title II of Public Law 100-675, Colorado River water that is not needed by IID for beneficial consumptive use within its service area, is available to the next priority user specified in the Seven Party Agreement unless all of the parties to the Seven Party Agreement agree otherwise. Such agreements have been reached. They include the:

- December 22, 1988 "Agreement for the Implementation of a Water Conservation Program and Use of Conserved Water" between IID and Metropolitan;

-5-

- December 19, 1989 "Approval Agreement" among IID, Metropolitan, Palo Verde Irrigation District (PVID), and Coachella Valley Water District (CVWD); and
- May 29, 1992 Agreement for the Implementation of a Test Land Fallowing Program and Use of Saved Water among PVID, Metropolitan, IID, CVWD, and the United States.

191

Under these agreements, IID, PVID, and CVWD have agreed to not divert certain amounts of conserved and saved water, a portion of the 3.85 million acre-feet to which they were otherwise entitled under the Seven Party Agreement. These agreements should be mentioned in the EIR following the first sentence on page III-156.

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16. Revise the last sentence in the fifth paragraph on page III-159 to read: "Currently, the Palo Verde Irrigation District holds an entitlement to use of Colorado River water as reasonably required for potable and irrigation purposes for beneficial use on 104,500 acres of valley lands and 16,000 acres of mesa lands." This language more accurately reflects the language contained in PVID's Colorado River water delivery contract with the Secretary of the Interior. Also, the relationship of the 8,400 acres and 7,200 acres is not clear, clarification would be helpful.

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17. Revise the second paragraph on page III-160 to read "The city of Winterhaven holds a present perfected right to divert 780 acre-feet per year from the Colorado River." Note that the present perfected right was granted by the United States Supreme Court supplemental decree in Arizona v. California dated January 9, 1979 and was not granted by the U.S. Bureau of Reclamation in the 1800's. The Reclamation Service, later to be given Bureau status, was not created until 1902.

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18. Revise the first sentence of the fifth paragraph on page III-160 to correct Bard Irrigation District's average annual net diversions to the Bard Valley. In the last sentence of the same paragraph, delete "boundary."

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19. In the second paragraph on page III-161 insert "on December 22, 1988, and both parties entered a subsequent Approval Agreement along with CVWD and the PVID" following "Metropolitan Water District was reached". Also, in the same paragraph, replace "106,100" with "106,110" to accurately state the amount of water projected to be conserved under the agreements. In addition, revise "233 million" to "\$222 million (1988 dollars)." Finally, to convey to the reader

-6-

197 that certain limitations do exist on the availability of conserved water to Metropolitan, insert "and subject to conditions contained in the Approval Agreement" following "In exchange".

198 20. In paragraph 1 on page III-196, replace 1,000 parts per million with 700-850 parts per million to accurately reflect recent TDS concentrations of All American Canal water.

199 21. The first sentence of the third paragraph on page III-196 states that the Colorado River provides municipal and industrial water to nearly 14 million people and irrigates approximately 700,000 acres of farmland. Metropolitan alone imports Colorado River water to a service area inhabited by 15 million residents. The number of acres of farmland served is too low unless the discussion is intended to be limited to California only. Please clarify.

200 22. On page III-196 in the third paragraph, revise "\$100 million" to "\$300 million" to reflect the information contained in the "Report on the 1990 Review, Water Quality Standards for Salinity, Colorado River System" prepared by the Colorado River Basin Salinity Control Forum.

201 23. Revise "1,000 mg/L at Hoover Dam by 2010" to "820 mg/L at Hoover Dam by 2010" to reflect information contained in the above mentioned 1990 Review.

202 24. In the first paragraph on page III-197, replace "East and West Highline Canals" with "East Highline and Westside Main Canals".

203 25. The first paragraph on page III-198 states that water from either the New or Alamo River is unsuitable for irrigation. As a matter of record, James D. Rhoades of the U.S. Salinity Laboratory in Riverside, California, conducted a field experiment in the Imperial Valley irrigating crops with Alamo River water. The study results indicated that under proper irrigation management, irrigating with Alamo River water can provide crops "superior in quality" (Rhoades, James D., et. al., Reuse of Drainage Water for Irrigation: Results of Imperial Valley Study, University of California Division of Agriculture and Natural Resources, October 1988). As such, delete the phrase "or for irrigation" from the first sentence.

204 26. The two paragraphs on page III-198 appear to confuse the concept of total loading with concentrations in the New and Alamo Rivers. For example, while salt concentration

-7-

204 of the New River at the Salton Sea is reduced from the concentration measured at the international boundary, total salt load is increased. Each irrigation drain that discharges into the New River within IID may have a lower salt concentration, which would act to dilute the New River water. However, each irrigation drain adds additional salt (total mass) to the New River increasing the total salt loading of the New River to the Salton Sea. Please revise language in the EIR to clarify this point to the reader.

205 27. On page III-203 in the fourth paragraph, the EIR should indicate the impact of development of urban uses on land previously utilized for farming on the concentration of selenium in agricultural drainage water downstream of the urban use development.

206 28. On page III-204, under mitigation measures listed to be implemented in order to improve the water quality of Imperial County's bodies of surface water, a requirement should be considered for new building construction and renovations to include the installation of low water use shower heads, faucets, toilets and other water using fixtures. The requirements should be in accordance with Section 17921.3 of the Health and Safety Code of the State of California for toilets and Section 1604(g) of the California Code of Regulations, Title 20, Chapter 2, Subchapter 4, Article 4 for other water fixtures.

207 29. In the fourth paragraph on page III-219, replace "Palo Verde Weir" with "Palo Verde Diversion Dam". Also, the paragraph should be revised to clearly indicate that IID, CVWD, and Bard Irrigation District divert water from the Colorado River at Imperial Dam through the All American Canal.

208 30. On page III-221 in the third paragraph, the last sentence should be revised to indicate that lining the first 49 miles of the Coachella Canal from its turnout from the All American Canal was completed in 1980 and that the earthen All American Canal is proposed to be lined from Pilot Knob to Drop 3.

209 31. The second item on page V-5 states that "Adequate water supply to the region exists via the Colorado River 2nd Metropolitan Water District distribution system." This statement should be deleted because Metropolitan does not serve any portion of Imperial County.

210 32. The second paragraph on page V-6 indicates that among other pollutants, selenium can be found in urban runoff which

210 can lead to potential significant cumulative impacts with respect to surface and groundwater quality. The February 1993 Draft Environmental Impact Report for East Lowline and Trifolium Interceptors, and Completion Projects released by IID indicates that all of the selenium of the Imperial Valley is imported by Colorado River water. Please clarify the source and quantity of the selenium found in urban runoff.

211 33. In the discussion of the Increased Agriculture Alternative in Chapter IX, an analysis of water availability should be included. Considering the over-allocation of Colorado River water and Section 206 of Public Law 100-675 (included herein as Enclosure 3) it would appear that available Colorado River water supplies are insufficient to support significant expanded agriculture on the East Mesa.

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Appendix 1003

WATER: CALIFORNIA

**SEVEN-PARTY WATER AGREEMENT,
AUGUST 18, 1931**

AGREEMENT

REQUESTING THE DIVISION OF WATER RESOURCES OF THE STATE OF CALIFORNIA TO APPORTION CALIFORNIA'S SHARE OF THE WATERS OF THE COLORADO RIVER AMONG THE VARIOUS APPLICANTS AND WATER USERS THEREFROM IN THE STATE, CONSENTING TO SUCH APPORTIONMENTS, AND REQUESTING SIMILAR APPORTIONMENTS BY THE SECRETARY OF THE INTERIOR OF THE UNITED STATES

This agreement, made the 18th day of August 1931, by and between Palo Verde Irrigation District, Imperial Irrigation District, Coachella Valley County Water District, Metropolitan Water District of Southern California, City of Los Angeles, City of San Diego, and County of San Diego.

Witnesseth:

Whereas the Secretary of the Interior did, on November 5, 1930, request of the Division of Water Resources of California a recommendation of the proper apportionments of the water of and from the Colorado River to which California may be entitled under the provisions of the Colorado River compact, the Boulder Canyon project act, and other applicable legislation and regulations to the end that the same could be carried into each and all of the contracts between the United States and applicants for water contracts in California as a uniform clause; and

Whereas the parties hereto have fully considered their respective rights and requirements in cooperation with the other water users and applicants and the Division of Water Resources aforesaid;

Now, therefore, the parties hereto do expressly agree to the apportionments and priorities of water of and from the Colorado River for use in California as hereinafter fully set out and respectfully request the Division of Water Resources to, in all respects, recognize said apportionments and priorities in all matters relating to State authority and to recommend the provisions of Article I hereof to the Secretary of the Interior of the United States for insertion in any and all

A480

APPENDIX 1003

contracts for water made by him pursuant to the terms of the Boulder Canyon project act, and agree that in every water contract which any party may hereafter enter into with the United States, provisions in accordance with Article I shall be included therein if agreeable to the United States.

ARTICLE I

The waters of the Colorado River available for use within the State of California under the Colorado River compact and the Boulder Canyon project act shall be apportioned to the respective interests below named and in amounts and with priorities therein named and set forth, as follows:

SECTION 1. A first priority to Palo Verde Irrigation District for beneficial use exclusively upon lands in said district as it now exists and upon lands between said district and the Colorado River, aggregating (within and without said district) a gross area of 104,500 acres, such waters as may be required by said lands.

SEC. 2. A second priority to Yuma project of the United States Bureau of Reclamation for beneficial use upon not exceeding a gross area of 25,000 acres of land located in said project in California, such waters as may be required by said lands.

SEC. 3. A third priority (a) to Imperial Irrigation District and other lands under or that will be served from the All-American Canal in Imperial and Coachella Valleys, and (b) to Palo Verde Irrigation District for use exclusively on 16,000 acres in that area known as the "Lower Palo Verde Mesa," adjacent to Palo Verde Irrigation District for beneficial consumptive use, 3,850,000 acre-feet of water per annum less the beneficial consumptive use under the priorities designated in sections 1 and 2 above. The rights designated (a) and (b) in this section are equal in priority. The total beneficial consumptive use under priorities stated in sections 1, 2, and 3 of this article shall not exceed 3,850,000 acre-feet of water per annum.

SEC. 4. A fourth priority to the Metropolitan Water District of Southern California and/or the City of Los Angeles, for beneficial consumptive use, by themselves and/or others, on the coastal plain of Southern California, 550,000 acre-feet of water per annum.

SEC. 5. A fifth priority (a) to the Metropolitan Water District of Southern California and/or the City of Los Angeles, for beneficial consumptive use, by themselves and/or others, on the coastal plain of southern California, 550,000 acre-feet of water per annum and (b) to the City of San Diego and/or County of San Diego, for beneficial consumptive use, 112,000 acre-feet of water per annum. The rights designated (a) and (b) in this section are equal in priority.

