

RESPONSES TO COMMENTS

U.S. Fish and Wildlife Service - March 1, 1993

1. This change has been made in the Final EIR as requested.
2. The southern area of the Salton Sea is recognized as a USFWS National Wildlife Refuge and has been placed in the Recreation/Open Space category because of the mixed recreational and open space uses of the Salton Sea. However, to ensure preservation of this area as a wildlife refuge, the Open Space/Recreation Standards of the Land Use Element have been revised to reflect that National Wildlife Refuges will be preserved by the General Plan for biological sensitivities. To give the County the option of depicting the area in question as Government/Special Public, the Increased Agriculture Alternative Plan has been revised to designate this area as such.
3. Comment noted. In response to Comment 20, the discussion of sensitive birds as been revised in the Final EIR to read as follows: "Agricultural areas in the County provide important habitat for species such as the sandhill crane, which utilizes wetland roosting areas between Brawley and Imperial (including portions of the Mesquite Lake SPA) and forages throughout the Valley." The General Plan Update and DEIR require that site specific environmental studies be conducted prior to development of each SPA. A mitigation measure has been added to the Biology section of the Final EIR requiring that the environmental studies conducted for each SPA include a biological study conducted by a qualified biologist, and that a Notice of Preparation be sent to the U.S. Fish and Wildlife Service and the Bureau of Land Management.
4. The name "U.S. Fish and Wildlife Service" has been corrected in the Final EIR, and the suggested phrase, "The USFWS is currently conducting studies of the pesticide DDT and its metabolites on piscivorous birds" has been added.
5. Comment noted.
6. Comment noted.
7. Page III-52 of the DEIR is devoted to agricultural impacts. Please see responses to Comments 3 and 20 regarding potential impacts to the sandhill crane roosts located within the Mesquite Lake SPA.
8. Suitable off-site replacement land for agricultural land impacted by the Interstate 8/SR-111 SPA could include either currently undeveloped land or land that is no longer cultivated. In any case, any proposed replacement land would be subject to environmental review as a condition of approval of a Specific Plan. This project-level review would identify the precise impacts to agricultural land and would recommend mitigation measures that, in themselves, do not result in significant environmental impacts.
9. Please see response to Comment 8 in regard to the environmental review process associated with mitigating impacts to agricultural production the Tamarack Canyon and Bravo Ranch SPAs.

10. The text has been revised in the Final EIR to reflect that sedge, cattails, rush, and bulrushes are located in the understory.
11. This change has been made in the Final EIR as requested.
12. This change has been made in the Final EIR as requested.
13. These changes have been made in the Final EIR as requested.
14. These changes have been made in the Final EIR as requested.
15. These changes have been made in the Final EIR as requested.
16. Figure 11 in the DEIR has been revised in the Final EIR as Figures 11a, 11b, and 11c for increased clarification of the locations of Sensitive Plants, Sensitive Wildlife Areas, and Unusual Plant Assemblages, respectively. Revisions to these figures also incorporate input received from BLM (see Comment 67). Consultation with BLM also resulted in the expansion of desert tortoise habitat. The legend for Figure 11b has been revised to indicate that locations of the flat-tailed horned lizard habitat is provided in Figure 13. The delineation of flat-tailed horned lizard in Figure 13 meets the approval of BLM.
17. All input provided on Table 14 has been incorporated into the Final EIR.
18. These changes have been made in the Final EIR as requested.
19. The following phrase has been added to the second paragraph under "Amphibians and Reptiles": The USFWS is currently preparing a listing package for the flat-tailed horned lizard which will be listed as a threatened or endangered species."
20. The recommended language regarding the sandhill crane has been incorporated into the Final EIR, and a mitigation measure requiring biological studies of all SPAs has been added. Please see response to Comment 3.
21. Comment noted.
22. This change has been made in the Final EIR as requested.
23. This change has been made in the Final EIR as requested.
24. Crayfish has been deleted from the Final EIR.
25. This change has been made in the Final EIR as requested.
26. Please see responses to Comments 3 and 20.

27. The following discussion has been added to the discussion on "Agriculture/Pesticide Spraying": "Although research is not yet available to demonstrate the effects of pesticide spraying on insectivorous species such as birds and bats, some wildlife species are no doubt affected. For example, burrowing owls are known to have died after consuming earwigs and other insects that had been sprayed with pesticides."
28. The following statement has been added to the discussion on "Roads and Power Transmission Lines": "In addition, powerlines contribute to bird mortality through electrocution and, particularly where constructed across wetland habitats, by birds striking the wires at night."
29. The first sentence of the second paragraph on the discussion of "Off-Highway Vehicles" has been revised as follows: "Direct evidence of injury or death to desert reptiles and other wildlife due to crushing and harassment by OHV activities has also been documented by researchers."
30. Comment noted. The text has been revised as follows: "The USFWS is currently studying this problem and has completed the Drainwater Study, which includes an analysis of levels of DDE (a DDT metabolite) and its effect on piscivorous birds, and the California Regional Water Quality Control Board is focusing on efforts to control toxic compounds detected in agricultural drains in the Valley."
31. The following statement has been inserted in the first paragraph on the discussion of "Off-Highway Vehicles": "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. The following discussion has been added to the first paragraph under "Mining": "However, impacts to the desert tortoise from mining include habitat loss and the direct loss of individuals. Each mining project is evaluated individually and requires a Section 7 consultation with the USFWS and habitat compensation for residual impacts due to habitat loss. Such compensation, negotiated with the BLM, typically involves off-site mitigation whereby one acre of good desert tortoise habitat is purchased by the project proponent and turned over for protection by the BLM for each acre of poor habitat that is lost, or three to four acres of good habitat are used as compensation for each acre of good or moderate habitat that is lost."

The following discussion has been added to the second paragraph under "Mining": "Cyanide leaching ponds represent potential threats to migratory birds. A variety of mitigation measures are designed and implemented on a project-specific level to minimize impacts to birds. These mitigation measures include hazing, the use of nets and covers over ponds, artificial raptor calls, and other means. Projects are monitored by the BLM and mitigation measures are redesigned or added as required."
33. It is expected that the developer or project proponent would pay for the biological study prepared by a qualified biologist. As indicated in the EIR, site specific biology reports shall be "submitted to the County Planning Department and relevant resource agencies for review

and approval."

34. Comment noted.
35. Although mining operations are commonly associated with visual impacts, these operations are generally located in isolated areas frequented by few observers and, as such, these impacts are not considered as significant. However, the approval of new mining permits would be subject to environmental review which may include the analysis of impacts to visual resources.
36. The statement in question has been revised as follows: "Although toxic effects of selenium, such as abnormalities in wildlife, have not been detected at the Salton Sea, studies of this issue have not, to date, been completed."
37. The following has been added to the Final EIR as the second paragraph under "Environmental Impacts": "Overall drainage quantity is not expected to change with increased urban development. Although annual urban land water use is one to three acre-feet per acre, and water use on agricultural land in the Imperial Valley averages five to six acre-feet per acre, a high proportion of the water used on agricultural land is absorbed by the soil and evaporates rather than drain as runoff. Furthermore, although the water discharged from urban uses would be of a higher quality in terms of discharges of salt, selenium, fertilizer, and pesticide residues than that discharged from agricultural uses, overall discharge characteristics would change little since the amount of urban area that may be developed under the General Plan Update would remain relatively minor in comparison with the area used for agriculture."
38. Comment noted.
39. The currently undeveloped land discussed in this paragraph refers to lands adjacent to urban centers proposed as Urban Areas; none are currently under BLM ownership.
40. The conversion of agricultural to urban uses is not expected to significantly alter the overall quantity and quality of drainage water. Please see response to Comment 37.
41. Small portions of land in the East Mesa area are privately owned. The following sentence has been added to the discussion referred to by the comment: "In addition, any projects that would affect flat-tailed horned lizard habitat would require formal consultation with the USFWS since the lizard is now a candidate for listing."
42. Differences of the Agricultural designation between the 1973 Plan and the General Plan Update are presented on pages III-16 and III-54 of the DEIR. No previously designated preservation lands are proposed for agriculture except those located within currently farmed areas.
43. The scientific name spellings have been corrected in the Final EIR as requested. As indicated in the introduction to Appendix D, the native plant and animal species listed in the

appendix is intended to be a representative, not exhaustive, list of the organisms in the planning area. However, the list will be augmented with any particular species that may be requested by USFWS or other resource agency.

44. The reptile list has been amended to include those species mentioned in Comment 13.
45. Please see response to Comment 13.

Bureau of Land Management - March 18, 1993

46. The General Plan Update does not assume that there have been no changes in the law since 1973. On the contrary, the General Plan attempts to create logical land use programs that are compatible with neighboring agencies' goals and objectives that continue to evolve. The General Plan Update proposed to designate as Agriculture only those areas currently with agricultural use or designated as Important Farmland by the State of California, Department of Conservation. East and West Mesas are designated for either Recreation/Open Space, Government/Special Public or Community Areas. These land designations have limitations on agricultural development. Specifically, if a property is designated or adjacent to an Area of Critical Environmental Concern then agriculture is not allowed. Any projects that would threaten sensitive species that are federally listed as threatened or endangered would require formal consultation with USFWS.
47. This comment refers to the Summary section of the EIR, which summarizes the more detailed discussions of impacts and mitigations presented in the Environmental Analysis section. As indicated in the Environmental Analysis section under "Other Impacts" (page III-66 of the DEIR), the widening of existing roadways and construction of new roadways may contain the potential for adverse impacts to biological resources, cultural resources, visual resources, agriculture, hydrology, noise, and air quality. These impacts are project-dependent and would be evaluated in the environmental review conducted at the project level.
48. This comment refers to the Summary section of the EIR. As indicated on page III-126 of the DEIR, potential indirect impacts from human activities associated with urban and recreational development projects include impacts from hikers and equestrians. As indicated in the Mitigation Measures section, site-specific measures may be required of future development proposals as mitigation for potential impacts to significant biological resources that could result from their implementation. The overall magnitude of biological impacts that would occur under each alternative, relative to the Proposed Project, is presented in the Alternatives analysis section.
49. This comment refers to the Summary section of the EIR. Impacts from "Off-Highway Vehicles" are described on page III-129 of the DEIR. The overall magnitude of biological impacts that would occur under each alternative, relative to the Proposed Project, is presented in the Alternatives analysis section.

50. This change has been made as requested in the Final EIR and General Plan Update.
51. This comment refers to the Summary section of the EIR. Detailed mitigation measures are provided on pages III-172 to III-175 of the DEIR.
52. This comment refers to the Summary section of the EIR. As indicated in the Mitigation Measures section of impacts to biological resources (page III-132 of the DEIR), "projects within or in the vicinity of a resource area, as shown on Figure 14, shall be designed to minimize adverse impacts on the biological resources it was created to protect." In addition, the development of proposed recharge facilities would be subject to environmental review.
53. The Increased Agriculture Alternative assumes that the private lands held in East Mesa could be available for agriculture and that portions of public lands could be made available to private parties through land exchanges or leases. Based on discussions with BLM, portions of East Mesa could be made available for land exchange or lease if it can be demonstrated that no significant impacts would occur to threatened or endangered biological resources or sensitive cultural resources. The proposed Recreation/Open Space designation for East Mesa reflects existing BLM plans for the area. East Mesa is also designated Agriculture in this alternative due to its potential to receive water from the Imperial Irrigation District.
54. Comment noted. The source of this figure is the Imperial County College Museum, and the map is included in the EIR to illustrate the general vicinity of Imperial County. Nevertheless, the parachute testing area has been removed from the Final EIR.
55. Comment noted. The source of this figure is the Imperial County College Museum, and the map is included in the EIR to illustrate the general vicinity of Imperial County. Nevertheless, the San Felipe Townsite has been removed from the Final EIR.
56. The Housing Element is not part of the proposed General Plan Update due to its previous review and adoption by the Board of Supervisors in 1990. Although Housing Element information was utilized in the General Plan Update, it is standard practice to update only those Elements which are substantially out of date. A period of five years or more represents a substantial period.
57. This change has been made as requested in the Final EIR and General Plan Update.
58. The EIR adequately identifies the reduction of land designated as Agriculture that would occur under the proposed General Plan Update.
59. The County of Imperial is dedicated to working with the BLM on management of all areas subject to the California Desert Plan. Consequently, the Recreation/Open Space designation was created with specific requirements to reflect values of Areas of Critical Environmental Concern. The statements on page III-17 are not inaccurate, but reflect the recognition that the County looks to BLM for natural and cultural resource management where adjoining jurisdiction may occur.

60. The boundaries of the military reservations identified in the EIR reflect the most up-to-date information available at the County Planning Department.
61. These changes have been made as requested in the Final EIR and General Plan Update.
62. Regardless of the current actual uses or ownership of lands in East Mesa, the EIR is correct is stating that a reduction of land designated as Agriculture would occur under the proposed General Plan Update by re-designating the East Mesa area as Recreation/Open Space. This change in designation for this area represents an attempt to be more consistent with BLM designations.
63. The impacts of noise by OHV activities on wildlife are addressed on page III-129 of the DEIR.
64. This change has been made as requested in the Final EIR.
65. This comment presumably refers to paragraph 4 of page III-88 rather than paragraph 4 of page III-87. The following sentence has been added to the discussion of the Jacumba Mountains in both the Final EIR and General Plan: "Natural California fan palms are also found in the Jacumba Mountains."
66. The Pinyon-Juniper & Mixed Chaparral habitat area in Figure 10 has been revised in the Final EIR as requested. The various sources from which the Biological Resources section of the EIR has been compiled are identified on page III-83. In many instances, the boundaries of a given sensitive area were identified from multiple sources and it would not be feasible to reconstruct the precise input received from all sources on all sensitive areas. The goal of the EIR is to identify the sensitive area boundaries as accurately as possible; this goal has been achieved by soliciting input during both preparation and public review circulation of the DEIR.
67. The habitat boundaries and name changes have been made in the Final EIR as requested. Please also see response to Comment 16 regarding revisions to Figure 11.
68. The last sentence of the first paragraph under "Habitats" has been revised to include "(see Figure 10)".
69. The following text has been added to the discussion of "Special Area Designations" on page III-118 of the Final EIR: "Another biological resource area in Imperial County is the Colorado River Herd Management Area located in the northeastern portion of the County. The Colorado River Herd Management Area Plan is the result of the Wild Horse and Burro Act, passed by Congress in 1971, providing the basis for the management of wild horses and burros by the Bureau of Land Management. The Plan 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. This change has been made in the Final EIR as requested.
71. This information is accurate. The 2,200-acre marsh habitat is located on the south end of the Salton Sea near the USFWS headquarters.
72. The various mitigation measures referred to by this comment are project-level measures that should be adopted, where applicable, by future development projects. CEQA allows for the development of a PEIR for broad-level planning program such as a General Plan. Mitigation measures within PEIRs do not need to be specific in nature, but may provide for mitigation programs that can be implemented at a project level. Under CEQA, Program EIRs usually lead to project-level EIRs where substantive mitigation measures are required.
73. This change has been made in the Final EIR and General Plan as requested.
74. This change has been made in the Final EIR and General Plan as requested.
75. Comment noted. The EIR adequately indicates that these areas contain sensitive resources. Some portions of these areas contain very sensitive resources; others contain moderately to lightly sensitive resources. As stated on pages III-147 to III-148 of the DEIR, significant impacts to prehistoric cultural resources could occur in any area identified as sensitive and it is recommended that a cultural resource study be conducted for any project proposed in a sensitive area.
76. The following statement has been inserted in the discussion on the Anza Trail: "The Anza Trail has since become formally recognized to be of national significance by an Act of Congress that dedicated the Juan Bautista de Anza National Historic Trail."
77. The 1973 General Plan contains a Conservation Element and a Open Space Element, and both elements address cultural resources. The phrase "the Conservation and Open Space Element of the 1973 General Plan" on page 147 of the DEIR has been corrected to read "the Conservation and Open Space Elements of the 1973 General Plan."
78. This change has been made in the Final EIR as requested.
79. The last sentence of this paragraph has been revised as follows: The Bureau of Land Management also 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, and provides dry camping primitive sites in the Yuha Desert and other locations in Imperial County."
80. Implementation of the proposed General Plan Update is not expected to result in significant impacts of sewage treatment in rural residential areas or in recreation/open space areas. No change to the Final EIR is proposed. The densities proposed in the General Plan for the Recreation/Open Space and Rural Residential designations will not require sewage treatment systems but will operate on septic systems.

81. The EIR is not intended to imply that the California Highway Commission assumed responsibility for the Plank Road after it was constructed. However, the second sentence of this paragraph has been revised as follows: "In 1916, the California Highway Commission, which assumed responsibility for the trans dunes highway in June 1915, built an improved plank road." The source of this information is the article, "Walking The Plank" in the magazine *Auto Club News* (November-December 1992; page 2).
82. The phrase "and El Picacho itself," has been removed from the Final EIR.
83. Section J addresses non-point sources of water pollution on page III-197 of the DEIR. Included among the numerous sources of contamination in the surrounding area of the canal system are storm water runoff, septic tanks, aerial pesticide applications, wild and domestic animals, and hundreds of miles of roads.
84. As indicated in the last paragraph on page III-216 of the DEIR, "the amount of grading required for future development is unknown at this stage of the planning process." The impacts of grading on the removal of natural habitat and vegetation will be addressed by biological studies conducted at the project level for future development projects.
85. Comment noted. The word "highest" has been removed from the Final EIR for sake of clarification.
86. The Increased Agriculture Alternative is realistic for a long range plan for the County if they wish to prioritize agriculture above other material or cultural resources. The status of Federal lands change regularly and this designation simply states that if the land is withdrawn from public or military land it will be encouraged to put into agricultural uses.
87. The EIR adequately illustrates the locations of areas designated as Government/Special Public, which is the designation that includes military areas. Military facilities are also indicated in Figure 6 of the Land Use Element. Neither the General Plan Update or the EIR propose to convert military target areas to agricultural lands or to allow agricultural uses on public lands in areas designated Government/Special Public.
88. This comment refers to a discussion devoted to agricultural impacts.
89. The proposed plan is to maximize the Recreation/Open Space designation on public lands with the BLM California Desert Conservation Area Plans. This designation was designed to be consistent with BLM goals.
90. This sentence has been corrected in the Final EIR to read "virtually identical."
91. The No Project Alternative adequately analyzes impacts that would occur under the existing plan from existing conditions. Please see the discussion of Biological Resources on page IX-24 of the DEIR.
92. Comment noted.

California Department of Transportation - March 8, 1993

93. As a program-level EIR, this EIR examines the overall effects of the proposed General Plan Update; it would not be practical to analyze impacts on a project-specific level. As indicated on page III-62 of the DEIR, the proposed Circulation and Scenic Highways Element was designed to accommodate projected traffic growth in Imperial County through the year 2015. Factors taken into consideration in forecasting traffic volumes on future roadways include trend line analysis, future population projections, Caltrans projections and manual assignment of approved projects and land use decisions. Regarding cumulative impacts, two State highway segments within the County are projected to operate at LOS D; these are Interstate 8 between Fourth Street and State Route 111, and State Route 86 between Heber and Dogwood Roads (DEIR, p. V-3). Impacts at these locations would continue until appropriate interchange improvements are conducted by Caltrans. It should be noted that all proposed development projects that would increase traffic in Imperial County will undergo environmental review at the project-specific level to determine whether they are in conformance with the updated Circulation and Scenic Highways Element.
94. Comment noted.
95. Comment noted.
96. The illustration of State Route 7 as a curved alignment is conceptual in nature. One reason it is not aligned due north is the presence of Heber Dunes County Park between State Route 98 and Interstate 8. In any case, the alignment has not yet been selected; five alternative routes have been proposed in the *Draft Calexico East Border Station and State Route 7 Between the New Port of Entry and State Route 98 EIR/EIS* (Environmental Science Associates, Inc., February 26, 1993) and are currently undergoing environmental review.
97. Comment noted.
98. The "Brawley Bypass" is shown on Figure 1 of the Circulation Element and discussion has been added to page 6 of the Circulation Element.
99. SR-7 is addressed on page III-58 of the DEIR under "State Route 98", on page III-66 under "Other Impacts," and in the Traffic Report (Appendix C). The following statement has been added to page III-23 of the Final EIR under "East Border Crossing": "Caltrans is proposing to construct SR-7 between the new POE and SR-98. This segment of SR-7, which will involve a right-of-way of approximately 60 acres, is tentatively scheduled to coincide with the opening of the POE in early 1995. Caltrans has proposed several alternatives for this segment of SR-7 which are currently undergoing environmental review; SR-7 is described in the California Streets and Highways Code as eventually extending to Interstate 8."
100. SR-7 is listed in Table 4 and is shown as Orchard Road in Table 3 in the Traffic Report (Appendix C).

101. The following statement has been added to the General Plan Update and to the Traffic/Circulation mitigation section of the Final EIR: "Developers will be required to dedicate right of way needed for State highway improvements before a subdivision or the development of property adjacent to or straddling an existing or future State highway is approved."

California Integrated Waste Management Board - February 25, 1993

102. Comment noted.
103. Waste diversion programs are beyond the scope of the General plan and need to be addressed in the County Integrated Waste Management Plan.

California Regional Water Quality Control Board - February 25, 1993

104. Section S-II of the EIR is a Summary section; additional information on impacts to water quality, including groundwater quality, is provided in Section III-J. As indicated on page III-202 of the DEIR, groundwater quality in the Imperial Valley region is generally poor, although isolated aquifers of good quality groundwater do occur. Groundwater resources in the Imperial hydrographic subunit are generally unsuitable for domestic consumption under Federal and State drinking water standards. Poor groundwater quality is attributable to the infiltration of agricultural runoff and the presence of subsurface salt deposits associated with periods of flooding, evaporation, and subsequent deposition. The DEIR also indicates that no impacts to groundwater quality, other than those associated with geothermal power plants, are anticipated as a result of the implementation of the General Plan. This is due primarily to the fact that the General Plan Update proposes less acres for agricultural use than does the 1973 General Plan. In addition, as stated in the EIR, the development of new industrial uses will require a review of the proposed use by the State Regional Water Quality Control Board and other agencies to determine if additional mitigation measures will be needed. These mitigation measures cannot be identified at this time in a program-level EIR since the exact types of use are unknown and cannot be anticipated. However, permits will need to be obtained from concerned agencies such as the State Regional Water Quality Control Board and the Environmental Protection Agency. Please also see response to Comment 37. A complete study of Imperial County groundwater is being conducted by James M. Montgomery Engineers, Inc., and is scheduled to be completed later this year.
105. Storm water runoff is discussed in Section III-L of the DEIR, and, on page V-6, it is stated that 1) urban runoff, particularly from industrial uses, contributes significantly to water quality degradation in the region (see "J. Water Quality"), and 2) as future development proceeds within the region, the incremental increase in impervious surfaces is expected to result in potentially significant cumulative impacts with respect to the increased urban runoff volumes and flows and degradation of surface and groundwater quantity and quality (see "L. Flood Control/Hydrology"). As indicated in response to Comment 57, it is not feasible in this program-level EIR to analyze future impacts to surface water and groundwater from

nitrates, organics, metals, and TDS since the specific projects that could potentially generate these materials are currently not known. Policies detailed in the Water Plan and mitigation measures recommended under the Water Quality and Flood Control/Hydrology sections of the EIR are expected to reduce impacts that would occur under the General Plan Update to below a level of significance. In any case, the development of new industrial uses will require a review of the proposed use by the State Regional Water Quality Control Board and other agencies to determine if additional mitigation measures will be needed, and permits will need to be obtained from concerned agencies such as the State Regional Water Quality Control Board and the Environmental Protection Agency.

With regard to the impact of water conservation measures on the Salton Sea and drainages, the DEIR states on page III-199 that any reduction in the water flowing to the Salton Sea causes a rise in the salinity of the water since the salt becomes more and more concentrated. This issue is elaborated in detail on pp. III-46 to III-47 under the discussion of agricultural production.

Regarding the use of treated wastewater, a statement has been inserted in the second paragraph of the "Environmental Impacts" discussion of the Water Quality section of the Final EIR that "The re-use of treated wastewater may increase nitrate and TDS levels in ground water and surface water drainage."

Regarding landfills located near the New River, no new landfills are proposed near the New River and, indeed, as stated on page III-169 of the DEIR, landfills presently near the New River may not continue to be available to the County due to environmental or other considerations. Implementation of the General Plan Update would result in new residential, commercial, and industrial development which would result in the generation of additional solid waste. The continued availability of adequate solid waste disposal sites to accommodate planned development will need to be addressed by the County Integrated Waste Management Plan to be prepared by January 1994 (page III-173).

106. Page III-125 of the DEIR states that selenium concentrations in fish in the Salton Sea average approximately 10 ppb, not 10 ppm. Information on the levels of selenium concentrations in fish in the Salton Sea varies considerably. The point is that selenium levels have reached high concentrations, and these concentrations exceed State advisory levels.

California River Board of California - March 16, 1993

107. Comment noted.
108. Comment noted.
109. Comment noted.
110. Comment noted.

111. Comment noted. Please see response to the next comment.
112. The following paragraph has been added to the discussion of "Well Water" in the "Flood Control/Hydrology" section of the Final EIR:

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...". Any such withdrawal of groundwater along the river is considered to be pumping mainstream water and requires a contract with the Secretary of the Interior. Those using Colorado River water without a contract or whose contract entitlement is insufficient may currently be eligible to participate in the Lower Colorado Water Supply Project and thereby have an opportunity to receive exchange water.
113. This change has been made in the Final EIR as requested.
114. This change has been made in the Final EIR as requested.
115. This change has been made in the Final EIR as requested.
116. This change has been made in the Final EIR as requested.
117. The TDS value for 4/27/90 has been corrected as 42,236.
118. These corrections have been made in the Final EIR.
119. The first sentence of this paragraph has been revised as follows: Annual groundwater recharge in the Valley is estimated at about 400,000 acre-feet, although most of the recharge may be to shallow aquifers and subsequently lost to the Valley's extensive drainage system."
120. The source of this information, which has been added to the Final EIR, is the County of Imperial 1985 General Plan Overview.
121. Comment noted.
122. These changes have been made in the Final EIR as requested.
123. This paragraph has been added to the Final EIR as suggested.

Imperial County Department of Public Works - March 22, 1993

124. Comment noted.
125. This comment refers to the Summary section of the EIR. Additional information on the locations subject to landslides is provided on pages III-217 to III-218 of the DEIR.

126. This change has been made in the Final EIR as requested.
127. Comment noted. The Urban Area designation is consistent with planning definitions that have been historically used in Imperial County. For example, "Urban" is a designation in the existing 1973 Plan. The term "Urban Area" is not intended to mirror its use by the Federal government for road funding or other purposes.
128. Public transportation is discussed on pages III-60 to III-61 of the DEIR. Public transportation is also promoted and discussed in the Circulation and Scenic Highways Element of the proposed General Plan Update.
129. Landfill operators are described on page III-150 of the DEIR.
130. Comment noted. A traffic report containing more detailed information on public transportation prepared by Willdan Associates is included in the DEIR as Appendix C. This report also served as a basis for the discussion and promotion of public transportation in the Circulation and Scenic Highways Element of the proposed General Plan Update.
131. These changes have been made in the Final EIR as requested.
132. These changes have been made in the Final EIR as requested.
133. Comment noted.
134. Comment noted. The word "required" has been changed to "requested."
135. Comment noted.
136. Figure 18 has been revised to include the location of the proposed Mesquite Regional Landfill, and to distinguish existing from proposed landfills.
137. The statement in the EIR is regarded as accurate.
138. Comment noted.
139. The Imperial Irrigation District has reviewed and commented on the DEIR.
140. This change has been made in the Final EIR as requested.
141. This change has been made in the Final EIR as requested.
142. Comment noted. The January 21, 1993 Traffic Report prepared by Willdan Associates was not available when the DEIR was circulated for public review.
143. Comment noted. All effort has been made to improve the quality and integrity of the EIR.

Imperial Irrigation District - March 22, 1993

144. Comment noted.
145. Comment noted. The sources of the data in Table 5 are the *Imperial County Agricultural Crop and Livestock Reports* prepared by the Imperial County Agricultural Commissioner. It is recognized that the IID farmed acreage is smaller than the County-wide farmed acreage since, in part, the total area harvested in the County also includes land irrigated by the Palo Verde Irrigation District, the Bard Irrigation District, and other resources. No changes to the EIR regarding harvested acres are proposed.
146. Comment noted. Continued reduction of Important Farmland to urban uses may ultimately result in higher costs to all users. Although this economic issue is not explored in the EIR, the issue has been extensively discussed through the General Plan process.
147. The following statement has been added to the Traffic/Circulation mitigation measures section in the Final EIR: "New roadway and roadway improvement plans shall also be coordinated with the Imperial Irrigation District to assure efficient compatibility with current and future water and power plans."
148. Comment noted.
149. "Waterways" has been changed to "surface drainage water" on page S-7 of the Final EIR.
150. The following phrase has been added to this section of the Final EIR as requested: "although discharge of total petroleum hydrocarbons (stormwater discharge) will increase."
151. This change has been made in the Final EIR as requested.
152. Figure 5 has been revised in the Final EIR as requested.
153. As requested, the following mitigation has been added to the Final EIR: "In addition, communities/developers are required to fund pipeline/canal/drain modifications to accommodate urban developments."
154. Please see response to Comment 146.
155. "Threefold" has been changed to "twofold" in the Final EIR.
156. "180" has been changed to "260" in the Final EIR.
157. This statement has been added to the Final EIR as requested.
158. This statement has been added to the Final EIR as requested.
159. This change has been made in the Final EIR as requested.

160. This change has been made in the Final EIR as requested.
161. This change has been made in the Final EIR as requested.
162. This change has been made in the Final EIR as requested.
163. This change has been made in the Final EIR as requested.
164. This change has been made in the Final EIR as requested.
165. This change has been made in the Final EIR as requested.
166. Comment noted.
167. This change has been made in the Final EIR as requested.
168. This change has been made in the Final EIR as requested.
169. Comment noted.
170. Please see comment 122 and associated response.
171. This change has been made in the Final EIR as requested.
172. Comment noted. It is anticipated that additional agricultural land would become new irrigated land only as mitigation to replace the loss of existing irrigated land.

Metropolitan Water District of Southern California - March 22, 1993

173. The first paragraph on page III-13 of the DEIR includes a generalized description of the anticipated land uses in the Recreation/Open Space designation. The discussion of recharge was included to emphasize the open space preservation focus of that land use. However, the possible Bureau of Reclamation project of recharging surplus flows of the Colorado River into East Mesa would also be in conformance with that land use designation.
174. It is anticipated that lakes at the Tamarack Canyon Ranch Specific Plan Area would be modelled after the Rio Bend Lake and Drew Lake located at Rio Bend. The source of water for these lakes is canal water that was ordered, but not used, for upstream irrigation. The water is diverted into the lakes rather than draining into the New River. The untreated three-acre Drew Lake is used for storage prior to being treated for drinking water by an on-site treatment facility. The untreated water in these lakes is also used for fire protection, recreational, and irrigation purposes.

The following paragraph has been added to the discussion of the Imperial Irrigation District (under "Water Delivery and Supply") in the Public Services/Safety section of the Final EIR:

Water diverted by IID under its Colorado River Water Delivery Contract may be used for potable/domestic and irrigation purposes. Section 17 of the Contract provides that water shall be delivered as ordered by the District "and as reasonably required for potable and irrigation purposes." This section further provides that the Contract is for permanent service and that the dam and reservoir shall be used "for irrigation and domestic uses in satisfaction of present perfected rights." Article 29 of the Contract specifically provides that "all rights based upon this Contract shall be subject to and controlled by the Colorado River compact." The 1964 Decree in Arizona v. California provides that the United States is enjoined from operating the dam other than "(1) for river regulation, improvement or navigation, and flood control; (2) for irrigation and domestic uses, including the satisfaction of present perfected rights; and (3) for power." The term "domestic use" is defined in the Colorado River Compact, the foundational document for "the Law of the River," as follows: "The term 'domestic use' shall include the use of water for household, stock, municipal, mining, milling, industrial, or other life purposes...."

175. "Palo Verde Weir" has been changed to "Palo Verde Diversion Dam" in the Final EIR, and "2.6 million acre-feet" has been changed to "2.9 million acre-feet" throughout both the Final EIR and General Plan.
176. Comment noted. Data and information are not available to support this suggested change.
177. Figures 12 and 13 have been revised to clarify that the "Algodones Dunes" are not "mountains."
178. Comment noted.
179. This error has been corrected in the Final EIR.
180. Comment noted. "CPS" is defined in the introduction to the Biological Resources section as California Parks Service.
181. Comment noted. Factors such as water availability and the use of native vegetation for mitigation measures requiring revegetation will be considered in the preparation of project-level EIRs.
182. This change as been made in the Final EIR as requested.
183. This change as been made in the Final EIR as requested.
184. This paragraph has been revised in the Final EIR as follows:

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.

185. The order of discussion in this section has been revised as requested.
186. Reference to Figure 19 has been deleted in the Final EIR and the subsequent sentence has been revised as follows: "The first four California priorities, which include the 1) Palo Verde Irrigation District, 2) Yuma District, 3a) Imperial Irrigation District and Coachella Valley Water District, 3b) Palo Verde Irrigation District, and 4) Metropolitan Water district, total 4.4 MAF annually, of which the agricultural agencies are entitled to 3.85 MAF."
187. This change has been made in the Final EIR as requested.
188. This contract refers to a revision of the draft contract that called for extension of boundaries of the Imperial Irrigation district to include the Coachella Valley. For clarification, paragraphs two and three have been combined in the Final EIR.
189. The IID is addressing the issues raised in the EPA Order. Information on timeframes and specifics is not available at this time.
190. State law encourages water conservation and transfers and has chosen to treat the transfer or sale of conserved water as a beneficial use of that water. State law defining beneficial use has not been preempted by federal law, and state law fully authorizes the District to transfer conserved water. Recent United States Supreme Court cases have held that state law is not prohibited by federal law from implementing its express public policy of encouraging the conservation of water by allowing the sale or transfer of conserved water. In California v. United States (1973), the court disallowed any prior dictum that implied that state law did not control the federal use of state waters where such laws were not inconsistent with "explicit congressional provisions." (The court was distinguishing Ivanhoe v. McCracken and Arizona v. California.) The court concluded that "the legislative history of the Reclamation Act of 1902 makes it abundantly clear that Congress intended to defer to substance, as well as the form, of state water law." Although the District and other parties to the Seven Party Agreement have entered into agreements to transfer conserved water, it is not necessary that these agreements be mentioned in the EIR because such a transfer could be accomplished without such agreements.
191. Please see response to Comment 190.
192. This sentence has been revised in the Final EIR as requested.
193. The relationship between the 8,400 acres and 7,462 acres has been clarified in the Final EIR.
194. Winterhaven is not an incorporated city. This paragraph has been revised as follows: "The community of Winterhaven holds a present perfected right to divert 780 acre-feet per year

from the Colorado River. The present perfected right was granted by the United States Supreme Court supplemental decree in Arizona v. California dated January 9, 1979."

195. "90 acre-feet" has been corrected as "90,000 acre-feet" in the Final EIR.
196. This change has been made in the Final EIR as requested.
197. These changes have been made in the Final EIR as requested.
198. Please see response to Comment 163.
199. Please see response to Comment 114.
200. Please see response to Comment 115.
201. This phrase has been revised in the Final EIR as follows: "..., salinity could reach 1,000 mg/L at Imperial Dam by the year 2010."
202. This change has been made in the Final EIR as requested.
203. Untreated industrial and municipal effluent in the New River (coming from Mexico) make it unsuitable for irrigation purposes. Two large areas of the IID (now served by the Rositas Supply Canal and the Vail Supply Canal) were previously irrigated with Alamo River water. These areas slowly salted up and became less productive than other areas of the IID. As a result of the declining productivity in these two areas, two new canals were constructed to supply fresh water for irrigation in these areas and drainage water from the Alamo River is no longer used. The areas have subsequently become more productive as the salts in the soil were removed. The transferability of Dr. Rhoades' study to other fields and the long-term effects of irrigating with Alamo River water have not been determined. It should also be noted that the farmer who was cooperating in this study is no longer using Alamo River water to irrigate the fields that were involved in Dr. Rhoades' study. Salinity problems were encountered on the fields. No change is proposed to the statement in the Draft EIR.
204. "Reduced" has been changed to "less concentrated" in the first paragraph referred to by this comment.
205. The last sentence of this paragraph has been revised as follows: "The development of urban uses would also result in lower salt and selenium concentrations being deposited into drainage systems than is currently the case with the agricultural runoff." Please also see response to Comment 37.
206. The first mitigation measure requires that new development "utilize measures designed to conserve water in their construction." Such measures would include applicable State laws and regulations.

207. "Palo Verde Weir" has been changed to "Palo Verde Diversion Dam" in the Final EIR. With respect to water diversion through the All American Canal, please see response to Comment 118.
208. These changes have been made in the Final EIR as requested.
209. This item has been revised as follows in the Final EIR: "Normally adequate water supply to the region exists from the Colorado River conveyed by the District distribution system."
210. Since it is very unlikely that selenium would be found in urban runoff much higher than background levels, it has been deleted from the list of pollutants in this paragraph.
211. Comment noted. Please see response to Comment 172.

Coachella Valley Water District - February 3, 1993

212. Comment noted. Please see response to Comment 190.
213. Comment noted. Please see response to Comment 190.
214. Reference to East Mesa is on page III-159 of the DEIR. Most of East Mesa is in public ownership with very limited development potential and very limited need for groundwater extraction. If utilization of groundwater for a use permitted in the "Recreation/Open Space" designation for East Mesa, a Conditional Use Permit would be required.
215. Please see response to Comment 167.
216. This issue is addressed under "Water Conservation and Water Transfer Programs" in the Agricultural Element.

Southern Pacific Lines - March 22, 1993

217. These changes have been made in the Final EIR as requested.
218. This change has been made in the Final EIR as requested.
219. This change has been made in the Final EIR as requested.
220. This change has been made in the Final EIR as requested.
221. These changes have been made in the Final EIR as requested.
222. This change has been made to Figure 7A as requested.