SEC. 6. A sixth priority (a) to Imperial Irrigation District and other lands under or that will be served from the All-American

WATER: CALIFORNIA—1931 SEVEN PARTY AGREEMENT A481

al in Imperial and Coachella Valleys, and (b) to Palo Verde Irrigation District for use exclusively on 16,000 acres in that area known as the "Lower Palo Verde Mesa," adjacent to Palo Verde Irrigation District, for beneficial consumptive use, 300,000 acre-feet of water per annum. The rights designated (a) and (b) in this section are equal in priority.

SEC. 7. A seventh priority of all remaining water available for use within California, for agricultural use in the Colorado River Basin in California, as said basin is designated on map No. 23000 of the Department of the Interior, Bureau of Reclamation.

SEC. 8. So far as the rights of the allottees named above are concerned, the Metropolitan Water District of Southern California and/or the City of Los Angeles shall have the exclusive right to withdraw and divert into its aqueduct any water in Boulder Canyon Reservoir accumulated to the individual credit of said district and/or said city (not exceeding at any one time 4,750,000 acre-feet in the aggregate) by reason of reduced diversions by said district and/or said city; provided, that accumulations shall be subject to such conditions as to accumulation, retention, release, and withdrawal as the Secretary of the Interior may from time to time prescribe in his discretion, and his determination thereof shall be final; provided further, that the United States of America reserves the right to make similar arrangements with users in other States without distinction in priority, and to determine the correlative relations between said district and/or said city and such users resulting therefrom.

SEC. 9. In addition, so far as the rights of the allottees named above are concerned, the City of San Diego and/or County of San Diego shall have the exclusive right to withdraw and divert into an aqueduct any water in Boulder Canyon Reservoir accumulated to the individual credit of said city and/or said county (not exceeding at any one time 250,000 acre-feet in the aggregate) by reason of reduced diversions by said city and/or said county; provided, that accumulations shall be subject to such conditions as to accumulations, retention, release, and withdrawal as the Secretary of the Interior may from time to time prescribe in his discretion, and his determination thereof shall be final; provided further, that the United States of America reserves the right to make similar arrangements with users in other States without distinction in priority, and to determine the correlative relations between said city and/or said county and such users resulting therefrom.

SEC. 10. In no event shall the amounts allotted in this agreement to the Metropolitan Water District of Southern California and/or the City of Los Angeles be increased on account of inclusion of a supply for both said district and said city, and either or both may

A482

APPENDIX 1003

use said apportionments as may be agreed by and between said district and said city.

Sec. 11. In no event shall the amounts allotted in this agreement to the City of San Diego and/or to the County of San Diego be increased on account of inclusion of a supply for both said city and said county, and either or both may use said apportionments as may be agreed by and between said city and said county.

Sec. 12. The priorities hereinbefore set forth shall be in nowise affected by the relative dates of water contracts executed by the Secretary of the Interior with the various parties.

ARTICLE II

That each and every party hereto who has heretofore filed an application or applications for a permit or permits to appropriate water from the Colorado River requests the Division of Water Resources to amend such application or applications as far as possible to bring it or them into conformity with the provisions of this agreement; and each and every party hereto who has heretofore filed a protest or protests against any such application or applications of other parties hereto does hereby request withdrawal of such protest or protests against such application or applications when so amended.

ARTICLE III

That each and all of the parties to this agreement respectfully request that the contract for delivery of water between the United States of America and the Metropolitan Water District of Southern California under date of April 24, 1930, be amended in conformity with Article I hereof.

In witness whereof, the parties hereto have caused this agreement to be executed by their respective officers thereunto duly authorized, the day and year first above written. Executed in seven originals.

WATER: CALIFORNIA—1931 SEVEN PARTY AGREEMENT A483

Recommended for execution:

PALO VERDE IRRIGATION DISTRICT,
By ED. J. WILLIAMS.

ARVIN B. SHAW, JR.
IMPERIAL IRRIGATION DISTRICT,
By CHAS. L. CHILDERS.

M. J. DOWD.
COACHELLA VALLEY COUNTY
WATER DISTRICT,

By THOS. C. YAGER.
ROBBINS RUSSEL.
METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA.

By W. B. MATTHEWS.
C. C. ELDER.
CITY OF LOS ANGELES,

By W. W. HURLBUT.
C. A. DAVIS.
CITY OF SAN DIEGO,

By C. L. BYERS.
H. N. SAVAGE.
COUNTY OF SAN DIEGO,

By H. N. SAVAGE.
C. L. BYERS.

[The agreement was thereafter ratified by each of the seven parties.]

(3) INVESTMENT POWER.—Notwithstanding paragraph (1) or any other provision of law, the Indian Water Authority shall have complete discretion to invest and manage its own funds: Provided, That the United States shall not bear any obligation or liability regarding the investment, management or use of such funds.

(4) LIMITATION ON SPENDING AUTHORITY.—All funds of the Indian Water Authority which are not required for administrative or operational expenses of the Authority or to fulfill obligations of the Authority under this title, the settlement agreement, or any other agreement entered into by the Indian Water Authority shall be invested or used for economic development of the Bands, the Bands' reservation lands, and their members. Such funds may not be used for per capita payments to members of any Band.

(c) INDIAN WATER AUTHORITY TREATED AS TRIBAL GOVERNMENT FOR CERTAIN PURPOSES.—The Indian Water Authority shall be considered to be an Indian tribal government for purposes of section 787(a)(4) of the Internal Revenue Code of 1986.

SEC. 106. DELEGATION OF AUTHORITY.

The Secretary and the Attorney General of the United States, acting on behalf of the United States, and the Bands, acting through their duly authorized governing bodies, are authorized to enter into the settlement agreement. The Secretary is authorized to enter into such agreements and to take such measures as the Secretary may deem necessary or appropriate to fulfill the provisions of this title.

SEC. 101. AUTHORITY OF THE FEDERAL ENERGY REGULATORY COMMISSION AND THE SECRETARY OF THE INTERIOR OVER POWER FACILITIES AND GOVERNMENT AND INDIAN LANDS.

(a) POWER FACILITIES.—Any license issued under the Act of June 10, 1920 (16 U.S.C. 791a et seq, commonly referred to as Part I of the Federal Power Act) for any part of the system that diverts the waters of the San Luis Rey River originating above the intake to the Escondido Canal—

(1) shall be subject to all of the terms, conditions, and provisions of the settlement agreement and this title; and

(2) shall not in any way interfere with, impair or affect the ability of the Bands, the local entities and the United States to implement, perform, and comply fully with all of the terms, conditions, and provisions of the settlement agreement.

(b) INDIAN AND GOVERNMENT LANDS.—Notwithstanding any provision of Part I of the Federal Power Act to the contrary, the Secretary is exclusively authorized, subject to subsection (c), to lease, grant rights-of-way across, or transfer title to, any Indian tribal or allotted land, or any other land subject to the authority of the Secretary, which is used, or may be useful, in connection with the operation, maintenance, repair, or replacement of the system to divert, convey, and store the waters of the San Luis Rey River originating above the intake to the Escondido Canal or the supplemental water supplied by the Secretary under this Act.

(c) APPROVAL BY INDIAN BANDS; COMPENSATION TO INDIAN OWNERS.—Any disposition of Indian tribal or allotted land by the Secretary under the subsection (b) shall be subject to the approval of the governing Indian Band. Any individual Indian owner or allottee

whose land is disposed of by any action of the Secretary under subsection (b) shall be entitled to receive just compensation.

SEC. 110. RULES OF CONSTRUCTION.

(a) EMINENT DOMAIN.—No provision of this title shall be construed as authorizing the acquisition by the Federal Government of any water or power supply or any water conveyance or power transmission facility through the power of eminent domain or any other nonconsensual arrangement.

(b) STATUS AND AUTHORITY OF INDIAN WATER AUTHORITY.—No provision of this title shall be construed as creating any implication with respect to the status or authority which the Indian Water Authority would have under any other law or rule of law in the absence of this title.

SEC. 111. COMPLIANCE WITH BUDGET ACT.

To the extent any provision of this title provides new spending authority described in section 401(c)(2)(A) of the Congressional Budget Act of 1974, such authority shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance in appropriation Acts.

TITLE II—ALL AMERICAN CANAL LINING

SEC. 201. CONGRESSIONAL FINDINGS.

Congress hereby finds and declares that:

- (1) The Boulder Canyon Project Act ("Project Act") was enacted to conserve the waters of the lower Colorado River for a number of public purposes, including the storage and delivery of water for reclamation of public lands and other uses exclusively within the United States.
- (2) The Secretary of the Interior ("Secretary") was authorized by the Project Act to construct what is now Hoover Dam, Lake Mead, and the All American Canal and "to contract for the storage of water in said reservoir and for the delivery thereof at such points on the river and on said canal as may be agreed upon"
- (3) The Project Act provides that "no person shall have or be entitled to have the use for any purpose of the water stored as aforesaid except by contract" and in California the Secretary has entered into water delivery contracts with public agencies.
- (4) The Secretary's water delivery contracts incorporate the Seven Party Agreement of August 18, 1931, under which water that is not applied to beneficial use by a California Contractor is available for use by the California Contractor with the next priority.
- (5) The available supply of Colorado River water in California is insufficient to meet the priorities set forth in the Seven Party Agreement.
- (6) The Secretary's water delivery contracts with the California Contractors provide that the total beneficial consumptive use under the first three priorities established in the contracts shall not exceed 3.85 million acre-feet of water per year.
- (7) The rights of all California Contractors are defined by the Project Act, their contracts, and decisions and decrees of the United States Supreme Court.

which occurs after the Secretary accepts the works and would not have occurred in the absence of the works; and,

(8) the requirement that the remaining net obligations due the United States for construction of the All American Canal owed on the date of enactment of this Act be paid by the Participating Contractors.

(d) **TITLE TO THE WORKS.**—A Participating Contractor shall not receive title to any works constructed pursuant to this section by virtue of its participation in the funding for the works. Title to all such works shall remain with the United States. Upon completion of the works and upon request by an All American Canal Contractor (City of San Diego, Imperial Irrigation District, or Coachella Valley Water District) for transfer of title of the All American Canal, its Coachella Branch, and appurtenant structures below Syphon Drop (including the works constructed pursuant to this section), the Secretary shall, within 90 days, take such necessary action as the Secretary deems appropriate to complete transfer of title to the requesting contractor, according to the contractor's respective interest unless the Secretary determines that such transfer would impair any existing rights of other All American Canal contractors, the rights or obligations of the United States, or would inhibit the Secretary's ability to fulfill his responsibility under the Project Act or other applicable law.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) No Federal funds are authorized to be appropriated to the Secretary for construction of the works described in subsection (a)(1) of this section.

(2) The Secretary is authorized to receive funds in advance from one or more Participating Contractors pursuant to the Contributed Funds Act of March 4, 1921 (41 Stat. 1401) under terms and conditions acceptable to the Secretary in order to carry out the Secretary's responsibilities under subsections (a), (b), and (c) of this section.

SEC. 281. USE OF CONSERVED WATER.

(a) **SECRETARIAL DETERMINATION.**—The Secretary shall determine the quantity of water conserved by the works and may revise such determination at reasonable intervals based on such information as the Secretary deems appropriate. Such initial determination and subsequent revision shall be made in consultation with the California Contractors.

(b) **BENEFICIAL USE IN CALIFORNIA.**—

(1) The water identified in subsection (a) of this section shall be made available, subject to the approval requirement established in section 203(c)(3), for consumptive use by California Contractors within their service areas according to their priorities under the Seven Party Agreement.

(2) If the water identified in subsection (a) of this section is used during the term of the funding agreements by (A) a California Contractor other than a Participating Contractor, or (B) by a Participating Contractor in an amount in excess of its proportionate share as measured by the amount of its contributed funds in relation to the total contributed funds, such contractor shall reimburse the Participating Contractors for the annualized amounts of their respective contributions which funded the conservation of water so used, any added costs of operation and maintenance as determined in section 203(h), and

related mitigation costs under section 203(a)(2). Such reimbursement shall be based on the costs each Participating Contractor incurs in contributing funds and its total contribution, and the life of the works.

SEC. 285. IMPLEMENTATION.

The authorities contained in this title shall take effect upon enactment and the Secretary is authorized to proceed with all preconstruction activities. For a period not to exceed 15 months thereafter, or such additional period as the Secretary and the Imperial Irrigation District, the Coachella Valley Water District, and the Metropolitan Water District of Southern California may agree, the Secretary shall provide to the Imperial Irrigation District the opportunity to become the sole Participating Contractor for the works on the All American Canal from Pilot Knob to Drop 4, and assume all non-Federal obligations to finance the works. After the expiration of the 15-month period or any extension thereof, the Secretary is authorized to enter into agreements with the California Contractors as provided in section 203(c) of this Act.

SEC. 286. PROTECTION OF EXISTING WATER USES.

As of the effective date of this Act, any action of the Secretary to use, sell, grant, dispose, lease or provide rights-of-way across Federal public domain lands located within the All American Canal Service Area shall include the following conditions: (1) those lands within the boundary of the Imperial Irrigation District as of July 1, 1988, as shown in Imperial Irrigation District Drawing 7534, excluding Federal lands without a history of irrigation or other water using purposes; (2) those lands within the Imperial Irrigation District Service Area as shown on General Map of Imperial Irrigation District dated January 1988 (Imperial Irrigation District No. 27F 0189) with a history of irrigation or other water using purposes; and (3) those lands within the Coachella Valley Water District's Improvement District No. 1 shall have a priority for irrigation or other water using purposes over the lands benefiting from the action of the Secretary. *Provided*, That rights to use water on lands having such priority may be transferred for use on lands having a lower priority if such transfer does not deprive other lands with the higher priority of Colorado River water that can be put to reasonable and beneficial use.

SEC. 207. WATER CONSERVATION STUDY.

(a) **PREPARATION AND TRANSMITTAL.**—Any agreement entered into pursuant to section 203 between the Secretary and The Metropolitan Water District of Southern California (hereafter referred to as the "District") shall require, prior to the initiation of construction but in no case later than two years from the date of enactment of this Act, the preparation and transmittal to the Secretary by the District of a water conservation study as described in this section, together with the conclusions and recommendations of the District.

(b) **PURPOSE.**—The purpose of the study required by this section shall be the evaluation of various pricing options within the District's service area, an estimation of demand elasticity for each of the principal categories of end use of water within the District's service area, and the estimation of the quantity of water saved under the various options evaluated.

(c) **PRICING ALTERNATIVES.**—Such study shall include a thorough evaluation of all the pricing alternatives, alone and in various combinations, that could be employed by the District, including but not limited to—

- (1) recovery of all costs through water rates;
- (2) seasonal rate differentials;
- (3) dry year surcharges;
- (4) increasing block rates; and
- (5) marginal cost pricing.

(d) **PUBLIC REVIEW AND COMMENT.**—Not less than 90 days prior to its transmittal to the Secretary, the study, together with the District's preliminary conclusions and recommendations and all supporting documentation, shall be available for public review and comment, including the transcripts of public hearings which shall be held during the course of the study. All significant comments, and the District's responses thereto, shall accompany the study transmitted to the Secretary. **AUG. 11, 1990**

(e) **LIMITATION ON INITIATION OF CONSTRUCTION.**—Prior to the initiation of construction, the Secretary shall determine that the requirements of this section have been satisfied. Nothing in this section shall be deemed to authorize the Secretary to require the implementation of any policies or recommendations contained in the study.

SEC. 208. SALTON SEA NATIONAL WILDLIFE REFUGE.

Within 90 days from the date of enactment of this title, the Secretary is directed to prepare and submit a report to the Congress which describes the current condition of habitat at the Salton Sea National Wildlife Refuge, California. The report shall also—

- (1) assess water quality conditions within the refuge;
- (2) identify actions which could be undertaken to improve habitat at the refuge;
- (3) describe the status of wildlife, including waterfowl populations, and how wildlife populations have fluctuated or otherwise changed over the past ten years; and
- (4) describes current and future water requirements of the refuge, the availability of funds for water purchases, and steps which may be necessary to acquire additional water supplies, if needed.

SEC. 289. RELATION TO RECLAMATION LAW.

No contract or agreement entered into pursuant to this title shall be deemed to be a new or amended contract for the purposes of

section 289(a) of the Reclamation Reform Act of 1982 (Public Law 97-293, 96 Stat. 1263).

Approved November 17, 1988.

LEGISLATIVE HISTORY—S. 795

HOUSE REPORTS: No. 100-780 (Comm. on Interior and Insular Affairs); SENATE REPORTS: No. 100-87 and No. 100-254 (both from Select Comm. on Indian Affairs).

CONGRESSIONAL RECORD:

Vol. 131 (1987) Dec. 19, considered and passed Senate.
Vol. 131 (1988) Oct. 3, 4, considered and passed House, amended.
Oct. 19, Senate concurred in House amendment with an amendment.
Oct. 20, House concurred in Senate amendment.

PUBLIC HEALTH DIVISION - NOV. 14, 1900

The Secretary has promulgated regulations pursuant to his authority under the Project Act establishing procedures to assure that deliveries of Colorado River water to each user will not exceed those reasonably required for its beneficial use.

(9) The Secretary has constructed the All American Canal and delivers water to the Imperial Irrigation District and Coachella Valley Water District under water delivery contracts by which those districts are entitled to receive deliveries of water in amounts reasonably required for potable and irrigation purposes.

(10) Studies conducted by the Secretary show that significant quantities of water currently delivered into the All American Canal and its Coachella Branch are lost by seepage from the canals and that such losses could be reduced or eliminated by lining these canals.

SEC. 202. DEFINITIONS.

As used in this title, the term—

(1) "All American Canal Service Area" shall mean the Imperial Service Area and the Coachella Service Area as defined in the Imperial Irrigation District and Coachella Valley Water District water delivery contracts with the Secretary dated December 1, 1932, and October 14, 1934, respectively.

(2) "California Contractors" shall mean the Palo Verde Irrigation District; Imperial Irrigation District; Coachella Valley Water District; and, The Metropolitan Water District of Southern California.

(3) "Participating Contractor" shall mean a California Contractor who elects to participate in, and fund, all or a portion of the works described in section 203 of this title.

(4) "Project Act" shall mean the Boulder Canyon Project Act (45 Stat. 1057; 43 U.S.C. 617-617d).

(5) "Secretary" shall mean the Secretary of the Interior.

(6) "Seven Party Agreement" shall mean that agreement dated August 18, 1931, providing the schedule of priorities for use of the waters of the Colorado River within California as published in section 6 of the General Regulations of the Secretary of the Interior dated September 28, 1931, and incorporated in the Secretary's water delivery contracts with the California Contractors.

(7) "Works" shall mean the facilities and measures specified in section 203(a) of this title.

SEC. 203. AUTHORIZATION OF PROJECT.

(a) CANAL LINING AUTHORIZED.—The Secretary, in order to reduce the seepage of water, is authorized to—

(1) construct a new lined canal or to line the previously unlined portions of the All American Canal from the vicinity of Pilot Knob to Drop 4 and its Coachella Branch from Siphon 7 to Siphon 32, or construct seepage recovery facilities in the vicinity of Pilot Knob to Drop 4, including measures to protect public safety; and

(2) implement measures for the replacement of incidental fish and wildlife values adjacent to the canals foregone as a result of the lining of the canal or mitigation of resulting impacts on fish and wildlife resources from construction of a new canal, or a portion thereof. Such measures shall be on an acre-for-acre

basis, based on ecological equivalency, and shall be implemented concurrent with construction of the works. The Secretary shall make available such public lands as he deems appropriate to meet the requirements of this subsection. The Secretary is authorized to develop ground water, with a priority given to nonpotable sources, from public lands to supply water for fish and wildlife purposes.

(b) OPERATION AND MAINTENANCE DETERMINATION.—The Secretary shall determine the impact of the works on the cost of operation and maintenance and the existing regulating and storage capacity of the All American Canal and its Coachella Branch. If the works result in any added operation and maintenance costs which exceed the benefits derived from increasing the regulating and storage capacity of the canals to the Imperial Irrigation District or the Coachella Valley Water District, the Secretary shall include such costs in the funding agreement for the works.

(c) CONSTRUCTION AND FUNDING AGREEMENT.—The Secretary, subject to the provision of section 205 of this title, may enter into an agreement or agreements with one or more of the California Contractors for the construction or funding of all or a portion of the works authorized in subsection (a) of this section. The Secretary shall ensure that such agreement or agreements include provisions setting forth—

(1) the responsibilities of the parties to the agreement for funding and assisting with implementing all the duties of the Secretary identified in subsections (a) and (b) of this section;

(2) the obligation of the Participating Contractors to pay the additional costs identified in subsection (b) of this section, as a result of the works;

(3) the procedures and requirement for approval and acceptance by the Secretary of such works, including approval of the quality of construction, measures to protect the public health and safety, mitigation or replacement, as appropriate, of fish and wildlife resources or values, and procedures for operation, maintenance, and protection of such works;

(4) the rights, responsibilities, and liabilities of each party to the agreement;

(5) the term of such agreements which shall not exceed 55 years and may be renewed if consented to by Imperial Irrigation District and Coachella Valley Water District according to their respective interests in the conserved water. If the funding agreements are not renewed, the Participating Contractors shall be compensated by the Imperial Irrigation District or the Coachella Valley Water District for their participation in the cost of the works. Such compensation shall be equal to the replacement value of the works less depreciation. Such depreciated value is to be based upon an engineering analysis by the Secretary of the remaining useful life of the works at the expiration of the funding agreements;

(6) the obligation of the Participating Contractors or the United States for repair or other corrective action which would not have occurred in the absence of the works in the case of earthquake or other acts of God;

(7) the obligation of the Participating Contractors or the United States to hold harmless Imperial Irrigation District and Coachella Valley Water District for liability to third parties

Public health and safety.