223. The fourth sentence of the first paragraph of the first paragraph of "Railroad Noise" in the Noise section has been revised as follows: "A branch of this line runs east from El Centro along Evan Hewes Highway to Holtville and north along SR-115 to just south of Highway 78, although the line between Holtville and SR-78 has been shut down by the Interstate Commerce Commission."

Southern California Association of Governments (SCAG) - March 10, 1993

224. Comment noted.

225. Comment noted.

226. Imperial County experienced an annual average population growth of 2.6% from 1980 to 1990 according to data collected from the California Department of Finance and the Southern California Association of Governments by CIC Research, Inc. in San Diego, California. Using this average growth rate to project future growth, and using an estimated population figure of 124,300 for the County as of July 1, 1992 (Department of Finance), the County would contain approximately 197,298 people in the year 2010. The Plan Update would easily accommodate this population size (please refer to response to Comment 230), and promotes job opportunities in the County. Aside from commercial and industrial uses that would be developed in Urban and Community Areas, job opportunities would be especially encouraged through development of the Specific Plan Areas. In particular, the East Border Crossing SPA, Interstate 8/SR-111 SPA, and Mesquite Lake SPA are primarily designed for commercial and industrial uses. The development of a resort community at the Tamarack Canyon Ranch SPA and a regional airport at the Holtville Air Strip SPA would also result in considerable employment opportunities. Although job opportunities would increase under the Plan Update, it is currently not feasible to project the number of jobs by the year 2010 due to several international, national, state, and local business and economic factors.

227. Comment noted.

228. Comment noted.

229. Comment noted.

230. Based upon the number of acres designated for each land use and its concomitant population density, it is calculated that the County would contain 627,667 residents at buildout of the proposed Plan update (see Table below). Buildout under the Increased Agriculture Alternative would contain 587,894 residents, and buildout under the Increased Development Alternative would contain 758,129 residents. Whereas the Plan Update would accommodate these numbers of individuals, it is important to note that buildout is not expected for at least several decades. As indicated in response to Comment 226, it is calculated that the County will contain approximately 197,298 people in the year 2010, using recent population growth figures. In addition, the State Department of Finance predicts a population of 310,000 in the year 2040. It should also be noted that, by adjusting the population capacities for Salton

City, Hot Mineral Spa, and Ocotillo/Nomirage to reflect infrastructure and resource constraints, a more realistic buildout range of 387,000 to 517,000 individuals would reside in the County under the proposed Plan Update or its alternatives.

Population Capacities for the Imperial County Draft General Plan			
	Proposed Plan	Increased Ag.	Increased Dev.
Urban Areas	449,880	415,035	545,963
Felicity SPA	7,425	7,425	7,425
Tamarack SPA	1,980	0	1,980
Bravo Ranch SPA	2,950	0	2,950
Imperial Land Co.SPA	0	0	3,630
Hot Mineral Spa	58,000	58,000	58,000
Ocotillo-Nomirage	4,700	4,700	2,300
Palo Verde	2,198	2,198	2,198
Rural Residential	18,000	18,000	53,008
Agriculture	48,544	50,114	46,686
Recreation	33,990	32,423	33,990
Totals	627,667	587,894	758,129

The following notes are offered to explain certain calculations made in the above table:

- An average multiplier of 3.3 persons per household was used countywide, based on the State Department of Finance (1992) estimates.
- Capacities are based upon household buildout, with the exception of that for Urban Areas which are based on persons per acre since the mix of residential/non-residential land uses will be based on future site-specific zoning.
- According to the 1992 Farmland Mapping and Monitoring Program Land Use Conversion Report, there were 20,409 acres considered "urban build-out." The urbanized population (all incorporated cities and the unincorporated urban areas of Heber, Niland, Seeley, and Winterhaven) equals 117,435, resulting in approximately 5.75 persons per acre for Urban Areas. Assuming the same density over the next 20 years, the Plan Update has the capacity for the populations given above.

- The estimate for the Salton City area assumes the same buildout population density as for other Urban Areas. However, the governmental and economic infrastructure necessary to accommodate a population of 183,000 for Salton City is not likely to develop in the next 10 to 20 years, at the earliest. Growth in this area will also depend on improved water quality conditions in the Salton Sea, which is presently deteriorating.
 - Only the residential SPAs are included in the table. The Tamarack Canyon Ranch SPA and Bravo Ranch SPA to not have densities listed in the Plan Update but are assumed to be approximately two dwelling units per acre.
 - The Hot Mineral Spa Area 1965 General Plan predicted a population of 58,000 and indicates a maximum potential of 77,300.
 - Calculations of the Ocotillo/Nomirage Community Area are based on the countywide multiplier of 3.3 persons per dwelling unit. A more realistic population multiplier for this largely retirement community is 1.5 persons per dwelling unit, which yields a reduced population of 2,143 people.
 - The calculation of Palo Verde is based on a predicted buildout of 666 dwelling units.
 - Rural Residential ranges from 1 dwelling unit per 5 acres to 2 dwelling units per acre, for an average of 1.1 dwelling units per acre.
 - For the Increased Agriculture Alternative, only 9,600 acres of the 163,585 acres in East Mesa are privately held and can be developed at 1 dwelling unit per 40 acres.
 - Recreation land use development standards of 1 dwelling unit per 20 acres can occur on approximately 206,000 acres of the approximately 1,600,000 acres of land designated as Recreation/Open Space. (For the Increased Agriculture Alternative, privately held recreational land equals approximately 196,500 acres).
 - The calculations in the table are approximations based on the best available information and should be used for informational purposes only.
231. SCAG will be notified of the action taken by the County Board of Supervisors on the proposed County of Imperial General Plan Update.
232. All mitigation measures associated with the Plan Update will be monitored in accordance with AB 3180 requirements.

City of Brawley - March 15, 1993

233. Comment noted.

234. Comment noted.
235. Comment noted. No change to the Urban Area is proposed.
236. Comment noted. The requested additional Urban Area east of Brawley has been added to the Staff Recommended Land Use Plan.
237. Comment noted. The SR-111 Corridor SPA is described in the EIR under the Increased Development Alternative and, as such, would not be adopted under the proposed Plan Update. The EIR also describes the Increased Development Alternative as less environmentally acceptable than the proposed Plan Update or the Increased Agriculture Alternative, and indicates that development of the SR-111 Corridor SPA would contribute to significant and unmitigable impacts associated with the loss of Important Farmland in the County. It is expected that the SR-111 Corridor SPA would also impact economic growth to central and northern communities in the County.
238. It is expected that development of the SR-111 Corridor SPA would have fiscal and economic impacts on Brawley. Under CEQA (Section 15131), an EIR for the SR-111 Corridor SPA would need to discuss the potential economic and social consequences of this development project in terms of whether it would take business away from existing downtown and other areas and thereby cause business closures and eventual physical deterioration of shopping areas in central and northern communities.

City of Calexico - March 22, 1993

239. Comment noted. The Calexico Urban Area is recommended to be expanded but not to the extent requested by the City.
240. The Land Use Element has been revised to specify coordination with the City of Calexico on the East Border Crossing SPA.
241. The Land Use Element has been revised to specify coordination with the City of Calexico on the I-8 and Highway 111 SPA.
242. Cole Road has been designated as a 4-lane Major Arterial. No change to State Highway designation is proposed due to lack of County jurisdiction.
243. The County has no authority over rail service and, therefore, cannot grant rights to the City of Calexico.
244. Comment noted.
245. Comment noted.

- 246. Comment noted. It is possible that the New River contains sensitive biological resources southeast of the All American Canal.
- 247. It is possible that the New River contains sensitive cultural resources southeast of the All American Canal.

City of Calipatria - March 2, 1993

- 248. Comment noted.
- 249. Comment noted.
- 250. Comment noted.
- 251. The Recreation/Open Space category allows for the managed production of mineral resources. It is not appropriate to speculate whether the proposed Mesquite Regional Landfill will be approved, and therefore not reasonable to designate this proposed project area as Special Purpose Facility. Subsequent to approval of the proposed General Plan Update, approval of the proposed Mesquite Regional Landfill would require a General Plan Amendment to redesignate the project area as Special Purpose Facility.
- 252. Comment noted.
- 253. Comment noted.
- 254. Comment noted. The County has no jurisdiction over State Highways, their widths, or alignments.
- 255. Comment noted. The Circulation Element includes a policy that "The County shall cooperate with other governmental agencies to provide connection and continuation of bicycle corridors."
- 256. The County supports the City of Calipatria's request that the state signalize the intersection of Highways 111 and 115; however, the County has no jurisdiction in this matter.
- 257. Please see response to Comment 56. A copy of the County's Housing Element, as adopted, will be forwarded to the City of Calipatria's City Clerk.

City of El Centro - March 22, 1993

- 258. The County intends to undertake a zoning implementation within each of the Urban Areas designated on the Land Use Plan. The intent would be to match the land use designations of each city general plan, to the extent feasible. This effort will be coordinated with the cities and alternative zoning techniques will be considered in order to avoid growth inducing

or public service impacts.

259. The requirement that new urban development be contiguous to existing development does not necessarily mean that it must adjoin a city boundary. The adequacy of public facilities to support urban development proposals and the need to annex for such services would be evaluated on a case-by-case basis.
260. The County's proposed Urban Area for the City of El Centro does not extend as far to the northeast as the City's Sphere of Influence. This was done to preserve agriculture in the area for at least the next five years. The County recognizes that a City's Sphere of Influence may extend well beyond planned Urban Areas and that both Urban Areas and Spheres of Influence can be changed as development extends outward from existing city limits.
261. Comment noted. Approval of the Interstate 8/State Route 111 Specific Plan would require the preparation of an EIR. Among other issues, this EIR would be required to address the concerns raised in this comment.
262. Comment noted. The SR-111 Corridor SPA is described in the EIR under the Increased Development Alternative and, as such, would not be adopted under the proposed Plan Update. The EIR also describes the Increased Development Alternative as less environmentally acceptable than the proposed Plan Update or the Increased Agriculture Alternative. The EIR also indicates that development of the SR-111 Corridor SPA would contribute to significant and unmitigable impacts associated with the loss of Important Farmland in the County and with traffic/circulation along SR-111. It is expected that development of the SR-111 Corridor SPA would have fiscal and economic impacts on existing commercial establishments in El Centro. Under CEQA (Section 15131), an EIR for the SR-111 Corridor SPA would need to discuss the potential economic and social consequences of this development project in terms of whether it would take business away from existing downtown and other commercial areas in El Centro and thereby cause business closures and eventual physical deterioration.
263. Since preparation of the Draft EIR, the number of contracts has been reduced to ten. The contracted stations include Each contracted station has a fire chief; four of these chiefs are paid and six are volunteer. The text in the Final EIR has been revised as follows:
- Fire protection for the remainder of the incorporated area of the County is provided on a contract basis through the County of Imperial. Currently, the County has 10 contracts. These contracts are with Palo Verde, Winterhaven, Holtville, Brawley, Calipatria, Niland Westmorland, Salton City Community Services, Salton Sea Beach, and Ocotillo. The County provides the contractor with the vehicles and equipment. Each station has a chief; the chiefs at Holtville, Brawley, Calipatria, and Niland are paid and the others are volunteers, as is most of the remaining fire fighting force. Each of the cities within the Imperial County also have fire departments to serve their incorporated areas.
264. Please see response to Comment 263 regarding contracted fire stations. With regard to the contract with Gold Cross Ambulance for Emergency Medical services, this is already stated

on pages III-149 and III-167. The comment regarding inadequate response time to rural dwelling units and inadequate water supplies is noted; the EIR states that the average response time is 8 to 10 minutes.

265. Please see responses to Comments 277-286.

City of Imperial - March 5, 1993

266. The Mitigation Monitoring Program provided in Appendix F compiles and summarizes the mitigation measures recommended throughout the EIR. The program has been prepared to facilitate monitoring of the approved mitigation measures by the County.
267. The mitigation measures recommended in the Draft EIR to minimize the air quality impacts of burning agricultural waste are regarded as adequate, particularly considering that the General Plan and Agricultural Element promote the continued prominence of the agriculture industry in the life and economy of the County.
268. Comment noted.
269. Copies of these studies will be circulated to the City of Imperial for projects proposed within the City's Sphere of Influence.
270. The restriction refers to land designated as Agriculture. In cases where a city's Sphere of Influence contains land designated as Agriculture, the five-year restriction would apply unless the area is annexed at an earlier date.
271. Comment noted. The discussion on the significant impacts resulting from the conversion of Important Farmland after termination of the five-year protection period is considered adequate. Any such significant impacts, such as the proposed conversion of an area that exceeds 100 acres of Important Farmland, would require mitigation measures to reduce such impacts below a level of significance.
272. The impacts resulting from development that does not adjoin at least one side of an existing urban use are detailed in the discussion of "Leapfrogging Patterns of Non-Agricultural Developments in Agricultural Areas" in the Agriculture section of the EIR.
273. Mitigation measures in this EIR are appropriate to prevent significant aircraft noise impacts resulting from actions in accordance with the general plan. Thus, as stated in the EIR, acoustical analyses are required for all discretionary projects within the existing or proposed 60 dB CNEL airport noise contours.

The types of aircraft which use the airports are discussed in the *Airport Land Use Compatibility Plan, Imperial County Airports (ALUCP)*. The following statement has been added to the discussion of "Aircraft Noise" under the Existing Conditions section": "Descriptions of each airport, the aircraft operations, and the noise impacts are discussed in

the *Airport Land Use Compatibility Plan, Imperial County Airports* (ALUCP 1991)."

The Noise Element of the General Plan describes the use of landscaped berms as noise barriers. The mitigation of roadway noise by trees, shrubbery or grass is generally ineffective, except in cases of dense, deep stands of trees or wide areas of thick shrubbery or thick grass.

274. Comment noted.

275. A mitigation measure has been added to the Final EIR to require that all project-specific traffic studies be distributed for comment to any city where an arterial continues into a city's Sphere of Influence.

El Centro Chamber of Commerce - March 17, 1993

276. Please see response to Comment 262.

El Centro Regional Medical Center - March 22, 1993

277. Growth that can be accommodated under the General Plan would ultimately impact the El Centro Regional Medical Center. However, the growth identified in the General Plan is only minimally located within the jurisdiction of the County; most growth will be within existing incorporated cities. Potential mitigation measures include an expansion of the Hospital District and municipal bonds.

278. Mitigation measures for increased health care demand include municipal bonds and annexation of adjacent developments in order to increase El Centro's tax base. While not a mitigation measure, plans for an expanded hospital district can be brought to the voters and to LAFCO.

279. Comment noted. Air quality issues are in the forefront of the Air Pollution Control District's (APCDs) goals and objectives (see the *1991 Air Quality Attainment Plan*). Air quality concerns are not within the jurisdiction of county governments and are therefore not regularly addressed in county general plans.

280. Comment noted.

281. Additional information on population and growth rates has been incorporated within the Final EIR in response 230. Information is also available in the adopted Housing Element which is not a part of this General Plan Update.

282. The following two paragraphs have been added to the discussion of Health Care in the Final EIR:

Clinicas de Salud del Pueblo offers three comprehensive health care centers to the residents of Imperial County: the main facility in Brawley, and two satellite centers in Calexico and Blythe. The Clinicas are funded through state and federal resources. The Brawley facility is equipped with 14 exam rooms, the Calexico facility with 11 exam rooms, and the Blythe clinic with 9 exams rooms. Currently there are nine clinic physicians, each holding full staff privileges at most community hospitals in the region.

The Imperial County Department of Health Services also offers health programs and clinic services to County residents. Programs range from Well Baby and Immunization clinics to Emergency Medical Services. The main facility is located at 935 Broadway in El Centro. Satellite clinics include the Brawley Lion's Center at 225 A Street, and the Calexico Community Center at 707 Dool Avenue. Information on various programs offered throughout the County can be obtained by contacting the Department of Health Services.

283. This change has been made in the Final EIR as requested. Please also see response to Comment 278.
284. Please see response to Comment 278.
285. Mitigation measures to improve air quality are included in the Air Quality section of the EIR Environmental Analysis, and in the APCD *1991 Air Quality Attainment Plan*. Further APCD planning with respect to improving PM₁₀ air quality is anticipated.
286. The Water Element of the General Plan, Goal 4, encourages the County to implement ordinances and policies that assure the safety of ground and surface waters. These ordinances and policies should address the specific measures to minimize urban runoff contribution to water quality degradation.

Sierra Club, San Diego Chapter - March 22, 1993

287. "Imperial Valley" refers to a geographical area determined by past and ongoing geological processes, and "Imperial County" refers to a governmental administrative subdivision of the State of California. The Imperial Valley, approximately 50 miles wide and 70 miles long, lies within the Salton Trough in the central part of the County. The Salton Trough is a northwest trending basin containing the complex zone of interaction between the Pacific and North American plates. South of the international border, the trough or basin that borders the Imperial Valley is known as the Mexicali Valley, and north of the northern County boundary the Imperial Valley is bordered by the Coachella Valley. Imperial Valley is bordered on the west by the Coyote and Fish Creek Mountains, and on the east by the Imperial Sand Dunes and the Chocolate and Cargo Muchacho Mountains.

288. The General Plan Update, which incorporates minor revisions based upon input received during public review of the Draft EIR, is considered to be an adequate, complete, and internally consistent General Plan under California State law.
289. Some of the goals of the General Plan Update differ from the goals of the APCD, which are stated in the Air Quality Attainment Plan (AQAP). These differences are not flaws in either the General Plan Update or the AQAP. Policies and regulations are often, perhaps usually, the result of persuasion, negotiation and compromise. The Land Use Element has been revised to acknowledge the need to recognize the AQAP in land use planning. It should also be noted that the AQAP strategies related to Land Use apply to both the unincorporated areas of the County and the incorporated cities, probably more to the latter. Application of these strategies within the County will occur principally in review of proposed developments and Specific Plans that contain commercial and urban components.

The Air Quality Attainment Plan includes two measures proposed for further study: R-1, Agricultural Burning, would study alternatives to burning, such as soil incorporation, composting, landfilling and waste-to-energy conversion. R-2, Agricultural Pesticide Use, will build upon current statewide efforts to identify control measures and draft a model rule.

The following two Objectives have been added to the Land Use Element:

Objective 9.4. Implement a review procedure for land use planning and discretionary project review which includes the Imperial County Air Pollution Control District.

Objective 9.5. Incorporate the strategies of the Imperial County Air Quality Attainment Plan (AQAP) in land use planning decisions. The policies stated in the 1991 AQAP include L-1, Planning Compact Communities; L-2, Providing for Mixed Land Use; L-3, Balancing Jobs and Housing; L-4, Circulation Management.

290. The Housing Element is not part of the proposed General Plan Update due to its previous review and adoption by the Board of Supervisors in 1990. Although Housing Element information was utilized in the General Plan Update, it is standard practice to update only those Elements which are substantially out of date. A period of five years or more represents a substantial period.
291. The preparers of the EIR disagree with this comment. It is currently an existing condition that the two large-scale regional landfills are proposed and it would not be advantageous to delete discussion related to these proposed projects from the EIR.
292. The biological resources maps provided in the EIR, with minor revisions that have been made in response to previous comments (for example, see responses to Comments 16, 66, and 67), are regarded as adequate for this program-level EIR. The biological resources figures were compiled in consultation with staff biologists of the U.S. Fish and Wildlife Service, the Bureau of Land Management, and the State Department of Fish and Game.

Additional environmental review will be required for projects located in areas where potential significant impacts may occur to sensitive biological resources.

293. Groundwater and other water issues are of great concern to the County of Imperial. These concerns are reflected in the goals, objectives, and policies within the General Plan restricting land uses in limited groundwater basins, the requirement of a Conditional Use Permit for all wells, the preparation of a Water Element, and the analysis of water quality/availability issues in the EIR. Regarding the Ocotillo-Coyote Wells groundwater basin, the EIR and General Plan reviewed numerous technical studies on groundwater and interviewed both concerned citizens and agency officials directly involved with groundwater issues. Based on these reviews and interviews it was concluded that the 1977 U.S. Geological Survey study provided the best baseline data available for making land use and groundwater assumptions and decisions. Although this study served as the baseline, more recent studies were taken into account. Based on all technical data provided to the County to date, the Ocotillo-Coyote Wells groundwater basin is not in overdraft. Nevertheless, the result of this research was a plan to substantially reduce the proposed and alternative land use projects in an expanded Ocotillo/Nomirage Community Area. This research included extensive meetings with the Ocotillo/Nomirage Community Group to create a plan which provided for growth but sensitive to potential groundwater impacts. The development standards under Community Area within the Land Use Element reflect this groundwater sensitivity. The groundwater plan developed for the Ocotillo/Nomirage Community Area developed in collaboration with community members resulted in conservative yet realistic land use designations which include only passive recreation; no agriculture; and neighborhood commercial uses in the Ocotillo-Coyote Wells groundwater basin.

An area of concern not addressed in detail is the Hot Mineral Spa/Bombay Beach area which requires imported water from Riverside County. This is an area that, due to the desires of the citizenry, no changes have been made to the General Plan. However, based on standard practice of the Planning Department and requirements of the added mitigation measures, no large-scale development will be approved unless an adequate water supply can be demonstrated. It should be noted that the Coachella Valley Water District, the water agency serving this area, has the capacity to service future growth.

As indicated above, due to the sensitivity of the groundwater issue, the County of Imperial requires all proposed wells in their jurisdiction to receive a Conditional Use Permit and be subjected to environmental review, thereby allowing for further restrictions on a project-by-project basis if it is demonstrated that groundwater availability or quality impacts are anticipated. Any development requiring the use of well water will therefore require an analysis of potential impacts to groundwater availability and quality as part of the environmental review process. To ensure that additional study will be required before any land use project that impacts groundwater is approved, the following mitigation measure has been added to the Water Quality section of the Final EIR: "All discretionary development projects located within limited groundwater basins require a groundwater availability/quality study, conducted by a licensed professional as part of the environmental review process to ensure an adequate water supply to both the proposed project and existing users. This analysis will include potential effects to watersheds and recharge areas to ensure that no long-

term impacts to groundwater basins will occur."

The Water Element is an optional element not required by State law. This Element was reformatted to ensure consistency with all other elements in the General Plan Update. The Water Element is considered adequate.

It should be noted that the analysis in the EIR related to water issues is program oriented and reflects the understanding that the County of Imperial is utilizing numerous planning tools to address groundwater, including a comprehensive groundwater study of Imperial County by James M. Montgomery Engineers, Inc., scheduled to be completed later this year. Detailed groundwater basin information was not deemed necessary at a program level analysis to determine the potential environmental impacts or mitigation measures for groundwater.

294. The General Plan and DEIR take into consideration all BLM and adjacent County plans. The proposed General Plan is considered consistent with those plans. This conclusion has been reached after coordination with management staff at BLM and review of San Diego County and Riverside County General Plans. The DEIR takes into consideration all sensitive environmental resources and Areas of Critical Environmental Concern (ACECs) in particular, and illustrates potential impacts to the sensitive resources and identifies a series of programmatic mitigation measures on pages III-130 through III-133 for both direct and indirect impacts. Several of these measures are also stated within the General Plan as policy statements including the Biological Resource Conservation policy and programs. In addition, the Recreation/Open Space Land Use category, where most of these resources exist, has been designed to require preservation of sensitive resources through both development standards and the environmental review process. The entire intent of the General Plan Update is to preserve these resources in conformance with other state and federal agencies. Please see responses to Comments 46 and 59.

The approach to land use mapping in the General Plan Update is to identify the logical use of property without focusing on land ownership in particular. In certain cases, such as with BLM, it dictates a land use designation compatible for both private and public use. The Recreation/Open Space is considered to be that designation in that it allows many levels of recreation depending on environmental impacts and open space. Based on the number of recent Federal land exchanges, it has been found that ownership can change for a variety of reasons. Consequently, the Plan Update identifies logical uses to accommodate such potential ownership or boundary changes.

The General Plan and EIR promote the preservation of the flat-tailed horned lizard, desert tortoise, and other sensitive species. In addition to the policies of the General Plan and mitigation measures in the EIR, projects proposed in flat-tailed horned lizard and desert tortoise habitats would require environmental review including Section 7 Consultation with the USFWS. Such projects would include the development or expansion of agricultural activities in these habitats or in areas within ACECs.

295. The Increased Development Alternative is considered realistic and is based on numerous local requests for development. This alternative, as proposed, would have significant environmental effects and is not the recommended alternative. In regards to the Ocotillo-Coyote Wells groundwater basin, the impact on the Ocotillo/Nomirage Community Area could be significant. However, mitigation measures have been identified and would reduce such potential impacts below a level of significance. A premise for the Increase Development Alternative was that all areas could be served by imported water.
296. The proposed General Plan Update is based on the protection of limited environmental resources as a principal concern. Also, the EIR determined that the proposed Plan Update would mitigate impacts to sensitive environmental resources such as those in "Areas of Critical Environmental Concern" and other sensitive habitats. A key reason for concluding this is the high priority placed on environmental issues under both the Land Use Element and the Conservation and Open Space Element. This emphasis includes the identification of sensitive resources and policies to preserve those resources under Implementation Programs and Policies. One example would be the establishment of Resource Conservation Areas throughout the County with the requirement to further limit and reduce development. Consequently, the proposed project is environmentally sensitive, and impacts to all environmental resources are fully mitigated below levels of significance.

The selection of the Increased Agriculture Alternative and the Increased Development Alternative resulted from the effort to both reduce environmental impacts even further and attain the project's objectives of planning for and accommodating future growth in the County. The alternatives were selected during the project scoping process, which included input from various public agencies and the County-approved Ad Hoc Committee. These alternatives accommodate all projected growth for the County (please see response to Comment 230) and all goals, objectives, programs, and policies of the proposed Plan Update would be met through their implementation. As with the proposed project, these alternatives were analyzed from a worst-case perspective in terms of their potential environmental impacts. The Increased Agriculture Alternative was found to be the environmentally superior alternative, primarily in that it protects the largest amount of Important Farmland.

It is important to note that whereas the Increased Agriculture and Increased Development Alternatives are formally analyzed in the EIR as two alternatives, these alternatives were designed in such a way as to allow the County to select from a multitude of alternative projects. In essence, by adopting certain characteristics from each of the two formally-presented alternatives, several alternative projects are at the County's disposal. As a simple example, the County could adopt the increased Urban Area analyzed in the Increased Development Alternative and the reduced number of Specific Plan Areas identified in the Increased Agriculture Alternative. Of all alternatives that could be decided on by the County, the Increased Development Alternative would be the least environmentally sensitive (except for the No Project Alternative) as this alternative represents the most severe land use conflicts of all. Any adopted alternative other than the Increased Development Alternative, which, again, presents the worst-case analysis of its associated impacts, would entail reduced environmental impacts.

297. Population figures for carrying capacity were developed as part of the General Plan Update process and presented in numerous public meetings. Please see responses to Comments 230, 281, and 296.
298. Please see response to Comment 296.
299. Please see response to Comment 290.
300. The mitigation measures in the Draft EIR are appropriate to prevent significant environmental impacts from occurring due to approval and implementation of the General Plan Update. In response to comments received during public review of the DEIR and draft General Plan Update, a few mitigation measures have been added to the Final EIR, as is customary in EIR preparation. For new mitigation measures added to the Final EIR, see responses to Comments 3, 20, 101, 147, 275, and 293. In all, the mitigation measures provided in the Final EIR are adequate and will reduce potential impacts General Plan Update below levels of significance.

It must be noted that CEQA allows for the development of a program-level EIR for broad-level planning program such as a General Plan. Mitigation measures within Program EIRs do not need to be specific in nature, but may provide for mitigation programs that can be implemented at a project level. Under CEQA, Program EIRs usually lead to project-level EIRs where substantive mitigation measures are required. Although the General Plan Update EIR contains numerous project-level mitigation measures, it is not always possible to anticipate the precise mitigations that will be required to reduce impacts resulting from future proposed projects since the exact types of uses themselves are unknown and cannot be anticipated. Under the General Plan Update and Final EIR, future projects in the County that may have the potential to result in significant environmental impacts will require additional environmental evaluation and public review.

301. Due to the program level nature of the General Plan, detailed maps on the specifics of land ownership throughout the County are not warranted. It was also decided early in the General Plan Update process that since land ownership changes regularly at the Federal, State, local, and private levels, ownership would not be a useful variable for determining land use designations. In any case, detailed ownership maps are already available as public documents at the BLM office in El Centro and at numerous other agencies in the County. And as pointed out in the comment, the most current ownership information is available for review at the County Tax Assessor's Office in El Centro.
302. The Specific Plan Area designation for Felicity took into consideration both private and public land when the boundaries were determined. The SPA designation actually offers greater protection for those lands if they are to remain public by requiring a detailed Specific Plan for development and preservation. The intent of the designation was to identify a logical area for the ultimate development of a new town within the County. Please also see response to Comment 301.

303. Indian Reservations in the County are discussed in the Cultural Resources section of the EIR. It should be noted that the precise boundaries of Indian Reservations in the County are accurately provided on numerous publicly-available maps, including BLM's Surface Management Status maps. The Indian Reservations were also involved in the environmental review process for the General Plan Update. It should be noted that the location of Bard is suitably identified in Figure 2, the Imperial County Vicinity Map. The comment regarding the "Open Space Element" is not understood.
304. Please see response to Comment 294.
305. Please see response to Comment 294.
306. Please see response to Comment 303.
307. Please see responses to Comments 66, 67, 294, and 386. The biological resources figures provided in the EIR, with minor revisions, are regarded as adequate.
308. Please see response to Comment 294. The General Plan and DEIR take into consideration all BLM plans and the General Plans of San Diego and Riverside Counties.
309. Additional discussion on the cumulative impacts of potential future projects, including the two proposed regional landfills, has been added to the Final EIR. It should be noted that potential landfill impacts are not evaluated in detail in this Program EIR. Project-level EIRs will be required to address such matters. According to Curtin, 1990: "Program EIRs under CEQA should contain broad, general environmental analyses that can serve as information bases that agencies can consult in ultimately approving subsequent projects within the program." Please also see responses to Comments 136, 291, and 293.
310. Please see response to Comment 294.
311. Please see response to Comment 288.
312. The DEIR did not discuss Community Area and Urban Area Plans because they have not yet been formulated. It was determined at the outset of the General Plan Update process that the first and most logical priority would be to identify general land use designations, associated development intensities, and land use boundaries. During the process, it became clear that these plans would have to be adopted after adoption of the General Plan Update. The Community Area Plans will be implemented through a General Plan Amendment and the Urban Area Plans will be implemented through a Zoning Ordinance Update. All of the plans will be subject to public review and environmental analysis. The statement in the draft Land Use Element that the Urban Area and Community Area Plans are contained in Appendix A was an error and has been corrected.
313. This comment is inaccurate. Every environmental issue addressed in the EIR (Land Use, Agriculture, Traffic/Circulation, Noise, Biological Resources, Cultural Resources, Public Services/Safety, Air Quality, Visual Resources, Water Quality, Geology/Soils, Flood

Control/Hydrology) focuses on the proposed General Plan Update's effects on the existing physical conditions in the actual environment in which the Plan Update will operate. The existing "on the ground" conditions related to every environmental issue are adequately detailed in the EIR at a programmatic level, and the impact analysis associated with every environmental issue emphasizes the physical impacts on the existing environment. In addition, each environmental analysis section of the EIR also describes any inconsistencies between the proposed General Plan Update and the existing 1973 General Plan.

314. The potential impacts associated with aquaculture are adequately reviewed in the General Plan Update. These issues are not reiterated in the EIR because they are considered to be adequately mitigated by policies, goals, and objectives presented in the General Plan Update.
315. Comment noted. The EIR and Agricultural Element have been revised to clarify these projected population estimates. It must be noted that population projections are inevitably best-guess estimates based upon recent growth rates, which may in fact not be indicative of future growth patterns. Future population levels are influenced by innumerable demographic, economic, political and other factors.
316. Please see response to Comment 293.
317. The potential impacts associated with the whitefly are adequately reviewed in the General Plan Update. These issues are not reiterated in the EIR because they are considered to be adequately mitigated by policies, goals, and objectives presented in the General Plan Update.
318. The comment is correct in that there is no Air Quality Element in the General Plan Update. The Cumulative Impacts, Air Quality section has been revised in the Final EIR to correct this error. Regarding the comment on inconsistencies between the Land Use Element and the 1991 Air Quality Attainment Plan, please see response to Comment 289.
319. The preparation and circulation of a Subsequent or Supplement EIR for the General Plan Update is not warranted under Public Resources Code 21166 or Sections 15162 and 15163 of the CEQA Guidelines. The Final EIR incorporates only minor revisions made to the Draft EIR based upon comments and recommendations received during the public review period of that document. No significant new information has been presented or added to the EIR, and no major revisions have been made. More specifically, no new significant effects have been identified, no existing significant effects have been found to be substantially more severe, no mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce a significant effect, and no mitigation measures or alternatives that were not previously considered would substantially lessen a significant effect. Please also see responses to Comments 66, 67, 288, 289, 290, 293, 294, 296, 300, 309, 312.
320. The EIR, with minor revisions, is an adequate program-level EIR. Please see response to Comment 319.
321. Please see response to Comment 288.

322. Please see responses to Comments 230, 293, 294, 296, 297, and 319.
323. Please see response to Comment 296. Although beyond the scope of the General Plan Update, potential impacts from Mexicali are recognized and can only be mitigated by implementation of comprehensive air quality plans such as those identified under the mitigation measures section in the EIR for the County of Imperial.
324. Please see response to Comment 294.
325. Please see responses to Comments 294 and 301.
326. Please see response to Comment 312.
327. Please see response to Comment 293 and 319.
328. The EIR, with minor revisions, is an adequate program-level EIR. Please see response to Comment 319.
329. The Summary section of the EIR, with minor revisions, adequately summarizes the proposed project and its consequences as required by CEQA (Guidelines 15123). As described by CEQA, the length of the Summary normally should not exceed 15 pages. The Summary in the DEIR is 16 pages and, more importantly, provides a comprehensive but brief overview of the impacts, mitigation measures, and alternatives to the proposed project.

With regard to the comment on Special Purpose Facilities, the EIR adequately addresses and analyzes this land use designation. With regard to other issues raised in this comment, please see responses to Comments 294 and 301.

330. Suitable off-site replacement land for agricultural land impacted by future development projects, including Specific Plan Areas, could include either currently undeveloped land or land that is no longer cultivated. In any case, any proposed replacement land would be subject to environmental review as a condition of approval of a Specific Plan or other proposed project. This project-level review would identify the precise impacts to agricultural land and would recommend mitigation measures that, in themselves, do not result in significant environmental impacts. After termination of the five-year restriction period of the conversion of agricultural land, any significant impacts such as the proposed conversion of an area that exceeds 100 acres of Important Farmland will require mitigation measures to reduce such impacts below a level of significance.

With regard to the mitigation measure that requires a signed statement from property owners that they will not be indirectly impacted by the conversion of adjacent agricultural land to non-agricultural uses, this legally binding agreement would only apply to the existing property owners who sign. Any subsequent owners of agricultural property adjacent to non-agricultural uses would presumably purchase that property with the knowledge and understanding that nearby agricultural operations may be indirectly impacted by the adjacent development.

331. The statement on S-4 relative to no adverse impacts refers to "...no adverse *circulation* impacts..." (Emphasis added.) Discussions on S-4, S-5 and S-7 acknowledge potential noise and biological resource impacts. As described in the EIR, each new roadway or roadway widening project must undergo a project-level environmental analysis in order that the project is designed to avoid, minimize and mitigate potential adverse impacts to the maximum extent possible.

Discussion of railroad and bicycle travel is not required in a Circulation Element.

332. Responses to the five comments under "4. Noise" are as follows:

1. Comment noted.

2. The proposed Mesquite Landfill, while not mentioned by name in the Land Use section, is included in the discussion of the Special Purpose Facility designation. Discussion of new rail lines is not required in discussions of circulation.

3. It is assumed the comment refers to pages S-5 and S-4. Potential impacts from the future development of SR-7 and SR-86, while not called by name in the Summary, are discussed in the Traffic/Circulation section of the Environmental Analysis.

4. Industrial noise sources are discussed in the Noise section of the EIR. The definition of industrial noise sources has been expanded to include mining and sand and gravel operations. The paragraph under "Industrial Sources" has been revised as follows:

Industrial sources include manufacturing, mining, utility and similar enterprises. These activities often emit noise which may impact sensitive receptors in the area of the industrial operation. Existing major manufacturing sites within Imperial County are generally located away from concentrations of sensitive receptors. These include a gypsum plant in Plaster City, Holly Sugar and Calcot between Imperial and Brawley, and geothermal power plants in the southeast Salton Sea, Heber, and East Mesa areas. Additional geothermal plants are planned. More detailed descriptions of the geothermal plants may be found in the Geothermal and Transmission Element of the General Plan. Descriptions and locations of the mining sites may be found in the Conservation and Open Space Element of the General Plan. Industrial activities often entail the ingress and egress of cars and heavy trucks; thus, they will contribute to roadway noise sources on roads used for plant access.

In addition, the following mitigation measure has been added to the Noise section of the Final EIR:

- Roadway Noise - new industrial, commercial and residential development. Acoustical analysis of development projects shall include the investigation of the potential for the project to cause significant noise impact to sensitive receptors along project access roadways.