Public health and safety.

Public health and safety.



ESTABLISHED IN 1918 AS A PUBLIC AGENCY

COACHELLA VALLEY WATER DISTRICT

POST OFFICE BOX 1058 • COACHELLA, CALIFORNIA 92236 • TELEPHONE (619) 398-2651

DIRECTORS
TELLIS CODEKAS, PRESIDENT
RAYMOND R. RUMMONDS, VICE PRESIDENT
JOHN W. McFADDEN
DOROTHY M. DE LAY
THEODORE J. FISH

February 3, 1993

OFFICERS
THOMAS E. LEVY, GENERAL MANAGER-CHIEF ENGINEER
BERNARDINE SUTTON, SECRETARY
OWEN MCCOOK, ASSISTANT GENERAL MANAGER
REDWINE AND SHERRILL, ATTORNEYS

File: 1150.021

Jurg Heuberger
Planning Director
Imperial County
939 Main Street
El Centro, California 92243

Dear Mr. Heuberger:

This is in response to your letter dated January 20, 1993, copy enclosed, requesting comments on the Draft Environmental Impact Report for the Imperial County General Plan Update.

This district appreciates the opportunity to comment upon this very important document. Our comments are contained in Attachment A, copy enclosed.

If you have any questions or require additional information please call Robert Robinson, resource planning and management engineer, extension 424.

Yours very truly,

Tom Levy
General Manager-Chief Engineer

RAR:sv/e2/jurg

Enclosures/2/as

RECEIVED

FEB 05 1993

IMPERIAL COUNTY
BUILDING INSPECTION

TRUE CONSERVATION
USE WATER WISELY

ATTACHMENT A

- 212 1. Page III-159, fourth paragraph. Imperial Irrigation District's federal contract with the Secretary of the Interior explicitly prohibits the transfer of Colorado River water to areas outside of a very carefully defined Imperial Irrigation District service area.
- 213 2. The same contract stipulates that Colorado River diversions are conditioned upon reasonable beneficial use.
- 214 3. Page III-202. Recommend a short description of the East Mesa area and its potential for water storage underground. The general plan should indicate whether such a land use does or does not conform with the General Plan.
- 215 4. Page III-220, first partial paragraph. The "capacity" for a 12-inch diameter outfall pipe submerged under 12 inches of water is approximately 4.5 CFS.
- 216 5. Page III-204, second dot. Recommend Imperial County list the irrigation methods that conserve water or include an appendix describing Best Management Practices.



Southern Pacific Lines

Distribution Services Department
1200 Corporate Center Drive - Monterey Park, California 91754

March 22, 1993

Mr. Juri Heuberger, Planning Director
County of Imperial
939 Main St.
El Centro, CA 92243-2856

Mr. Brian Mooney
Brian F. Mooney Associates
9903-B Business Park Ave.
San Diego, CA 92131

Dear Mr. Heuberger and Mr. Mooney:

**SUBJECT: Comments from Southern Pacific for
Draft General Plan Update
Draft Environmental Impact Report**

Attached are the comments of the Southern Pacific Transportation Co. after reviewing your two documents.

If you have any questions or clarifications regarding our comments, feel free to write or call (213) 780-6822.

Very truly yours,

E. A. Rhodes
Director Industrial Development

CS 213/14/90)

NO OF PAGES		FAX TRANSMISSION	
FROM:	TO:	LOCATION:	LOCATION:
Ed Rhodes SP	Mike Barks	Monterey Park, Ca	SD
TELEPHONE NUMBER	FAX NUMBER	TELEPHONE NUMBER	FAX NUMBER
(213) 780 6822	(619) 578 0573	(213) 780 6822	(619) 578 0573
COMMENTS		COMMENTS	
As we discussed this AM		As we discussed this AM	

SOUTHERN PACIFIC LINES

CS 213/14/90)

COMMENTS

County of Imperial

Draft General Plan Update - Dated January 25, 1993

Noise Element

Page 6-h Railroad Noise

First paragraph, fourth sentence should read:

"A branch on this line runs east from El Centro along Evan Hewes Highway to Holtville."

This line in your document refers to it as a spur when it is a branch. Additionally, the line north along SR 115 was abandoned by ICC on July 18, 1990 and reference to such should be deleted. Also, Figure 1 should be revised accordingly.

Third paragraph, last sentence should read:

"The branch to Holtville averages four trains per week."

Fourth paragraph, first and third sentences should be modified:

A spur track is one which serves one industry. The proposed border project may likely serve more than one which could be either a drill or branchline. Thus, it is suggested that the wording read "Branchline and/or drill tracks and/or spurs."

Seismic and Public Safety Element

Page 14 D. Hazardous Material Accident

Fourth paragraph, Item (2) states, "Southern Pacific Pipe Line Tank Farm". The current owner is now the Santa Fe Pacific Pipe Line Tank Farm. Likewise, Figure 5 (2) on Page 16 should be also changed to reflect the correct owner.

Appendix B, Page B-1, Item 1

As stated previously where it states "Southern Pacific Pipe Line" (in three places) should be corrected to Santa Fe Pacific Pipe Line.

COMMENTS

County of Imperial

Draft Environmental Impact Report for the County of Imperial General Plan (SCH #93011023).

Summary

B. Environmental Issues.

4. Noise

a. Environmental impacts

217

Page 5-5

First paragraph, first and second sentences should be modified:

"Spurs" should be changed to "rail lines" since it is unknown whether the track will be a branch, drill or spur.

III.

Environmental Analysis

D. Noise

1. Existing Conditions

a. Transportation Sources

218

Page III - 69 Railroad Noise

First paragraph, four sentence should be changed to reflect comment made on Page 6-b of the Draft General Plan Update.

Page III - 70

219

First paragraph, second sentence should be modified to adding before "spur" with branch or drill or, so that appropriate conditions are reflected.

220

First paragraph, fourth sentence should be changed to replacing "spur" with branch line.

Page III - 76 Railroad Noise

221

First paragraph should be modified as follows to reflect correct railroad terminology:

221 Two proposed projects could add branch line and/or drill track and/or spurs to the existing railway network. A proposed new international border crossing and bi-national industrial area east of Calexico could include a rail line. The route of the rail line could be east-west from Calexico or north-south from Holtville, depending on availability of right-of-way and accompanying land use, environmental and economic considerations. The potential for adverse noise impacts exists along the proposed right of way. There is also a potential for adverse noise impacts along the rights-of-way of existing tracks, if use of the new line generates greater use of the existing lines.

222 Appendix C - Traffic Report for Imperial Co.

Figure 7A

Remove "Stanley" from Southern Pacific.

223 Remove railroad line shown parallel to SR 115 from SR 78 south to Holtville.



818 West Seventh Street, 12th Floor • Los Angeles, California 90017-3435 ☎ (213) 236-1800 • FAX (213) 236-1825

March 10, 1993

Jurg Heuberger
Planning Director
Imperial County
939 Main Street
El Centro, CA 92243-2856

RE: Draft Environmental Impact Report For The County of Imperial General Plan
SCAG Clearinghouse #19300073

Dear Mr. Heuberger:

Thank you for the opportunity to review and comment on the Draft Environmental Impact Report (DEIR) for the County of Imperial General Plan. As areawide clearinghouse for regionally significant projects, SCAG assists cities, counties and other agencies in reviewing projects and plans for consistency with the Regional Mobility Plan (RMP), the Growth Management Plan (GMP), the Regional Housing Needs Assessment (RHNA), and conformity with the applicable Air Quality Management (AQMP) Plan.

The attached comments are meant as administrative staff comments to provide guidance for completing the proposed General Plan within the context of our regional goals and policies, which are based in part upon state and federal mandates. If you have any questions, please feel free to call Maria Souza-Rountree at (213) 236-1838. She will be happy to assist you in addressing the comments made herein.

Sincerely,

ARNOLD I. SHERWOOD, Ph.D.
DIRECTOR
Forecasting, Analysis and Monitoring

RECEIVED

MAR 15 1993

IMPERIAL COUNTY
BUILDING INSPECTION

John Longville City of Rialto-President, Gaddi Vasquez Orange County-First Vice President, Stella Mendoza City of Brawley-Second Vice President, John Flynn Ventura County President, Richard Alatorre City of Los Angeles, Michael Antonovich Los Angeles County, Robert Bartlett City of Monrovia, George Bass City of Bell, Ronald Bates City of Alhambra, George Bultey, Jr. City of Burbank, Ermani Bernardi City of Los Angeles, Hal Bernson City of Los Angeles, Walter Bowman City of Cypress, Tom Bradley City of Los Angeles, Marvin Braude City of Los Angeles, Susan Brooks City of Rancho Palms Verdes, Art Brown City of Buena Park, Jim Busby, Jr. City of Victorville, John Cox City of Newport Beach, Deane Dana Los Angeles County, Elmer Digneo City of Loma Linda, Richard Dixon City of Lake Forest, Douglas Drummond City of Long Beach, John Ferrara City of Los Angeles, Joan Milke Flores City of Los Angeles, Terry Fritzel City of Riverside, Ruth Galanter City of Los Angeles, Sandra Geils City of Costa Mesa, Candace Haggard City of San Clemente, Garland Hardeman City of Inglewood, Robert Hargrave City of Lomita, Mike Hernandez City of Los Angeles, Nate Holden City of Los Angeles, Robert Jamison City of Artesia, Jim Kelly City of South El Monte, Richard Kelly, City of Palm Desert, Bob Kuhn City of Glendora, Abbe Land City of West Hollywood, Darlene McBane City of Agoura Hills, John Melton City of Santa Paula, Barbara Messina City of Alhambra, Jon Mikels San Bernardino County, Judy Mikels City of Simi Valley, David Myers City of Palmdale, Kathryn Nack City of Pasadena, Bev Perry City of Brea, Gwenn Norton-Perry City of Chino Hills, Ronald Parks City of Temecula, Irv Pickler City of Anaheim, Joy Picus City of Los Angeles, Beatrice Proo City of Pico Rivera, Larry Rhinehart City of Montclair, Mark Ridley-Thomas City of Los Angeles, Albert Robles City of South Gate, Sam Sharp Imperial County, Bob Stone City of Bellflower, Thomas Sikes City of Walnut, Jeff Thomas City of Tustin, Laurie Tully-Davne City of Highland, Joel Warby City of Los Angeles, Rita Walker City of Los Angeles, Paul Walker City of Los Angeles

SCAG COMMENTS ON THE DEIR FOR THE COUNTY OF IMPERIAL GENERAL PLAN

Description

The proposed project consists of the adoption of a Plan Update for development of the County of Imperial. The proposed plan will replace the existing General Plan, originally prepared in 1973, to more effectively and comprehensively plan for the long-term physical development of the County.

The proposed Plan Update encompasses the entire County comprising approximately 4,597 square miles, or 2,942,080 acres.

The proposed plan includes the following mandatory elements: Land Use; Housing; Circulation and Scenic Highways; Conservation and Open Space; Seismic and Public Safety; and Noise. In addition, the County has prepared three additional elements: Agriculture; Geothermal and Transmission; and Water.

In addition to the proposed Plan Update, the County has analyzed three alternatives. The alternatives examined include the "Increased Agriculture Alternative", the "Increased Development Alternative", and the required "No Project Alternative".

GROWTH MANAGEMENT PLAN (GMP)

Regional Growth Management Policies

There are a number of policies expressed in the GMP which are particularly relevant to this project. Among them are policies which would:

- Promote future patterns of urban development and land use which reduce costs of infrastructure construction and make better use of existing facilities, and achieve a good match between future growth and the phasing of new facilities or expansion of existing ones.
- Encourage growth to occur in and around:
 - activity centers
 - transportation node corridors
 - underutilized infrastructure systems
 - areas needing recycling and redevelopment
- Encourage mixed-use developments and other planning techniques which make employment centers easy to walk to or reach by transit.

- To the degree possible, achieve a balance, by subregion of the types of jobs with the price of housing.
- To preserve, wherever possible, prime agricultural land and open space areas identified in local, state, and federal plans and those in SCAG's Conservation and Open Space Plan.

224 [The direction of urban growth along urban corridors that the Plan Update promotes is consistent with regional policy.

225 [SCAG commends Imperial County for the attention the DEIR directs to minimizing land use incompatibilities that often arise adjacent to agricultural activities. The County's incorporation of a General Plan Agricultural Element will assist in ensuring approximately 93.4 percent of the existing important farmland within Imperial County will be reserved for agricultural uses for the next five years. For long term protection, a regional land use study, prepared every five years, will examine the degree of build out within each of the designated urban areas in the County. All land designated for urban uses must be shown to be built out before development of agricultural land will be allowed. Therefore, these studies will limit the conversion of agricultural land.

Jobs/Housing Balance

226 [According to SCAG's designation of subregions, in 1984 the jobs/housing balance ratio in Imperial County was 1.11 and reaches 1.26 in the year 2010. It is not possible to compare these figures to jobs/housing ratios that would be generated by the proposed Plan Update due to the absence of population densities for the land uses shown in the proposed Plan Update. In order to show that the Plan Update is consistent with regional growth forecasts, these figures should be discussed in the Final EIR. Specifically, the total population anticipated in the County, along with an estimate of the number of jobs that would be generated by the commercial and industrial land uses in the proposed Plan Update by the year 2010 should be included in the Final EIR.

227 [SCAG notes that it will be important for the County to ensure that a sufficient amount of land is dedicated for urban uses to allow a diversity of employment opportunities in the future. The acreage allocated to urban land uses is reduced sharply in the Plan Update. However, there still remains a very large area of developable land in the periphery of existing developed areas in the county.

REGIONAL MOBILITY PLAN (RMP)

228 [Imperial County is classified as an ozone non-attainment area only under the State of California and as such, is not subject to the Federal Clean Air Act. Although Imperial County is in non-attainment for PM₁₀, under both State and Federal sources, the County is not classified as "Severe" or "Extreme". In either case, mobile source mitigation through the use of Transportation Control Measures (TCMs) are not required nor applicable for a consistency finding with the adopted RMP.

FINDINGS

229 [SCAG finds that the proposed General Plan and DEIR is consistent with the goals, objectives, and policies of the adopted 1989 RMP at this time.

RECOMMENDATIONS

230 [SCAG recommends that the County calculate the total number of residents that will reside in the County at buildout, based on the number of acres designated for each land use and its concomitant population density. This will allow future infrastructure needs to be more accurately forecasted.

231 [If the County of Imperial General Plan Update is approved, it is requested that SCAG be notified of the City Council's action so that the implications for the Comprehensive Regional Plan, which is now under preparation, can be evaluated with respect to transportation, wastewater treatment and other service systems.

232 [All mitigation measures associated with the Plan Update should be monitored in accordance with AB 3180 requirements.



CITY OF BRAWLEY

ECONOMIC & COMMUNITY DEVELOPME
CITY HALL
400 MAIN ST. PLAZA P.
BRAWLEY, CALIFORNIA
92227
PHONE: 344 8822

RECEIVED

March 15, 1993

MAR 17 1993

Imperial County Planning Department
ATTN: Jurg Heuberger, Planning Director
939 Main Street
El Centro, CA 92243-2875

IMPERIAL COUNTY
BUILDING INSPECTION

SUBJECT: Response to County of Imperial's General Plan Update

Gentlemen:

233 The City of Brawley has jurisdiction and management control over private/quasi-public lands within its incorporated city limits. LAFCO has established a sphere of influence for the City of Brawley. This area marks the outer limits of the area into which future expansion of Brawley is anticipated. This area is classified as Urban Area in your proposed General Plan Update. It is anticipated that this area will eventually be annexed or incorporated. Therefore, development in the areas shall provide for the extension of full urban services such as public sewer and water, drainage improvements, street lights, fire hydrants and fully improved paved streets with curbs and sidewalks.

234 While the City commends your effort in updating your General Plan it is vital that the designated Urban Areas encourage economic development, and protect the existing characters of the community. The key component of your Plan should establish development standards for land use categories in order to maintain consistency and compatibility between uses allowed in the County and City. To this end the Council recommends the following:

235 * Expands the proposed Urban area to the west. The City is anticipating growth west of New River along Hwy. 86. These areas may include rural residential use along Brandt Road (1/2 mile on each side of 86); a commercial strip along Hwy. 86 up to Cady Road and eventually connecting to the Poe Subdivision, where the County is currently pursuing a "Colonia" grant in order to determine feasibility for annexing into Brawley.

236

- * Expand the proposed Urban area to the east. With recent development of NAFTA, CALTRANS is speeding up development of Hwy. 111 from Ross Road to Brawley's Main Street connecting to Hwy 78. The City is also encouraging CALTRANS to expedite planning for the Hwy. 78 Expressway. The Urban Area designation should coincide with both the Hwy. 111 expansion and the Hwy. 78 Expressway. This may be identified by approximately 1/2 mile east of Best Road, beginning from the Rockwood Canal in the southern boundary to Livesely Drain in the north.

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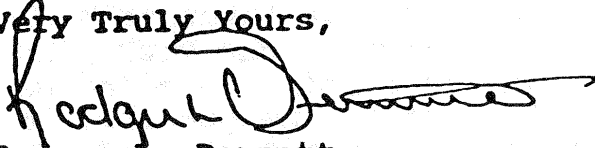
- * Thirdly, the City opposes the strip Urban Area designation along Hwy. 111. While your Plan encourages growth adjacent to urban area served with the necessary infrastructure, the proposed strip seems illogical and contradictory. The land in question also may be identified as "prime" agriculture land in contrast to "marginal" agriculture land. Finally, such a proposal may impact economic growth to central and northern communities within the study area.

238

The regional issues identified above effect the City of Brawley. The strip along Hwy. 111 should be analyzed for its fiscal impacts to the neighboring jurisdictions specifically the City of Brawley and included in your final environmental impact report.

Thank you for the opportunity to comment on the proposed General Plan Update and DEIR. We hope that our comments will be useful in the final preparation of your General Plan and EIR. If you have any questions about our comments, please contact Jerry Santillan, City Planner, at (619) 344-8622 of our staff.

Very Truly Yours,


Rodger L. Bennett,
City Manager
City of Brawley

RLB:fg

cc: City Council Members

**COUNTY OF IMPERIAL
DRAFT GENERAL PLAN AMENDMENT**

**SUBMITTED BY: City of Calexico
408 Heber Avenue
Calexico, CA 92231**

**Contact: Calexico Planning Department
(619) 768-2118**

The following comments were generated by City Planning Commission and ratified by the City Council of the City of Calexico. They are hereby officially submitted for consideration by County of Imperial officials in their processing and adoption of the County of Imperial General Plan (Plan) Amendment.

- COMMENTS -

1. The County of Imperial General Plan should be modified to reflect the following Sphere of Influence and Urban Area Designation for the City of Calexico:

Starting at a point, west of Calexico, where the All American Canal becomes the International Border with Mexico, thence north, along the All American Canal, to the intersection of the All American canal and the New River; thence northerly, along the New River, to a point of intersection of the New River and Dogwood Road; thence north, along Dogwood Road, to the intersection of Dogwood Road and Jasper Road; thence east, along Jasper Road to the intersection of Jasper Road and Highway 111; thence north, along Highway 111, to the intersection of Highway 111 and Interstate Highway 8; thence east, on Interstate Highway 8, to the intersection of State Highway 8 and Bowker Road; thence south, along Bowker Road, to a point .5 miles north of Cole Road; thence east, following a line parallel to State Highway 98 to its intersection with Rood Road; thence south, along Rood Road, to a point where the extension of Rood Road would meet the International Border; thence west, along the International Border, to the point of origin.

2. The County of Imperial General Plan should also be modified to reflect that any development and/or planning at/or the proposed site (see Comment 1 above) will be coordinated with the City of Calexico (as is the Plan's objective for I-8 and Highway 111 Specific Plan Area, which requires that its development be coordinated with the City of El Centro.)

- 241 3. The County of Imperial Plan be modified to reflect the City of Calexico as a coordinating agency for the I-8 and Highway 111 Specific Plan Area.
- 242 4. The County of Imperial Plan be modified to reflect the expansion of SR 98 to four lanes from SR 7 to Highway 111 and that Cole Road be expanded to four lanes, from SR 98 to Highway 111, and that it be designated an alternate truck route for the City of Calexico.
- 243 5. The County of Imperial Plan Circulation and Scenic Highways Element be modified to reflect that the City of Calexico is a rail origin and destination point and Calexico be recognized as an affected agency and be allowed to participate in all decisions affecting rail services in the County of Imperial.
- 244 6. The County of Imperial Plan be modified to reflect that the application of acoustical analysis to projects be applicable only to project located outside Urban Area Designations.
- 245 7. The County of Imperial Plan objective to encourage the infilling of development in urban areas as an alternative to expanding urban boundaries will hinder the development in any communities. The Plan should be modified to include the addition of certain criteria that will allow communities to expand its urban boundaries without being in noncompliance with the Plan.
- 246 8. The County of Imperial Plan be modified to reflect that the sensitive habitat area designation of the New River be maintained. But that such designation be limited to only the area west and north of the All American Canal.
- 247 9. The County of Imperial Plan be modified to reflect that the sensitive cultural resource area designation of the New River be maintained. But that such designation be limited to only the area west and north of the All American Canal.