5. The following statement, which is part of the Draft General Plan Update Noise Element, has been added to Summary section of the Final EIR: "Where acoustical analysis indicates the potential for conflict with the County noise standards or for significant noise impact, mitigation measures, as described in the Noise Element of the General Plan, should be considered and incorporated into the project."
333. Please see responses to Comments 292, 294, and 329.
334. Please see responses to Comments 329 and 332.4.
335. This comment refers to the Summary section of the EIR; additional information on impacts to water quality, including groundwater quality, is provided in Section III-J. As stated in the Land Use Element, Ocotillo/Nomirage has minimum lot size of 1 dwelling unit per acre to 4 dwelling units per acre. Mitigation measures for watersheds include not allowing large scale development if an adequate supply of water cannot be proved. Please also see response to Comment 293.
336. Please see response to Comment 329.
337. Please see response to Comment 329. The discussion on page S-13 of the EIR is a summary of measures identified in the Environmental Analysis portion of the report. Reclaimed water, although today considered financially infeasible, should be considered for the future in areas requiring now non-potable water for irrigation. Please also see response to Comment 293.
338. Please see response to Comment 294.
339. Please see responses to Comments 293 and 295.
340. Evaluation of the No Project Alternative is required under CEQA (CEQA Guidelines 15126 (d)). Please also see response to Comment 296.
341. The General Plan Update states in the Land Use Element that this plan does not have jurisdiction over federal, state, Indian, or local agency lands. However, due to the dynamic changes in ownership boundaries, it was deemed appropriate to create a plan of land uses for the entire County illuminating current jurisdiction. The approach presented in the proposed General Plan Update is one of compatibility with existing agencies for overall land uses while assuming compatibility with adjacent agency lands in case property is converted to private ownership in the future.
342. Comment noted.
343. Comment noted.
344. As indicated in the EIR, the Specific Plan Area designation is applied where a Specific Plan must be approved prior to development. Land within this category usually has environmental constraints or unique land use concerns or opportunities which require special land use and/or

design control. Suitable areas also include lands proposed for large-scale urban development, natural resource protection, historic preservation, or other use requiring more detailed planning than would typically be required by the County Zoning or Subdivision Ordinances (DEIR, III-13). The Specific Plan Areas identified in the EIR are adequately addressed by the EIR which, again, is a program-level document. The EIR also states repeatedly that project-specific environmental review will be required as a condition of approval of a Specific Plan.

- 345. Comment noted.
- 346. Comment noted.
- 347. Please see response to Comment 344.
- 348. Comment noted. The EIR contains a thorough Project Description.
- 349. Please see responses to Comments 309 and 344.
- 350. Please see response to Comment 344.
- 351. Comment noted. Please see response to Comment 66. The biological resources figures were compiled in consultation with staff biologists of the U.S. Fish and Wildlife Service, the Bureau of Land Management, and the State Department of Fish and Game. These figures, with minor revisions, are regarded as adequate.
- 352. Please see response to Comment 312.
- 353. Please see response to Comment 301, 303, and 341.
- 354. The EIR adequately illustrates the locations of areas designated as Government/Special Public, which is the designation that includes military areas. Military facilities are also indicated in Figure 6 of the Land Use Element. Please also see response to Comment 294.
- 355. Please see response to Comment 294.
- 356. Please see response to Comment 294.
- 357. Please see response to Comment 302.
- 358. Please see response to Comment 303.
- 359. Please see response to Comment 301.
- 360. Please see response to Comment 301.
- 361. Please see responses to Comments 301 and 303.

362. Comment noted. Section 15124 (a) of the CEQA Guidelines states that "the precise location and boundaries of the proposed project shall be shown on a detailed map, *preferably* topographic. The location of the project shall also appear on a regional map (*italics added*). Section 15124 also states that the project description "should not supply extensive detail beyond that needed for evaluation and review of the environmental impact." The location and boundaries of the proposed project, i.e., the County of Imperial General Plan Update, are clearly and adequately delineated on Figure 1 (Regional Location Map) and Figure 2 (Vicinity Map). Showing the proposed project, which again is evaluated by the EIR on a program level, on 7.5 Minute Series topographic maps would require approximately 70 maps and would not be desirable or advantageous.
363. Please see response to Comment 293.
364. The EIR incorrectly referenced the inclusion of a Land Use Map in the General Plan and has been revised to indicate that the Land Use Map is associated with the General Plan. The Land Use Map has been and will be available to the public at the County of Imperial Planning Department.
365. Please see response to Comment 312.
366. Please see response to Comment 290.
367. Please see response to Comment 290.
368. The Draft EIR adequately describes the environmental setting of the County prior to analyzing the impacts that would occur to each environmental issue under implementation of the General Plan Update. Importantly, details on the environmental setting of the County are provided under the Existing Conditions sections of the various technical issues evaluated in the Environmental Analysis chapter of the EIR. The General Plan Update itself also describes, in considerable detail, the environmental setting of the County under the "Existing Conditions" of each Element. The impacts described in the EIR, taking into account minor revisions that incorporate input received from public review, are also adequate and emphasize the physical impacts on the existing environment. Nevertheless, a generalized environmental setting for the entire County has been added to the Project Description in the Final EIR to describe even more succinctly and comprehensively the County's physical conditions. This discussion describes the topics of landform, geology, soils, climate and air quality, water resources, biology, cultural resources, and geothermal resources.
369. Please see response to Comment 368.
370. Please see response to Comment 67.
371. Please see responses to Comments 67 and 294.
372. Figure 10 was prepared based upon information provided by staff biologists of the U.S. Fish and Wildlife Service, the Bureau of Land Management, and the State Department of Fish and

Game. The sources of information for the listing of sensitive plant species in Imperial County in Table 13 are listed as a footnote in that table.

373. Please see response to Comment 66.
374. The sources of information for the listing of sensitive wildlife species in Imperial County in Table 14 are listed as a footnote in that table. In response to Comment 14, the number of bird species documented in the County is described as 378 in the Final EIR and Conservation/Open Space Element. It should be noted that page III-120 of the DEIR does not indicate that there are over 350 bird species in the County but, rather, that there are over 350 bird species in the Salton Sea State Recreational Area. The comment regarding consistency by the EIR preparers is noted.
375. Please see response to Comment 67.
376. Please see response to Comment 67.
377. Please see response to Comment 65.
378. Please see response to Comment 67.
379. Please see responses to Comments 66 and 67. The historic and current ranges of the flat-tailed horned lizard are adequately depicted in Figures 12 and 13.
380. Please see response to Comment 294.
381. The desert tortoise is adequately described in the EIR as being federally and state listed as threatened. Any proposed project in desert tortoise habitat requires Section 7 Consultation with the USFWS. The flat-tailed horned lizard is also adequately described in the EIR. To the extent that more attention is placed on the flat-tailed horned lizard relative to the desert tortoise, this is because the USFWS is currently preparing a listing package for the species, and its listing would have a profound impact on future development proposals within or adjacent to designated habitat throughout the County. It should also be noted that, as described in the Conservation Open Space Element (page 17), the surface Mining and Reclamation Act (SMARA) requires mitigation of potentially adverse environmental impacts generated by mineral extraction operations.
382. Similar descriptions on the flat-tailed horned lizard is provided in the EIR, particularly under the "Sensitive Species and Habitats" discussion of Environmental Impacts in the Biological Resources section. It should also be noted that in reaction to a preliminary draft of the DEIR that attributed continuing declines of the flat-tailed horned lizard to destruction from, in part, recreational developments such as off-highway vehicle activity, the Bureau of Land Management responded that "habitat destruction and modification is largely due to agriculture and urban development. Recreational impacts are relatively minor. There is not a significant positive correlation between declining flat-tailed horned lizard populations and off-highway vehicle use" (Ben Koski letter to Michael Gonzalez, January 11, 1993).

383. Please see response to Comment 27.
384. Please see response to Comment 16.
385. Figures 12 and 13 have been revised to clarify that the Algodones Dunes are not mountains.
386. Comment noted. Figure 14 was prepared in consultation with staff biologists of the U.S. Fish and Wildlife Service, the Bureau of Land Management, and the State Department of Fish and Game. The figure is regarded as adequate.
387. Please see responses to Comments 294 and 386.
388. Please see response to Comment 386.
389. Please see responses to Comments 16 and 294.
390. Please see response to Comment 386.
391. Please see response to Comment 294.
392. Please see response to Comment 294.
393. Please see responses to Comments 294 and 344.
394. Please see responses to Comments 288 and 294.
395. Maps of watershed basins will not be included in the Program EIR. Please also see response to Comment 293.
396. Although the General Plan and EIR identify a number of uses within the Recreation/Open Space designation, they also identify a number of limitations including preservation of sensitive environmental resources. Language has also been added to limit agriculture in sensitive areas. Development exceeding 1 dwelling unit per 20 acres can only be done on 160 acres or more with a Specific Plan and Environmental Impact Report that shows no impacts to groundwater and natural resources.
397. Please see response to Comment 313.
398. Please see responses to Comments 294 and 313.
399. The Resources Map has been added to the Conservation/Open Space Element and "RCAs" has been changed to "Resource Areas" in the EIR.
400. Please see response to Comment 313.
401. Please see response to Comment 294.

402. Please see responses to Comments 301, 303, and 341.
403. Comment noted. The information provided in Table 1 is the most current information available and is appropriate for use in the EIR.
404. The limitation on the conversion of agricultural land use is based on previous studies conducted by the State of California, the Urban Land Institute, and other public and private agencies on the most effective approach to preserving farmland. All recommendations on agricultural have been reviewed for consistency with California Land Use law to assure full compliance and reasonable use.
405. The DEIR defines the Industry designation as including heavy manufacturing and industrial uses. Heavy industry is detailed on page 37 of the Land Use Element and specifically mentions hazardous materials. The County Zoning Ordinance also requires a Conditional Use Permit in the M-2 Heavy Manufacturing Zone for hazardous waste treatment or incineration. This involves further environmental review, including review by state and local agencies.
406. Please see response to Comment 294.
407. Comment noted.
408. Please see response to Comment 294.
409. Please see response to Comment 294.
410. Please see response to Comment 294.
411. Please see responses to Comments 294 and 341.
412. Comment noted. The statement in the EIR is not regarded as misleading. The reference refers to an allowance to permit clustering below 20 acre lot size if 160 acres or more planned under a Specific Plan. A Specific Plan would be allowable if adequate water supply is available, the development is recreation-oriented, and other environmental criteria are fulfilled under CEQA. Please also see responses to Comments 294 and 396.
413. Please see responses to Comments 294 and 341.
414. Comment noted. All relevant Federal plans were reviewed. See response to Comment 294.
415. Please see response to Comment 294.
416. Page 46 of the Land Use Element specifically states that "Recreational land uses within this [Recreation/Open Space] category are limited to recreational vehicle parks and uses which consist primarily of outdoor facilities such as parks, athletic fields, golf courses, swim and tennis clubs, and off-road vehicle use areas. Intensive recreational development within this

category is prohibited in areas designated by BLM as "Areas of Critical Environmental Concern". This land use category is therefore compatible with BLM Plans and no impacts to biological and cultural resources are expected.

417. Please see responses to Comments 288 and 294.
418. Please see response to Comment 294.
419. Please see response to Comment 412.
420. The definition of Urban is based on development characteristics such as sewer, paved roads, and sidewalks. Recreation/Open Space lands are seen as being rural in nature and not requiring those urban features. Please also see response to Comment 294 and 412.
421. Please see response to Comment 344.
422. Please see response to Comment 290.
423. Housing information is provided in the previously adopted Housing Element. Seasonal population changes in existing second home communities was not considered a significant environmental concern.
424. Please see response to Comment 293.
425. Please see response to Comment 293.
426. Please see response to Comment 293.
427. Groundwater quality and quantity is adequately discussed in three major sections of the EIR: the "Water Service and Availability" portion of the Public Services/Safety section, the "Groundwater" portion of Water Quality section, and the "Groundwater" portion of the Flood Control/Hydrology section.
428. Please see response to Comment 293.
429. Please see response to Comment 293.
430. Please see response to Comment 294.
431. Please see responses to Comments 293 and 344.
432. The Circulation and Scenic Element addresses all mandatory infrastructure components above and beyond that required by State law. Air and railroad transportation are discussed under Goals and Objectives and Implementation Programs and Policies. As allowed for in the Office of Planning and Research Guidelines for General Plan preparation, other infrastructure issues are discussed in the Land Use Element.

In addition, the Project Description of the EIR is regarded as accurate, consistent, and adequate. The Project Description succinctly yet comprehensively describes the proposed project, namely, the proposed General Plan Update. Importantly, the General Plan itself comprises the proposed project. This document was widely circulated in association with the Draft EIR during public review of the latter document. The reader who requires any detailed descriptions of the proposed project not provided by the EIR can easily obtain such information from the General Plan Update. In response to Comment 368, the Project Description has been revised to provide the reader with more background information on the environmental setting of the County.

433. School facilities are adequately discussed in the EIR in accordance with the level of information available and required for a programmatic evaluation. New growth will impact all school districts and coordinated school facility master plans should be pursued to allow long-term solutions rather than a project-by-project approach. The first step will be the adoption of this General Plan Update with clear areas for development and restrictions on future residential growth outside Urban or Specific Plan Areas. Please also see responses to Comments 290 and 432.
434. Please see response to Comment 282.
435. The 1992 Planning, Zoning and Development Laws, Government Code 65302(f) states, "The noise element...shall analyze and quantify, *to the extent practicable*, ...current and projected noise levels..." (Italics added.) Noise contours have been analyzed and mapped to the extent practicable for the current update effort. The EIR has been revised to specifically recognize mining activities in the category of industrial noise sources (please see response to Comment 332).
436. Comment noted. Please see response to Comment 432.
437. Comment noted. Please see response to Comment 432.
438. Comment noted. Please see response to Comment 432.
439. Comment noted. Please see response to Comment 432.
440. The EIR contains an adequate discussion of the present regional air quality situation. Air Quality information includes the most recent information available from the Imperial County Air Pollution Control District. Mitigation measures are programmatic in nature although the land use strategies contained in the Land Use Element promote a balance of development in concentrated areas which will minimize air quality impacts. Although beyond the scope of the General Plan Update, potential impacts from Mexicali are recognized and can only be mitigated by the implementation of comprehensive air quality plans such as those identified under the mitigation measures section.
441. Comment noted. Please see responses to Comments 16 and 294.

442. Soil erosion is adequately discussed in the Geology/Soils section of the EIR. Mitigation measures to improve air quality are included in the Air Quality section of the EIR Environmental Analysis, and in the APCD *1991 Air Quality Attainment Plan*. Further APCD planning with respect to improving PM₁₀ air quality is anticipated. Please also see response to Comment 332.4.
443. Please see response to Comment 293, 332.4, 368, and 432.
444. Please see responses to Comments 294 and 368.
445. The proposed mitigation measure referred to by this comment is considered appropriate. It is conceivable that projects may be proposed that will be located in fire-prone areas within the County.
446. Comment noted. Please see response to Comment 368.
447. Comment noted. Please see responses to Comments 289, 293, and 368.
448. Please see response to Comment 318.
449. The proposed mitigation measures referred to by this comment are considered appropriate to prevent impacts to biological resources and to reduce significant impacts below a level of significance. It must be noted that staff biologists of the USFWS, BLM, State Department of Fish and Game, and other agencies were consulted extensively throughout the entire process of preparing the EIR.
450. Please see response to Comment 294.
451. Please see response to Comment 293.
452. Please see response to Comment 293.
453. Please see response to Comment 293.
454. The impacts of biologically contaminated waters in the canals serving rural residential users and the potential impacts from exposure to raw canal water as addressed by the EPA order to IID are described on pages III-156, III-170, III-174, and III-197 of the DEIR. With regard to the potential for algal or vegetative blooms in stagnant waters, this comment is noted. Please also see response to Comment 189.
455. As indicated in the Draft EIR, adequate landfill facilities and sites exist within the County to meet projected solid waste demands in the region (page V-4). In addition, two large-scale landfills are currently proposed in the County, and the County has requested that these projects be designed to accommodate local solid waste as well as out-of-area solid waste. EIRs for those projects are currently in preparation.

456. The regional landfill will be required to be addressed in the County Integrated Waste Management Plan, although its concurrent processing will only guarantee that it is a site to be considered in the review process. The proposed landfills are discussed in existing conditions sections since they are proposed projects and consideration of their impacts is warranted. Please also see responses to Comments 291 and 309.
457. The mapping error referred to in this comment has been corrected in the Final EIR. In particular, the eastern boundary of the Ocotillo/Nomirage Community Area has been moved east to include all of the El Remate property.
458. Please see responses to Comments 294, 301, 303, and 341.
459. Please see responses to Comments, 230, 293, and 295.
460. Please see response to Comment 329.
461. Comment noted. The EIR adequately addresses the environmental impacts that would occur under implementation of the proposed General Plan Update.
462. Comment noted. The EIR adequately addresses the environmental impacts that would occur under implementation of the proposed General Plan Update.
463. Please see response to Comment 293. The cumulative impacts on water quality issues are adequately addressed in the Cumulative Impacts section.
464. Please see response to Comment 293. The cumulative impacts of growth in the Ocotillo/Nomirage area are not expected to be significant.
465. Please see responses to Comments 104, 293, and 294.
466. Please see response to Comment 293.
467. Comment noted. All relevant Federal plans were reviewed. Please see response to Comment 294.
468. Please see response to Comment 433.
469. The Existing Conditions and Environmental Impacts are adequately described and analyzed for the possible significant environmental impacts that would occur with implementation of the proposed General Plan Update. Please see responses to Comments 332.4 and 368.
470. Please see response to Comment 278.
471. Please see response to Comment 294.
472. Please see response to Comment 455.

473. Please see response to Comment 293.
474. Please see responses to Comments 293 and 314.
475. Please see responses to Comments 16, 32, 294, and 416. Impacts on sensitive wildlife by projects proposed in sensitive habitats will need to be addressed and mitigated on a project-specific level.
476. Please see response to Comment 475.
477. Please see responses to Comments 16, 32, 294, and 416.
478. Please see responses to Comments 96, 99, 100, and 344.
479. The Right-to-Farm Ordinance informs existing and new property owners about the potential inconveniences of living near agricultural operations and discourages the registration of complaints against agricultural practices. The Ordinance directs that adjacent land users should be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of living in a county with a strong rural character and an active agricultural sector. The Ordinance generally makes it difficult for existing agricultural operations to be shut down or otherwise affected due to the registration of complaints. Overall, the Ordinance protects agricultural interests and reduces indirect impacts to agricultural operations.
480. Please see responses to Comments 294 and 330.
481. Please see responses to Comments 330 and 344.
482. Please see response to Comment 293. It is not expected that operations at Plaster City will have significant impacts on the Ocotillo-Coyote Wells groundwater basin or on sensitive biological resources in the region.
483. No other industrial activities besides US Gypsum are currently planned for the Plaster City area.
484. The Final EIR, with minor revisions, adequately addressed water quality and quantity issues in the Cumulative Impacts section. The detailed level of information requested in this comment is beyond the scope of a program EIR. Please also see response to Comment 293.
485. The Existing Conditions and Environmental Impacts are adequately described and analyzed for the possible significant environmental impacts that would occur with implementation of the proposed General Plan Update. Please see responses to Comments 294, 332.4, and 368. The detailed information requested by this comment is beyond the scope of this programmatic EIR.
486. Please see response to Comment 454.

487. The intent of the Special Purpose Facility designation is to focus on land use conflicts. These impacts are examined on page III-25 of the DEIR.
488. Please see response to Comment 294.
489. Please see responses to Comments 66, 67, and 294.
490. Please see response to Comment 313.
491. Please see responses to Comments 313 and 330.
492. Please see response to Comment 294.
493. Please see responses to Comments 313 and 330.
494. The Desert Residential land use designation was perceived to promote development. The new Recreation/Open Space designation promotes open space uses.
495. Please see response to Comment 344.
496. Please see responses to Comments 294, 313, and 330.
497. The EIR is consistent with a "program-level" analysis as defined by CEQA, and adequately evaluates the potentially significant environmental impacts associated with implementation of the General Plan Update in conjunction with past, present, and reasonably foreseeable future projects in the surrounding region. The Cumulative Impacts section assumes full build-out of the various land use classifications within the County, as well as within its sphere of influence. This section has been augmented in the Final EIR to more specifically address the impacts from two proposed regional landfills and several potential Specific Plan Areas. These projects all require additional environmental review and, properly mitigated through the preparation of project-specific EIRs, will not result in significant cumulative impacts.
498. Please see responses to Comments 341 and 497.
499. Please see responses to Comments 16, 32, 294, 381, and 416. The Cumulative Impacts section has been revised to be more comprehensive.
500. Please see responses to Comments 293, 294, and 497. As described in the EIR, the County's sphere of influence, in regard to cumulative impacts, extends for several miles from the Imperial County line into the counties of San Diego and Riverside in California, the State of Arizona, and Mexico. It should also be noted that the Riverside County Planning Department has been kept informed of the General Plan Update throughout the entire environmental review process.
501. Please see response to Comment 309.

502. Please see responses to Comments 16, 32, 294, 381, and 416. The Cumulative Impacts section has been revised to be more comprehensive.
503. Please see responses to Comments 16, 32, 294, 381, and 416. The Cumulative Impacts section has been revised to be more comprehensive.
504. Please see response to Comment 309.
505. Please see response to Comment 309.
506. Please see response to Comment 309.
507. Please see response to Comment 309.
508. Please see response to Comment 309.
509. Comment noted.
510. Please see response to Comment 309.
511. Comment noted. Groundwater impacts are adequately discussed in the EIR and in previous responses.
512. Comment noted.
513. Please see responses to Comments 293, 294, and 309.
514. Please see responses to Comments 293, 294, 309, and 497.
515. Comment noted.
516. Please see responses to Comments 293 and 294.
517. Please see responses to Comments 293, 294, 497, 309, and 497.
518. Please see responses to Comments 293, 294, and 497.
519. Please see responses to Comments 16, 32, 294, 381, 416, and 497. The Cumulative Impacts section has been revised to be more comprehensive.
520. Comment noted.
521. Comment noted.
522. Please see response to Comment 294.

523. Comment noted.
524. Please see response to Comment 294.
525. Please see response to Comment 294.
526. Please see response to Comment 294.
527. Please see responses to Comments 294 and 301.
528. Please see responses to Comments 294 and 301.
529. Comment noted.
530. Please see responses to Comments 293, 294 and 301.
531. Please see responses to Comments 289 and 318.
532. Comment noted.
533. The proposed General Plan Update will not result in significant unmitigable environmental impacts. Implementation of the Plan Update would accommodate future projected growth in the County, protect the County's biological resources, and promote economic growth.
534. The EIR discussion on growth inducement was completed at a program level. Although individual roads were not addressed, the overall circulation system is discussed under the Public Service Infrastructure section. As stated, the circulation system has been designed to accommodate the planned growth of the General Plan Update and anticipated growth from the North American Free Trade Agreement (NAFTA). The conclusion of this section is that the roads will only be constructed in association with new development and that the planned Circulation Element is growth accommodating, not growth inducing.
535. Please see responses to Comments 290, 497, and 534.
536. Comment noted.
537. Please see responses to Comments 293, 294, 497, 309, and 497.
538. Please see responses to Comments 293, 294, 497, 309, and 497.
539. Please see response to Comment 296.
540. Please see response to Comment 294.
541. Please see responses to Comments 292, 293, and 427.

542. Please see responses to Comments 292, 293, and 294.
543. As described in the DEIR, the Increased Development Alternative would have significant economic impacts. Please also see responses to Comments 237 and 238.
544. Please see responses to Comments 294 and 340.
545. Comment noted. Please see response to Comment 340.
546. Comment noted. Please see response to Comment 340.
547. Please see responses to Comments 294, 295, 296, 313, and 340.
548. Please see response to Comment 294.
549. Please see response to Comment 294.
550. Please see response to Comment 294.
551. Comment noted. The Preservation versus Recreation/Open Space issue is addressed on page III-17 of the DEIR.
552. Please see response to Comment 551.
553. Please see responses to Comments 294 and 396.
554. Please see responses to Comments 293, 300, and 309.
555. Please see responses to Comments 293, 294, 300, and 449.
556. Please see responses to Comments 294, 300, and 449.
557. Please see responses to Comments 318 and 440.
558. Please see responses to Comments 300, 318, and 330.
559. Groundwater studies and monitoring are important tools and indicators of potential water quality and availability problems. Please also see responses to Comments 293 and 300.
560. Please see response to Comment 449.
561. Please see responses to Comments 289, 318, and 440.
562. Please see response to Comment 449.
563. Please see response to Comment 445.

564. Mitigation measures in the DEIR correspond to impacts identified in the proposed General Plan Update.
565. Please see responses to Comments 293 and 300.
566. When proposed developments are reviewed on the project level, projected circulation impacts are analyzed. If unacceptable traffic levels would be anticipated, reducing the level of development is a feasible solution.
567. Comment noted.
568. Comment noted.
569. Comment noted. Please also see response to Comment 294.
570. Please see response to Comment 294.
571. Please see responses to Comments 288 and 290.
572. Please see responses to Comments 288 and 294.
573. The issue of cultural resources is adequately addressed in the EIR. No significant unmitigable impacts would result to cultural resources under implementation of the General Plan Update. Please also see response to Comment 75.
574. Please see responses to Comments 288, 293, 294, and 440.
575. Regarding the mapping error in the Ocotillo/Nomirage area, please see response to Comment 457. Since there is no Agricultural area in the Ocotillo/Nomirage area, nor is groundwater used for agricultural uses in this area, there is no reason to follow parcel lines in the manner that they are followed in the area of agricultural lands served by IID. The Ocotillo/Nomirage area is designated as Community Area under the proposed General Plan Update. There are no areas surrounding the Ocotillo townsite that are referred to as both Rural Residential and being in the Ocotillo/Nomirage Community Area Plan. The statement on page 55 of the Land Use Element has been deleted. The only area designated Rural Residential in the proposed Plan Update is adjacent to Hot Mineral Spa. The Community Area designation for the Ocotillo/Nomirage area resulted from extensive meetings with the Ocotillo/Nomirage Community Group to create a designation that provides for growth and, among other considerations, is sensitive to potential groundwater impacts. It should be noted that the Increased Development Alternative designates the area surrounding the Ocotillo and Nomirage townsites as Rural Residential.
576. Comment noted.
577. Please see responses to Comments 288 and 290.

578. Please see response to Comment 312.
579. Comment noted. Please see responses to Comments 293, 294, and 300.
580. Comment noted. Please see response to Comment 432.
581. Comment noted. Please see response to Comment 432.
582. Please see response to Comment 312.
583. Please see response to Comment 414.
584. Please see responses to Comments 230 and 423.
585. Please see response to Comment 230.
586. Please see response to Comment 293.
587. The EIR adequately discusses the Industry designation. A purpose of the EIR is not to determine how realistic the 1973 Plan was/is.
588. Please see response to Comment 312.
589. Please see response to Comment 405.
590. Please see response to Comment 294.
591. Please see response to Comment 344.
592. Please see response to Comment 592.
593. As described on page III-20 of the DEIR, designation of the Mesquite Lake area as a Specific Plan Area rather than as Industry does not represent a change in intended use compared to the 1973 Plan. Rather, designation of the area as an SPA is a mechanism by which the County can exercise greater control over future industrial and related development within the designated area. Proposed industrial and any other uses at the Mesquite Lake SPA will be subjected to environmental review and regulations under state and local law.
594. Please see responses to Comments 302 and 344.
595. Please see response to Comment 354.
596. Please see response to Comment 344.
597. Please see responses to Comments 313 and 344.

598. Comment noted. From a land use perspective, residential uses and a park for recreational vehicles are not regarded as the same.
599. Comment noted. Only one SPA is proposed for the area both north and south of I-8 identified as the Interstate 8/State Route 111 SPA. Please see response to Comment 344.
600. Please see response to Comment 302.
601. Comment noted. Please see response to Comment 344.
602. Comment noted. Please see response to Comment 344.
603. The Final EIR and General Plan Update have been revised to indicate that the East Border Crossing SPA is 1,700 acres. Please also see responses to Comments 330 and 344.
604. Please see response to Comment 344.
605. Please see response to Comment 344.
606. Please see responses to Comments 329 and 487.
607. Please see response to Comment 313.
608. Please see response to Comment 300.
609. Please see response to Comment 344.
610. Please see response to Comment 300.
611. Please see response to Comment 293.
612. Please see response to Comment 313.
613. Comment noted.
614. The evaluations of impacts to biological resources provided in the EIR, with minor revisions that have been made in response to previous comments, are regarded as adequate for this program-level EIR. Additional environmental review will be required for projects located in areas where potential significant impacts may occur to biological resources.
615. Please see responses to Comments 294, 382, and 614. Implementation of the General Plan Update will adequately preserve and protect biological resources.
616. Please see response to Comment 294.
617. Please see response to Comment 27.

618. Please see responses to Comments 189 and 454.
619. Please see response to Comment 445 in regard to the mitigation measures in question. No authorization for high density commercial recreation is contemplated on large parcels within the Recreation/Open Space designation where sensitive biological resources are located.
620. Please see response to Comment 294.
621. Comment noted. Impacts from construction of transmission lines and roads on BLM ACECs are subject to environmental review under NEPA.
622. Please see response to Comment 294.
623. Please see response to Comment 294. Any proposed development on BLM ACECs are subject to environmental review under NEPA.
624. Comment noted.
625. Please see responses to Comments 16, 32, 294, and 381.
626. County Parks will not be impacted by implementation of the General Plan Update.
627. Comment noted. Please see response to Comment 66. The Biological Sensitivity Map was compiled in consultation with staff biologists of the U.S. Fish and Wildlife Service, the Bureau of Land Management, and the State Department of Fish and Game. Figure 15 is regarded as adequate.
628. Please see response to Comment 315.
629. Figure 5 has been revised in the Final EIR as requested to indicate the presence of existing urban boundaries.
630. The biological resources maps and agricultural maps provided in the EIR, with minor revisions that have been made in response to previous comments, are regarded as adequate for this program-level EIR. Additional environmental review will be required for projects located in areas where potential significant impacts may occur to biological and/or agricultural resources.
631. Please see responses to Comments 294 and 330.
632. This comment is inaccurate. Page III-36 states that "Imperial County currently has a little less than 560,000 acres of Important Farmland." Page III-37, getting more specific, states that "a total of 559,435 acres were classified as Important Farmland in 1990." These statements are not contradictory, nor do they indicate in any way the actual acreage under production. Table 5 indicates that an area of 565,798 acres were harvested i.e., under production, in 1990.

633. Please see responses to Comments 293 and 294.
634. Comment noted. The request for this information is beyond the scope of a program-level EIR.
635. This comment is beyond the scope of a program-level EIR.
636. Please see response to Comment 315.
637. The DEIR focuses on the potential conversion of agricultural lands as a significant impact on a Program level. This includes the creation of new Urban Area and Specific Plan Areas both currently designated and anticipated in the future. Mitigation measures were subsequently identified to minimize the impacts. Several of these measures are modelled after successful programs identified in Department of Conservation study on the *Conversion of Agricultural Lands* by Jones and Stokes. These measures have minimized significant impacts in other regions of the state. Please also see responses to Comments 300 and 479.
638. This comment is inaccurate. Water conservation, including the 1989 agreement between the Imperial Irrigation District and the Metropolitan Water District, is adequately described under "Conservation" in the "Water Service and Availability" portion of the Public Services/Safety section of the EIR.
639. Please see responses to Comments 314 and 317.
640. Please see response to Comment 294.
641. Please see response to Comment 294.
642. This comment is not accurate. Page III-48 of the DEIR states that "the Salton City/West Shore area ... is *not* situated on Important Farmland" (italics added).
643. Comment noted. Discussion of Important Farmland that may be lost with implementation of the General Plan Update is regarded as important and useful. Impacts to existing conditions are analyzed on pages III-48 to III-54 of the DEIR.
644. Comment noted. The subsequent sentence in the text states that "any leapfrog project that is approved would constitute a significant impact."
645. The Land Use Element has been revised to describe the process of zoning implementation within the Urban Area designation.
646. Please see response to Comment 637.
647. The statement in the comment that "The DEIR (III-51) includes the Mesquite Lake SPA as Important Farmland" is not accurate. This page of the DEIR states that the Mesquite Lake and other four SPAs "include land identified as Important Farmland." These SPAs also

include other types of land. The actual amount of Important Farmland contained within the Mesquite Lake SPA is specified on page III-52 of the DEIR: the 6,800-acre Mesquite Lake SPA contains approximately 4,260 acres of Important Farmland. A portion of this Important Farmland area, and most of the remaining SPA, is characterized by poor soils which are not farmed. The DEIR and Land Use Element of the General Plan Update are consistent.

648. Please see responses to Comments 300, 330, and 344. As described on page III-53 of the DEIR, the direct loss of Important Farmland associated with the East Border Crossing SPA would be compensated for by the development of industrial and other economically beneficial uses. The inclusion of agricultural warehouses and agricultural packaging and processing facilities would mitigate the loss of Important Farmland at this location to a level below significance. Under the proposed North American Free Trade Agreement, facilities within the East Border Crossing SPA would facilitate the export of local agricultural products to Mexico and thereby further compensate for the direct loss of agricultural land within this SPA.
649. Please see response to Comment 294.
650. Please see response to Comment 294.
651. Please see responses to Comments 300, 330, and 344.
652. The General Plan consultant and Circulation Element consultant met with the County Department of Public Works prior to and during preparation of the General Plan Update. Input received from the Department of Public Works subsequent to the issue of the draft General Plan Update has been incorporated into the Circulation Element. See comments 124-143 and associated responses.
653. Traffic and Circulation impacts are adequately addressed in the EIR. Please also see response to Comment 312.
654. Please see response to Comment 432. Existing and potential future circulation conditions are discussed, as required by CEQA Guidelines 15125(c).
655. Please see response to Comment 654.
656. Please see responses to Comments 128, 130, 131, and 654.
657. With respect to airports, please see response to comment 654. The four scenic highways, I-8, SR-78, SR-111, and S-22, are shown in Figure 8.

The current and anticipated rate of growth for Hot Mineral Spa/Bombay Beach and West Shores/Salton City does not justify the designation of additional Circulation Element roadways at this time.

658. Please see response to Comment 308.

659. Comment noted. The EIR evaluation of traffic and circulation is considered adequate. Please see responses to Comments 128, 130, 131, and 654.
660. Comment noted. The EIR evaluation of traffic and circulation is considered adequate. Please see responses to Comments 128, 130, 131, and 654.
661. A detailed analysis and discussion of the East Border Crossing SPA will ensue following the preparation of the draft specific plan. Please also see response to Comment 344.
662. The EIR evaluation of traffic and circulation is considered adequate. Please see response to Comment 660.
663. Please see response to Comment 657.
664. The unpaved roads to mining operations are not classified Circulation Element roads. Thus, they are not shown on Figure 8. Please also see response to Comment 332.4.
665. The unpaved roads described in the comment are not classified Circulation Element roads. Thus, they are not shown on Figure 8.
666. The Traffic/Circulation section of the EIR, with minor revisions that incorporate input received from public review of the document, adequately addresses the traffic and circulation impacts that would occur under implementation of the General Plan Update. Please also see responses to Comments 313 and 534.
667. Comment noted. Please see response to Comment 344.
668. Comment noted.
669. Comment noted.
670. Noise impacts are adequately addressed in the EIR. Please see response to Comment 273.
671. Please see response to Comment 273. There has been and conceivably could be an airport at this location.
672. Airport noise information as available in the Imperial County Airport Land Use Compatibility Plan was included in the General Plan. Generation of additional airport noise analysis is impracticable at this time.
673. Comment noted.
674. Please see response to Comment 332.4.
675. Please see response to Comment 435.

676. Please see response to Comment 309 regarding additional evaluation of the proposed landfills. The remainder of the comment is noted.
677. Please see response to Comment 136.
678. Please see responses to Comments 16, 32, 294, 381, and 416.
679. Please see response to Comment 332.5. Also, as described under "Sensitive Receptors" in the Noise section of the EIR, sensitive receptors include non-human species such as many riparian bird species.
680. Comment noted. The EIR adequately addresses impacts to cultural resources. The General Plan Update constitutes the proposed project; it is not necessary or desirable to reiterate all details in the EIR.
681. Comment noted. The EIR adequately addresses impacts to cultural resources. The General Plan Update constitutes the proposed project; it is not necessary or desirable to reiterate all details in the EIR.
682. Significant impacts to cultural resources would not occur under implementation of the General Plan Update. Please see responses to Comments 53, 59, 75, 416, and 680.
683. Significant impacts to cultural resources would not occur under implementation of the General Plan Update. Please see responses to Comments 53, 59, 75, 416, and 680.
684. Significant impacts to cultural resources would not occur under implementation of the General Plan Update. Please see responses to Comments 53, 59, 75, 416, and 680.
685. Comment noted. The EIR, with minor revisions, is an adequate program-level EIR. Please also see responses to Comments 296, 300, and 319.
686. It is not necessary or desirable to reiterate all General Plan Update descriptions in the EIR. A purpose of the EIR is to evaluate impacts that would occur under implementation of the General Plan Update. The fuel storage tank farms are adequately located on Figure 5 of the Seismic and Public Safety Element. Impacts associated with these storage tanks are considered to be adequately mitigated by policies, goals, and objectives presented in the General Plan Update.
687. Please see responses to Comments 136, 251, 291, and 309.
688. Please see response to Comment 136.
689. Please see responses to Comments 288, 309, and 456.
690. Please see responses to Comments 288 and 455.

691. Comment noted.
692. Please see response to Comment 293.
693. Please see response to Comment 454. A map showing the main canals and drainage ditches that make up the IID water delivery system would be beyond the scope of this program EIR and would serve no purpose in evaluating the impacts that would occur under implementation of the General Plan Update. In any case, such a map is already publicly available document through the IID.
694. Please see response to Comment 293.
695. The Southern California Water Company purchases raw Colorado River water from the Imperial Irrigation District, treats it, and delivers it to customers in Niland and Calipatria.
696. As stated on page 160 of the DEIR, "Drinking water sources [for Bard] are supplied by 100 gallon tanks which are stored outside the residences and are filled periodically by private water companies."
697. Implementation of the General Plan Update would not result in significant unmitigable impacts to sewage treatment in these communities.
698. Please see response to Comment 433.
699. As described in the EIR, If adequate funding mechanisms are not available to accommodate new development, funding for additional schools shall be provided by the developer to the school district in which a project is located. For large new developments such as SPAs, a "Public Facilities Financing Plan" shall be prepared and the capacity of school facilities shall be evaluated as part of the project environmental review.
700. The request for this information is beyond the scope of the program EIR.
701. Biological resources are adequately addressed in the EIR. The wildlife refuges will be preserved and protected under the General Plan Update, and no impacts to parks will occur.
702. It is expected that health care facilities in Imperial County will grow as the population size grows. Please see response to Comments 277, 278, 282, and 423.
703. Please see response to Comment 293.
704. Please see response to Comment 433.
705. Please see response to Comment 291.
706. Comment noted.