Cordially submitted,


Alejandro C. Armenta, City Manager
City of Calexico

City of Calipatria
COUNTY OF IMPERIAL



125 North Park Avenue
P.O. Box 107
Calipatria, California 92233
Telephone: (619) 348-414
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RECEIVED

MAR 08 1993

IMPERIAL COUNTY
BUILDING INSPECTION

March 2, 1993

Mr. Jurg Heuberger
County of Imperial
939 Main Street
El Centro, CA 92243

RE: UPDATED GENERAL PLAN AND EIR - IMPERIAL COUNTY

Dear Mr. Heuberger:

248 The following comments pertain to the updated County general plan and EIR as prepared
for the County of Imperial by Brian F. Mooney and Associates. The extremely small scale
of most of the maps, and the use of numbers instead of colors to delineate land use
categories, makes it hard to determine where one land use category ends and the other
begins. Larger scale land use maps should be provided, particularly adjacent to urban
areas. The City of Calipatria requests that all land designated for urban uses in the City's
adopted general plan also be designated for urban uses in the County's plan, so that the
two land use plans (City and County) will be consistent within the City's approved Sphere
249 of Influence. Again, the small scale of the maps makes it hard to determine if this is what
is proposed. On page III-15 of the draft program EIR, the following statement is made, "a
sufficiently large supply of appropriately designated land is retained outside of existing cities

and urban communities so as to provide for development needs in the foreseeable future."

249 The description and size of the Calipatria urban area, is basically consistent with the City's
general plan land use element. The City's adopted general plan anticipates a developed
urban area in the year 2015 of approximately 2,219 acres whereas the draft County plan
anticipates an urban area of 2,290 acres. The Calipatria prison site is included in the City's
general plan urban land use calculations, because it is within the current City limits.
However, the City's general plan anticipates that the agricultural land between the prison
and the current urbanized area will be annexed into the City by the year 2015 to bring the
total area encompassed by the Calipatria City limits to approximately 4,872 acres by year
2015. The City's current City limits are not contiguous between the existing urban area and
the prison, and the City's general plan therefore recommends that the intervening
250 agricultural land be annexed. Therefore, in order for the City and County plans to be
consistent the County general plan should include an ultimate urban area of 4,872 acres
for Calipatria. The designated urban area should extend to the northern property lines of
the property owned by the State Department of Corrections. The prison site includes State
property located east and west of Blair Road. The approximately 1,200 acres owned by the
State at the Calipatria prison site should all be designated as special purpose facility land
use. Figure 4 depicts the prison site, but again; the small scale of the map makes it difficult
to determine if all the state property is included within the SPF designation. The mesquite
mine site located east of Brawley should also be designated a special purpose facility. This
area is currently designated recreation/open space. The mesquite mine is eventually
251 proposed to be converted to a landfill and the SPF designation would be consistent with
this proposed future use of the mine site.

252 On page S-9 of the draft EIR, under air quality impacts, a statement is made as follows:
"Imperial County is a nonattainment area for ozone and PM-10, therefore, any adverse
impact to the generation of these two pollutants is considered significant." We agree that
it would be beneficial, since Imperial County is a non-attainment area under the Federal
Clean Air Act, to include an air quality element as an optional element in the County's
general plan. Reducing the amounts of smoke, dust and other particulates would provide
a more healthful living environment for not only Calipatria residents, but for the entire
County. An air quality element is mentioned on page S-10 of the draft EIR. It has been

253

mentioned by the State that a second Calipatria prison may be constructed on the remaining State property. It should be noted that the State is exempt from County land use planning and zoning regulations and the State will therefore not need to obtain a zone change, general plan amendment, or CUP from Imperial County in order to construct a second prison at the Calipatria location. The construction of a second prison has the support of the City of Calipatria.

254

Regarding the circulation and scenic highways element, it is noted that both State Highway 115 and State Highway 111 are 4 lane highways within the Calipatria City limits. It would be beneficial economically for the City if Highway 111 were made a 4 lane expressway from the northern City limits to I-10 and from the southern City limits to Brawley. The City requests that the County include language in its circulation element calling for the upgrade of State Highway 111 to 4 lane status for its full length between Interstate 10 and Interstate 8. Such an upgrade would have a positive economic impact on the City of Calipatria. The City does not support any concept to realign Highway 111 whereby it would bypass Calipatria.

255

Regarding alternate modes of transportation, page 25 in the draft general plan, the County should be aware that the City has included a bicycle route system in its general plan circulation element. A bicycle route has been included which extends east on Highway 115 to the eastern City limits. The intent of this route is to provide a bicycle route all the way east to Blair Road, thence north to the State prison. Portions of this route would transit unincorporated territory. The City requests that this bicycle route be included in the County's general plan circulation element. The City's bicycle route map is attached to this letter for your information.

256

Regarding signalization of intersections, there is no mention of needed signals at various intersections in the County. The City hereby requests the County's support, through the County's general plan, for a signal at the intersection of State Highway 111 and 115 in the City of Calipatria. The increased traffic from the prison, especially during the peak hours, can result in a congestion problem at this intersection, and affect the level of service. The County's general plan circulation element should discuss the need for signals in the future

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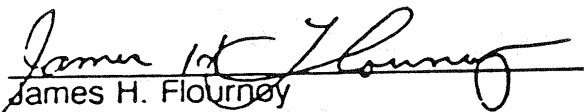
at various locations to improve traffic flow and safety, especially for those County areas designated for urban area plans adjacent to the existing cities.

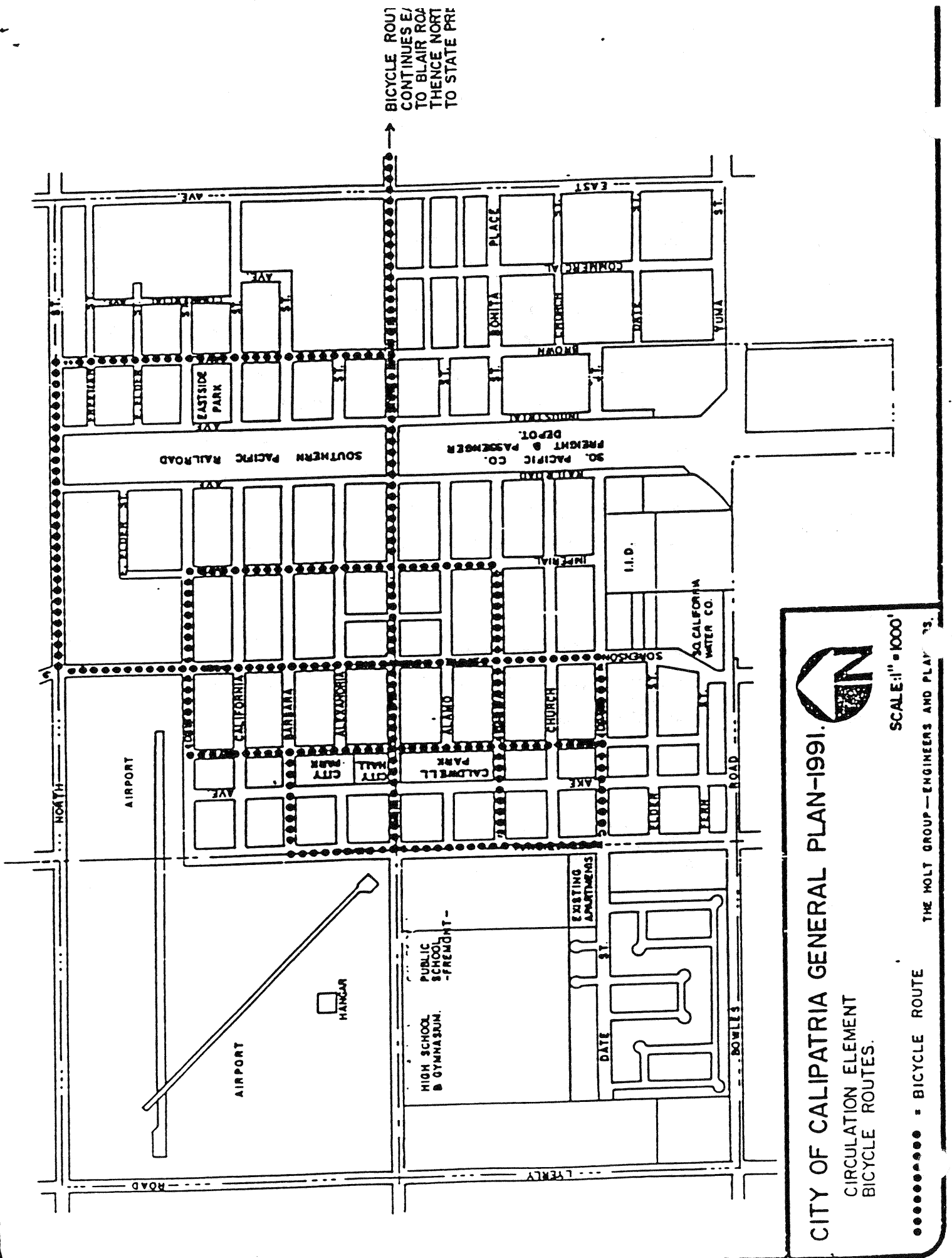
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Regarding the County's general plan housing element, according to the State Department of Housing and Community Development, the County's revised draft housing element was found to be out of compliance with State Planning Law (article 10.6 of the government code). The County's adopted housing element, as mentioned in the updated general plan, has never been reviewed by HCD for compliance. The housing element should have been included in its entirety so that it can be reviewed for consistency with the other general plan elements and for consistency with the SCAG RHNA and the City's housing element. We request that a copy of the County's entire housing element, as adopted, be forwarded to our City Clerk, Margaret Hatfield. With two new prisons in the County, and a third prison possible, the County's housing element should be revised at this time to consider the housing units currently needed due to recent developments during the 1991 - 1993 time period.

Thank you for the opportunity to comment on the draft EIR and general plan. If you have any questions regarding these comments, please contact our Consulting City Planner, Mr. Mike Gaston, AICP, at The Holt Group.

Sincerely,


James H. Flourney
Mayor



CITY OF CALIPATRIA GENERAL PLAN-1991.

CIRCULATION ELEMENT
 BICYCLE ROUTES.

SCALE: 1" = 1000'

●●●●●●●● = BICYCLE ROUTE

THE HOLT GROUP—ENGINEERS AND PLANNERS

PLANNING &
HOUSING DEPARTMENT



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1275 MAIN STREET
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EL CENTRO, CA 92244-4450
TEL. (619) 337-4545 • FAX (619) 352-6177

HAND DELIVERED

RECEIVED

March 22, 1993

Jurg Heuberger, Planning Department
County of Imperial
939 Main Street
El Centro, CA 92243-2856

MAR 22 1993

IMPERIAL COUNTY
PLANNING DEPARTMENT

Re: City comments on Draft Environmental Impact Report (DEIR) for
the Imperial County General Plan Update.

Dear Mr. Heuberger:

This is to inform you that City staff has completed its review of
the above referenced draft E.I.R. and our comments include the
following:

1. We would concur with the proposal to adopt the City's land use
plan as the official Urban Area Plan for its sphere of
influence. It is our understanding that this would require
any development within the City's sphere of influence to be in
conformity with the City's General Plan and development
standards. The implementation of this proposal is rather
vague and should be addressed more thoroughly. It would
appear that rezoning procedures would need to be implemented
in order for this to occur.

Specifically, how will this proposal be implemented? Will the
County be issuing development permits consistent with the
General Plan before the properties within the urban spheres of
influence are rezoned to conform to the City's land use
designations? How long will this process take? What are the
development rights of a property owner within such city sphere
of influence pending the rezoning? If the "interim"
development rights on such property are limited, will not that
fact create a growth inducing impact with developers choosing
to develop urban uses in the unincorporated area outside the
urban spheres of influence before developing within the
spheres? If this were permitted to happen, we believe there
would be dire fiscal impacts to the City as any tax revenues
generated from the properties would be channeled to the
County. How would the cities be able to address its service
requirements to these properties once they are annexed? We
believe that language must be added to the proposed plan to
prevent this premature development from occurring; i.e. a
phasing requirement, etc.

- 259 2. We would also concur with the proposal to preclude the occurrence of leapfrog development within Urban Areas by requiring that all non-agriculture developments (e.g. residential, commercial, industrial) be adjoined on at least one side by urban uses. We would interpret this to mean that all non-agriculture developments must be contiguous to a City's corporate boundary. Is this a correct interpretation? We would further recommend that the requirement for annexation be included as a mitigation measure to public service impacts for the conversion of agricultural land to urban uses.
- 260 3. It is our understanding that the City's designated Urban Area coincides with its sphere of influence boundaries. We would like to clarify and confirm that the City's currently recognized sphere of influence boundaries as being; the Central drain to the north; Highway 111 to the east; McCabe Road to the south; and Austin Road to the west. The City is contemplating the expansion of its sphere of influence boundaries to include the east side of Highway 111 and beyond Austin Road and recognize that this procedure would require LAFCO approval. In any event, we request that the document acknowledge the City's sphere of influence boundaries as described above.
- 261 4. The four quadrants located around the intersection of Highway 111 and I-8 freeway are proposed for commercial and service oriented uses under a Specific Plan Area (SPA). It is our understanding that the purpose of the SPA designation is to allow a more thorough analysis of impacts associated with the prescribed development of this area, prior to approval. Although it appears that the SPA designation is proposed as a safeguard measure, please be advised that the City is strongly opposed to the designation of this area for commercial development for the following reasons:
- a) The proposed designation would serve as an inducement for premature commercial development which would have a severe negative impact on existing City businesses.
 - b) The proposal would be inconsistent with the County's proposed policy of requiring sequential and orderly growth for non-agricultural developments as previously described under comment number two.
 - c) The City's current land use plan for the area calls primarily for low and medium density residential uses. The proposal would therefore also be inconsistent with the County's proposed policy of adhering to the City's adopted land use plan for its urban area.

- 261
- d) The designation would also appear to be inconsistent with the County's expressed goals of preserving prime agriculture farmlands and the protection of these farmlands from the encroachment of urban uses.
 - e) Lastly, the premature development of the area would establish a development well removed from existing developed areas of the City and create an increased demand for City services which would be costly and inefficient to provide.

We would strongly request that the County delete the commercial designation and instead adopt the City's land use plan for this area. The adoption of the City's land use plan would also serve as an adequate mitigation measure to the identified impacts.

- 262
5. The Increased Development Alternative, which, among other things, calls for the designation of commercial development on each side of the Highway 111 corridor from Calexico to the I-8 freeway, would have far reaching and devastating fiscal impacts on the City. We are very strongly opposed to this alternative and would concur with the analysis of the DEIR in that this proposal would; significantly reduce the availability of important farmland and increase urban/agriculture land use conflicts; draw business away from existing commercial City establishments; and create significant traffic circulation impacts. We strongly request that this alternative be deleted from consideration and that the County adhere to its policy of preserving agricultural lands and promoting sequential and orderly growth.

- 263
6. We would like to clarify that, with the exception of mutual aide, it is the City's policy not to provide City services to County developments without the assurance of annexation. Also on page III-149, it indicates that the County currently has 13 fire contracts. Because the City no longer has a fire contract with the County, we would request that this figure be verified for accuracy.

- 264
7. Page III-149 reflects the total staffing of the three County fire stations but a breakdown of the staffing levels for each station is not provided. This section also indicates that there is one paid chief and firefighter at each of the contract station locations which we feel is not accurate. It should also be clarified that Emergency Medical services are contracted to Gold Cross Ambulance. Although we would concur that free storage tank fires would be the biggest fire hazards in the County, we would add that the biggest fire problems in

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the County include inadequate response time to rural dwelling units and inadequate water supplies. It appears that the fire and police service impacts warrant a more thorough analysis than provided.

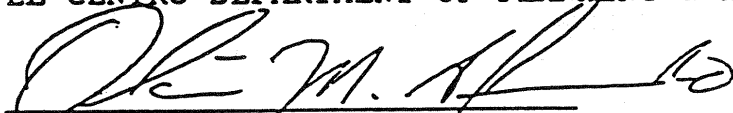
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8. The impacts to health care services do not appear to be adequately addressed. The document describes the staffing level and capacities of each existing hospital (pg. III-167) however, there is no analysis indicating whether they are sufficient to accommodate the various development alternatives. As far as the El Centro Regional Medical Center is concerned, the hospital is operating at capacity, so we would therefore, disagree with the conclusion on page III-171 that impacts would be insignificant. A more thorough analysis of the potential impacts should be provided. The analysis should include the possibility of consolidating health care services and/or the need to relocate existing facilities. Appropriate mitigation measures should also be provided under the mitigation monitoring program. It is our understanding that the hospital administration is submitting its comments on the DEIR by separate correspondence.

We hope the foregoing information is helpful to you and look forward to a cooperative response to our concerns. If you have any questions in regards to the City's concerns, please do not hesitate to let us know.

Sincerely,

EL CENTRO DEPARTMENT OF PLANNING & HOUSING



OLIVER M. ALVARADO
Director of Planning & Housing

OMA:rd

cc: City Manager
City Councilmembers
All City Departments

CITY COUNCIL
PATRICIA BURK
MARK GRAN
RANDY HINES
BETTY SAMPSON
DEAN SHORES

CITY CLERK
PATRICIA A. CANO

CITY TREASURER
STEVE SHANER

CITY ATTORNEY
DENNIS MORITA



City of Imperial
INCORPORATED 1904

CITY MANAGER
PAUL J. RICHARDS

CHIEF OF POLICE
AVIS R. MOORE

DIRECTOR OF
PUBLIC WORKS/PLANNING
BAYANI I. MAURICIO

FINANCE OFFICER
JANELL HODGKIN

RECEIVED

March 22, 1993

MAR 23 1993

Imperial County Planning Department
Jurg Heuberger, Planning Director
939 Main Street
El Centro, CA 92243

IMPERIAL COUNTY
BUILDING INSPECTION

Re: Comments on Draft EIR/General Plan for the County of Imperial

Dear Mr. Heuberger:

On March 17, 1993 a meeting with Brian F. Mooney, (Brian F. Mooney Associates), and the City of Imperial was held to review the City of Imperial's comments and concerns regarding the County of Imperial's Draft EIR and General Plan. At the meeting, Brian Mooney requested that the City of Imperial draft a letter specifically addressing their concerns and comments and send it to the County.

The following are City of imperial comments specifically addressing the County of Imperial's Draft EIR and General Plan.

EIR COMMENTS

- 266 [1. Through out the EIR document, mitigation measures have been proposed. However, their is no mention of the monitoring plan located under appendix F.
- 267 [2. Under Air Quality, stronger mitigation measures should be incorporated to mitigate the burning of agricultural waste. Support of study efforts is not a viable solution.
- 268 [3. Under Water Quality, the City of Imperial strongly supports the mitigation measure requiring the participation of cities and districts to establish programs for the agricultural re-use of treated waste water.
- 269 [4. Under the mitigation measures for Flood Control/Hydrology, the EIR requires that prior to approval of a tentative map, implementing permit or grading plan, a drainage study shall be conducted by a registered hydraulic engineer and submitted to

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Imperial, California 92251-1637
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Imperial, California 92251
(619) 355-1152 Planning
(619) 355-1064 Building

- 269 [County Planning and Engineering. The City of Imperial would request that projects proposed within the City's Sphere of Influence have copies of the drainage study and or other studies circulated to the City of Imperial.
- 270 [5. Under the Environmental Impacts Section page III-49, the last bullet statement should be expanded to state whether or not the land removal requirement applies to land outside the City's Sphere of Influence, inside or both.
- 271 [6. On page III-50, the EIR should expand on the significant impacts resulting from the development of Farmland that exceeds 100 acres.
- 272 [7. On page III-50, the EIR should expand on the impacts resulting from development that does not adjoin at least one side of an existing urban use.
- 273 [8. Under Noise, mitigation measures should be incorporated into the document to mitigate airport noise impacts upon adjacent properties and future development. Types of air craft which use the airports should also be discussed. In addition, roadway noise may be mitigated by the installation of landscaping.
- 274 [9. The City of Imperial does not support the Urban Area Alternative discussed on page IX-6 of the EIR.
- 275 [10. The City of Imperial is concerned with potential traffic impacts on arterial roads that bisect the City. The City requests that any developments located outside the City's Sphere of Influence would have traffic studies completed and copies distributed to Imperial. A mitigation measure to this effect may be incorporated under Traffic.

GENERAL PLAN COMMENTS

1. As stated under Appendix A on Page A-2, the City of Imperial was consulted regarding the County of Imperial's General Plan. However, it should be noted that only one initial contact was made to the City of Imperial.
2. The City of Imperial opposes Alternative A, the increased Agricultural Alternative. The proposed Alternative would severely impair the future growth potential for the City.