707. It is expected that most Imperial County residents will seek health care from providers located in the County in the future.
708. "Should" has been changed to "shall" in the Final EIR.
709. The sources of PM₁₀ are shown in Table 18 and discussed briefly in the text. It is noted that travel on unpaved roads accounts for less than four percent of the PM₁₀, and dust generation associated with mineral processes accounts for less than one-tenth of one percent. The purpose of the EIR analysis is to assess potential impacts related to the proposed General Plan Update. The EIR does not analyze the overall air quality monitoring and enforcement program of the County. Please also see responses to Comments 332.4 and 564.
710. The units of Tables 18 and 19 are tons per day. The Final EIR has been revised to indicate the units. "Natural sources include wildfires, petroleum seeps, and biogenic emissions (organic compounds emitted from trees and plants)" (Air Quality Attainment Plan, 1991, p. 4-4). Natural sources also include wind-generated pollutants. Sand and gravel operations are included in the Industrial Processes category. Emissions from off-road vehicles and unpaved roads may be found in Other Mobile and Industrial Processes/Miscellaneous Processes categories, respectively.

The referenced paragraph states that effective control measures are required to prevent significant deterioration of air quality. Environmental review of specific project applications should assure the implementation of appropriate control measures.

711. Please see response to Comment 289.
712. The mixed land use strategy is a planning tool particularly suited to reduce localized air quality impacts.
713. Please see response to Comment 289.
714. Please see response to Comment 289.
715. The mitigation measures recommended in the Draft EIR to minimize the air quality impacts of burning agricultural waste are regarded as adequate, particularly considering that the General Plan and Agricultural Element promote the continued prominence of the agriculture industry in the life and economy of the County. Please also see response to Comment 289.
716. Please see response to Comment 564. In regard to the question about the APCD officer belonging in the jurisdiction of the Environmental Health Officer, this issue is beyond the scope of the EIR.
717. Although landfill operations are commonly associated with visual impacts, these operations are generally located in isolated areas frequented by few observers and, as such, these impacts are not considered as significant. However, the approval of new landfills would be subject to environmental review which may include the analysis of impacts to visual

resources.

- 718. Please see response to Comment 293.
- 719. Please see response to Comment 693.
- 720. This comment is inaccurate. Of four comparable dates (in 10/30, 3/91, 7/91, and 1/92) that fecal coliform was measured at the International Border and at the Alamo River Outlet into the Salton Sea (see Tables 21 and 23), it was only in 10/90 that the concentration at the outlet to the Salton Sea exceeded that at the International Border. A wide variety of factors can account for this observation but it is beyond the scope of this EIR to explain this particular event.
- 721. Please see response to Comment 293.
- 722. Please see response to Comment 293.
- 723. Please see response to Comment 293.
- 724. Please see response to Comment 293.
- 725. Please see responses to Comments 293 and 309. Detailed analyses of this issue will be described in the EIRs prepared for these proposed projects.
- 726. Please see response to Comment 313. Impacts to existing water quality impacts are adequately analyzed in the EIR.
- 727. Please see response to Comment 293.
- 728. Please see response to Comment 293.
- 729. Please see response to Comment 293.
- 730. Please see response to Comment 293.
- 731. Please see response to Comment 293.
- 732. Please see response to Comment 293.
- 733. The existing conditions discussion of soils and geology in the EIR is considered as adequate and not superficial. In any case, however, the General Plan Update itself constitutes the proposed project and all information included within the General Plan Elements may be regarded as aspects of the project description. It is not necessary or desirable to reiterate all General Plan Update descriptions in the EIR.

734. It is not necessary or desirable to reiterate all General Plan Update descriptions in the EIR. The General Plan Update itself constitutes the proposed project and all information included within the General Plan Elements may be regarded as aspects of the project description. The map on landslide activity was not included in the EIR because impacts associated with landslides in the County are not considered as significant.
735. The impacts of wind-blown sand and dust, or natural sources, on PM₁₀ are addressed on page III-186 of the DEIR. Implementation of the General Plan Update would not generate air quality impacts associated with erosion of disturbed soils.
736. Significant impacts from flooding are not expected at these locations. However, please see response to Comment 344.
737. Implementation of the proposed General Plan Update would not contribute to potential flooding impacts at these locations.
738. These impacts are adequately addressed in the EIR. Please also see response to Comment 332.4.
739. Please see response to Comment 293. Newly proposed mining operations would require environmental review on such potential impacts as groundwater.
740. Please see response to Comment 293.
741. A map of drainage patterns or watersheds for groundwater basins is beyond the scope of this EIR.
742. Please see response to Comment 293.
743. Comment noted.
744. Please see response to Comment 293.
745. Please see response to Comment 293.
746. Please see response to Comment 293.
747. Please see response to Comment 337.
748. Please see response to Comment 293.
749. Please see responses to Comments 293 and 534.
750. Please see response to Comment 534.
751. Please see responses to Comments 293, 294, 497, 309, 423, and 497.

771. Comment noted. The EIR, with minor revisions, is an adequate program-level EIR. Please also see responses to Comments 296 and 319.

Glenn L. Gearhart - March 15, 1993

772. The application for the Mount Signal Specific Plan Amendment did not constitute a request for this proposed project to be considered as a Specific Planning Area in the County of Imperial General Plan Update.
773. Comment noted. Preparation and circulation of a Subsequent or Supplement EIR for the General Plan Update is not warranted. Applications for Specific Plans may be approved as General Plan Amendments.
774. The draft General Plan Update cannot be updated to include a new Specific Planning Area without preparation and circulation of a Subsequent or Supplement EIR. Please see response to Comment 773.

Sutherland & Gerber - March 22, 1993

775. Please see response to Comment 404.

Edith Harmon - March 17, 1993

776. Please see response to Comment 312. The public review period for the DEIR was not and will not be extended.
777. Please see response to Comment 312.
778. The 60-day public review period for the program-level DEIR for the County General Plan Update is considered to have been adequate. The project description in the DEIR is also adequate and the proposed project itself, in the form of the draft General Plan Update, was simultaneously available for public review with the DEIR. With regard to the comment on the Urban Area and Community Area Plans, please see response to Comment 312. With regard to the comment on the Housing Element, please see response to Comment 290.
779. Comment noted. Please see responses to Comments 290 and 312.
780. Comment noted.

752. Please see responses to Comments 313 and 534.
753. Please see responses to Comments 344, 534, and 551.
754. Please see responses to Comments 293 and 534.
755. Please see response to Comment 543.
756. Comment noted. Urban growth is not planned for Federal- or State-owned public lands.
757. Please see response to Comment 294.
758. Comment noted.
759. Please see response to Comment 294.
760. Please see responses to Comments 293, 294, 497, 309, and 497.
761. Please see responses to Comments 294, 330, and 497.
762. Although the County does not have jurisdiction over federal, state, Indian, and local agency lands, the County can apply land use designations over those lands for planning purposes in the General Plan Update. Please also see response to Comment 341.
763. The consideration of cumulative noise impacts for specific projects should be analyzed in the environmental analysis performed for each specific project. Please also see response to Comment 497.
764. Comment noted. The proposed mitigation measures are regarded as adequate.
765. Please see response to Comment 293.
766. Although large landfill operations are commonly associated with visual impacts, these operations are generally located in isolated areas frequented by few observers and, as such, these impacts are not considered as significant. However, the approval of new landfill projects would be subject to environmental review which may include the analysis of impacts to visual resources. Please also see response to Comment 309.
767. Please see response to Comment 308.
768. This discussion in the EIR is regarded as adequate.
769. Please see response to Comment 293.
770. Comment noted. The Lead Agency reviewed and analyzed the DEIR prior to public review, and is responsible for its adequacy and objectivity.

771. Comment noted. The EIR, with minor revisions, is an adequate program-level EIR. Please also see responses to Comments 296 and 319.

Glenn L. Gearhart - March 15, 1993

772. The application for the Mount Signal Specific Plan Amendment did not constitute a request for this proposed project to be considered as a Specific Planning Area in the County of Imperial General Plan Update.
773. Comment noted. Preparation and circulation of a Subsequent or Supplement EIR for the General Plan Update is not warranted. Applications for Specific Plans may be approved as General Plan Amendments.
774. The draft General Plan Update cannot be updated to include a new Specific Planning Area without preparation and circulation of a Subsequent or Supplement EIR. Please see response to Comment 773.

Sutherland & Gerber - March 22, 1993

775. Please see response to Comment 404.

Edith Harmon - March 17, 1993

776. Please see response to Comment 312. The public review period for the DEIR was not and will not be extended.
777. Please see response to Comment 312.
778. The 60-day public review period for the program-level DEIR for the County General Plan Update is considered to have been adequate. The project description in the DEIR is also adequate and the proposed project itself, in the form of the draft General Plan Update, was simultaneously available for public review with the DEIR. With regard to the comment on the Urban Area and Community Area Plans, please see response to Comment 312. With regard to the comment on the Housing Element, please see response to Comment 290.
779. Comment noted. Please see responses to Comments 290 and 312.
780. Comment noted.

RECEIVED

NOV 01 1993

IMPERIAL COUNTY
PLANNING DEPARTMENT

**VOLUME III
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

October 1993

INTRODUCTION

This volume of the Final Program Environmental Impact Report (Final PEIR) for the County of Imperial General Plan contains the comments received during the second public review of the Revised Draft Program Environmental Impact Report (Revised Draft PEIR) and the responses to those comments. The Revised Draft PEIR included changes made to the original Draft Program Environmental Impact Report (Draft PEIR) as a result of public review and public hearings on that document.

Comments on the Revised Draft PEIR were limited to those areas that were highlighted and that were changed from the Draft EIR. Comments on portions of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft EIR were disregarded (unless noted otherwise). This approach was clearly identified in the Notice of Availability of the Revised Draft PEIR.

A total of ten letters were received on the RDPEIR with 310 specific comments. A list of agencies and individuals who submitted comments and the associated comment numbers are provided on the subsequent page. This list is followed by all the comment letters and then the responses to all comments.

The Final PEIR includes both the Responses to Comments on the Draft PEIR (Volume II, May 1993) and the Responses to Comments in this document (Volume III, October 1993).

LETTERS AND COMMENT NUMBERS

<u>Name</u>	<u>Comment Numbers</u>
Southern California Association of Governments, September 1, 1993	1
El Centro Naval Air Facility, Department of the Navy, September 7, 1993	2
Marine Corps Air Station, United States Marine Corp, October 8, 1993	3-7
Imperial Irrigation District, October 7, 1993	8-10
Metropolitan Water District of Southern California, October 8, 1993	11-24
Palo Verde Irrigation District, September 28, 1993	25-62
El Centro Regional Medical Center, October 8, 1993	63-66
Russell Associates, October 5, 1993	67-71
Walt Tunnessen, Sierra Club (Drafted by Edith Harmon), October 5, 1993	72-305
University of San Diego Environmental Law Clinic, October 7, 1993	306-310

COMMENT LETTERS



September 1, 1993

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

RE: Draft Environmental Impact Report For The County of Imperial General Plan
SCAG Clearinghouse #I9300434

Dear Mr. Heuberger:

We have reviewed the revised draft of the DEIR for the County of Imperial General Plan. SCAG has no comment at this time on the portions of the text that were changed or added. Should there be any further changes in the scope of the proposed General Plan Update, we would appreciate the opportunity to review and comment at that time.

A description of the revised plan will be published in the September 15, 1993 Intergovernmental Review Report for public review and comment.

The project title and SCAG number should be used in all correspondence with SCAG concerning this project. Correspondence should be sent to the attention of the Clearinghouse Coordinator. If you have any questions, please contact Maureen Farley at (213) 236-1886.

Sincerely,

Eric H. Roth (handwritten signature)

ERIC H. ROTH
Manager, Intergovernmental Review

RECEIVED

SEP 09 1993

IMPERIAL COUNTY
BUILDING INSPECTION



DEPARTMENT OF THE NAVY
NAVAL AIR FACILITY
EL CENTRO, CALIFORNIA 92243

IN REPLY REFER TO:

5090
Ser 30/577

SEP. 07 1993

Mr. Jurg Heuberger, Director
Imperial Country Planning Department
939 Main Street
El Centro CA 92242-2856

Gentlemen:

The following comments are submitted per the Imperial County's
Notice of Availability:

- 2 [(a). PAGE V-6, paragraph D.1 Please provide a discussion of
noise sources relating to Aviation Operations, and strategies to
mitigate noise from Aviation Sources.

Point of contact is LCDR Dennis L. Hess, (619) 339-2201, Fax
(619) 339-2258.

Sincerely,

D. L. HESS
Lieutenant Commander, CEC, USN
Public Works Officer
By direction of
the Commanding Officer

Encl (1)

Revised Draft - Environmental Impact Report for the County of Imperial
General Plan

RECEIVED

SEP 09 1993

IMPERIAL COUNTY
BUILDING INSPECTION



UNITED STATES MARINE CORPS
 MARINE CORPS AIR STATION
 BOX 39100
 YUMA, ARIZONA 85369-9100

IN REPLY REFER TO:
 6280/60
 3VA4

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

RE: Revised Draft Environmental Impact Report for the County of Imperial General Plan

Dear Mr. Jurg Heuberger:


Thank you for the opportunity to review the Revised Draft Environmental Impact Report for the County of Imperial General Plan. There are issues of regional importance that affect both Imperial County and Yuma County collectively. One area of importance to the Marine Corps Air Station (MCAS) Yuma is the Chocolate Mountain Aerial Gunnery Range. Any environmental issues and or decisions that could ultimately effect the training ranges are important to the Department of Defense.

More specifically, several of the issues identified in the revised draft are of special interest to MCAS Yuma. The following are a listing of these areas of concern:

- 3 a. Page III-194: The overall impression is that the county of Imperial is moving towards a reduction in ozone-precursor emissions. Will this effect the Chocolate Mountain Aerial Gunnery Range activities and will Military personnel be subject to environmental laws enacted that will curtail present activities on military ranges?
- 4 b. Page III-195: A separate plan to reduce the PM-10 is important. The most important concern to remember is that PM-10 travels for many miles and any action that occurs in Imperial County could ultimately affect Yuma County.
- 5 c. Page V-2: The Mesquite Regional Landfill is a well known project and there was an assumption that the Mesquite Landfill was going to alleviate the need for other landfills in the area. The proposed Chocolate Mountain Regional Landfill could possibly have an affect on the military operations in the area.
- 6 d. Page V-3: Will there be urbanization associated with the Chocolate Mountain Regional Landfill?
- 7 e. Page IX-32: According to the map the Recreation/Open Space Alternative places the possibility of the single family unit 40 acre plots adjacent to the Chocolate Mountain Aerial Gunnery Range. There should be a buffer area around the range that restricts single family dwellings adjacent to the range.

Should you have any questions, please contact Christine Bates, Environmental Planner, at (602)341-2675.

Sincerely,


 F. C. BRITAIN
 Environmental Director

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL # of pages 1

To: Jurg Heuberger, Director
 From: CHRISTINE BATES
 Agency: Imperial County Planning/Build Dept
 Phone #: (602) 341-2675



IMPERIAL IRRIGATION DISTRICT

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

VIA FACSIMILE

PTS-ECS

October 7, 1993

RECEIVED

OCT 08 1993

IMPERIAL COUNTY
BUILDING INSPECTION

Jurg Hueberger, Director
Imperial County Planning/Building Department
939 Main Street
El Centro, CA 92243-2856

Re: Revised Draft Program EIR, Imperial County General Plan Update

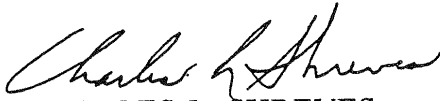
Dear Mr. Hueberger:

Thank you for the opportunity to review the Revised Draft Program EIR, Imperial County General Plan Update. We have reviewed the document and feel the revisions represent inclusion of our previous comments. Our only additional comments are as follows:

- 8 [1) Section III (Environmental Analysis), Page 162 - the first sentence of the second paragraph should read, "IID also supplies irrigation water to approximately 3,800 persons ~~homes, offices, and shops~~ in rural areas in the Imperial Valley via its extensive canal system."
- 9 [2) Section III (Environmental Analysis), Page 165 - the first sentence of the first full paragraph should read "The Imperial Irrigation District has a "present perfected right" to 2.9 ~~2.6~~ million acre-feet of water annually."
- 10 [3) Section III (Environmental Analysis), Page 229, (b) Surface Waters - the first line of the second paragraph should read "In the Imperial Valley, approximately 2.6 ~~2.9~~ million acre-feet of irrigation water is delivered annually. . . ." the numbers used here should be consistent with those on page 162.

Should you have any questions or concerns with the above comments please phone Patricia Hess at (619)339-9245.

Sincerely,


CHARLES L. SHREVES
General Manager



MWD

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Office of the General Manager

October 8, 1993

Mr. Jurg Heuberger
Director
Planning/Building Department
County of Imperial
939 Main Street
El Centro, California 92243-2856

Dear Mr. Heuberger:

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

Metropolitan has reviewed the Revised Draft Program 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,

For Kathleen M. Kunysz
Manager, Environmental Affairs

FZK:bvf

Enclosure

**Metropolitan's Comments
on the County of Imperial General Plan's
Revised Draft Program Environmental Impact Report**

- 11 1. After reviewing the Revised Draft Program Environmental Impact Report, Metropolitan found that a number of its comments on the Draft Environmental Impact Report were not addressed. Metropolitan would appreciate these comments being addressed in the Final Program Environmental Impact Report. The following comments were not addressed (please refer to Metropolitan's letter dated March 22, 1993, Enclosure 1): comment numbers 1, 2, 4, 7, 8, 15, 25, 28, and 33.
- 12 2. Under "5. Water Resources" first paragraph, page II-16, replace "Palo Verde Weir" with "Palo Verde Diversion Dam" and "Bard Irrigation District" with "Bard Water District".
- 13 3. Figure 13, page III-115, shows the Algodones Dunes among the areas designated as a habitat for the flat-tailed horned lizard. However, a 1993 survey by the U.S. Fish and Wildlife Service indicates the nonexistence of the flat-tailed horned lizard in the Algodones Dunes. Please adjust Figure 13 accordingly.
- 14 4. Pages III-119 and III-120 are missing from the copy of the Revised Draft Program Environmental Impact Report that Metropolitan received. Please provide a copy of these pages for review and comment.
- 15 5. In the third sentence, page III-161, revise "Yuma District" to "Yuma Project (Reservation Division)".
- 16 6. In line 18, page III-161, insert "among Arizona, California, and Nevada" following "agreement" to clarify which agreement is being referenced.
- 17 7. In line 19, page III-161, insert "contracts and Congress created its own comprehensive scheme for the" following "in accordance with", and insert "among Arizona, California, and Nevada" following "apportionment" to clarify the reasoning.
- 18 8. In line 20, page III-161, insert "in 1930" following "the Secretary of the Interior" to clarify the timeframe and insert the sentence before the second sentence on this page such that it is mentioned before the 1931 Seven Party Agreement.

-2-

19 9. In the first sentence of the second paragraph, page III-165, revise "2.9" to "2.6" to reflect the provisions of the U.S. Supreme Court decree in Arizona v. California.

20 10. Revise the second sentence of the third paragraph on page III-165 to clarify that the 8,400 acres are in Imperial County and not in Riverside County.

21 11. In line 12, page III-166, clarify whether the 90,000 acre-foot value refers to diversions to both the Bard Unit and the Indian Unit of the Yuma Project (Reservation Division). Based on U.S. Bureau of Reclamation records for 1983 to 1992 an average of 46,675 acre-feet were diverted for the Bard Unit and 39,046 acre-feet were diverted for the Indian Unit.

22 12. In the first sentence, fifth paragraph, page III-229, revise the value "2.6" to "2.9" to be consistent with the value in the third paragraph, page III-40. In the second sentence of that paragraph revise "Western" to "Westside" to correct the name of the canal.

23 13. In the first sentence, last paragraph, page III-231, insert "in its 1964 decree in Arizona v. California" following "Supreme Court" and insert "with respect to the Colorado River" following "set forth" for clarification.

24 14. In the last sentence, fifth paragraph, page III-232, revise "on" to "one" to correct a typographical error.

FZKHEUBE

Enclosure 1

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,

/s/ Kathleen M. Kunysz

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)

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.

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.

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.

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).

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-

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 be corrected from 277 feet, as cited in paragraph 5 on the same page, to 227 feet.

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.

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.

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-

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.

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.

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.

13. Prior to the phrase "California Seven Party Agreement" on page III-156, insert "execution of the". It is unclear from the EIR what other contract is being referenced in the first sentence of the third paragraph.

14. On page III-156 in paragraph 5, please state the specific tasks which IID is to undertake to satisfy the

-4-

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

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."

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 Following Program and Use of Saved Water among PVID, Metropolitan, IID, CVWD, and the United States.

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.

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.

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.

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."

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-

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".

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.

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.

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.

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.

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

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.

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-

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.

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.

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.

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.

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.

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.

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

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 exist 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

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, 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

(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 7871(a)(4) of the Internal Revenue Code of 1986.

SEC. 102. 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. 103. 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 Esccondido 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 Esccondido 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. 104. 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. 105. 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.

(8) 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. 617-6171).

(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

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 be paid 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 other All American Canal contractors, 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. 204. 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 for the fund for the conservation of water so used, any added costs of operation, and maintenance as determined in section 203(b), 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. 205. 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 thereto, the Secretary is authorized to enter into agreements with the California Contractors as provided in section 203(c) of this Act.

SEC. 206. 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. 27P 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 by 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 response thereto, shall accompany the study transmitted to the Secretary. **AVA. 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) describe 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. 209. 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 203(m) of the Reclamation Reform Act of 1982 (Public Law 97-293, 96 Stat. 1263).

Approved November 17, 1988.

LEGISLATIVE HISTORY—S. 1986

HOUSE REPORTS: No. 109-789 (Comm. on Interior and Insular Affairs)
SENATE REPORTS: No. 100-47 and No. 100-254 (both from Select Comm. on Indian Affairs)

CONGRESSIONAL RECORD:
 Vol. 133 (1987): Dec. 19, considered and passed Senate;
 Oct. 3, 4, considered and passed House, amended.
 Vol. 134 (1988): Oct. 19, Senate concurred in House amendment with an amendment.
 Oct. 20, House concurred in Senate amendment.



PALO VERDE IRRIGATION DISTRICT

180 WEST 14TH AVENUE - BLYTHE, CALIFORNIA 92225

TELEPHONE (619) 922-3144

September 28, 1993

RECEIVED

SEP 30 1993

IMPERIAL COUNTY
BUILDING INSPECTION

Jurg Heuberger, Director
Imperial County Planning/Building Dept.
939 Main Street
El Centro, California 92243-2856

RE: REVISED DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE COUNTY OF IMPERIAL
GENERAL PLAN (SCH #93011023)

Dear Mr. Heuberger:

25 Thank you for the opportunity to comment on the Revised Draft Environment Impact Report for the County of Imperial General Plan August, 1993. For some reason, Palo Verde Irrigation District (PVID) was not given an opportunity to comment on the Draft PEIR. In general, PVID's comments are in regard to that portion of the Palo Verde Valley in Imperial County.

26 1) The Table of Contents, especially Part III, leave a lot to be desired when trying to find things in the Report.

27 2) In general, throughout the Report, areas outside Imperial Valley are not discussed. In numerous locations Imperial Irrigation District is specified when a generic entity term should have been used to make the statement fit the County instead of the Imperial Valley portion of the County, such as 'responsible agency'.

28 3) Almost all Figures showing the eastern boundary of Imperial County do not have the Cibola and Imperial National Wildlife Refuges plotted correctly even when the scale is taken into account. All Figures should be corrected. This is important for the southend of the Palo Verde Valley since PVID's irrigated agriculture ends at the CNWR boundary.

29 4) Throughout the Report during Water Quality discussion and Mitigation comments, authors do not consider the impact recently (since 1991) enacted plans, permit requirements, and water quality limitations by Federal, State, and Regional governmental agencies will have on present and future water quality. These actions are designed to reduce pollution to surface, drainage, ground and storm waters. Increased pollution is not allowed. This Report

Jurg Heuberger, Director
 September 28, 1993
 Page 2

29 hardly discussed storm water runoff. The new NPDES permitting by Regional Water Quality Control Board requiring storm water pollution prevention plans to reduce or treat pollutants during and after construction and during and after storms does not allow for pollution increases, contrary to the sentence in the Mitigation statements indicating that 'pollutants will be increased'. EPA limits on drain waters are designed to reduce and prevent additional pollutant increases in hydrocarbons, fertilizer, pesticide, storm water, and sediment. The monetary increase for a project to meet these new requirements may be substantial.

30 5) For the 1973 existing Plan, the proposed 1993 Plan, and its four Alternatives - the factor of there being a limit to the available Colorado River water was not considered. As farmland is taken out of production, the difference between the water used by the farmland and that used by the new project is what becomes available for use on other agricultural lands which will control the net change in agricultural land.

31 6) Where projects are in PVID's service area in Imperial County PVID requirements will also need to be met before the projects can utilize PVID's facilities. This clarification needs to be made on these pages: S-14, 3rd paragraph; III-67, last sentence; III-236, part 3c; and any other appropriate locations.

32 7) Page II-16 Part 5, first paragraph, i] line 2: Weir' should be 'Diversion Dam'. In 1957 after Palo Verde Diversion Dam was built, the rock weir across the River was removed;
 ii] line 5: 'Bard Irrigation District' should be 'Bard Water District'.

33 8) Page II-16 Part 5, second paragraph, i] line 1: 'The District' should be 'Imperial Irrigation District'.
 ii] Adding drain miles, gives 1,458 miles. Elsewhere, 1,457 miles are reported. Which is correct?

34 9) Page II-16 Part 5: What about Ground Water Resources?

35 10) Page III-2 Table 1: i] For Palo Verde Valley, as of May of 1992 and 1993, PVID provides water to 7,462 acres.
 ii] Why wasn't Table 1 updated to match Table 5's values?

36 11) Page III-9 Table 4, Agriculture: Why doesn't the acreage in Table 1 more closely fit the acreage of Table 5?

Jurg Heuberger, Director

September 28, 1993

Page 3

- 36 | Where is the water for this additional 26,940 acres?
- 37 | 12) Page III-11 Figure 4: Is the Use # missing from the area south of Palo Verde, east of Highway 78?
- 38 | 13) Page III-13 Specific Plan Area: Part of PVID's Outfall Drain (Figure 22) had the 1973 Land Use Designation of 'Preservation'. Under this Plan, it is 'Recreation/Open Space'. This designation does not fit the use. A 'Specific Plan Area' or 'Specific Purpose Facility' would be preferred. This would also fit in with the 'Significant Natural Area' designation discussed on pages III-125 and III-131, Figures 14 and 15.
- 39 | 14) Page III-16 Part e: Is there a typo error, should "or" be "of"?
- 40 | 15) Page III-29 Part b: Why weren't the more recent values of Table 5 used instead of the 8 year old acreages?
- 41 | 16) Page III-40 Water Resources: In the draft Imperial County Groundwater Management Act of 1992, groundwater protection for agriculture use was cited. That groundwater resource is not discussed for agriculture production. Why?
- 42 | 17) Page III-55 Part 3, 4th and 5th dots: With regard to 1:1 replacement, where is the additional water coming from? (See Comment 5).
- 43 | 18) Page III-63 Figure 8: i] The County only maintains 1/4 of Lugo Avenue southeast of Palo Verde not 4+ miles. ii] Shouldn't the two dirt roads to Picacho - Indian Pass and north of Winterhaven - be shown?
- 44 | 19) Page III-93 Figure 11a: Shouldn't #3 for Wiggins Cholla be shown west of Highway 78 or in the foothills west of Palo Verde Valley instead of in the agriculture area?
- 45 | 20) Page III-95 Figure 11b: How can the intensively farmed area of the Palo Verde Valley be considered Potential Desert Tortoise Habitat? This area is not a part of the U.S.F. & W. Service April 1993 Draft Recovery Plan for the Desert Tortoise (Mojave Population) Report. This designation should be removed from the farmed area of the Palo Verde Valley.
- 46 | 21) Page III-121, 2nd paragraph, line 3: 'Delta' should be 'flood plain'.

Jurg Heuberger, Director
September 28, 1993
Page 4

- 47 22) Page III-130, 2nd paragraph: What is the title and who would PVID contact for a copy of the mentioned Drain Water Study on levels of DDE?
- 48 23) Page III-147 Figure 16: How can the shaded area along the Colorado River south of the County line for about 8 miles be considered for sensitive cultural resources classification? The shaded area has been flooded, cut away, redeposited, rechannelized, and farmed more so than the rest of the River south to Yuma. This designation should be removed. Your standard requirement that an archeologist be called in if something was found would cover this area.
- 49 24) Page III-156 Part e, Electric: Doesn't Southern California Edison provide electric service to Palo Verde?
- 50 25) Page III-160 Part e, Telephone: Doesn't Contel provide phone service to Palo Verde? What about cellular phone service to the County?
- 51 26) Page III-165 PVID i) line 3: 'Supplies water' should be 'supplies irrigation water'.
ii) line 5: 'All water drained' should be 'Groundwater and very little surface runoff'.
iii) At appropriate spot in paragraph add: 'PVID drains are used to maintain groundwater at an acceptable depth'.
- 52 27) Page III-165 Palo Verde County Water District, i) line 3: 'Extracts water' should be 'extracts Colorado River water'.
ii) Add 'PVCWD lies within PVID boundaries'.
- 53 28) Page III-172 Part i: What about a brief description of Cibola National Wildlife Refuge?
- 54 29) Page III-173, 1st paragraph: 'Clinias de Salud del Pueblo' in Blythe is found in phone book as 'Blythe Family Health Clinic'.
- 55 30) Page III-173, 3rd paragraph, last sentence: Is this response time for the County or for Imperial Valley?
- 56 31) Page III-178 and III-227 liquefaction: The phrase 'potential for liquefaction' is being used to require expensive professional testing that in many cases wasn't needed. Are there any documented liquefaction caused damages in Imperial County for the earthquakes cited in Table 15 for the Palo Verde Valley area?

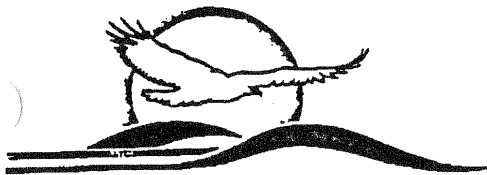
- 57 32) Page III-212 #2, 1st paragraph: See Comment #4.
- 58 33) Page III-219 Figure 22: i) 'and Palo Verde Lagoon' needs to be deleted from the map. In the mid 1960's PVID dredged, deepened, and straightened its main drainage channel. The new channel was designated 'Outfall Drain'. The old channel thru the townsite of Palo Verde was left with the name 'Palo Verde Lagoon'. This channel is not shown on the map.
ii) Yuma County in Arizona is now LaPaz County.
- 59 34) Page III-229 b, 2nd paragraph, 1st line: Is '2.6' suppose to be '2.9'?
- 60 35) Page V-8 Part G-1, 3rd dot: 'The District' should be generic phrase. See Comment #2.
- 61 36) Page IX-25 Figure 27: Why is the area along the Colorado River shaded?
- 62 37) Appendix F: At least items 25, 29, 44, and 45 should include PVID when project is in Palo Verde Valley. See Comment #2 and #6.

If any of the above Comments need clarification please call.
Please send us a copy of the finalized document.

Sincerely,

Roger Henning

ROGER HENNING
Chief Engineer



El Centro
REGIONAL MEDICAL CENTER

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

RECEIVED

OCT 08 1993

IMPERIAL COUNTY
BUILDING INSPECTION

October 8, 1993

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

Dear Mr. Heuberger:

I thank you for this opportunity to submit comments regarding the "Revised Draft EIR for the County of Imperial General Plan" (SCH#93011023). Review of this revised draft EIR has not lessened our concerns that significant environmental impact to our Hospital as well as other acute care hospitals, public healthcare facilities and programs will result from the growth as projected and planned in the Draft General Plan Update. We are also concerned that the Revised Draft EIR has still not adequately addressed the concerns. we have expressed regarding the need for mitigation measures to offset this projected impact on ourselves and other healthcare facilities. Our concerns are as follows:

PAGE

COMMENTS

III-177

63

The section on this page entitled "Health Care" is both inaccurate and incorrect. El Centro Regional Medical Center is a municipal Hospital, not a hospital district and, since it is not a hospital district, no "expansion of the hospital district" can be contemplated. One cannot expand that which one is not. Also, the suggestion that municipal bonds be used to a mitigation measure is both unrealistic and unfair in the context of the contemporary health care market and the growth which is projected outside the municipal boundaries of El Centro. A municipal bond issuance would of necessity be a revenue bond and, since the Hospital is struggling to expand capacity to meet current growth needs, it is unlikely in the

Mr. Jurg Heuberger
 October 8, 1993
 Page: 2

63

future that the impact of the growth contemplated in the General Plan Update can be funded in this manner. A further question would be why the citizens of the City of El Centro should assume the obligation of municipal bonds to offset the impact of county-wide growth. In this regard, the comment that the "growth identified in the General Plan is only minimally located within the jurisdiction of the County" is demonstratively incorrect by reference to the sections of the General Plan which call for growth in all areas of the county and municipalities. As stated before, almost 50% of patients treated by El Centro Regional Medical Center originate from outside the municipal boundaries of the City of El Centro.

PAGE

III-181

64

COMMENTS

Regarding the section entitled "Health Care", please reference our comments regarding municipal bonds. Further, the suggestion of annexation to increase the tax base to mitigate the impact of the growth contemplated in the General Plan Update does not adequately address the need for mitigation measures. Since El Centro Regional Medical Center is not supported by taxes, as stated above, it would be patently unfair to the citizens of El Centro to impose taxes when almost half of the patients originate outside the City. Also, this section references an "expanded hospital district" and, as further noted above, since the Medical Center is not a hospital district, it cannot be expanded.

Mr. Jurg Heuberger
October 8, 1993
Page: 3

PAGECOMMENTS

65 IV-1

The section entitled "Public Service Infrastructure" projects the mitigation of impact on health care services to occur via "an increase in property tax revenues and development fees". El Centro Regional Medical Center does not receive and could not therefore increase either property taxes or development fees. Additionally, a property tax would be a special tax requiring a two-thirds vote of the city population and probably would not stand a very good chance of passage. As mentioned above, it is our position that it would also be unfair to the citizens of the City of El Centro to impose such fees or taxes upon them alone with almost 50% of patients coming from outside the city.

66 Based upon the above, it is our position that the "Revised Draft EIR" does not yet adequately address the impact on El Centro Regional Medical Center and other health care providers which will be caused by the growth contemplated in the County General Plan Update. For the reasons cited, we find that the Revised Draft EIR should still include specific mitigation measures to offset the impact to our Hospital and other County health care facilities. The original Draft EIR did not adequately address the issue and the Revised Draft EIR does not adequately address this issue. We respectfully request further modification of the Plan and EIR to assure that the citizens of the County will continue to have modern, high-quality and timely health care services in the future as the population of the area expands as contemplated in the General Plan Update. Without appropriate mitigation measures, the growth contemplated will severely tax the existing Valley health care resources, including the County's own Health Department, and have potential negative consequences on the accessibility and quality of those services in the future.

October 7, 1993

Jurg Heuberger
Planning Director
Imperial County Planning Department
Courthouse
El Centro, CA 92243-2856

RECEIVED

OCT 08 1993

IMPERIAL COUNTY
BUILDING INSPECTION

Subject: Development in Mesquite Lake Specific Plan Area

Dear Mr. Heuberger:

67 Tamal Energy, Inc. is planning a large gas-fired cogeneration project (about 260-MW) adjacent to the Holly Sugar facility on Keystone Road. The project will be greater than 50 MW in size, requiring review by the California Energy Commission (CEC). We anticipate filing with the CEC in fall of 1994. The cogeneration project will occupy about 10 acres of a 120-acre site that is located within the proposed Mesquite Lake Special Planning Area. Page 2-11 of the proposed General Plan requires that a specific plan be approved by the Board of Supervisors prior to any significant new land use or development, except agricultural use.

68 We agree with the Draft General Plan that the area between Carney and Harris Roads is an ideal location for further light, medium, and heavy industrial land uses and that the county should focus on development in this area that will produce jobs. We also understand how a Specific Plan, once it is adopted, will facilitate the siting, planning, design, review, and approval of future projects in the area. Tamal, however, is concerned about two aspects of the implementation of Mesquite Lake Specific Plan that could undermine its stated purpose: 1) scheduling and 2) level of environmental detail required of the Specific Plan Environmental Impact Report (EIR).

69 In regards to scheduling, the preparation, review, and approval of such a specific plan and EIR can require six months to a year. This period is in addition to the time required for the environmental review that would occur in conjunction with a Conditional Use Permit (CUP) for the project. Our project environmental review, particularly if it is conducted by the CEC, will need to refer to policies established in the Specific Plan. We understand that the county currently has no definite schedule for preparing the Specific Plan and associated EIR, which will need to encompass the entire nine square-mile area. Tamal is concerned that if a Specific Plan is not adopted by the fall of 1994, the project licensing and economic viability will be adversely affected and we will not be able to honor our commitments to the utility.

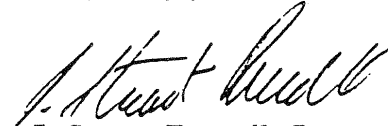
70 Our second concern is the level of detail that needs to be evaluated in the Special Plan EIR. At this point, we have little detailed information on the air, water quality, and other potential environmental impacts from our project. We doubt if other industrial projects that

may locate in the area at some future date have any similar information. Thus, the discussions of the environmental issues will have to be on a policy basis or in general terms appropriate for a planning document. As the General Plan indicates, the Specific Plan should include public facilities and scheduling of construction of this infrastructure.

71 Tamal requests that Imperial County establish an appropriate budget (and commensurate level of detail) for the Mesquite Lake Special Plan and a definite schedule that will enable us to meet CEC requirements. Without these administrative steps, the General Plan requirement for the Mesquite Lake Specific Plan and EIR will result in yet another lengthy, undefined process that will serve to impede industrial development in the area. This outcome would be in direct opposition to the stated purpose of establishing the Mesquite Lake Special Planning Area. If the county cannot establish a schedule and budget for the Specific Plan, it may wish to reconsider the requirement on page 2-11 with respect to this project.

We appreciate the opportunity to comment on the county General Plan and trust that the appropriate measures will be taken to implement its policies with respect to the proposed industrial area.

Very truly yours,


J. Stuart Russell, Jr.

jsr

cc. Roger Molina, Tamal



SIERRA CLUB, SAN DIEGO CHAPTER
San Diego and Imperial Counties
3820 Ray Street
San Diego, CA 92104

RECEIVED

OCT 07 1993

IMPERIAL COUNTY
BUILDING INSPECTION

October 5, 1993

To: Jurg Heuberger

From: Walt Tunnessen, Conservation Coordinator Sierra Club San Diego

Re: Sierra Club Comments on Revised Draft EIR for General Plan Update.

Attached are the Sierra Clubs comments on the RDEIR. The comments were drafted by Edith Harmon, (Imperial County Representative to the Conservation Committee) and approved by the Conservation Committee.

The response includes the following materials:

- * Summary (Pages i - v)
- * Comments (Pages 1 - 47)
- * Appendix, which include:
 - 5 pages of map comparisons,
 - Letter from Sierra Club Legal Defence Fund
 - Letter from Edith Harmon,
 - Letter from Sierra Club.

If any of these materials are missing, please do not hesitate to ask for another or additional copies.

Sincerely,

A handwritten signature in dark ink, appearing to read "Walt Tunnessen", with a stylized flourish at the end.

Walt Tunnessen
Conservation Coordinator



SIERRA CLUB, SAN DIEGO CHAPTER,
 San Diego and Imperial Counties
 3820 Ray Street
 San Diego, CA 92104

RECEIVED

OCT 07 1993

IMPERIAL COUNTY
 BUILDING INSPECTION

Sierra Club Comments on
 Revised Draft Environmental Impact Report (RDEIR)
 Imperial County General Plan Update (GPU)

Summary

72 The following detailed comments on the RDEIR incorporates by reference the Sierra Club's 3/22/93 two part comments on the DEIR and the comments and letters submitted 6/7/93, 7/6/93 and 7/21/93. Also incorporated by reference is the 7/30/93 SCLDF letter to Mr. Fries. The Sierra Club believes that the GPU still contains errors and inconsistencies which should have been corrected; that the Circulation Element does not contain all State mandated infrastructure discussions; that optional Water Element is inadequate; and that a Revised GPU should have been circulated for public comment. Sierra Club is concerned about documented omissions and errors in the Public Record. The Sierra Club finds that the RDEIR is inadequate under CEQA for the following reasons:

73 1. Highlighted text/map changes in the RDEIR do not accurately or completely reflect RDEIR changes which were made after release of the 1/93 DEIR.

74 2. Changes and corrections made to Fig. 4 "Proposed Land Use Plan" map were not incorporated as changes in base map used for Figs. 15, 25, and 26. Fig. 4 did not correct all USN/BLM boundary adjustments with 1985 Plan Amendment.

75 3. Several mapping errors pointed out in comments on DEIR have not been corrected. These errors include Fig. 9 and resource maps related to desert tortoise and flat-tailed horned lizard habitat.

76 4. RDEIR omissions create internal inconsistencies and/or do not reflect text of GPU. Text and maps are inconsistent re Seeley Urban Area.

77 5. RDEIR contains internal inconsistencies related to uses ("development standards" for residential, agricultural and recreational development) permitted within the Recreation/Open Space designation. RDEIR texts re qualifying conditions for these uses within Recreation/Open Space designation are inconsistent with text of GPU Land Use Element (LUE) and inconsistent with FEIR response #396 and are inadequate to protect sensitive biological and cultural resources.

- 78 6. RDEIR criteria and time frame for conversion of agricultural lands to non-agricultural urban type uses are internally inconsistent and inconsistent within-RDEIR and with GPU text. Neither GPU LUE or Agricultural Element (AE) or RDEIR text is consistent with Mitigation Monitoring Program Measure #17 limitation on conversion of agricultural lands.
- 79 7. RDEIR text and maps and text/maps of GPU related to mandatory biological assessments for all Specific Plan Areas (SPAs) are inconsistent and inconsistent with Mitigation Monitoring Measure #42.
- 80 8. RDEIR and GPU fail to require biological studies for projects which are not SPAs or SPFs for GP Amendment, but which are located on private inholdings or on public lands, including Government/Special Public or Recreation/ Open Space within areas of sensitive biology (Fig. 15). RDEIR and maps are inconsistent re this issue and rely on incorrect base maps, do not accurately reflect BLM WHMP map for the desert tortoise, and Mitigation Monitoring Program contains no such requirement.
- 81 9. RDEIR text is inconsistent re policy on standards and criteria for approval of SPAs and inconsistent with GPU changes approved by Board of Supervisors.
- 82 10. RDEIR contains inadequate justification for potential deletion of buffer zone for landfill projects with certain criteria.
- 83 11. RDEIR fails to resolve potential conflicts between Air Quality Attainment Plan criteria L-2, L-3, and L-4 and development standards for Industry designation at Plaster City.
- 84 12. RDEIR Summary text does not reflect the role of the Public Works Dept./Engineering in technical reviews related to infrastructure improvement plans, tentative maps, grading plans, etc. as spelled out in Mitigation Monitoring Program.(RDEIR Appendix F).
- 85 13. RDEIR has inadequate discussion of groundwater resources (both quality and availability) for groundwater dependent areas. RDEIR fails to discuss water requirements to support development at build-out for groundwater dependent areas (1) in the SW part of the County and (2) for both sides of the Salton Sea which are supplied with groundwater from wells in Riverside County.
- 86 14. RDEIR fails to discuss environmental impacts which will result from build-out of groundwater dependent communities in both Imperial and Riverside Counties which rely on groundwater resources located in Riverside County.
- 87 15. RDEIR is inadequate because it fails to require monitoring of groundwater resources in any other than the Ocotillo-Coyote Wells groundwater basin in SW Imperial County. RDEIR also fails to

87 include mitigation measures to halt groundwater quality deterioration in any groundwater basin.

88 16. RDEIR fails to discuss potential resource limits to groundwater based development and impacts of groundwater decline on biological resources.

89 17. RDEIR environmental analysis is inadequate because it fails to discuss environmental impacts of groundwater decline in groundwater dependent areas and the long-term consequences of this potentially irreversible environmental impact.

90 18. RDEIR is inadequate because it fails to discuss cumulative impacts of build-out in both Imperial and Riverside Counties which are dependent in Riverside County groundwater for future needs.

91 19. RDEIR discussion of limitations to agricultural development in the Recreation/Open Space designation is inconsistent throughout RDEIR, and inconsistent with LUE text.

92 20. RDEIR discussion of agricultural potential in Recreation/Open Space designation and compatibility with BLM designations and water availability is inconsistent within RDEIR and inconsistent with LUE text.

93 21. RDEIR Fig.4 Proposed Land Use Plan is not reflective of GPU as tentatively adopted by Board of Supervisors 8/10/93.

94 22. RDEIR Environmental Setting discussion of biological resources is inadequate because it fails to include discussion of rare, threatened, and endangered animal species already listed, although such discussion is included for plants.

95 23. RDEIR provides incomplete population and housing data for all unincorporated communities.

96 24. RDEIR discussion of 1973 Preservation designation vs. 1993 Recreation/Open Space designations is misleading. 1973 preservation designation included primarily federal lands with special management criteria or wilderness designation. 1993 Recreation/Open Space designation would authorize high density recreation-oriented residential development with a SPA on private parcels larger than 160 acres, without any prohibition against such developments on in-holdings within BLM ACECs or other State or Federal areas of special resource management concerns. RDEIR and LUE fail to restrict intensive recreation development on private in-holdings within BLM lands with sensitive resources.

97 25. In an apparent attempt to justify designated SPA locations, RDEIR discussion incorrectly asserts that most designated SPAs were designated in the 1973 Plan for urban, residential or heavy industrial uses:

- 98 26. RDEIR is inadequate because it fails to explain why some SPA requests were included and others excluded from GPU. It also fails to explain why certain SPAs such as the Tamarack Ranch and East Border Crossing should not be considered as "leapfrogged" development which AE seeks to prevent. RDEIR discussion of Environmental/Open Space Alternative noted that without 3 SPAs (including Tamarack): "All projected population growth, economic growth and urban development would easily be accommodated in the Urban Areas and SPAs for this alternative."
- 99 27. RDEIR section on environmental analysis for agriculture is incomplete because it fails to reference GPU discussion of whitefly infestation and special constraints related to development of aquaculture industry.
- 100 28. RDEIR includes less discussion of traffic/circulation impacts associated with designated SPAs in the Land Use Plan than it does to impacts associated with the proposed regional landfills which have not been specifically located on the Land Use Map. Why?
- 101 29. RDEIR discussion of Public Services/Safety fails to include the new information about potential BLM transfer of existing County-leased landfills to County. This information was provided by Public Works Dept. comments on DEIR.
- 102 30. RDEIR discussion of impacts on infrastructure is inadequate, especially in relation to impacts on schools.
- 103 31. RDEIR environmental impacts analysis is too often oriented as a comparison with the unrealized 1973 Plan at build-out rather than to impacts of build-out compared to existing conditions on the ground today.
- 104 32. RDEIR and GPU discussion of landslides is inconsistent and inconsistent with 5/93 FEIR response to comments.
- 105 33. RDEIR text is inconsistent with map re flooding in SW Imperial County. GPU Seismic/Public Safety Element corrections are still inaccurate.
- 106 34. RDEIR discussion re consultation with USFWS regarding habitat compensation and mitigation measures associated with mining and ESA habitat is not reflected in the GPU.
- 107 35. RDEIR discussion of mitigation measures and habitat restoration is not consistent with results of other revegetation efforts and studies in desert areas with limited rainfall.
- 108 36. RDEIR new mitigation measure requiring groundwater studies for discretionary projects in limited groundwater basins was not found in GPU. RDEIR provides inadequate information on water quality

108 ty/availability for GPU designated development in groundwater dependent areas.

109 37. RDEIR fails to discuss water sources, availability or quality to support the GPU designated Felicity SPA, a "New Town".

110 28. RDEIR discussion of Increased Agriculture Alternative is hopelessly internally inconsistent and unrealistic. It also contains text inconsistent with AE. Because it is predicated on designation of agriculture in East Mesa, an area which is recognized as incompatible with underlying BLM ACEC designations, it is not a reasonable or feasible alternative as required by CEQA.

111 39. RDEIR Increased Development Alternative is unreasonable and infeasible because it designates a large acreage of the Ocotillo-Coyote Wells groundwater basin as Recreation/Open Space designation. RDEIR notes that light to medium agriculture would be permitted in this area where agriculture and water intensive recreation uses are prohibited by the GPU because of potential for overdraft.

112 40. RDEIR map for "Modified Staff Alternative" contains unexplained shaded areas which are not seen on other Alternatives maps.

113 41. RDEIR No Project Alternative is unreasonable and infeasible because it plans a large urban community in the Hot Mineral Spa area and Ocotillo area where groundwater resources are limited. Further, designation of the East Mesa for Agriculture is incompatible with BLM ACEC designations and management plans. It also inappropriately designated large areas of BLM lands near Plaster City and NW of Felicity as Heavy Industry.

114 42. The only reasonable alternatives to the proposed project are the Modified Staff Alternative and the environmental/Open Space Alternatives. Therefore, the RDEIR contains only two, rather than five alternatives for CEQA purposes.

CONCLUSION

115 In conclusion, the Sierra Club recommends that a Supplemental Revised Draft EIR and revised GPU be prepared to correct the deficiencies noted herein and in previous comments and letters submitted by the Sierra Club and that these documents be circulated for a full public comment period. The Sierra Club also recommends that a complete and correct official public record be prepared for the GPU project.

Attached are 45 pages of detailed comments on the RDEIR. Accompanying the written comments are exhibits and copies of previously submitted letters which were not found in the official public record.



SIERRA CLUB, SAN DIEGO CHAPTER
 San Diego and Imperial Counties
 3820 Ray Street
 San Diego, CA 92104

RECEIVED

OCT 07 1993

IMPERIAL COUNTY
 BUILDING INSPECTION

To: Jurg Heuberger, Imperial County Planning Director

From: Edith Harmon, Imperial County Representative,
 Conservation Committee

Date: October 4, 1993

Comments on Revised Draft EIR for Imperial County
 General Plan Update

116

The 8/93 "Notice of Availability" (NOA) for the Revised Draft Program EIR (RDEIR) for the Imperial County General Plan Update (GPU) states that the County will only respond to comments on the highlighted text. The Sierra Club is of the opinion that the highlighted text changes in the RDEIR do not accurately or completely reflect the RDEIR changes that were made after the release of the original January 1993 Draft EIR (DEIR) with its March 22, 1993 comment deadline. Accordingly, Sierra Club is submitting comments on RDEIR text and maps which may or may not be highlighted.

117

The Sierra Club believes comment on the entire RDEIR is appropriate at this time to fulfill the stated objectives of the GPU/EIR process (RDEIR S-1). In addition to the listed objectives: "The proposed General Plan Update is intended to minimize land use conflicts." (RDEIR III-14.) "It is anticipated that this EIR will serve as an environmental resource document for land use proposals and regulating ordinances. In addition, ... this document is intended to serve as a reference guide for the preparation of environmental documentation for future projects." (RDEIR I-1; I-2.) The following examples clarify the need for comment on the RDEIR, both highlighted and unhighlighted portions, to remove inconsistencies and correct errors in the two documents which will guide growth and development in Imperial County for years to come.

118

o UNHIGHLIGHTED MAPPING CHANGES IN RDEIR

Our review has documented map changes which were not highlighted as being changes from the original "Draft EIR" of January 1993 (DEIR) in addition to RDEIR text changes from the original 1/93 DEIR which have not been highlighted in the RDEIR. Among the important highlighted map changes are the changes and corrections that were made from Fig.4 "Proposed Land Use Plan" DEIR,

RDEIR Imperial County General Plan Update

118 III-11 to RDEIR, III-11, but which were not incorporated as changes to the base map. RDEIR Fig. 4 depicts a greatly enlarged area as Government/Special Public in the East Mesa based on the Cooperative Agreement between the U.S. Navy and BLM. RDEIR Fig. 4 also depicts a changed boundary for the Ocotillo/Nomirage Community Area as per 5/93 FEIR Vol. II Response to Comments #457, to correct a mapping error. The base map for Fig. 15 Biological Sensitivity Map (RDEIR, III-131), Fig. 25 Increased Agriculture (RDEIR IX-3) and Fig. 26 Increased Development Alternative (RDEIR, IX-13) was not changed to reflect both of these corrections to RDEIR Fig. 4. In fact, RDEIR Fig. 15 uses a base map from the original 1/93 DEIR proposed Land Use Plan rather than the one with 5/93 FEIR corrections, while base maps for Fig. 25 and 26 used the 5/93 FEIR Land Use Plan map. Consequently, the maps which were not updated to reflect corrections in the RDEIR Fig.4 Land Use Plan present mapping inconsistencies unacceptable in a GPU or EIR and which must be corrected in both GPU and EIR maps.

119 Further, several readily documented mapping errors which were pointed out in our earlier comments have not been corrected. For example, RDEIR Fig.9 Existing Noise Sources still depicts a non-existent airport in Ocotillo (RDEIR III-71) even though Mooney's 6/4/93 memo deleted this airport from the GPU Noise Element and Ocotillo is not one of the seven locations of an airport (RDEIR III-69). Additionally, because the GPU was not resubmitted for public review with corrections and changes, the RDEIR range maps for the Flat Tailed Horned Lizard in Imperial County (Fig. 12, 13, RDEIR III-113, 115) are still missing from the GPU C/OSE.

120 o RDEIR OMISSIONS CREATE INTERNAL INCONSISTENCIES AND/OR DO NOT REFLECT TEXT OF GPU

121 Some RDEIR omissions create internal inconsistencies and/or do not reflect text of GPU. For example, RDEIR text for Urban Area designation (RDEIR III-14) is incomplete because it fails to include the unincorporated community of Seeley as an Urban Area (LUE, p.50) Further the RDEIR III-14 text is inconsistent with RDEIR Fig. 4 (III-11) which depicts Seeley as an Urban Area.

122 Internal inconsistencies within the RDEIR text for uses within the Recreation/Open Space designation and inconsistencies between the RDEIR text and the corresponding LUE text for the Recreation/ Open Space designation will be discussed later.

123 Appendix F-4 Mitigation measure #17 is not consistent with RDEIR text re conversion of agricultural lands to urban type uses. Although the RDEIR text was not highlighted, further changes to text in both EIR and GPU should be made to remove inconsistencies.

o. RDEIR CHANGES MAY CREATE NEW INCONSISTENCIES

124 Some changes in the RDEIR create new inconsistencies with other portions of RDEIR text which was not changed or highlighted. For example, the addition of the air quality strategies for reducing mobile emissions and reducing reliance on the automobile (RDEIR III-196-197) suggest that the general disallowal of residential and commercial uses in the Industry land use designation at the distant Industry designation at Plaster City (II-8) is inconsistent with the strategy in "Mixed Land Use" and "Jobs/Housing Balance" (RDEIR, III-196-197).

o RDEIR CONTAINS TEXT AND MAPS WHICH ARE INTERNALLY INCONSISTENT AND INCONSISTENT WITH CORRESPONDING TEXT OF GPU

125 One striking example of the inconsistencies between RDEIR text (RDEIR III-20 to 24) and map (RDEIR Fig. 15, III-131, Biological Sensitivity Map) and text of the GPU (LUE p. 12, 14, 15, 16, 18) relates to the mandatory ("shall") requirements for future biological studies for development of SPAs. (RDEIR III-136; Appendix F-7 #42) Further discussion is included elsewhere in these comments.

o RDEIR CHANGES REQUIRE CHANGES TO RELEVANT GPU TEXT FOR CONSISTENCY

126 One example of a highlighted RDEIR text change that requires a change in GPU text for consistency is the mitigation measure requiring biological studies for each SPA (RDEIR III-136, and Appendix F-7 #42)). Two SPAs did not include such a requirement in the LUE text and must be corrected for consistency. Detailed discussion of the RDEIR text/map and text/text inconsistencies related to this mitigation and to Mitigation Measure #17 (Appendix F-4) are included elsewhere in these comments.

127 Additionally, Sierra Club believes the GPU still needs corrections as spelled out in its submissions for Public Hearings and as spelled out in the 7/30/93 Sierra Club legal Defense Fund letter to County Counsel Fries (attached).

o INACCURATE AND INCOMPLETE PUBLIC RECORD

128 The Sierra Club has previously indicated its concerns that both the County's 5/93 FEIR and the official Public Record for the GPU were inaccurate and incomplete with regard to the written comments submitted by the Sierra Club. 84 pages of comments referencing both the DEIR and GPU and incorporated by reference as comments on the DEIR were not included in the 5/93 FEIR or as Sierra Club comments in materials presented to the Planning Commission or Board of Supervisors. (Harmon letter.) While the County's NOA asserts that "the County has already responded in detail to comments on the Draft PEIR", it remains the position of the Sierra Club that many important issues addressed by our

128 earlier two part comments have not been adequately addressed or responded to at all in the 5/93 FEIR.

129 Problems of inconsistencies between text and maps of the GPU and RDEIR will remain unless changes to the text and maps of the RDEIR are reflected by corresponding changes in both text and maps of the GPU and unless GPU is internally consistent as required by law. Consequently, the comments submitted at this time incorporate by reference our earlier written two part comments on the DEIR and GPU in addition to the numerous letters submitted for the official public record and for the Public Hearings before both the Planning Commission and Board of Supervisors. Also resubmitted at this time as part of the Sierra Club comments on the RDEIR are copies of two date stamped letters detailing the errors in the public record related to previous submissions by the Sierra Club. Those letters were originally date stamped as received by the Board of Supervisors on July 21, 1993. Those letters could not be found in the official record prior to 8/10/93 by either Harmon or County Counsel Fries (conversation).

RDEIR COMMENTS

30 If comments seem repetitive, it is because RDEIR format is repetitive.

SUMMARY

131 o As with the DEIR and 5/93 FEIR, the RDEIR Summary (S) acknowledges that: "Because of possible conflicts between proposed Specific Plan Area (SPA) land uses and uses adjacent to the SPAs, a potential for significant adverse land use impacts exists." (S-2.) Nowhere in the RDEIR is there an explanation of why the SPAs which are currently agricultural lands and/or surrounded by lands designated for Agricultural use in RDEIR Fig. 4 "Proposed Land Use Plan" would not constitute "Leapfrogging development" as described in RDEIR Environmental Analysis of Agriculture (III-45).

132 o The RDEIR does not explain how "Implementation of this environmental review requirement [for a project within 1/2 mile of a Special Purpose Facility] would mitigate the potential impact below a level of environmental significance." (S-3.)

133 It is noted that the paragraph related to the "minimum required buffer" associated with a landfill project (S-3) was added at the request of Arid Operations (Planning Commission background materials). What is the justification for this addition? How would it serve to minimize biological impacts or impacts on nearby areas proposed for Wilderness designation?

134 o Where are the potential areas of privately owned "Important Farmland" available for mitigating the direct impacts of conversion of agricultural lands to non-agricultural uses (S-3)? Unless it is possible to identify locations of large acreages of "replacement Important Farmland", how can the proposed mitigations related to improving and/or replacing lost important Farmland on a "1:1 acreage basis" be implemented? Why wasn't information in FEIR Vol. II response #330 added to RDEIR text re replacement farmland?

135 o Since the DEIR, FEIR, and RDEIR all state that: "the County should require project level traffic studies" (S-4, emphasis added), why did the GPU and RDEIR not make the necessary changes to specify mandatory traffic studies (shall) rather than only recommended (should)?

136 o How will the inconsistencies/conflicts between "the concepts of Mixed Use Zoning, Balanced Jobs and Housing, and Planning Compact Communities" (strategies L-2, L-3, and L-1 of the 1991 Air Quality Attainment Plan) (RDEIR, S-10, III-196, 197, and Objective 9.6 of LUE p. 35) and the more restrictive text of other LUE objectives (such as 4.4) be resolved? Why weren't the Air Quality Attainment strategies clearly defined in both the GPU or RDEIR?

137 o RDEIR Summary is not reflective of Mitigation Monitoring Program measures related to Public Works review of infrastructure implementation plans, etc. (RDEIR Appendix F). Why does the discussion of Flood Control/Hydrology mitigation measures (line 3, RDEIR S-13) delete the reference to "Engineering Department" with respect to review of the tentative map, etc, while including the reference to Engineering Dept. review of the "infra-structure improvement plan" in the other two paragraphs of this section (S-14) and in discussion of review of geotechnical studies for mitigation measures under Geology/Soils (S-13)? Aren't the County's engineers in the Public Works Department rather than the Planning Department? The LUE specifically requires review by the Public Works Dept. of hydrologic design in floodplain areas (LUE, p.56) and EA Flood Control/Hydrology "prior to the approval of a final subdivision map, implementing development permit, or grading plan, a drainage study ... civil engineer .. and submitted to County Planning and Public Works" (RDEIR III-236). Text needs to be corrected to remove inconsistency.

138 o WATER QUALITY/AVAILABILITY IN GROUNDWATER DEPENDENT AREAS
The added text on environmental impacts on "Water Quality" (S-11) continues to ignore the potential adverse impacts on underlying potable groundwater resources from septic leachate where sewer systems do not exist and from increased residential use of fertilizers in addition to potential water quality degra-

138 dation associated with increased development and pumpage in groundwater dependent areas.

139 Both the RDEIR and GPU Water Element (WE) contain great detail on available Colorado River resources and management practices of the Imperial Irrigation District to supply imported Colorado River water for irrigation and domestic uses within the areas of irrigated agriculture. However, both the RDEIR and Water Element contain little useful information about the water availability requirements and quality issues associated with the development at build-out for the groundwater dependent areas of the County not served with imported Colorado River water by an irrigation district. Those groundwater dependent areas are the West Shores/ Salton City Urban Area and Bombay Beach/Hot Mineral Spa Community Area which are supplied with groundwater from wells in Riverside County (RDEIR, III-165, 166), the Ocotillo/Nomirage Community Area served by two mutual water companies and individual wells (RDEIR III, 211, 212; III-231; WE, 17) and communities served by the following water districts: Palo Verde County Water District (RDEIR, III-165; WE 16), Winterhaven Water District (RDEIR, III-165; WE 16-17), Bard Water District, (RDEIR, III-166; WE 17).

140 Discussion of the groundwater resources in Riverside County from which ground-water is delivered by the Coachella Valley Water District (CVWD) to Imperial County communities on both northern sides of Salton Sea (RDEIR EA Public Services/Safety, III-165, 166) was not found in the GPU Water Element, RDEIR EA for Water Quality or Flood Control/Hydrology. There is only a single brief para-graph covering the well water from Riverside County (RDEIR III-165, 166) but no mention about the availability of resources to supply a population in excess of 150,000 with build-out of the 29,000 lots in the Salton City area (Heuberger conversation) in addition to build-out of the Hot Mineral Spa Area General Plan of 1965 (HMSAGP, p.28) and existing available lots already approved for the Bombay Beach area (LUE, 7). Additional information is needed in both the WE and RDEIR to discuss both availability and cumulative impacts resulting from development in both Imperial and Riverside Counties.

141 o RECREATION/OPEN SPACE AGRICULTURE ISSUES RE WATER & BLM ACECs
RDEIR III-16 states that: "It is important to note than any substantial agricultural use within Recreation/Open Space designation must utilize imported water which is an increasingly limited resource due to diversion of Colorado River water to Arizona and other areas." (RDEIR, III-16.) This same apparent limiting condition is not included in the text of Increased Agriculture Alternative (RDEIR IX-1; IX-22) which proposes the East Mesa be designated for agriculture or in text of the LUE discussion of agricultural uses permitted in the Recreation/Open

Space designation or in Mitigation Monitoring Program (Appendix F). The language of the GPU states:

Some areas designated Recreation/Open Space contain soils suitable for agriculture, such as the East and West Mesa and Pilot Knob Units of Imperial Irrigation District, which are predominantly owned by the Bureau of Land Management and not presently improved for agricultural cropland. Other areas designated Recreation/Open Space may be suitable for aquaculture, particularly where favorable groundwater conditions exist. Agriculture uses are, therefore, permitted in the Recreation/Open Space category. (LUE, p.45)

141

However, Agricultural Land Use Standards include the following qualifiers:

agricultural uses ... where groundwater resources (or imported water) are adequate to support agricultural production without impact to existing domestic water wells or community water supplies.

Agricultural uses are prohibited on all areas administered by the BLM and the U.S. Fish and Wildlife Service, and on private lands that are inholdings in "Areas of Critical Environmental Concern". (LUE p.46.)

With minor changes, the above GPU text (LUE, p.45) appears in the Project Description for the Recreation/Open Space for agricultural approval "as long as they do not conflict with Bureau of Land Management "Areas of Critical Environmental Concern." (RDEIR, II-8.) Thus, the text of the RDEIR (III-16) is not reflected in the RDEIR Project Description of the Recreation/Open Space designation (RDEIR, II-8) and does not reflect the text of the GPU (LUE, 45, 46). What specifically is meant by the RDEIR phrase "substantial agricultural use" in terms of acreage or water requirements? If it is the intent of the County to limit agricultural development in the Recreation/Open Space category to those areas which could receive imported Colorado River water (RDEIR II-16), and where such uses would not conflict with BLM ACECs (RDEIR II-8) whether or not they are inholdings, then the corresponding text of the LUE should be corrected to specify those restrictions and be consistent. That condition should be added to the Mitigation Monitoring program, Appendix F.

142

o EAST MESA: AGRICULTURE INCONSISTENT WITH BLM ACEC; RDEIR TEXT INTERNALLY INCONSISTENT (See EA Land Use re Agriculture in R/OS)

RDEIR Summary discussion of the Increased Agriculture Alternative states that: "This alternative also designates a portion of the East Mesa as Agriculture, as it is under the existing 1973 General Plan,..." (S-14.) Although that statement is repeated in discussion of the Increased Agriculture Alternative (RDEIR, IX-1), the next paragraph in IX-1 adds an extremely significant qualifier which should be included in the Summary.

143

143

That RDEIR Section IX discussion limits agricultural expansion by stating that: "Agricultural development of the East Mesa would be limited to private lands ..." (RDEIR, IX-1.) Text discussion of the Increased Agriculture Alternative further explains that the designation of the East Mesa area as Agriculture "is not consistent with BLM ACEC designations." (RDEIR, IX-1.) Consequently, what justification is there for the statement in the Increased Agriculture Alternative Environmental impacts on biological resources of the East Mesa that: "The Agriculture designation would not conflict with the underlying BLM designations" (RDEIR IX-8)? Doesn't the acknowledgement of agricultural incompatibility with BLM management plans for the East Mesa necessitate the deletion of Objective 1.12 of the GPU Agricultural Element (AE p. 30)? Objective 1.12 states: "Support conversion of State and Federal lands suitable for irrigation agriculture to private ownership and into agricultural production." (AE p.30.) Shouldn't the IX-1 statement of East Mesa agricultural inconsistency with BLM ACEC designations mandate removal of potential agricultural use in East Mesa as a criteria for allowing agricultural uses in the Recreation/Open Space designation (LUE p.45)?

144

The Sierra Club earlier noted that BLM's adopted policy is for acquisition of private inholdings within the East Mesa to prevent agricultural development in the East Mesa Wildlife Habitat Management Area. Text of the RDEIR Summary for the Increased Agriculture Alternative does not accurately reflect the limitations and federal agency incompatibility/inconsistency associated with designation of the East Mesa for agriculture and is therefore misleading as is AE Objective 1.12. Because of this inconsistency with BLM policy and management plans in the East Mesa, the Increased Agriculture Alternative is not a reasonable, realistic or viable alternative to the proposed plan. Similarly, because the 1973 General Plan ("No Project Alternative") designates a portion of the East Mesa for Agriculture, the No Project Alternative is neither a realistic nor reasonable alternative.

145

146

o Text of the Increased Agriculture Alternative notes that: "The majority of this 173,005-acre increase (in acres designated as Agriculture), however, is contributed by the designation of 163,585 acres in East Mesa as Agriculture" (RDEIR, IX-1). Because this designation of agriculture in East Mesa "is not consistent with BLM ACEC designations" (RDEIR, IX-1), realistically removing the East Mesa area from the Agriculture designation leaves 597,837 acres designated as Agriculture. That 597,837 acres available for agriculture is identical to the acreage designated as Agriculture under the Environmental/Open Space Alternative (RDEIR, IX-2; IX-31 and S-18). Based on the realistic omission of the East Mesa from agriculture, the "Land Use Distribution" for the Increased Agriculture Alternative is identical in all respects to the distribution for the Environmental/Open Space Alternative (Table 26, RDEIR, IX-2).

147 A preliminary review of the texts in both the RDEIR Summary and Section IX "Alternatives to the "Proposed Project" reveals that the Increased Agriculture Alternative and Environmental/Open Space Alternative differ only in that the Environmental/Open Space Alternative land designated as "Recreation/Open Space" "would limit residential development to one single family unit per 40 acres; all agricultural uses would be prohibited within this category; and intensive recreation use...would be eliminated." (RDEIR, IX-32 and S-18.)

148 Because the majority of lands designated as Recreation/Open Space are outside the boundaries of irrigation districts served with Colorado River water, they are, therefore, dependent on underlying groundwater resources. Consequently, the proposed limitations to water intensive developmental activities including groundwater based agriculture appear both reasonable and realistic for long-term viability of land uses on private lands and in-holdings within public lands. (See also RDEIR III-16 requirement for utilization of Colorado River water for any "substantial agricultural usage" in the Recreation/Open Space designation.)

149 o The Staff Alternative was the plan to which most discussion was directed at the Planning Commission and Board of Supervisors public hearings and public hearings preliminary to those official hearings. Why then was this Alternative not discussed in either the original 1/93 DEIR or the FEIR of 5/93? Why wasn't this most discussed alternative considered as the original "Proposed Plan"?

INTRODUCTION

o RDEIR "PROPOSED PLAN" NOT REFLECTIVE OF TENTATIVE ADOPTION OF GPU TEXT BY BOARD OF SUPERVISORS

150 The purpose of the RDEIR is to "serve as an environmental resource document for land use proposals and regulating ordinances" (RDEIR, I-1) and "as a reference guide for the preparation of environmental documentation for future projects" (RDEIR, I-2). Consequently the RDEIR released August 24, 1993 would be more useful if it accurately reflected the text and maps of the GPU as changed and tentatively adopted by the Board of Supervisors at its August 10, 1993 Public Hearing. The basis of that tentative adoption was the "Modified Staff Alternative" along with a list of other changes. Why then does the RDEIR discuss in detail the "Proposed Land Use Plan" rather than the "Modified Staff Alternative" or the Staff Alternative with the changes approved for tentative adoption on August 10, 1993? An EIR based on a "Proposed GPU rather than on the Modified Staff Alternative as tentatively adopted by the Board of Supervisors will result in confusion if the document is used as a Program EIR in the future.

o RDEIR INCONSISTENT WITH TENTATIVE GPU RE RESTRICTIONS ON CONVERSION OF AGRICULTURAL LANDS

151

Why shouldn't the RDEIR accurately reflect the GPU as the Board intends to adopt it rather than a GPU where there have been several significant changes in policy and mitigation measures which are not reflected in the RDEIR? An example of such a change is the time frame for prohibition for conversion of agricultural lands for non-agricultural uses. References to time frame for conversion of agricultural lands appear at RDEIR, II-2; III-49, 50, 55; V-4; IX-1, 23, 26; and Appendix F-4.

o RDEIR INCONSISTENT RE POLICY ON SPA STANDARDS AND CRITERIA

152

Another GPU modification was the Board change of the required affirmative findings for approval of a Specific Plan Area (SPA) (LUE, p.9; RDEIR II-9; III-16) to "consideration" of SPA criteria discussed in LUE, p.9. RDEIR text regarding SPA criteria is inconsistent both with regard to the timing of SPA criteria review by the Board of Supervisors (RDEIR II-9 and III-16) and inconsistent with Board approved changes related to use of those criteria. Project Description text states that: "In order to accept a Specific Plan for processing, the Board of Supervisors is required to make affirmative findings that the proposed project will have..." RDEIR II-9.) Later Environmental Analysis of Land Use the states that:

The Plan Update proposes to mitigate these potential impacts of SPAs by requiring site specific environmental studies; and by establishing standards and criteria for SPA approval, and requiring findings to be made by the Board of Supervisors ... with respect to the following: (includes a list of five criterial (RDEIR III-16.)

Why the inconsistencies? Which statement will be controlling in future references to the Program EIR? Why does the text of LUE, AE, and RDEIR III-16 not accurately reflect Mitigation Measure #17 (RDEIR Appendix F-4)? Mitigation Measure #17 would:

153

Require the preparation of a regional land use study (every five years) that evaluates the degree to which future development approaches build-out within each of the designated urban areas of the County. No GPA shall be permitted which allows the conversion of agricultural lands to urban uses, unless it is shown by this study that build-out has been achieved. (RDEIR Appendix F-4.)

154

o In discussing the "Process" the RDEIR states that after preparation of the Final EIR, "The Final Environmental Impact Report will then be reviewed by the Imperial County Planning Commission and the Board of Supervisors..." (RDEIR, I-2, emphasis added). Newspaper accounts of the August Board of Supervisors meeting indicate only further hearings by the Supervisors. When is the scheduled date for the Planning Commission review and

154 hearing on the Revised Final EIR? Will the Planning Commission also have additional input on the GPU or just Revised Final EIR?

155 o Introduction Mitigation Measures (RDEIR, I-3) fails to include the Modified Staff Alternative or the Environmental/Open Space Alternative (RDEIR S-16 to S-19 and Section IX) as "Alternatives to the Proposed Project".

PROJECT DESCRIPTION

156 o The Board of Supervisors altered the time frame for the conversion of agricultural lands to non agricultural uses. There-fore the RDEIR time frame should be corrected re II-2 in addition at RDEIR III-49, 50 as should all relevant RDEIR and GPU text.

157 o Text under Recreation/Open Space discussion of Imperial Gables and Milpitas Wash might suggest that sewer and telephone service availability are required for future development. It should be noted, however, that there are many communities in Imperial County which depend on septic systems rather than sewer systems and areas where telephone service is not available.

o ENVIRONMENTAL SETTING, WATER RESOURCES

158 Environmental Setting Water Resources section RDEIR (II-16) is inadequate and incomplete because it fails to even include the word groundwater. Groundwater resources provide water for the domestic needs of the communities of Winterhaven, Bard (not drinking water), Palo Verde, Bombay Beach, Hot Mineral Spa, West Shores/Salton Sea Urban Area, Ocotillo/Nomirage area. (RDEIR III-165, 166.) For the communities along either side of the Salton Sea, groundwater resources are located in Riverside County, for other areas, ground-water resources underlie the communities. Based on various sources within the RDEIR and GPU, projected populations of groundwater dependent areas of the County would exceed 150,000 at build-out. Such a population exceeds the current total population of the County. Further, neither text of the WE or RDEIR (III-166) reveal whether the water supplied by the Southern California Water Company to Niland and Calipatria is imported Colorado River water or groundwater. However, FEIR Vol. II response to comments #695 states that the "Southern California Water purchases raw Colorado River water from the Imperial Irrigation District..." Why isn't this information included in the WE and in the RDEIR at III-166? The public should not have to review responses to comments; all relevant information should be included within the EIR itself if the EIR is to be a Program EIR for use with future projects. Additionally, possible water sources for the future "New Town" at Felicity SPA are not dis-

159

160 cussed. RDEIR should contain some discussion of water resources since the LUE designates a SPA for a "New Town" at Felicity.

o ENVIRONMENTAL SETTING, BIOLOGICAL RESOURCES

161 Environmental Setting Biological Resources section (RDEIR II-17) is both inadequate and incomplete because it fails to provide any text mention of rare, threatened and endangered animal species which have been already listed by U. S. Fish and Wildlife Service, for which Critical Habitat has already been designated, for which BLM Habitat Management Plans are in preparation, for which listing is anticipated, and/or which are protected within various BLM Areas of Critical Environmental Concern or Wildlife Habitat Management Plans. Since mention was made of sensitive plant species, similar mention should be included for sensitive and protected animal species. 3/22/93 Sierra Club two part response discussed these species and they are included on various RDEIR maps.