3. The City of Imperial strongly supports the urban area alternative which calls for Imperial's Sphere of Influence to be bounded by Harris Road to the North, the central drain to the South, Dogwood Road to the East and Austin Road to the west.
4. The urban area described for the City of Imperial on page 5 of the General Plan should be revised to reflect what is stated in the City of Imperial's General Plan. The City of Imperial's General Plan states that the easterly boundary of the Sphere of Influences is Dogwood Road not Cross Road.
5. Under the Specific Plan standards of criteria for approval on page 9, the County may want to add an additional criteria for approval which requires that the proposed Specific Plan harmonize with the surrounding communities and or Cities.
6. Under Rural Residential development standards page 47, the General Plan is proposing a density of 1 dwelling unity per 5 acres to a maximum of 2 dwelling units per acre. It should be noted that the County of Imperials General Plan is less restrictive and permits 1 dwelling unit per acre.
7. The Residential Development Standard density on page 51 is extremely broad. It would be more desirable if the County broke it down into the categories of High, Medium and Low density developments.
8. Under the Urban Areas Program on page 55, subdivisions should also be required to install curb and gutter, sidewalks, sewers and water. It is recommended that the program be expanded to include all pertinent infrastructure requirements.
9. On figure B-4, is there a reason why the figure states future noise impact area and not present?
10. Under the Development Patterns and Locations on Agriculture Land Policy on page 40, it states that developments must adjoin existing urban uses. It does not address master planned communities and if they will be permitted.
11. Under the Conservation and Open-Space element, on page 2 it states that when an area falls under more than one jurisdiction, the more restrictive plan should govern land use decisions. This could pose potential problems to the City of Imperial with General Plan compliance, zoning issues and community goals. It should also be stated that if the development is to be annexed into a City, than that City's General Plan should take precedence.

Jurg Heuberger, Planning Director
March 22, 1993
Page 4

The City of Imperial appreciates the opportunity to review and comment on the Draft EIR/General Plan for the County of Imperial. If the County has any questions regarding our comments, please do not hesitate to contact myself at (619) 355-4371.

Sincerely,



Paul Richards
City Manager

cc: Brian F. Mooney Associates
Imperial City Council
Imperial Planning Commission
Imperial City Attorney
Imperial Director of Public Works/Planning
Imperial City Planner



El Centro Chamber of Commerce & VISITORS BUREAU

1100 Main Street
Post Office Box 3006
El Centro, CA 92244-3006
(619) 352-3681

March 17, 1993

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MAR 22 1993

**IMPERIAL COUNTY
BUILDING INSPECTION**

Imperial County Planning Department
County Administrative Offices
Attn: Jurg Heurberger, Planning Director
940 West Main Street
El Centro, CA 92243-2875

Dear Mr. Heurberger:

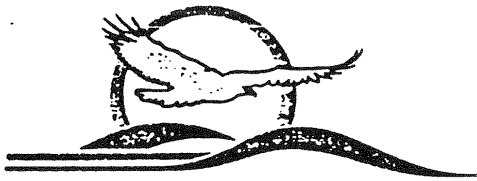
This is in response to the draft environmental impact report (EIR) for the County of Imperial general plan, a document which we have reviewed over the course of the last several weeks. Our board of directors, representing some 530 dues-paying members currently doing business in the El Centro area, has taken the following position regarding the specific plan area (SPA) generally located at the intersection of Interstate 8 and Highway 111:

276 The El Centro Chamber has serious concerns about this SPA, which abuts El Centro's own sphere of influence, and has somehow been included in each of the three plan alternatives contained in the draft EIR document. Any commercial development which may occur at this site would adversely impact established business districts within the city of El Centro. Additionally, one of the fundamental recommendations of the consultant, Mr. Mooney, has been that such development should occur within urbanized areas of the county, where infrastructure is already in place, or could be provided expeditiously. Finally, if such development were to occur at this project site in the future, it would seem that the city of El Centro, and not Imperial County, ought to serve as lead agency in determining the appropriate land use designation.

Thank you, Mr. Heurberger, for the opportunity to comment on the draft EIR document.

Sincerely,


Gary Glud
President



El Centro
REGIONAL MEDICAL CENTER

1415 Ross Avenue • El Centro, CA 92243-4398 • (619) 339-7100

RECEIVED

March 22, 1993

MAR 22 1993

IMPERIAL COUNTY
BUILDING INSPECTION

Jurg Heuberger, Planning Director
County of Imperial
939 Main Street
El Centro, California 92243-2856

Dear Mr. Heuberger:

We greatly appreciate the opportunity to present our comments to the County of Imperial Draft General Plan Update and EIR. We also appreciate your office presenting the County of Imperial Draft General Plan Update and EIR to the Hospital Board on March 1, 1993 at Scribbles. The following constitutes the comments of El Centro Regional Medical Center to the County of Imperial Draft General Plan and EIR:

DRAFT GENERAL PLAN UPDATE

GENERAL COMMENTS:

1. The proposed General Plan will result in a significant negative environmental impact to our, as well as all other, acute care hospitals in the County as no provision is made to address the foreseeable increase in demand upon our facility caused by the population growth called for in the plan.

2. It is noted that Chapter 2 "Housing Element" has not been updated in this Draft General Plan Update dated January 25, 1993. We urge that consideration be given to updating this Chapter since the location, type, number etc. of housing units will have major and significant impact upon the demand and location regarding health care and other public services. Since most of the impact on public services and infrastructure will be driven by the change in county demographics, it is strongly urged that population and detailed demographic data and projections be integrated into the Plan and the implications of this data addressed. It is noted that "clean air, water and land" is one of five basic concepts adopted by the Board in support of the General Plan. The Draft Environmental Impact Report acknowledges the degradation of air and water resources due to increased population and development and it is requested that the General Plan more adequately address actions

and activities necessary to assure that this basic concept is reinforced and that appropriate mitigations are planned to deal with the projected degradation.

SPECIFIC COMMENTS:

1. Chapter 1, page 1

Additional information pertaining to demographics and housing is necessary to be included in the draft to enable the Land Use Element to "serve as a guide to the decision makers, staff and the public to address the distribution, general location," etc. regarding public facilities such as health care.

Further detail and goals and objectives are requested to be provided in the draft regarding expansion of public facilities and environmental degradation mitigation.

Additional information needs to be provided in the draft to meaningfully assist in identifying public health care facilities necessary to support growth and to assist in determining the general distribution and general location for public health care buildings and grounds.

2. Chapter 1, page 9 (a)

It is noted that an "acceptable project" shall have to demonstrate that revenues from taxes, fees, etc. will fully offset the cost of providing public services and infrastructure. It is requested that health care services and infrastructure be specifically included in the listing of public services and infrastructure detailed in this paragraph and as needing such funding to mitigate the additional costs being borne.

3. Chapter 1, page 34

Objective 8.4 - It is requested that the Land Use planning and project review process require that the need for public health care facilities be adequately addressed to meet population growth and increased service demand caused by said projects. Mitigation measures could include the adoption by the County and cities of development fee ordinances for the benefit of the hospitals and public health facilities.

DRAFT ENVIRONMENTAL IMPACT REPORT

GENERAL COMMENTS:

277

1. The report does not adequately address the significant negative environmental impact to ECRMC as well as the other acute care hospitals and public health care facilities and programs foreseeably resulting from the population growth called for in the Plan.

SPECIFIC COMMENTS:

278

1. Page S-9

It is noted that "implementation of the proposed Plan Update would result in an increased need for health care services." It is also noted that "all impacts to public services will be mitigated below levels of significance ... by requiring that future development spay fees to the County that cover the costs of providing such services." This mitigation measure does not address the impacts to ECRMC and the other acute care hospitals in the County. As a publicly owned facility rendering public services and with 49.1% of its inpatients originating outside the El Centro zip codes, similar mitigation measures must be required to offset the costs of developing and providing services at El Centro Regional Medical Center.

279

2. Page S-10

The addition of an Air Quality Element to the General Plan is strongly supported. It is suggested that this element detail specific actions and measures to be taken to assure maintenance or improvement of air quality in the County. Any activities or additions to this EIR or Draft General Plan Update which focus on the maintenance and improvement of air and water quality for the health and well-being of the counties' citizens are supported by the Hospital.

280

3. Page S-11

It is urged that all possible and reasonable measures be taken to maintain and increase the water quality in the County to assist in assuring the general health and well-being of the County population.

281

4. Page III-3

As mentioned above, we strongly request that prior to the development of the final plan population and housing information be

281 updated, evaluated, and utilized to provide a solid foundation for planning for the County and for public services and infrastructure.

5. Page III-167

282 The section entitled, "Health Care" does not include information pertaining to the Clinicas De Salud Del Pueblo, Inc. in both Calexico and Brawley, the County Health Department services and activities, or other public and private clinics or services available in the County. The inclusion of these other health care service providers is recommended as well as the development of information pertaining to location, service capacity, etc. Currently, the Pioneer Memorial Hospital and El Centro Regional Medical Center frequently run at close to capacity in many services. There must be mitigation measures to address the impact to our facilities of growth and changes projected in the General Plan Update and EIR. Additional information is also suggested regarding the impact on County health services and the ability of these services to absorb increased demand.

6. IV-1

283 We suggest that the section entitled, "Public Service Infrastructure" also note that the proposed General Plan Update would increase the "demand for public service" including health care services. Also, the impact to the health care services has not been addressed via tax revenues, development fees or other means. The Plan should address these points.

7. V-4

284 Comment regarding the significant cumulative impact on health care facilities due to future development is noted. It is requested that further detail regarding the "intent of the General Plan Public Services/Safety element ... to insure the provision of needed public services prior to the approval of future development project, thereby mitigating potential cumulative impacts to below a level of significance" be provided, specifically with respect to health care facilities and El Centro Regional Medical Center.

8. V-5

285 As noted earlier, mitigation measures to decrease the "significant cumulative impact on the quality of the regional air basin" are supported by the Hospital and it is requested that further detail be provided in the Plan or EIR regarding these mitigations.

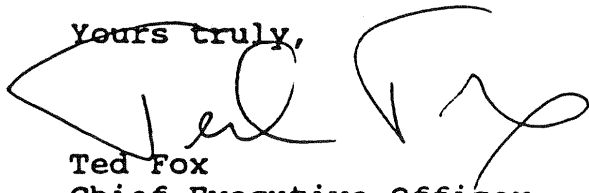
9. V-6

286

The contribution of urban runoff to water quality degradation is noted, specifically regarding heavy metals, etc. To decrease the potential impact on the health of the residents of the County, it is suggested that further detail regarding specific mitigation measures for water quality be added to the Draft General Plan Update.

Again we greatly appreciate the opportunity to present our comments regarding the County of Imperial Draft General Plan Update and EIR. With best wishes for your health, I am,

Yours truly,



Ted Fox
Chief Executive Officer

TF:dlz

c: President and Members of the Hospital Board
James L. Darrow, City Attorney