ENVIRONMENTAL ANALYSIS (EA): LAND USE

162 o On August 10, 1993 the Board of Supervisors tentatively adopted the Staff Alternative Land Use Plan along with a number of specific changes to the Land Use and Agriculture elements. The Board did not make its tentative approval based on the "Proposed Update" of the GPU. Why doesn't the 8/24/93 RDEIR reflect the contents, impacts and possible land use conflicts based on the GPU as tentatively adopted by the Board rather than the "Proposed Update" (RDEIR, III-1) since the decision to revise the EIR was made on 8/10/93?

163 o RDEIR states that the Planning Department "bases its population estimates on building permits and housing unit changes." (RDEIR, III-2.) Does this produce an inflated population for unincorporated communities such as Ocotillo/Nomirage and Salton City where many housing units are unoccupied? If not how are population figures adjusted for vacancy rates in housing units?

164 Table 2 (upper table) lists a 1990 population of 27,360 for the unincorporated area (RDEIR III-3). The unnumbered Table below that one lists five unincorporated communities and "Salton Sea" as having a 1990 population of 3,345 (RDEIR III-3). Salton Sea is a body of water. Should it read "Salton Sea communities" or Salton City? Why are no population figures provided for the unincorporated communities of Salton Sea Beach, Desert Shores, Palo Verde, Bombay Beach Hot Mineral Spa and Felicity? These communities are all designated as being in LUE Urban Areas, Community Areas, or New Town SPA for planning purposes (GPU, LUE).

165 o Both DEIR and RDEIR failed to include the "set of 'additional land use policies'" which text states was adopted and "presented below:" (RDEIR, III-4). Those omitted policies should be included in the summary of the 1973 "Ultimate Land Use Plan".

o RDEIR LAND USE PLAN MAP WAS CHANGED BUT BASE MAPS WERE NOT

166

Fig. 4 Proposed Land Use Plan (RDEIR III-11) contains several readily visible mapping corrections and should be designated as a map with changes from the original DEIR Fig. 4, III-11. RDEIR Fig. 4 depicts two greatly enlarged areas as Government/Special Public in the East Mesa based on the Cooperative Agreement between the U.S. Navy and BLM. However, RDEIR Fig. 4 fails to reflect the other boundary changes for Naval withdrawn lands in the West Mesa, changes which are depicted on the AAA map of Imperial County. If there is some reason for not including all the boundary changes of the USN/BLM cooperative agreement it should be stated. RDEIR Fig. 4 also depicts a changed boundary for the Ocotillo/Nomirage Community Area as per 5/93 FEIR Vol. II Response to Comments #457, to correct a mapping error. Additionally, the base map for Fig. 15 Biological Sensitivity Map (RDEIR, III-131), Fig. 25 Increased Agriculture (RDEIR IX-3) and Fig. 26 Increased Development Alternative (RDEIR, IX-13) was not changed to reflect both of these corrections to Fig. 4. Consequently, the unchanged maps present mapping inconsistencies unacceptable in a GPU or EIR and which must be corrected in both GPU and EIR.

167

o RDEIR RECREATION/OPEN SPACE INCONSISTENCIES

RDEIR discussion of the Recreation/Open Space land use designation is inadequate and misleading. RDEIR states that: "Greater densities may be permitted (in the Recreation/Open Space designation) by Specific Plan encompassing at least 160 acres for appropriate recreation-oriented residential development where adequate services and facilities exist or can be provided." (RDEIR III-13 and LUE, p.46.) However, neither the LUE text nor the RDEIR text referencing greater densities (therefore intensities) of recreation-oriented residential development mention the RDEIR text which would restrict the intensity of uses on certain lands. That RDEIR restriction states that:

168

The Recreation/Open Space category would also restrict the intensity of uses on lands important for the preservation of natural resources; areas for the recharge of groundwater basins; rivers and lakes which are important as wildlife habitat and for the enjoyment of recreational sportfishing; areas for the conservation and managed production of mineral resources; areas for the preservation of areas of outstanding scenic, historic and cultural value; and areas of public health and safety hazards, such as floodplains, unstable soils, or earthquake areas. (RDEIR III-10.)

Consequently the RDEIR text is both internally inconsistent and does not reflect the text of the LUE. The RDEIR (III-10) restrictions on intensity of usage are consistent with text of other elements of the GPU, including LUE objective 9.1 to establish compatible minimum lot sizes (LUE p.35), and therefore, should be incorporated into the text of the LUE to avoid future

168

confusion in interpretations of the GPU by property owners, developers, and decision-makers. Indeed, FEIR Vol. II Response to Comments #396 regarding uses within the Recreation/Open Space designation states that: "Development exceeding 1 dwelling unit per 20 acres can only be done on 160 acres or more with a Specific Plan and Environmental Impact Report that shows no impact to groundwater and natural resources." However, this language was not incorporated into the Residential Development Standards for the Recreation/Open Space designation on LUE P.46. Text of both LUE and RDEIR should be corrected to reflect the FEIR Vol. II response #396 and added to Appendix F, Mitigation Monitoring program. Why weren't the appropriate text changes in LUE and RDEIR made?

169

Furthermore, the RDEIR (III-13 and III-54) text for the Recreation/Open Space designation does not accurately reflect the LUE (p.46) restrictions to agricultural use within this designation. RDEIR text states that: "Light to medium agricultural land uses include row and field crops, orchards, aquaculture, grazing, and apiaries would be allowed." (RDEIR III-13.) The RDEIR (at both III-13 and III-54) fail to include the restrictions for agricultural use within the Recreation/Open Space designation included in the LUE (p. 46). By contrast to the abbreviated RDEIR discussion of agricultural uses, the full text of the LUE's Agricultural Land Use Standard" for Recreation/Open Space states:

Light to medium agricultural land uses including row and field crops, orchards, aquaculture, grazing, and apiaries where groundwater resources (or imported water) are adequate to support agricultural production without impact to existing domestic water wells or community water supplies.

Agricultural uses are prohibited on all areas administered by the BLM and the U.S. Fish and Wildlife Service, and on private inholdings in "Areas of Critical Environmental Concern". (LUE, p.46.)

Why haven't the GPU and RDEIR been changed to correct the inconsistencies between texts and remove ambiguities for decision-makers?

170

o EA LAND USE RE ENVIRONMENTAL IMPACTS OF AGRICULTURAL LAND IN R/OS IS INCONSISTENT WITH OTHER RDEIR TEXT AND WITH LUE TEXT Paragraph 2 on agricultural uses permitted within the Recreation/Open Space designation of East Mesa (RDEIR III-16) is inconsistent with the RDEIR text of the Increased Agriculture Alternative. "Agricultural development of the East Mesa would be limited to private lands and could cause yet undefined impacts to resources located within BLM Areas of Critical Environmental Concern." (RDEIR, IX-1.) Text discussion of the Increased Agriculture Alternative further explains that the designation of the East Mesa area for Agriculture "is not consistent with BLM ACEC designations." (RDEIR, IX-1.) It should be further noted

that "any projects that would affect flat-tailed horned lizard habitat would require consultation with the USFWS since the lizard is now a candidate for listing." (RDEIR IX-8.) It is because the lands of the East Mesa are not currently used for agriculture that the change from the 1973 agricultural designation to 1993 Recreation/Open Space designation will not create an adverse impact; not because the Recreation/Open Space designation allows for agricultural uses (RDEIR III-16)?

170

RDEIR III-16 states that:

...the Recreation/Open Space designation allows for a range of light to medium agricultural land uses including row and field crops, orchards, aquaculture, grazing and apiaries. It is important to note that any substantial agricultural use within Recreation/Open Space designation must utilize imported water which is an increasingly limited resource due to diversion of Colorado River water to Arizona and other areas. (RDEIR, III-16.)

This same apparent limiting condition requiring imported Colorado River water is not included in the text of the LUE discussion of agricultural uses permitted in the Recreation/Open Space designation. Contrast RDEIR III-16 language to the language of the LUE general discussion which states that:

171

Some areas designated Recreation/Open Space contain soils suitable for agriculture, such as the East and West Mesa and Pilot Knob Units of Imperial Irrigation District, which are predominantly owned by the Bureau of Land Management and not presently improved for agricultural cropland. Other areas designated Recreation/Open Space may be suitable for aquaculture, particularly where favorable groundwater conditions exist. Agriculture uses are, therefore, permitted in the Recreation/Open Space category. (LUE, p.45)

Still another contrast is the LUE's Agricultural Land Use Standard" for Recreation/Open Space which states:

172

Light to medium agricultural land uses including row and field crops, orchards, aquaculture, grazing, and apiaries where groundwater resources (or imported water) are adequate to support agricultural production without impact to existing domestic water wells or community water supplies.

Agricultural uses are prohibited on all areas administered by the BLM and the U.S. Fish and Wildlife Service, and on private inholdings in "Areas of Critical Environmental Concern". (LUE, p.46.)

Consequently it appears that the RDEIR text related to agricultural uses within the Recreation/Open Space designation is neither internally consistent nor reflective of the text of the

172 LUE. These inconsistent representations of policy statements must be resolved in text of both GPU and EIR.

o RDEIR DISCUSSION RE PRESERVATION VS. RECREATION/OPEN SPACE IS MISLEADING

173 The RDEIR notes that the "Plan Update deletes the "Preservation" category that was included in the 1973 Plan" and that these areas have instead been included in the Recreation/Open Space designation." (RDEIR III-17. See RDEIR III-126 also.) The RDEIR text further notes that "potentially impactful uses such as agriculture would be allowed in areas that were previously designated for preservation." (RDEIR III-17.) RDEIR states that: Recreational land uses within this [Recreation/Open Space] category are limited to recreational vehicle parks and uses which consist primarily of outdoor facilities such as parks, athletic fields, golf courses, swim and tennis clubs, and off-road vehicle use areas. (RDEIR III-126.)

174 As noted earlier in these comments, RDEIR consistently lists potential Recreation/Open Space uses including recreational development and agriculture without the additional qualifying text of the LUE (p. 42, 45) or the concerns stated in IX-1, 2. The Sierra Club does not believe that the replacement of the 1973 Preservation designation for sensitive habitat areas by the more permissive 1993 Recreation/Open Space designation would allow what the RDEIR asserts is "greater potential to preserve more acreage of biological sensitivity" (RDEIR III-126).

175 Those areas originally designated for Preservation are areas presently requiring special federal or state management (RDEIR Fig. 14, III-119) and should not be designated Recreation/Open Space with the associated potential for intensive development uses because RDEIR text for uses within the Recreation/Open Space designation are not consistent with those of the LUE and its objectives. Specifically: (1) the Recreation/Open Space designation (R/OS) has development standards related to high density "recreation-oriented residential development" with SPA on parcels of at least 160 acres (LUE p.46; RDEIR III-13), not a "maximum density of one single-family dwelling per 20 acres (RDEIR III-126); (2) the R/OS would authorize groundwater based agriculture (LUE p.45) even though the RDEIR states that "any substantial agricultural use" must use imported water (RDEIR III-16); (3) the R/OS would permit intensive recreational development (RDEIR III-126) without any prohibition of such developments on private inholdings within BLM ACECs (LUE p.47) as was included for agricultural development (LUE p.46); (4) R/OS contains residential development standards (LUE p.46) which are inconsistent with Objective 9.1 (LUE p.35) which would establish compatible minimum lot sizes in sensitive resource areas and as was suggested by FEIR response #396.

176

Because of the above inconsistencies within the RDEIR text and between RDEIR and LUE, the Recreation/Open Space designation is viewed as being full of loopholes in interpretation which could allow for only very minimal protection of sensitive biological resources in areas previously designated for Preservation. This is true because future biological studies are not mandatory in the Recreation/Open Space and Government/Special Public designations (RDEIR Fig. 15, III-131; Fig. 4, III-11). Retention and/or expansion of the Preservation designation along with compatible restrictive uses and biological studies would complement RDEIR asserted benefits of the Recreation/Open Space designation.

177

Assurances about protection of biological resources are not convincing because the RDEIR includes the misleading assertions that:

the proposed Plan will allow the County and appropriate resource agencies to exert greater controls over future projects in the "Recreation/Open Space" land use category for the purposes of protecting biological resources. Thus, implementation of the proposed Land Use Plan, coupled with the requirement for site-specific biological studies in connection with future development in the "Recreation/Open Space" land use category (see Impact section below), can offer a greater degree of regional preservation for sensitive biological resources than did the previous Plan. (RDEIR III-126.)

178

Our review of the applicable GPU Conservation/Open Space Element (C/OSE) text on implementation programs and policies to protect biological resources and RDEIR text (III-135 thru 137) on mitigation measures related to future biological surveys found no mandatory requirement for site-specific biological studies for proposed future developments within the Recreation/Open Space designation unless the projects were for a SPA or Special Purpose Facility. Furthermore, neither RDEIR text (III-126, 135-137) nor RDEIR Fig. 15 "Biological Sensitivity Map (III-131) indicate a mandatory requirement for "future Biological Studies" on any lands within the Recreation/Open Space designation or Government/Special Public designation! Consequently, although Fig. 15 depicts the Resource Areas of Fig. 14 as those areas containing "Sensitive Biology", those areas of Sensitive Biology within the Recreation/Open Space designation and Government/Special Public designation appear exempt from requirements of future biological studies for projects on both private inholdings and on government owned/managed lands unless they are proposed as a GPA for a SPA or SPF. The contradictions between RDEIR text (III-126, 129, 135-137) and RDEIR Fig. 14 and 15 (III-119, 131) appear to present an enormous loophole with the potential for arbitrary decisions. This loophole must be eliminated.

179

RDEIR text III-8 and Fig.3 1973 "Land Use Plan" describe and depict the following areas designated as "Preservation" in 1973: North Algodones Dunes; Salton Sea, New and Alamo Rivers and their immediate environs; portions of the Colorado River shoreline; Indian Pass area in the southern Chocolate Mts; portions of the Carrizo Badlands; portion of the San Felipe Wash; and the Yuha Basin.

180

The wisdom and logic of the 1973 designation of the above areas for Preservation will be revealed by a careful review of Fig. 10 "Imperial County Habitat Map" (RDEIR III-85); Fig. 11a "Sensitive Plants" (RDEIR III-93); Fig. 11b "Sensitive Wildlife Areas" (RDEIR III-95); Fig. 13 "Current Range of the Flat-Tailed Horned Lizard in Imperial County" (RDEIR III-116); Fig. 14 "Resource Areas" (RDEIR III-118) and discussion of biological resources (RDEIR III-121 thru 128). The North Algodones Dunes area is a sand dune area which is a BLM Wilderness Study Area (WSA) and included within the California Desert Protection Act, S.21, in addition to being unsuited to either agriculture or residential development. For obvious reasons the banks of both New and Alamo Rivers are unsuited to development. (RDEIR III-206 to 211.) The Salton Sea is water and much of the western and southern shorelines are either State Recreation Area, Wildlife Management Areas or part of the Salton Sea National Wildlife Refuge. Therefore those wet-land and riparian areas are not available for intensive commercial agriculture or intensive private development suggested by the RDEIR interpretation of Recreation/Open Space designation. Much of the western side of the Colorado River are lands included in the Cibola and Imperial National Wildlife Refuges and therefore come under federal protection. Other lands along the Colorado River receiving special management are the Picacho State Recreation Area. Additionally, "all wetland and riparian areas in the County are considered as UPAs (Unusual Plant Assemblages) and fall under BLM guidelines for 'Wetland/Riparian Area Protection and Management'". (RDEIR III-123.)

181

Indian Pass area is a BLM WSA and Wildlife Habitat Management Area. Much of the Carrizo Badlands area and Fig. 3 mapped area is in Anza Borrego State Park or a BLM WSA. Portions of the San Felipe Creek and San Sebastian Marsh are BLM ACEC and designated as Critical Habitat for the endangered desert pupfish. The Yuha Basin is an ACEC. Other areas in SW Imperial County designated for 1973 Preservation are included within the proposed Jacumba Mountain Wilderness Area.

182

"Agricultural uses are prohibited on all areas administered by the BLM and the U.S. Fish and Wildlife Service, and on private inholdings in "Areas of Critical Environmental Concern". (LUE, p.46.) Additionally new agricultural development would be in conflict with BLM policies regulating any designated Wilderness

189 SPA, while RDEIR III-20 gives the acreage as 360 acres. Which is correct?

190 o RDEIR PLAN TO PLAN COMPARISON OF ENVIRONMENTAL IMPACTS RE LAND USE CHANGES IS INCONSISTENT WITH IMPACTS ANALYSIS IN OTHER SECTIONS Why does the RDEIR compare the GPU changes in Land Uses to the 1973 Plan (RDEIR III-26) rather than compare the potential environmental impacts of GPU development at build-out with existing conditions on the ground today? Why does the RDEIR state that analysis of the GPU "did not identify any adverse land use effects; no mitigation measures are required" (RDEIR III-26) when the subsequent environmental analysis of Agriculture explicitly states that "the Land Use Element has the potential to create significant impacts" and proceeds to list six specific significant impacts (RDEIR III-48)? In addition, "potential impacts to biological resources resulting from build-out of the Imperial County General Plan Land Use Element" is discussed in RDEIR III-129 to III-135. Environmental impacts from build-out of the GPU LUE are also discussed in other RDEIR Environmental Impacts analysis sections. What is the explanation for this inconsistent RDEIR environmental analysis of environmental impacts of build-out of the GPU?

194 o It is noted that the language regarding buffer requirements for solid waste dumps was added at the recommendation of persons representing Arid Operations. It is further noted that the environmental review for Arid Operation's proposed Mesquite Regional Landfill has been in process since Spring 1992. Potential deletion by the Lead Agency of the otherwise required buffer zone around a large landfill to import waste-by-rail from outside Imperial County may be viewed as a loophole by the public. How could potential deletion of the buffer serve to minimize impacts of the proposed landfill on sensitive biological resources or reduce the landfill's presence as an incompatible land use near a BLM Wilderness Study Area?

EA AGRICULTURE

195 o RDEIR presents inadequate discussion of "Agricultural-Related Trends and Issues" because it fails to include discussion of the "White Fly Infestation" (GPU Agricultural Element (AE) p.25). Additionally the RDEIR environmental analysis for Agriculture is inadequate because it fails to discuss the needs and difficulties of the Aquaculture industry (AE p.27, 28) even though earlier text presented a glowing account of the growing aquaculture industry (RDEIR III 41, 42). Reference to both issues is contained in AE.

EA TRAFFIC/CIRCULATION

196 o A list of the public transportation route numbers in RDEIR III-60 provides no meaningful information and should be changed to reflect the text of the GPU Circulation Element (CE) at p. 10.

197 o. RDEIR III-61 fails to indicate whether the Borrego-Salton Seaway is eligible or has already been designated as a Scenic Highway. RDEIR also fails to explain why eligible Scenic Highways have not yet been so designated.

198 o RDEIR discussion of impacts related to "traffic/circulation" remains inadequate and incomplete because it does not discuss the additional traffic that would be generated by SPAs and their associated residential, commercial, recreational or industrial uses. Why is it that Noise impacts associated with identified transportation routes for each proposed SPA are discussed (RDEIR III-79) and agricultural impacts of SPAs are discussed (RDEIR III-52 thru III-54) but that circulation impacts of those same SPAs are not even mentioned in the RDEIR Environmental Analysis of Traffic/ Circulation environmental impacts until referenced as reduced traffic circulation and public service impacts associated with deletion of the listed SPAs in the Environmental/Open Space Alternative (RDEIR IX-36, 38) and Increased Agriculture Alternative (RDEIR IX-7, 9)?

200 o GPU Circulation Element is inadequate and incomplete even though it included additional infrastructure issues. It is incomplete because it omitted discussion of trends, goals, objectives, policies and implementation programs related to each infrastructure component.

EA NOISE

201 o Fig. 9 Existing Noise Sources (RDEIR III-71) mapping error was discussed earlier. Locations of railroad lines on Fig. 9 are not clear because roadways are also shown as solid black lines.

EA BIOLOGICAL RESOURCES

202 o RDEIR Fig. 11b "Sensitive Wildlife Areas" (III-95) fails to include habitat identified by BLM as habitat for flat-tailed horned lizard (FTHL), a Category 1 species for federal listing. GPU C/OSE resource maps do not include the referenced FTHL map.

203 o Re Table 13 (RDEIR III-99), Calliandra eriophylla is also found in the Jacumba Mountains and in the vicinity of the Gold Fields Mesquite Mine. Crucifixion thorns, Holocantha emoryi, are also found south of Sunrise Butte south of Hwy 98 and in Skull Valley of the Jacumba Mountains as indicated on earlier map corrections. Crucifixion thorns habitat preference is sinks where water stands after rainfalls. To Table 14 (RDEIR III-

204 105) should be added Long-eared owl, Asio otus, (RDEIR III-111, 112) frequenting the inner branches of mesquite and other tall trees in Yuha Desert for several months this past spring. (Locations of plants and sightings of owls verified by both BLM biologists and Harmons.)

205 o Comments on the potential impacts resulting from deletion of the 1973 Preservation designation and the associated RDEIR are inconsistent and incomplete. Discussion of uses allowed in the Recreation/Open Space designation were presented earlier.

206 o RDEIR corrections made to Fig. 14 "Resource Conservation Areas" mandate corresponding corrections be made to GPU Conservation/Open Space Element (C/OSE) Fig. 3, a map of the same title (C/OSE p.15) for consistency.

o RDEIR FIG.15 "BIOLOGICAL SENSITIVITY MAP" IS INACCURATE AND INCONSISTENT WITH RDEIR & LUE TEXT; FAILS TO REQUIRE STUDIES IN ALL RECREATION/OPEN SPACE AND GOVERNMENT/SPECIAL PUBLIC DESIGNATIONS

207 RDEIR Fig. 15 is both incorrect and does not reflect the text of the LUE and RDEIR related to mandatory EIR analysis of biological resources in SPAs and site-specific studies for projects within the Recreation/Open Space designation.

208 The unhighlighted RDEIR Fig. 15 "Biological Sensitivity Map" (RDEIR III-131) uses a base map from the uncorrected original 1/93 DEIR proposed Land Use Plan rather than the one with 5/93 FEIR corrections (RDEIR Fig. 4, III-11). Consequently the area in SW Imperial County "requiring future biological studies" needs to be expanded eastward to encompass the mapping correction specified in FEIR Vol. II Response to comments #457. This correction is important because when the ONCA boundary was moved to the east, the ONCA includes several more private in-holdings within the BLM ACEC which would require "focused biological studies...as part of subsequent environmental review for future development projects" (RDEIR III-129). A portion of one of those parcels is currently the subject of CEQA litigation. RDEIR Fig. 15 also incorrectly depicts boundaries of several military ranges that resulted from the 1985 BLM/USN cooperative agreement.

209 Assurances about protection of biological resources are not convincing because the RDEIR includes the misleading assertions that:

the proposed Plan will allow the County and appropriate resource agencies to exert greater controls over future projects in the "Recreation/Open Space" land use category for the purposes of protecting biological resources. Thus, implementation of the proposed Land Use Plan, coupled with the requirement for site-specific biological studies in connection with future development in the "Recreation/Open Space" land use category (see Impact section below), can offer a greater degree of regional preservation for sensitive biological resources than did the previous Plan.(RDEIR III-126.)

210 Review of the applicable GPU Conservation/Open Space Element (C/OSE) text on implementation programs and policies to protect

210

biological resources and RDEIR listing of mitigation measures related to biological studies (RDEIR III-135 thru 137) found no mandatory requirement for site-specific biological studies for proposed future developments within the Recreation/Open Space designation. RDEIR III-129 text is not reflected in Fig. 15 depicting "Areas Requiring Future Biological Studies" (RDEIR III-131) and is not included in the Mitigation Monitoring Program (RDEIR Appendix F). Furthermore, neither RDEIR text (III-126, III-135 thru 137) nor RDEIR Fig. 15 "Biological Sensitivity Map (III-131) indicate a mandatory requirement for "future Biological Studies" on any lands within the Recreation/Open Space designation or Government/Special Public designation! Consequently, although Fig. 15 depicts the Resource Areas of Fig. 14 as those areas containing "Sensitive Biology", those areas of Sensitive Biology within the Recreation/Open Space designation and Government/Special Public designation appear exempt from requirements of future biological studies for projects on both private inholdings and on government owned/managed lands according to Fig. 15. Other RDEIR text requires biological studies for projects which are proposed as GPAs for SPAs or SPFs. The contradictions between RDEIR text (III-126, 129, 135-137) and RDEIR Fig. 14 and 15 (III-119, 131) presents an enormous loophole with the potential for arbitrary decisions which must be corrected.

211

What justification is there for not consistently requiring "focused biological studies...as part of subsequent environmental review for future development projects" (RDEIR III-129) for agricultural, residential (other than single family residential) or recreational development on all private inholdings within federally managed areas depicted as having "Sensitive Biology" regardless of the County's underlying land use designations? Much of the land depicted as containing "Sensitive Biology" includes BLM Wilderness Study Areas, Areas of Critical Environmental Concern, Wildlife Habitat Management Areas, Significant Natural Areas, Unusual Plant Assemblages, Wildlife Refuges, Wildlife Management Areas and State Parks (RDEIR III-129). (See earlier discussion re 1973 Preservation designation.) Surely any private inholding within these federally or state managed areas should require biological studies since the areas are depicted as Resource Areas on RDEIR Fig. 14 and by Fig. 15 as having "Sensitive Biology". Biological studies for development proposals on inholdings within Resource Areas should be required since studies are to be required in the already disturbed agricultural lands in SW Imperial Valley, the Plaster City Industrial site, and at the Mesquite Lake SPA (RDEIR Fig. 15). It seems logical that potential adverse impacts (both on-site and off-site impacts) to sensitive wildlife or plant populations would likely be of more concern on lands within a resource area managed for "Sensitive Biology" than on lands already disturbed by existing agricultural and industrial uses. This omission should be corrected.

220 o Although the RDEIR "Existing Conditions" text (III-160 to 167) provided considerable detail about the importation of Colorado River water and the Imperial Irrigation District, RDEIR discussion of "Water Service and Availability" is inadequate because it provides no meaningful discussion of the availability of groundwater resources upon which the communities of Salton City, Bombay Beach, Hot Mineral Spa, Ocotillo and Nomirage rely. Ocotillo and Nomirage are not even mentioned in the section on "Water Delivery and Supply" even though the County has funded on-going USGS research on the basin underlying those communities since 1972.

221 RDEIR "Environmental Impacts" discussion of "Water Service and Availability" is inadequate because it fails to address the issues of groundwater availability for build-out in groundwater dependent communities on both sides of the Salton Sea (which rely on wells located in Riverside County (RDEIR III-165, 166)) and in the Ocotillo/Nomirage Community Area (which relies on underlying groundwater resources). RDEIR states that: "Adequate water supply to the Imperial County area exists and no significant impacts are expected." (RDEIR III-176.) However, the GPU presents a different scenario when land use development standards include the following text: "Agricultural Land Use Standards: Due to potential groundwater overdraft conditions, agricultural uses are prohibited in the Ocotillo-Coyote Wells groundwater basin." (LUE, p.42.) and "Open Space/Recreation Standards: Due to potential groundwater overdraft conditions, only passive recreation uses are allowed in the Ocotillo-Coyote Wells groundwater basin." (LUE, p.42.) RDEIR text should be corrected to reflect the text of the LUE.

222 Accordingly, the RDEIR discussion of "Mitigation Measures for Water Service and Availability" should include "mitigation measures" such as those included in the various text of the GPU including the LUE referenced above.

223 o More discussion of impacts to the school systems, including the Calexico school system, should be included in RDEIR III-176 text.

EA AIR QUALITY

224 o RDEIR discussion of methodology for review of environmental impacts (III-194) appears based on a "plan to plan" comparison of impacts on air quality rather than impacts based on changes in the existing conditions from those of today to those projected at build-out as required by CEQA Guidelines Sec. 15125. Whether or not the potential impacts of the proposed plan are greater or lesser than what might have occurred under the 1973 plan, unless significant changes are made, impacts of growth and uses anticipated at build out of the proposed plan will be significant, particularly when coupled with impacts resulting from development

224 in Mexicali area (with its estimated population of 1,000,000; LUE, p.28) and to the north in Riverside County.

225 o The RDEIR fails to explain how the 1991 Air Quality Attainment Plan's (AQAP) strategies of "Planning Compact Communities, Mixed Land Use, and Jobs/Housing Balance" (RDEIR III-196, 197) can reduce emissions from vehicles if residential and commercial development is not allowed in reasonable proximity to the Industrial zone at Plaster City (LUE 44 and II-8)?

226 o RDEIR discussion of the AQAP in relation to the LUE (III-197) fails to even mention the special air quality problems of Community Areas which have many unpaved roads and are distant from urban centers. Similarly, the RDEIR fails to explain how a specialized SPA such as the "attractive recreation oriented community" of Tamarack Canyon Ranch (III-24) would conform to the AQAP strategies.

o The RDEIR discussion of how the LUE would direct "balanced growth into existing urban areas" ignores the LUE provisions for high density residential growth at locations distant from any urban or community area as set forth in provision for densities greater than 1 unit per 20 acres on parcels "at least 160 acres" (with a SPA) in the Recreation/Open Space designation (LUE p.46). Therefore, this portion of the RDEIR text is misleading because the LUE contains provisions for uses which clearly conflict with the AQAP strategies. If it is not the intent of the text of the LUE to permit high density recreational residential development on private inholdings surrounded by federal lands, the provision/exception for high density development on large parcel inholdings should be deleted from the LUE and RDEIR.

EA WATER QUALITY

o RDEIR FAILS TO INCLUDE ADEQUATE INFORMATION ON GROUNDWATER RESOURCES, INCLUDING RIVERSIDE COUNTY GROUNDWATER RESOURCES WHICH SUPPLY COMMUNITIES ON BOTH SIDES OF SALTON SEA

228 RDEIR is inadequate because it fails to provide meaningful discussion of the "Existing Conditions, Water Resources, Groundwater" (RDEIR III-211-212). Sierra Club's 3/22/93 two part comments on the DEIR contained numerous comments and questions about groundwater resources upon which development in the following communities is dependent: Palo Verde (RDEIR III-165; WE p. 16), Winterhaven (RDEIR III-165; WE p. 16), Bard (RDEIR III-166; WE p. 17), Salton City (RDEIR III-166, 167), Bombay Beach (RDEIR III-166, 167), Hot Mineral Spa (RDEIR III-166, 167) and Ocotillo/Nomirage (RDEIR III-211 to 213). The detailed concerns of the Sierra Club were largely ignored in the FEIR Vol. II responses to comments. Repeated response references to #293 ignored specific concerns about the quality and availability of groundwater resources to accommodate the proposed development in Palo Verde, Bard/ Winterhaven, Salton City and communities on the western

228

shores of Salton Sea, Hot Mineral Spa and Bombay Beach on the eastern shore of Salton Sea, and the Ocotillo/Nomirage area of SW Imperial County. Consequently the unrevised RDEIR remains inadequate.

229

Comment #293 concerns about inadequate environmental analysis of the present and future Riverside County groundwater resources relied upon for development of both the West Shores/Salton City Urban Area and the Hot Mineral Spa/Bombay Beach Community Area. However, FEIR Vol. II Response to comments #293 appears to ignore the responsibility to provide environmental information which could be useful (1) in evaluating future projects or (2) in determining the adequacy of the resource to accommodate growth in both Riverside and Imperial Counties and (3) in discussing potential environmental impacts on that groundwater resource which would result from build-out of Land Use Elements for both Riverside and Imperial Counties.

230

FEIR Vol. II Response #293 re concerns about Riverside County groundwater resources for development of communities and urban areas in Imperial County states that:

An area of concern not addressed in detail is the Hot Mineral Spa/Bombay Beach area which requires imported water from Riverside County. This is an area that, due to the desires of the citizenry, no changes have been made to the General Plan. However, based on standard practice of the Planning Department and requirements of the added mitigation measures, no large scale development will be approved unless an adequate water supply can be demonstrated. It should be noted that the Coachella Valley Water District, the water agency serving the area, has the capacity to service future growth. (FEIR Vol. II, response #293.)

231

FEIR response #293 fails to even mention the West Shores/Salton City Urban Area, "a large unincorporated area [which] encompasses approximately 31,840 acres" (LUE p. 5). This area is "characterized by a full level of urban services, in particular public water and sewer systems, and propose a broad range of residential, commercial, and industrial uses" (RDEIR II-9, LUE p.3). The Planning Director has stated that there are approximately 29,000 approved lots in the Salton City Urban Area. RDEIR Table 2 indicates a population of 1,953 with 1,263 housing units for Salton Sea [sic] (RDEIR III-3). No data is provided in RDEIR Table 2 for the present population of the 4,500 acre Hot Mineral Spa/Bombay Beach Community Area (LUE p.7). However, "development of Hot Mineral Spa is guided by the Hot Mineral Spa General Plan which forecasts a diverse community which may eventually accommodate a population of up to 75,000 persons for which expansion of presently limited public infrastructure will be required." (LUE p.6.) Thus, development at build out for

231

communities on both sides of the Salton Sea would result in a population larger than the present total County population, a future population which is dependent on groundwater resources located in Riverside County.

232

RDEIR explains that the "Coachella Valley Water District (CVWD) serves communities of Imperial County that exist along both sides of the Salton Sea." (RDEIR III-165.) Communities served include Salton City, Bombay Beach, and Hot Mineral Spa. "The source of water for the CVWD main are deep wells in Riverside County from which groundwater is pumped" (RDEIR III-165, 166). FEIR Vol. II response #293 and the RDEIR failure to include discussion of the groundwater resource in Riverside County are unacceptable in light of the fact that now there "are approximately [only] 2,500 water meters in these communities" (RDEIR III-166) which are served by Riverside County groundwater.

2

o Additionally, the RDEIR discussion of groundwater resources in the Ocotillo-Coyote Wells groundwater basin is both inadequate and misleading because it fails to discuss the critical issues of local conditions of overdraft related to patterns of federal/private land ownership, export pumping for industrial operations at Plaster City, and USGS documented areas of poor quality groundwater under-lying some areas with domestic wells near Nomirage and Coyote Wells. RDEIR discussion of this groundwater basin is also inadequate because it fails to incorporate information about transmissivity, impacts of existing pumping, and therefore availability which have been revealed by more than 15 years of USGS semi-annual monitoring of wells in this basin.

234

o Reliance on the out-dated 1977 USGS report leads to erroneous assumptions about the quantity of groundwater available for development. To accurately assess the availability of groundwater for development requires consideration of the patterns of federal vs. private land ownership, patterns of pumpage, underlying geological formations, and periodic evaluation of the results of water quality and water level monitoring.

235

Based on studies and monitoring of the groundwater resources in SW Imperial County by USGS, it has been determined that even though there is significant groundwater of good quality in the Ocotillo-Coyote Wells basin, a number of areas within that basin do not have potable quality groundwater. (Skrivan, 1977, p.18, 19; and subsequent monitoring.) A review of Skrivan (p.18) and current USGS monitoring of the well at Coyote Wells suggest that the basing of projections of future growth on the assumptions and modeling in the 1977 USGS study is to base it on wishful thinking rather than the more serious limitations that have been revealed by additional studies and USGS semi-annual monitoring. Studies of the basin have revealed that the underlying geology is much

235 more complex than originally thought and monitoring data have indicated that some of the original assumptions were erroneous and more optimistic than borne out by semi-annual monitoring. (Harmon analysis of USGS studies and data, 1993; communication with Huntley, SDSU, 1993.)

236 o The RDEIR discussion is inadequate because fails to discuss the quality of groundwater resources relied upon for domestic use by the residents of the Palo Verde Community area, and Bard and Winterhaven (RDEIR III-166, 231). That water is seepage from the Colorado River. The RDEIR fails to discuss the reasons for poor water quality in the Bard area which renders the water unsuitable for drinking. (RDEIR, III-166, 231.)

237 o RDEIR fails to discuss any issues associated with the water quality or water quantity of the communities on both sides of the Salton Sea which rely on well water from wells in Riverside County and supplied by the Coachella Valley Water District. (RDEIR, III-165.)

238 o The RDEIR discussion of environmental impacts of implementation of the general plan update on groundwater quality is dangerously inadequate. The analysis is also based on false assumptions and out-dated information and a lack of reliance on current data for groundwater resources. The RDEIR discussion of water quality impacts simply ignores the authorized uses of various land use designations, including conflicting authorizations of agriculture in the Recreation/Open Space designation. Consequently the RDEIR ignores the potential impacts of groundwater based agriculture on groundwater quality. The areas where agriculture represents a potential threat to groundwater quality are not those areas of planned urbanization in areas surrounded by agricultural uses but the outlying areas that are groundwater dependent and are in areas designated as having sensitive biology.

239 o To assert that the impacts of the general plan update would result in less water quality impacts is to ignore the CEQA Guidelines Sec. 15125 Discussion which requires that impacts be examined based on the existing level of development today rather than just by comparing potential impacts at build-out under each plan. (Environmental Information and Planning Council (1982) 131 C.A.3d 350.)

240 o How will continued monitoring of the groundwater conditions of the Ocotillo-Coyote Wells basin serve to extend the life of the basin (Mitigation Measure #17, RDEIR Appendix F-7) when 15 years of monitoring data has been largely ignored by the County to date? What threshold levels of water quality shall trigger corrective actions or the implementation of a moratorium? What

240 corrective actions are proposed, how shall they be monitored and enforced?

241 o Why is there no requirement for watershed designation and protection? What land uses or commercial activities should be prohibited as being incompatible over a sole-source aquifer?

242 o Why are there no monitoring programs proposed for other groundwater basins that are essential to the continued growth and survival of those groundwater dependent communities? Why is there no proposal for a cost-sharing joint-powers agreement for monitoring of the groundwater basin in Riverside County upon which communities near the Salton Sea rely? Why are there no criteria established for potential needs to increase rather than decrease lot size to be consistent with groundwater resource constraints? What specific actions shall be taken when monitoring shows water quality deterioration?

3 o Why does the RDEIR fail to include any potential water budget and projections for potential build-out use requiring groundwater as the source of water for development? Without a detailed discussion of the actual number of potential residences and domestic and commercial usage for each of the communities or each basin or subbasin that will supply the water source for future development in Ocotillo-Coyote wells groundwater basin, West/Shores/Salton City Urban area, Hot Mineral Spa/Bombay Beach, Felicity, Palo Verde, Bard and Winterhaven, how can any effective planning for these groundwater dependent communities take place? Why doesn't the RDEIR provide the kind of detailed information about groundwater resources currently relied on as it does for Colorado River based developments and irrigation districts?

244 Given the projected population of 75,000 for the Hot Mineral Spa area (LUE p. 6) in addition to the unknown population projections for the 31,840 acres designated for the West Shores/Salton City Urban Area, (LUE p. 5) is all the projected growth to be based on Riverside County Groundwater Resources? If so, what are the water quantity and water quality resource constraints? How will the projected Imperial County development near the Riverside County line impact water quality for Riverside County groundwater users? Why doesn't the RDEIR include a comprehensive discussion of this issue and how it is related to Riverside County Plans for uses based on the same groundwater basin?

245 o RDEIR comparison of the environmental impacts of development of the GPU at build-out to the 1973 Plan (RDEIR III-213) is inappropriate. The analysis must be of impacts of development at build-out compared to the existing conditions of the surface water and groundwater resources today. (CEQA Guidelines Sec. 15125.)

246 o Even with the addition of a new mitigation measure related to studies for "All discretionary development projects located within limited groundwater basins [which would] require a groundwater availability/quality study" (RDEIR III-214), the RDEIR mitigation measures are deemed inadequate. This mitigation measure (RDEIR III-214) is not included in RDEIR Appendix F "Mitigation Monitoring Program and was not found in the GPU LUE or WE. RDEIR mitigation measures are inadequate, in part because these mitigation measures fail to address the potential environmental impacts of development to build-out of the already approved plans for Salton Sea Urban Area and the Hot Mineral Spa area which rely on groundwater from wells in Riverside County. Further, the RDEIR has not provided any information on the groundwater resource for development of the communities on both sides of the Salton Sea.

EA GEOLOGY/SOILS

247 o The title for RDEIR Fig. 21 "General Soils Map for Imperial County" (RDEIR III-217) should be corrected since only the "Imperial Valley Area" of the County is included in the map. RDEIR text (III-216) correctly notes the map as depicting Imperial Valley soils only.

248 o How is it possible that "both the existing [1973] and proposed General Plans defer to the Soil Survey of Imperial County (SCS, 1981)" when that document was produced eight years after the 1973 Plan?

249 o The discussion in Environmental Impacts (a.Geology) referencing "known landslides and landforms suggestive of ancient landslides within the western and southwestern portions of Imperial County" as the basis for requiring "additional geotechnical subsurface investigations" for future development plans in these areas (RDEIR III-225) should be deleted because it is contradicted by FEIR Vol. II response to comment #734 and RDEIR discussion of "Avalanches, landslides, rock and mudslides" (RDEIR III-227, 228). FEIR Vol. II response #734 stated that: "The map on landslide activity was not included in the EIR because impacts associated with land-slides in the County are not considered significant." Further, RDEIR discussion of seismically induced rock/landslides in the Jacumba, Coyote, Fish Creek, and Santa Rosa Mountains (RDEIR III-227) are located on BLM lands, primarily in Wilderness Study Areas. Because "these areas currently experience little development, and future development plans for these areas are nonexistent, significant impacts from such hazards are not expected to occur." (RDEIR III-228.) Accordingly, in light of response #734, the Conservation/Open Space Fig. 8 "Landslide Activity" (C/OSE p. 39) which depicts "moderate" landslide activity on alluvial fans in SW Imperial County should be deleted since it provides no meaningful information.

EA FLOOD CONTROL/HYDROLOGY

250 o Under the discussion of existing conditions there is still no discussion of the groundwater resource in Riverside County from which groundwater is pumped and delivered by the Coachella Valley water District to serve communities on both sides of the Salton Sea (RDEIR III-165, 166).

251 o RDEIR Fig. 24 "Flood Areas (III-233) depicts two areas, in southwestern Imperial County subject to flooding. One of these flows into the alluvial fan in the Nomirage area, while there is another floodway which flows into the alluvial fan in the Ocotillo area a few miles to the northwest. RDEIR text should be corrected to reference RDEIR Fig. 24 which depicts the flooding from the Davies Valley area of the Jacumba Mountains which flows toward Nomirage. GPU Seismic/Public Safety corrections (S/SP p.10) are not completely accurate on this subject.

GROWTH INDUCEMENT

o PUBLIC SERVICE INFRASTRUCTURE

RDEIR discussion of growth inducement states that: growth inducing factors are those which promote the extension of public services, such as water, sewer and schools, and/or access roads into areas which have been reserved in long-range planning for non-urban uses until some time in the distant future. Other factors related to growth-inducement include the establishment of new land uses, typically through the general/community plan amendment or rezoning process, the development potential of land surrounding the project, and socioeconomic forces. (RDEIR IV-1.)

252 Why doesn't the discussion of demands for "Public Service Infrastructure" mention the potential demands created by the proposed SPAs, such as Tamarack Canyon Ranch and East Border Crossing which will result in the creation of new traffic patterns and which will change the character of SPA lands and lands surrounding the SPA and along the new traffic routes? The location of SPA development distant from existing urban/residential uses will require altered patterns of water usage in these SPA areas. Why wouldn't one logically assume that the creation of a SPA at a distant site acts as the catalyst for development proposals along the new traffic routes to the SPA?

o ESTABLISHMENT OF NEW LAND USES: DESIGNATED SPAS

3 While it is true that the GPU proposes to reduce the total land designated for urban and residential uses, the creation of "two new land use classifications not included in the previous 1973 General Plan: Special Purpose Facility and Specific Plan Area (SPA)" (RDEIR IV-1) reflect the willingness of the County to ignore existing adopted Plans and to affirmatively respond to the

253

various development projects proposed which would otherwise be inconsistent with the existing (1973) Plan and zoning ordinance. From RDEIR III-15 it appears that all of the SPAs designated in the GPU were proposed by landowners. Would it be wrong to assume that the designation of scattered SPA areas in the proposed GPU will trigger numerous future SPA proposals leapfrogged throughout the County? If not, why not? Accordingly, it appears that the proposed GPU would be no less growth inducing than the old plan, rather the designation of SPAs appears to be growth inducing in areas which would otherwise have experienced less growth.

254

Nothing in the RDEIR discussion of SPAs could be seen to explain why one area would be more "suitable for large scale urban development" than any other area which is currently devoted to agricultural uses. The RDEIR asserts that: "Much of the area encompassed by the SPA category, however, was previously designated by the 1973 General Plan for urban, residential or heavy industrial uses." (RDEIR IV-2.) This is misleading. A comparison of Fig. 3 "1973 Land Use Plan" (RDEIR III-5) and RDEIR Fig. 4 "Proposed Land Use Plan" (RDEIR III-11) reveals that is not the case for the majority of SPAs included in the GPU. (1) Much of the Tamarack Canyon Ranch SPA was originally in the 1973 Plan Preservation designation. The remainder was designated Agriculture. (2) The eastern portion of the Bravo Ranch SPA was in the 1973 General Agriculture designation. (3) The East Border Crossing SPA had a 1973 Plan designation of General Agriculture with a portion along the Alamo River designated Preservation. (4) The Holtville Air Strip SPA is located in the 1973 General Agriculture designation. (5) The Glamis SPA which is bisected by Hwy 78 was located in the 1973 Plan designations of Preservation (north of Hwy 78) and Recreation (south of Hwy 78). (6) Only the northwest quadrant of the Interstate 8/Hwy 111 SPA was located in the 1973 Plan El Centro Urban area; the other three quadrants were located in the General Agriculture designation. Only the Mesquite Lake SPA and the Felicity SPA have proposed uses which are consistent with the 1973 Plan intended uses.

255

Furthermore, the EA for Agriculture states that approval of five of the eight GPU proposed SPAs "and conversion of these Important Farmland areas to non-agricultural uses would potentially represent significant impacts to agricultural production." (RDEIR III-51, 52.) That is because "approximately 8,870 acres of Important Farmland would be taken out of agricultural production." (RDEIR III-52). RDEIR text further noted that Mesquite Lake SPA would result in the loss of 4,260 acres of Important Farmland (RDEIR III-52); Interstate 8/State Route 111 would result in loss of 240 acres of Important Farmland (RDEIR III-53); East Border Crossing with 1,600 acres of Important Farmland (RDEIR III-53); Tamarack Canyon Ranch with 890 acres of Important Farmland (RDEIR III-53, 54); Bravo Ranch with 1,790 acres of Important Farmland. In the above SPAs, with the exception of the

255 Mesquite Lake SPA, which was designated for Heavy Industry in 1973, the lands are currently used for agricultural activities.

256 Consequently, the Sierra Club views the SPA designation as growth-inducing because it plans for development (1) in areas which in the 1973 Plan were primarily designated for agriculture or preservation (2) in addition to inducing non-agricultural development between proposed SPAs and other SPAs and between SPAs and Urban Areas as described by RDEIR IV-2 paragraph 3. Because six of the eight SPAs plan development which is inconsistent with the 1973 Plan, it appears unlikely that the County would decline to approve plans of adjacent owners to also develop their lands even in light of the Mitigation Measure #17 against such conversion of agricultural lands (RDEIR Appendix F-4).

o DEVELOPMENT POTENTIAL OF SURROUNDING LAND (Outside Imperial County)

257 RDEIR asserts that implementation of the GPU "would not promote development of land surrounding Imperial County sooner than is planned because the majority of the County's Urban Areas as designated within the central Imperial Valley area" and that "Much of the land situated along Imperial County's boundaries with ...Riverside County ...is characterized by desert or mountain terrain that lacks public services." (RDEIR III-IV-2.) While this statement is true, it is, in fact, quite misleading as revealed by a review of the LUE descriptions of the West Shores/Salton City Urban Area of 31,840 acres abutting the Riverside County line on the west side of Salton Sea (LUE p. 5) and the Hot Mineral Spa/Bombay Beach Community Area with its proposed population in excess of 75,000, also abutting the Riverside County line on the east side of Salton Sea (LUE p.6,7). The proposed GPU would have 78,240 acres designated as Urban (RDEIR III-9). Of that Urban acreage, 31,840 acres is the unincorporated area of West Shores/Salton City Urban Area (LUE p.5). Thus only 46,330 acres designated as Urban is within the central Imperial Valley.

258 Recent travel through the Riverside County communities of North Shore, Mecca, Thermal and Coachella reveal more residential development (with accompanying public services) in the southern portion of Riverside County's Coachella Valley north of Salton Sea than in the West Shores/Salton City Urban Area and Hot Mineral Spa Community Area in Imperial County. The AAA map of California reveals that Salton City is just 32 miles southeast of Indio in Riverside County, but 38 miles from Brawley in Imperial County. The Felicity SPA is less than 15 miles from Yuma Arizona, but approximately 38 miles from Holtville, the nearest city in Imperial County.

CUMULATIVE IMPACTS

259

o MITIGATION MONITORING MEASURE #17 APPEARS TO PRECLUDE APPROVAL OF ANY NEW URBAN USE SPA IN AGRICULTURAL LANDS PRIOR TO BUILD-OUT LUE text describes the purpose, content, standards and criteria for approval of Specific Plan Areas (LUE p.8, 9, 11). The Specific Plan adoption would require a General Plan Amendment (RDEIR III-19, V-3). The "Mitigation Monitoring Measures in Table 1, RDEIR Appendix F include one mitigation measure which appears to prohibit the approval of any urban-use SPAs (in addition to those specifically included in the proposed GPU) which would require the conversion of agricultural lands prior to build out of the urban areas. Mitigation Measure #17 says:

Require the preparation of a regional land use study (every five years) that evaluates the degree to which future development approaches build-out within each of the designated urban areas of the County. No GPA shall be permitted which allows the conversion of agricultural lands to urban uses, unless it is shown by this study that build-out has been achieved. (RDEIR Appendix F-4.)

260

Similar language occurs in RDEIR V-4, however, this mitigation measure was not found in the LUE or Agricultural Element text or elsewhere in the text of the RDEIR. Why is it that some SPA proposals for urban type uses in agricultural lands are being incorporated in the GPU at this time, when Mitigation Measure #17 makes it mandatory that no other such proposals for conversions of agricultural lands for urban uses shall be permitted until "build-out has been achieved"(RDEIR Appendix F-4)? Those in attendance at Public Hearings recall no discussion of the implications of this mitigation measure. During Public Hearings it is recalled that the proponent for the Niceland SPA was advised to submit a SPA proposal, however, according to the Mitigation Measure #17, it would appear to be a futile effort.

261

Under the Cumulative Impacts discussion of Future General Plan amendments, the RDEIR states that: "The Mt. Signal Industrial Park and Niceland Specific Plan Area proposals would result in increased urbanization of these areas. Policies in the General Plan would ensure that these uses would be compatible with surrounding uses." (RDEIR V-3.) If the lands to be used for these SPAs is currently under agricultural production, the SPA General Plan Amendment (GPA) would be prohibited by Mitigation Measure #17 (RDEIR Appendix F-4). These two "proposed Specific Plan Areas would have a direct cumulative impact on 3,000 to 4,000 acres of existing Important Farmland." (RDEIR V-4.) However, the RDEIR does not indicate whether this Important Farmland is presently under cultivation, a factor which would prohibit approval of a GPA under Measure #17.

262

o The RDEIR reference to reservation of Important Farmland for a period of five years was deleted then changed to a two year

262

period of preservation from conversion to non-agricultural uses by the Board of Supervisors. This change is reflected in the text of the "Modified Staff Alternative (RDEIR IX-23). The RDEIR should be corrected elsewhere to accurately reflect the decision of the Board of Supervisors. The prohibitions against the conversion of agricultural lands for urban type uses prior to build-out of the GPU designated urban areas (Mitigation Measure #17, RDEIR Appendix F-4) is not so strict in the text of the LUE. The LUE Land Use Designations and Standards prohibit the conversion of agricultural lands to non-agricultural uses for five years (two years by vote of the Board of Supervisors):

except for annexation to a city, where needed for use by a public agency, for geothermal purposes, where a mapping error may have occurred, or where a clear long term economic benefit to the County can be demonstrated through the planning and environmental review process.
(LUE p.39.)

263

The GPU Agricultural Element's "Development Patterns and Locations on Agricultural Lands" (AE p.40) contains even fewer restrictions related to the location of development projects for residential and non-agricultural commercial uses on lands designated and zoned for agriculture than do the LUE or Mitigation Measure #17. Thus the text of the LUE, AE and RDEIR are inconsistent with respect to conversion of agricultural lands prior to build-out of designated urban areas. Which of the three is intended as the guiding policy for decision-makers? The policy should be the same in all three texts to prevent arbitrary decision-making and to eliminate public perceptions of favoritism with regard to application of prohibitions against conversion of agricultural lands or the exceptions under which such prohibitions would not apply.

264

Further, Cumulative Impacts discussion of "Future General Plan Amendments" for SPAs for projects in areas currently under agricultural production is unwarranted if the County seriously intends to adhere to the Mitigation Measures included in Appendix F, since such General Plan Amendments for urban-type uses shall not be permitted (according to measure #17) until build-out of designated urban areas has been achieved (RDEIR Appendix F, p. F-4).

265

o Areas of "high biological sensitivity" include more than Fig. 11 (RDEIR V-6). Figures relating to sensitive biological resources include Fig. 11a, 11b, 11c, 13, 12, and 15. Development in the Recreation/Open Space designation could have serious cumulative impacts on sensitive wildlife if intensive recreation-oriented residential developments are permitted to occur on inholdings in areas with sensitive species, or if groundwater based agricultural development causes down-gradient water level declines below the root zone of desert plants or if declines impact designated Critical Habitat for the desert pupfish.

266 o Does the construction of a single family home on a lot zoned for residential purposes constitute "any project" in an area designated as very sensitive, such as the entire Ocotillo/-Nomirage Community Area and portions of the West Shores/Salton City Urban Area, and require a mandatory "cultural resources study" prepared by a "qualified archeologist" (RDEIR V-7)?

267 o RDEIR states that:
Development associated with the Mt Signal Industrial Park and Niceland Specific Plan Area proposals would result in increased vehicle trips and vehicle miles travelled, which in turn would result in increased ROG, NOx and PM₁₀ emissions. These emissions could exacerbate the existing non-attainment status of Imperial County for ozone and PM₁₀. (RDEIR V-10.)

It is unclear why the potential emissions from these projects would be any more problematic than emissions from the emissions from increased vehicle trips and vehicle miles associated with travel to and from the proposed Mesquite Regional Landfill, Glamis SPA, Felicity SPA, Holtville Air Strip SPA, Tamarack SPA, or East Border Crossing SPA.

268 o RDEIR Cumulative Impacts discussion of Water Quality (RDEIR V-11) is inadequate because it fails to discuss the potential impacts on groundwater quality which could result from increased pumping for residential purposes within the existing cones of depression in the Ocotillo-Coyote Wells Groundwater Basin and thus the potential for increased degradation of water quality at the monitoring well at Coyote Wells in the Ocotillo/Nomirage Community Area.

269 Further, although the RDEIR discussed potential groundwater quality issues associated with the "potential landfills" (RDEIR V-11), it fails to discuss the potential source of water (imported Colorado River water or groundwater) that would support development of the Felicity SPA which is included within the GPU SPAs and for all alternatives. RDEIR V-11 also contains more discussion about potential groundwater impacts related to potential landfills than to the much studied Ocotillo-Coyote Wells groundwater basin, a sole source aquifer, underlying the Ocotillo/Nomirage Community Area.

270 o RDEIR Cumulative Impacts discussions on Water Quality and Hydrology are also inadequate because they fail to discuss the cumulative impacts of pumping groundwater from wells in Riverside County to supply the needs of Imperial County development on both sides of the Salton Sea (RDEIR III-165, 166) at build-out in addition to meeting the needs for proposed developments in Riverside County. This omission is particularly troubling since the first paragraph in the Cumulative Impacts discussion states

270

that: "For purposes of this analysis, this [County's] sphere of influence shall extend for several miles into the counties of San Diego and Riverside in California, the State of Arizona, and Mexico." (RDEIR V-1.)

271

o The FEIR Vol. II responses to comments on inadequacy of Cumulative Impacts discussion are largely non-responsive to concerns that the EIR failed to provide adequate discussion of potential environmental impacts of build-out of the extremely large acreages covered by Community Areas and West Shores/Salton City Urban Area. Why was more space devoted to the discussion of Cumulative Impacts of two potential landfills and two SPA projects for which completed applications have not yet been submitted (RDEIR V-2) than to build-out of distant Community Areas and Urban Areas in presently unincorporated areas of the County and for the "New Town" of Felicity SPA which are specifically included in the GPU?

SHORT TERM USES VS LONG TERM PRODUCTIVITY & IRREVERSIBLE ENVIRONMENTAL CHANGES

272

o Without discussion of the cumulative impacts of proposed growth and development in groundwater dependent areas, the RDEIR fails to discuss the potential long-term consequences of local impacts resulting from proposed patterns and densities of growth to groundwater resources upon which groundwater dependent communities rely. The long-term consequences of declining water levels and the potential for associated water quality degradation (as documented by on-going studies of the Ocotillo-Coyote Wells Groundwater Basin) could have potentially serious IRREVERSIBLE ENVIRONMENTAL CHANGES which should have been addressed.

ALTERNATIVES TO THE PROPOSED PROJECT

273

o No serious consideration was given to any of the original three alternatives in the 1/93 DEIR because all three were considered unreasonable and infeasible. Of the five alternatives presented in the RDEIR, only the Environmental/Open Space Alternative and Modified Staff Alternative do not contain land use designation proposals which appear unrealistic, unreasonable and infeasible.

INCREASED AGRICULTURE ALTERNATIVE

74

o RDEIR description of the Agricultural Alternative states that "no land shall be removed from the Agriculture category for a period of five years except..." (RDEIR IX-1, emphasis added) and includes a list of four criteria which would constitute an exception to this mandate against agricultural land conversion. This statement, however, is not consistent with Mitigation Measure #17 of the Mitigation Monitoring Program (RDEIR Appendix F-4) which states:

274

Require the preparation of a regional land use study [every five years] that evaluates the degree to which future development approaches build-out within each of the designated urban areas of the County. No GPA shall be permitted which allows the conversion of agricultural lands to urban uses, unless it is shown by this study that build-out has been achieved. (RDEIR Appendix F-4.)

275

o The Increased Agriculture Alternative remains infeasible and unrealistic because it "designates a portion of the East Mesa as Agriculture." (RDEIR IX-1.) The text adds that: "Agricultural development of the East Mesa would be limited to private lands and could cause yet undefined impacts to resources located within BLM Areas of Critical Environmental Concerns (ACEC)." (RDEIR IX-1.) RDEIR, consistent with BLM's East Mesa Wildlife Habitat Management Plan and its Agricultural Policy adopted as a CDCA Plan Amendment, correctly states that designation of the East Mesa as Agriculture "is not consistent with BLM ACEC designations." (RDEIR IX-1.) This added text should be included after the second sentence in Description of Recreation/Open Space RDEIR IX-5 for accuracy. Similarly, text discussion under "Environmental Analysis" of Environmental Impacts on Agriculture (RDEIR IX-7) should also be corrected to be consistent with the above RDEIR text. (Text of BLM management plan and Plan Amendment were included in Sierra Club's 3/22/93 two part comments on the DEIR for the GPU.)

In the discussion of environmental impacts on Biological Resources, RDEIR states that "the vast majority of land in this area is in fact public land administered by the BLM." (RDEIR IX-8.) The RDEIR then erroneously concludes that the "agriculture designation would not conflict with underlying BLM designations" (RDEIR IX-8). This last statement is clearly inconsistent with the highlighted correction on IX-1 and should be corrected.

276

o RDEIR discussion of acreage of land designated for Agriculture under this alternative (RDEIR IX-1,2) is misleading because the "vast majority" of the 163,585 acres within the East Mesa is BLM land and not available for agricultural development and because BLM has an adopted policy to acquire private inholdings specifically to prevent agricultural development. RDEIR for Agricultural Development fails to reflect water availability issues raised by water districts in comment on DEIR and as noted by RDEIR III-16. For these reasons the Increased Agriculture Alternative is not reasonable or feasible as required by CEQA.

277

o Based on Table 26 (RDEIR IX-2) if the land in the East Mesa is excluded from the Increased Agriculture Alternative, the land use designations for the Agricultural Alternative would be identical to those of the Environmental/Open Space Alternative.

277 Both the Agricultural Alternative and Environmental/Open Space Alternative propose reducing acreage for urban development (RDEIR IX- 2, 31) and deletion of the same four SPAs (RDEIR IX-2, 5, 32). However, Public Hearings reveal that GPU proposed Tamarack, Bravo and East Border Crossing SPAs have SPA Plans in varying stages of preparation. Consequently deletion of these SPAs does not appear likely, since it appears probable that the projects would win County approval and because many are already well along in the planning process.

278 o Wouldn't the Agricultural Alternative be considered environmentally superior to the Modified Staff Alternative if is also considered environmentally superior to the proposed Plan Update and Increased Development Alternatives (RDEIR IX-6)?

279 o RDEIR Fig.25 (IX-3) and Fig. 26 (IX-13) are incorrect because they rely on the DEIR base map rather than the RDEIR base map for the Proposed Land Use Plan. Government/Special Public lands reserved for military activities in the East Mesa are depicted as being considerably larger in Fig. 4, 26 and 27. Consequently Fig 25 and 26 should be corrected.

280 o Air Quality impacts would only be "virtually identical" to those of the Proposed Plan (RDEIR IX-9) if the large acreage in East Mesa is not considered as land with the potential for being cleared and put under cultivation.

281 o Water Quality impacts of the Agriculture Alternative could only be "virtually identical" to those of the proposed Plan if new lands in the East Mesa were not placed under irrigated agricultural uses. The same is true for impacts on soils.

INCREASED DEVELOPMENT ALTERNATIVE

282 o The Increased Development Alternative is unrealistic, unreasonable and infeasible as written because it states that "light to medium agricultural uses" would be permitted in the Recreation/Open Space designation for 98,410 acres of land designated as the Ocotillo/ Nomirage Community Area in the Proposed Plan (RDEIR IX-12). This change makes no sense because the LUE states that: "Due to potential groundwater overdraft conditions, agricultural uses are prohibited in the Ocotillo-Coyote Wells groundwater basin." (LUE p.42.) LUE further states that: "Due to potential groundwater overdraft conditions, only passive recreation uses are allowed in the Ocotillo-Coyote Wells groundwater basion." (LUE p.42.) Consequently, the designation of a portion of the Ocotillo/Nomirage Community Area to Recreation/Open Space designation would purportedly allow uses (RDEIR IX-12) which are inconsistent with the stated concerns resulting in restricted uses for these lands in the LUE text.

283 o Would the proposed 160 acre recreational project for the SW corner of SR-111 and Aten Road (RDEIR IX-15) be contemplated if the GPU is adopted as tentatively approved rather than the Increased Development Alternative?

284 o Similarly, will plans for the four additional SPAs proceed for consideration of a General Plan Amendment (GPA) if these SPAs are not included within the GPU? Three of the four (Imperial County Land Company SPA, West Ross Road Corridor, and SR 111 Corridor) (RDEIR IX-16,17) all appear to include conversion of agricultural lands to urban uses and require a GPA which would not be permitted under Mitigation Monitoring Measure #17 (RDEIR Appendix F-4). Only Gordon's Well SPA, with the exception of the jojoba stand would be consistent with Mitigation Measure #17. Of the other SPAs, only 220 acres of the Imperial County Land Company SPA, 80 acres of the West Ross Road Corridor SPA, and the 20 acre cemetery in the SR-111 Corridor and not "Important Farmland currently under agricultural production" (RDEIR IX-16).

285 o It is unclear why the environmental impacts associated with the Tamarack Canyon Ranch SPA, East Border Crossing SPA and Bravo Ranch SPA (RDEIR III-23 thru 25) would be considered less significant than the impacts associated with the four SPAs included in the Increased Development Alternative. How would the West Ross Corridor and Imperial County Land Company SPAs adversely affect commercial activity in the central cities of the County any more than the SPAs included in the proposed Plan? It is noted that Land Use Mitigation Measures paragraph four (RDEIR IX-18) contains text required for all SPAs in the proposed GPU.

286 o How would the Imperial County Land Company SPA (located between the Bravo Ranch and East Border Crossing SPAs and adjacent to the Mexican border RDEIR IX-16)) pose "a significant increase in indirect land use impacts to existing agricultural operations" (RDEIR IX-19)? Why wouldn't the same apply to the Tamarack, Bravo and East Border Crossing SPAs and not be fully mitigable for those SPAs either?

287 o Similarly, why wouldn't the Tamarack, Holtville Air Strip, Felicity, Bravo and East Border Crossing SPAs also result in not fully mitigable traffic circulation impacts as they increase traffic between existing urban uses and the SPAs (RDEIR IX-19)? And why wouldn't the Bravo Ranch and East Border Crossing SPAs "significantly increase traffic circulation impacts in the border area" in a manner not fully mitigable (RDEIR IX-19) just as much as the Imperial County Land Company would?

288 o Impacts to biological resources would be increased if the Increased Development Alternative were to allow commercial agriculture or intensive commercial recreation in that portion of the Ocotillo/Nomirage Community Area which would be designated

288 Recreation/Open Space under the Development Alternative. Such uses are prohibited in lands overlying the Ocotillo-Coyote Wells ground-water basin by text of the Community Area development standards (LUE p.42).

289 o Why wouldn't the Increased Development Alternative result in increased emissions from vehicles due to the more distant location of SPAs from existing uses (RDEIR IX-19 re Public Services impacts) rather than "be virtually identical to the [air quality] impacts described for the proposed Plan Update"(RDEIR IX-19 re Air Quality impacts)?

290 o RDEIR discussions of environmental impacts on water quality and hydrology for the Increased Development Alternative (RDEIR IX-22) are inadequate because they fail to consider the potential impacts on groundwater quality/quantity issues in the Ocotillo-Coyote Wells groundwater basin from development of commercial irrigated agriculture and/or intensive commercial recreation uses in the Recreation/Open Space designation for 98,410 acres in the GPU designation of Ocotillo/Nomirage Community Area (ONCA). The GPU's ONCA would prohibit intensive commercial recreation and agricultural uses in the Ocotillo-Coyote Wells groundwater basin because of "potential groundwater overdraft conditions" (LUE p.42).

MODIFIED STAFF ALTERNATIVE

291 o The Modified Staff Alternative "includes a two-year General Plan Amendment limit on agricultural designated lands." (RDEIR IX-23.) There is also a reference to exceptions if "special findings of benefit to the County can be identified." (RDEIR IX-23; see also IX-28.) This statement of a two-year limit and the provision of an exception for "benefit to the County" and other exceptions (RDEIR IX-28) are not consistent with the text of Mitigation Measure #17 (RDEIR Appendix F-4). How will this inconsistency be resolved?

292 o The legend to Fig. 27 "Modified Staff Alternative" (RDEIR IX-25) does not explain the areas which are shaded grey, but which are not shaded grey on any other map for an Alternative to the Proposed Project. A correction or explanation is required.

293 o The "relatively slight overall increase of SPA area" (RDEIR IX-27) in the Modified Staff Alternative is actually a 9.5% increase in the acreage of SPAs based on RDEIR Table 26 (IX-2).

ENVIRONMENTAL/OPEN SPACE ALTERNATIVE

94 o The East Mesa is unlikely to ever be developed for agriculture because of (1) the pattern of BLM land ownership, (2) ACEC designation and (3) BLM management policies and Plan Amendments (referenced earlier and in the Sierra Club 3/22/93 two part comments on the DEIR (incorporated by reference herein)), even if

294

the East Mesa is designated for Agriculture in the Agricultural Alternative. (See also text of Agriculture Alternative re inconsistency with BLM ACEC referenced elsewhere in these comments.) Consequently, land use designations of the Environmental/Open Space Alternative and the Agricultural Alternative are, for all practical purposes, identical if the East Mesa is not considered as having agricultural land potential. (RDEIR IX-1, 2, 31.)

295

o When remembering that the County has Planning authority over those limited acreages of lands which are privately owned outside the irrigated areas of Imperial County, the Recreation/Open Space residential development standard of 1 single family unit per 40 acres, prohibitions of agriculture and intensive commercial recreation are compatible with BLM management policies and plans for ACECs and Wilderness Study Areas which surround or are adjacent to many of these private lands. The development standards are in fact compatible with BLM policies for most BLM lands with the exceptions of those lands specifically designated as "Open Areas" or areas with specific designated "Routes of Travel" for Off-road vehicle activity. Such BLM areas which receive significant off-road vehicle activity with BLM authorization include areas such as the Plaster City Open Area and areas in the South Algodones Dunes. BLM maps have designated trails as "closed" to travel where they pass through private lands, so the general restriction of off-road vehicle use areas on private lands is compatible with BLM policies. Limited development and a prohibition on agricultural development is realistic since most areas would be served with groundwater rather than imported Colorado River water and because agricultural development on private lands in sensitive resource areas could result in significant off-site impacts to sensitive biological resources or sensitive cultural resources.

296

o It is noted with great interest that: "Future population growth, economic growth, economic diversification, and other factors in the County are not expected to be substantially influenced any differently under this (Environmental/Open Space) alternative than they would be under the proposed Plan Update." (RDEIR IX-32,35.) It is also noted that: "All projected population growth, economic growth, and urban development would easily be accommodated in the Urban Areas and SPAs identified in this alternative." (RDEIR IX-35.)

297

o Why does the RDEIR analysis not indicate this plan also environmentally superior to the Agriculture Alternative? Is it because the authors realize there is little or no potential for agricultural development in the East Mesa and therefore the Increased Agriculture Alternative is infeasible?

298

o RDEIR discussion of environmental impacts to Water Quality and Hydrology is inadequate because it fails to discuss the

298

potential for reduced impacts to groundwater availability and quality which are associated with Recreation/Open Space restrictions on agriculture and intensive commercial recreation (RDEIR IX-32). The reduced impacts are associated with the elimination of the potential for groundwater based agriculture or aquaculture on private inholdings or up-gradient from sensitive habitats such as the San Sebastian Marsh/San Felipe Creek ACEC with its designated Critical Habitat for the endangered desert pupfish. The agricultural prohibition and prohibition against water consumptive recreation such as golf courses would reduce the likelihood of water tables dropping below the root zone for mesquite hummocks which provide habitat for many species of animals.

NO PROJECT ALTERNATIVE

299

o The No Project Alternative (retention of the 1973 Plan) is unrealistic, unreasonable and infeasible because the Ocotillo-Coyote Wells groundwater basin cannot support the urban population of 15,000 to 20,000 projected by the 1973 Plan and its associated 1973 Current Land Use Plan for the Yuha Desert Planning Unit. Concerns about potential limitations of the groundwater resource are expressed in the Community Area standards of the proposed GPU (LUE, p.42). The 1973 Plan is also unrealistic because it proposes Agriculture for the East Mesa, a use which is not compatible with BLM's ACEC designation (RDEIR IX-1) and adopted management policies and Plan amendment detailed in the Sierra Club's 3/22/93 two part comments on the DEIR. The 1973 Plan contains further unrealistic designations for an urban area at Hot Mineral Spa and depicts a Heavy Industry designation for BLM lands in the vicinity of Plaster City.

300

o The Sierra Club does not agree that the Recreation/Open Space designation would be more effective in protecting sensitive biological resources than the 1973 Plan (RDEIR IX-41). According to the LUE, this Recreation/Open Space designation in would permit both agriculture and/or intensive commercial recreation and high density (LUE p. 45 to 47) in areas where it would previously have been prohibited. Furthermore, the proposals for two large regional landfills within desert tortoise habitat, will adversely affect the threatened desert tortoise and its habitat

301

if proposed landfill projects are approved. The issue of Preservation vs. Recreation/ Open Space designation has been discussed earlier.

302

Further, removal of the "Preservation" designation from the major portion of the Yuha Basin ACEC is not likely to provide improved protection for cultural resources on either public or private lands.

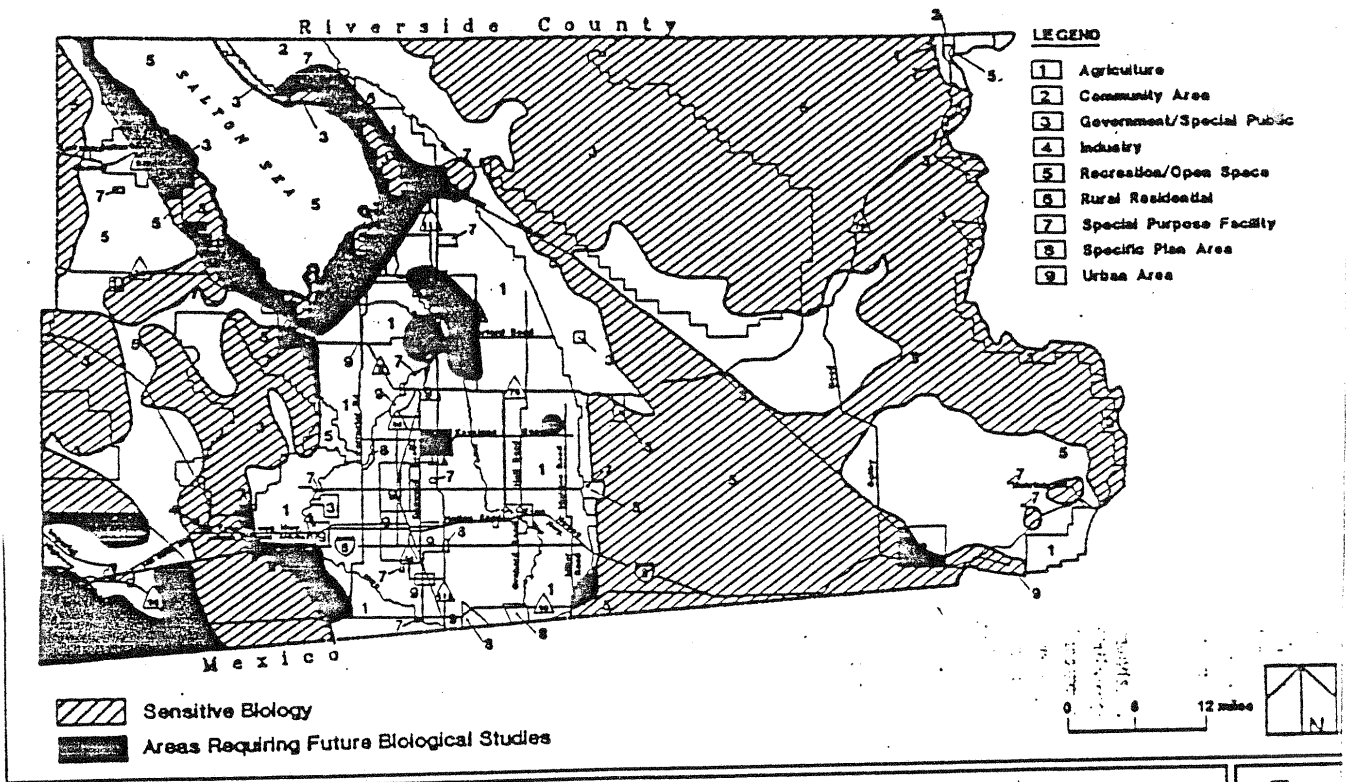
303

o RDEIR water Quality analysis for the 1973 Plan is inadequate because it fails to discuss the potential impacts on the Ocotillo-Coyote Wells groundwater basin that would result from the

303 development of the proposed population of 15,000 to 20,000 centered around Ocotillo.

CONCLUSION

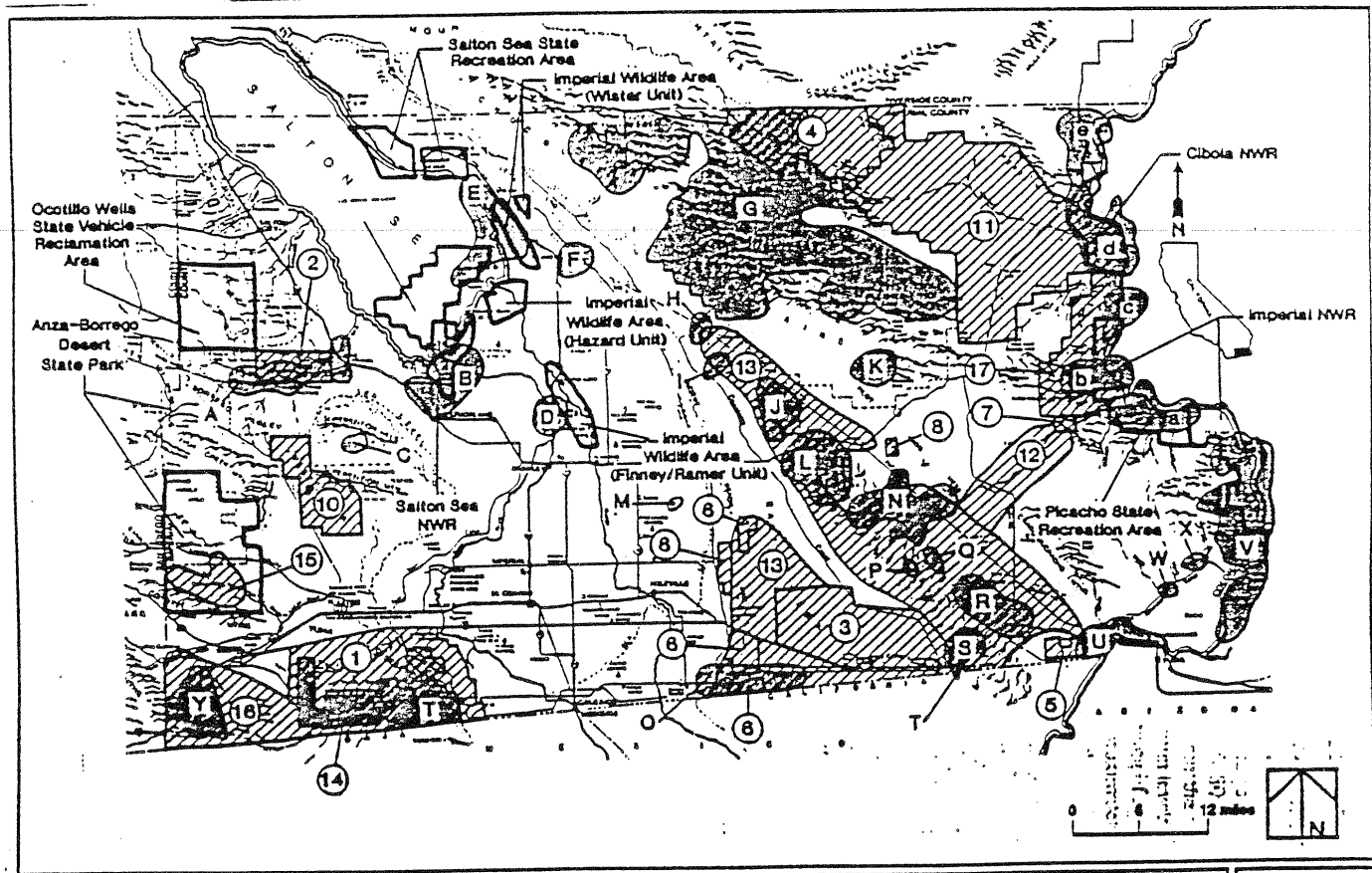
304 In conclusion, the Sierra Club recommends that a Supplemental Revised Draft EIR and revised GPU be prepared to correct the deficiencies noted herein and in previous comments and letters submitted by the Sierra Club and that these documents be circulated for a full public comment period. The Sierra Club also
305 recommends that a complete and correct official public record be prepared for the GPU project.



Imperial County
General Plan

Biological Sensitivity Map

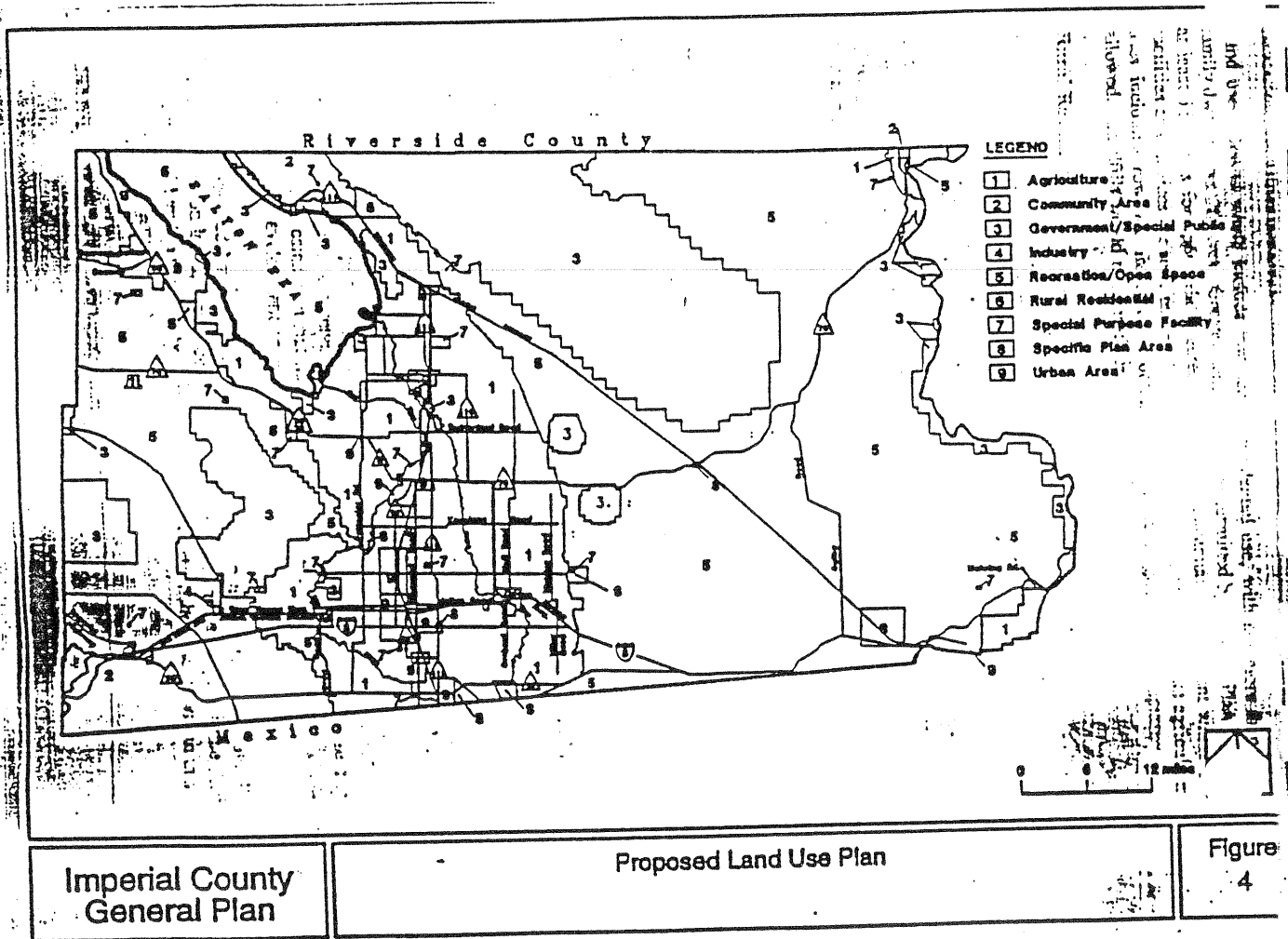
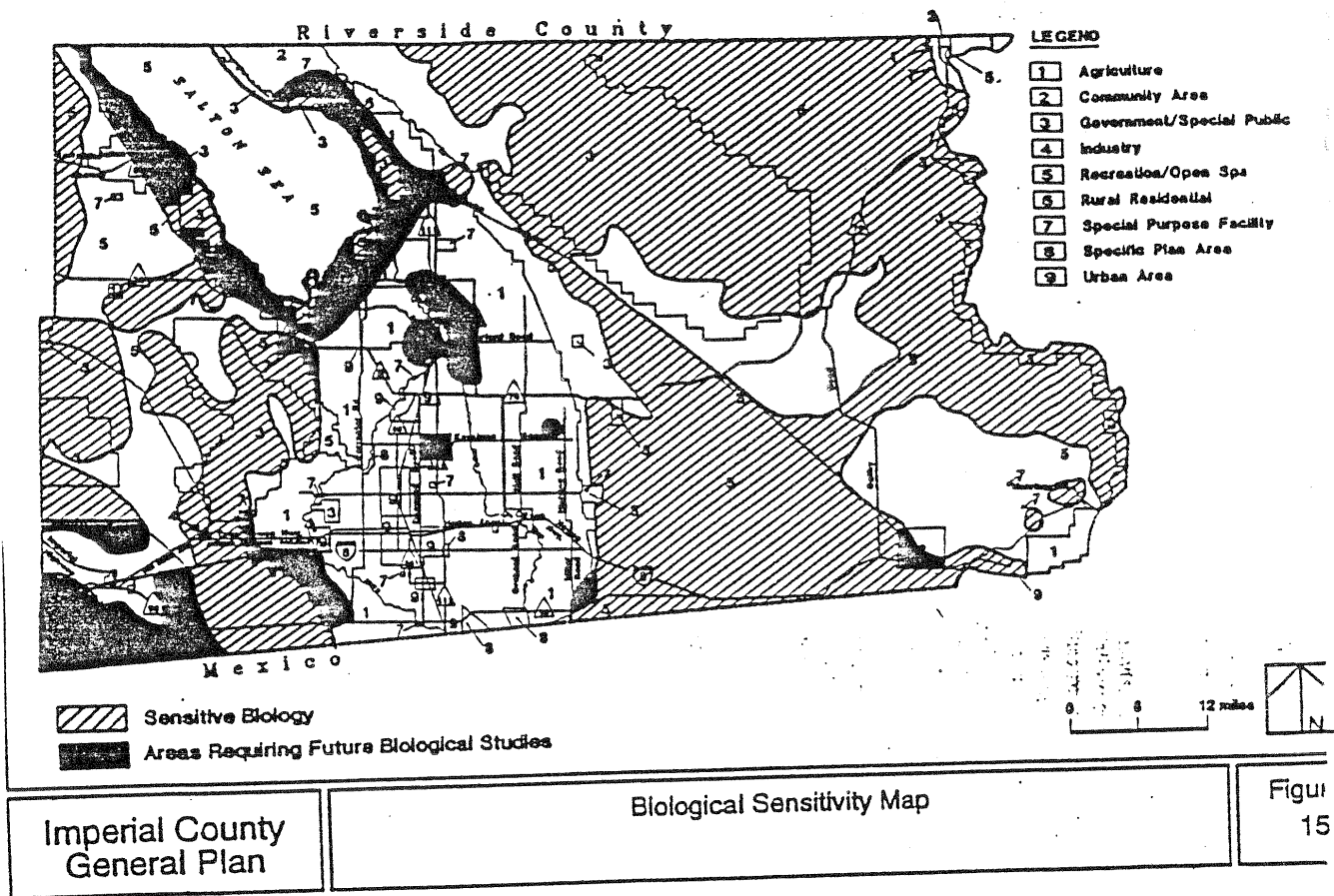
Figure
15

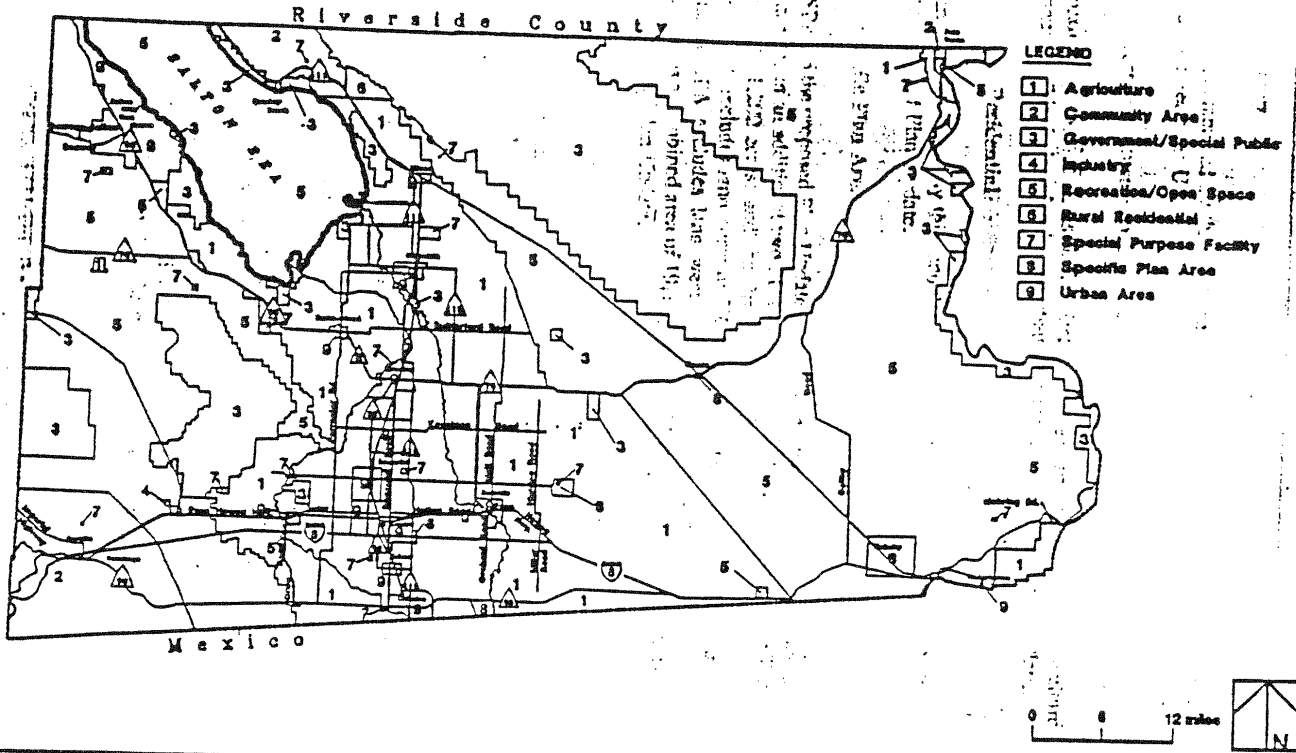


Imperial County
General Plan

Resource Areas

Figure
14

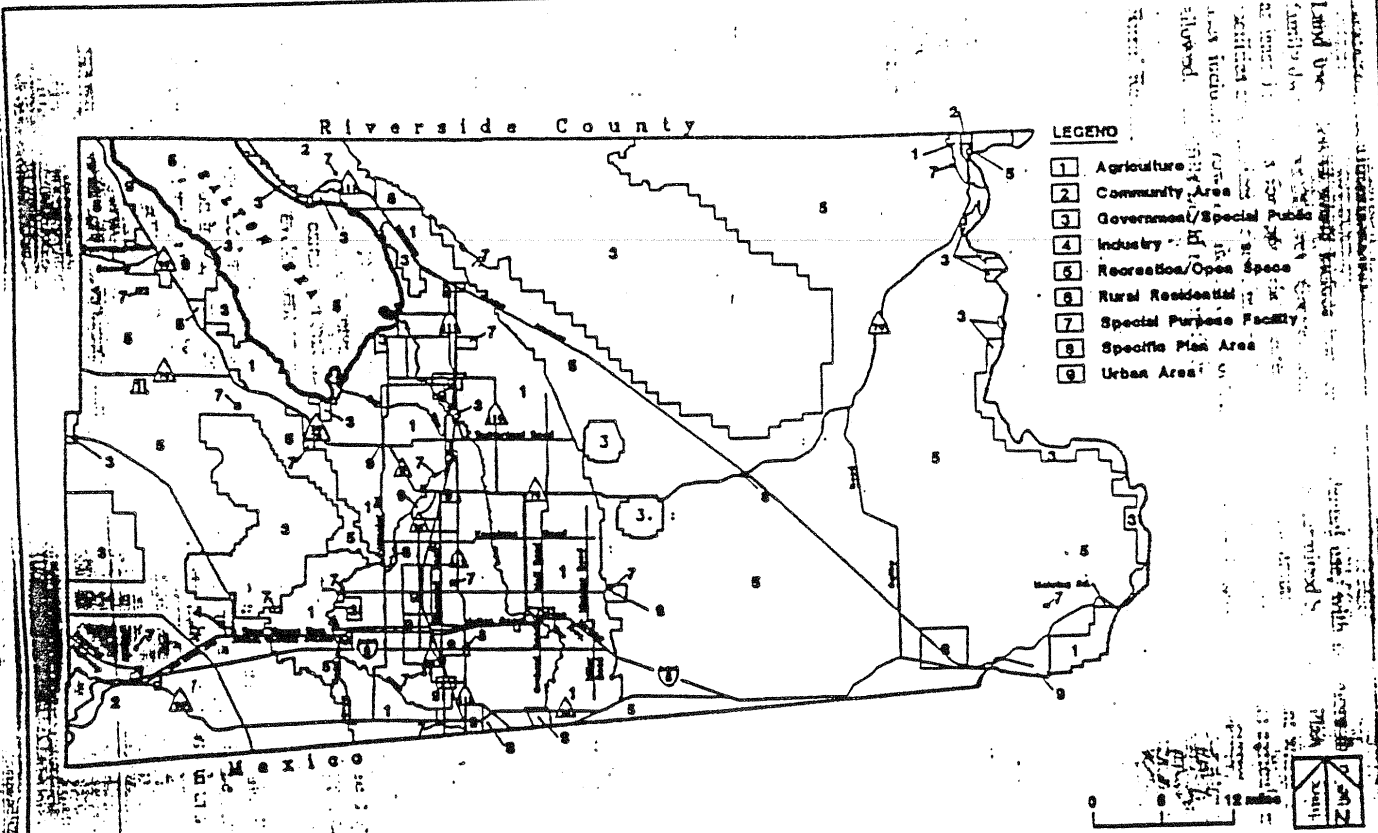




Imperial County
General Plan

Increased Agriculture Alternative

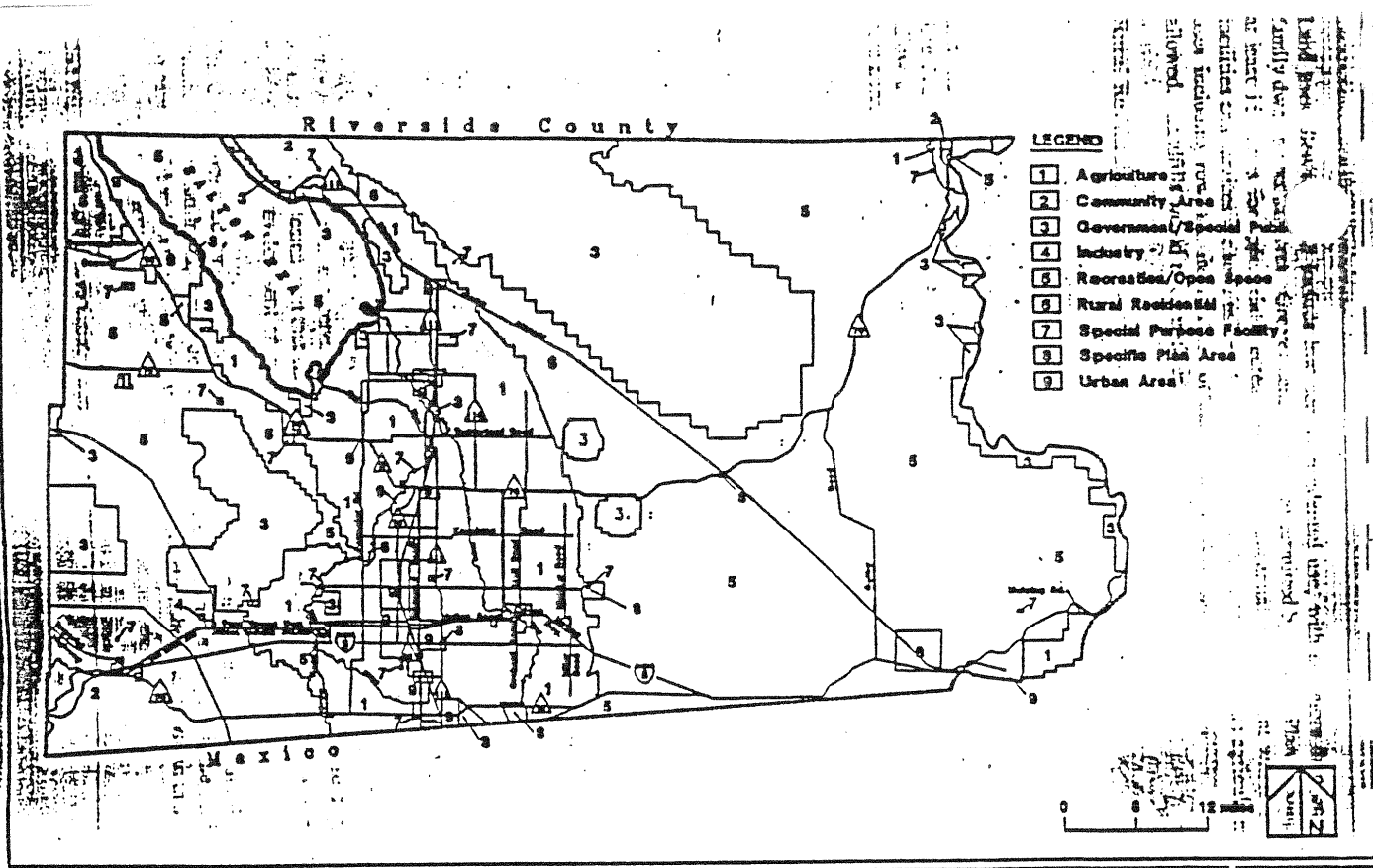
Figure
25



Imperial County
General Plan

Proposed Land Use Plan

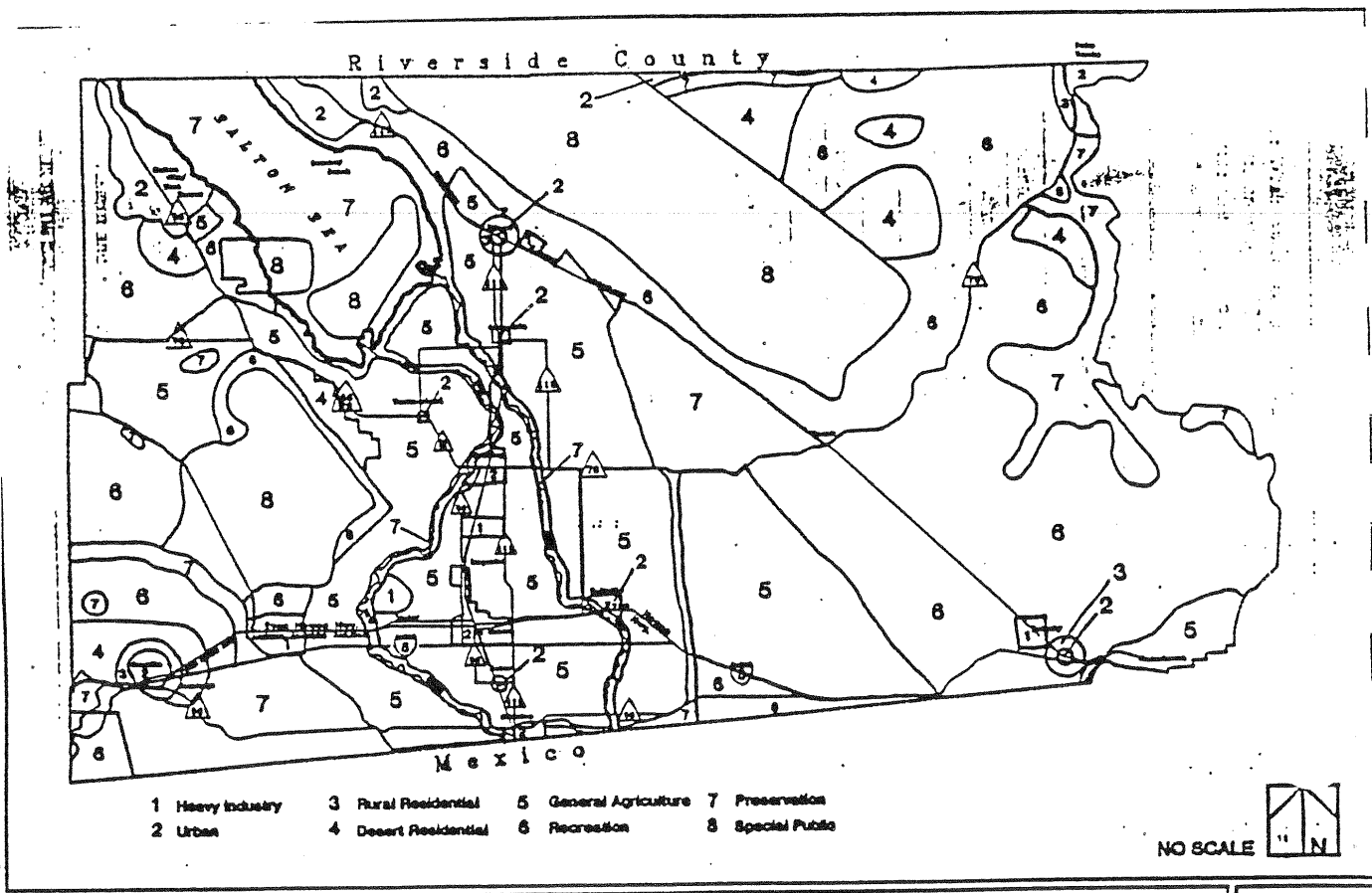
Figure
4



Imperial County
General Plan

Proposed Land Use Plan

Figure
4



Imperial County
General Plan

1973 Land Use Plan

Figure
3

Coachella Desert Tortoise HMP - Preparation Guide

MAP OF THE PLANNING AREA

Illustration 1

MARINE CORPS AIR
GROUND COMBAT CENTER

JOSHUA TREE NATIONAL MONUMENT

COACHELLA VALLEY

CADIZ VALLEY

CHOCOLATE

MOUNTAIN

AERIAL

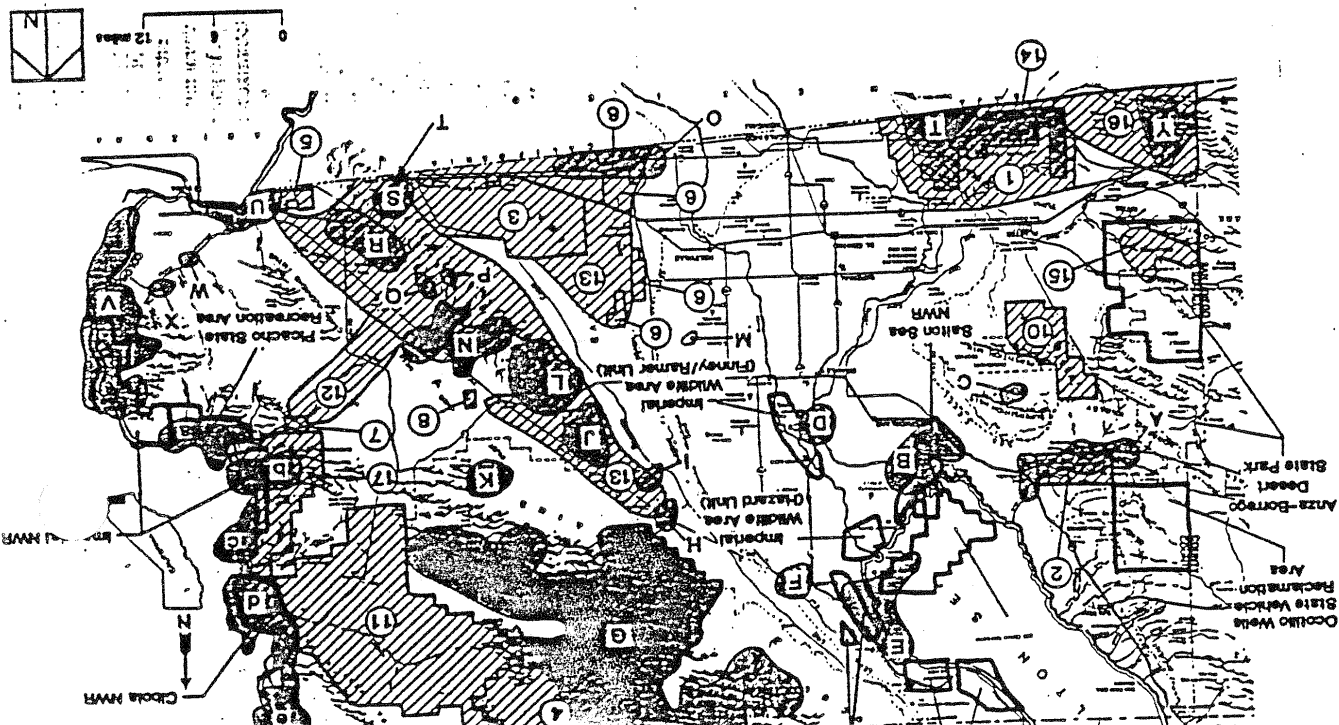
GUNNERY
RANGE

YUMA

RESOURCE
AREA

Imperial County
General Plan

Resource Areas





SIERRA CLUB LEGAL DEFENSE FUND, INC.

The Law Firm for the Environmental Movement

180 Montgomery Street, Suite 1400 San Francisco, CA 94104-4209 (415) 627-6700 FAX (415) 627-6740

July 30, 1993

Tom Fries
County Counsel
County Administration Center
940 West Main Street
El Centro, California 92243

Dear Tom,

Joan Jackson and Edie Harmon enjoyed the opportunity to meet with you the other day. Pursuant to the discussion at that meeting, I am now writing to you concerning the procedural defects in the manner the plan was adopted that must be addressed by the County. These defects are of three different kinds. First, the official public record of the proceedings on the plan does not contain a complete record of the comments submitted by Edie Harmon and by the Club. Eighty-four pages of Sierra Club comments were not included in the FEIR. As a result, the County is required to recirculate the EIR with all of the public comments on the EIR included.

The second problem arises from the fact that the plan changed considerably from the draft that was the subject of the EIR, and upon which there was opportunity for public comment. The changes were in fact material and require opportunity for public comment on the final version of the plan and preparation of a supplemental EIR that addresses the revisions of the Plan after the EIR was prepared. Examples of this new material are the following:

1. GPU Overview (21 pages).
2. Four significant projects identified for the first time in the Cumulative Impacts section (involving 13,000 acres) and not discussed in the EIR.
3. Staff Alternative Plan, which was presented by County Staff, and recommended for adoption by the Planning Commission. This was presented at public meetings through a map alone and was not discussed in the EIR as an alternative.

SAN FRANCISCO OFFICE

Lauri J. Adams
William S. Curtiss
Julie E. McDonald
Vawter Parker
Deborah S. Reames
Laurens H. Silver
Michael R. Sherwood
Stephan C. Volker

Maria Savasta Kennedy
Associate Attorney

REGIONAL OFFICES

Denver, Colorado
Honolulu, Hawaii
Juneau, Alaska
New Orleans, Louisiana
Seattle, Washington
Tallahassee, Florida
Washington, D.C.

Tom Fries
July 30, 1993
Page 2

4. Two pages of text added in the Circulation Element relating to infrastructure components such as railroads, airports, recreational waterways, canal systems, electric generation, petroleum, and gas lines.

5. New GPU and FEIR text related to recreation and pollution clean up at New and Alamo Rivers and Salton Sea.

6. New GPU LUE Objective 9.6, concerning compact communities, mixed land use, balancing of jobs and housing, and circulation management.

7. New LUE text (p. 49) contemplating waiver of buffers around new solid waste facilities.

Thirdly, there are numerous critical instances in which the text of the EIR relating to policies and principles and the GPU are not congruent and have not been integrated. The following instances, inter alia, must be addressed:

1. FEIR discussion (III-134) of required consultation with USFWS re habitat compensation and mitigation measures associated with mining in endangered or threatened species habitat is not reflected in the text of GPU as a plan requirement.

2. The FEIR mitigation measure (p. III-210), requiring a groundwater availability/quality study for discretionary development projects within limited groundwater basins, is not reflected in the GPU Water Element.

3. The GPU text was not amended to reflect changes in the plan announced in responses to comments on the EIR.

In deciding to supplement the EIR and recirculating the GPU, I would hope the County would give consideration as well to some of the serious problems with the plan that the Club has already pointed out. These include:

1. The FEIR analysis of the Increased Agriculture Alternative provided inadequate discussion of (a) BLM management plans and policies, (b) water availability issues raised by various water districts. A supplemental EIR should incorporate information from the water districts and BLM policies, management plans, and CDCA Plan amendments and present an alternative which is feasible given the existing adopted federal policies and management mandates.

2. The cumulative impacts assessment on build-out anticipated by the GPU should discuss cumulative impacts in comparison to existing development rather than at build-out under the unrealized 1973 Plan.

3. The existing FEIR analysis of impacts of development on infrastructure, including sewage, schools and health care at build-out is almost non-existent and needs revision.

4. Major mapping changes need to be made in the EIR and GPU Resource Area maps to reflect BLM CDCA Plan Amendments. GPU maps should be identical to EIR maps of the same title, and missing maps referenced in the GPU text should be provided. Maps depicting existing patterns of federal state, county, Indian and private lands should be included to facilitate interpretation of development potential in a given area. General maps showing patterns of ownership and therefore development potential or constraints could serve to minimize potential proposals for incompatible land uses.

5. All completed drafts of Urban Area Plans and Community Area Plans should be included in the revised GPU, evaluated in the SEIR, and considered for concurrent adoption at this time rather than deferring adoption to future General Plan Amendments.

6. The FEIR and responses contain inadequate discussion of groundwater availability and environmental impacts on groundwater resources resulting from anticipated build-out of Community Areas and Urban Areas which are currently dependent on groundwater for all needs. Areas around the northern sides of Salton Sea proposed as major population sites (excess of 150,000 people) were identified as obtaining water from deep wells located in Riverside County. The EIR, however, has no discussion of impacts and planned Riverside County development which relies on the same groundwater resources. A supplemental EIR should address availability and water quality issues associated with anticipated build-out in all of the groundwater dependent areas designated for development.

7. Specific Plan Areas designated in the LUE are not consistent with the Agricultural Element (AE) goals to prevent leapfrogging and provide for future urban development adjacent to existing urban areas. The analysis of the environmental and social impacts of SPA identified non-agricultural uses and the necessary infrastructure to serve these large acreages is inappropriately deferred to future EIRs and is not adequately analyzed in the GPU FEIR.

8. Any revised draft GPU (including Community Area Plans) and EIR should include authorized uses consistent with the text and the maps of the various other elements of the GPU and provide environmental analysis reflective of the potential uses explicitly listed.

9. Intensive commercial recreational, residential or agriculture on private inholdings within BLM ACEC's, Wildlife Habitat Management Areas, Wilderness Study Areas, or designated

Tom Fries
July 30, 1993
Page 4

Wilderness Areas is not consistent with the various goals and objectives and policies and programs of the Land Use Element (LUE), Conservation/Open Space Element (COSE), and Water Element (WE) or compatible with management plans and policies of surrounding federal lands or available groundwater resources. Environmental impacts of intensive developments on inholdings in sensitive areas were not adequately addressed in the FEIR. Deferring such discussion for future EIR's is not appropriate when new intensive land uses are being set forth as being "authorized" with a SPA for 160 acre or larger inholdings in the GPU.

The Club appreciates your concern, especially your willingness to urge that the Board circulate a revised EIR and a revised GPU. I would appreciate a prompt response.

Sincerely,



Laurens H. Silver

cc: Joan Jackson
Eddie Harmon

SCH #93011023

To: Supervisor Wayne Van De Graaff, Chairman
Imperial County Board of Supervisors
Tom Fries, County Counsel

From: Edith Harmon, Ocotillo

Date: July 20, 1993

Re: Incomplete and missing letters submitted for public record as
an individual commenting on DEIR, FEIR and draft and revised
GPU



Today I reviewed the bound Volumes I and II of "Comment letters for the Draft General Plan" as of June 2 and 4, 1993. While I can only comment on materials I submitted and which were submitted for the Sierra Club, the completeness and accuracy or integrity of the official Public Record is far worse than our initial review on July 2 and July 6, 1993 suggested!

Bound volumes I and II provided by the Planning Department for the Planning Commission decision-makers misrepresent the comments of both the Sierra Club and myself. There appears to have been some creative reorganizing of comment letters which were originally stapled together, clipped together and/or submitted as a single response. Additionally both text and appended letters/materials were deleted in several instances. If the following list seems confusing, the bound volumes of comments are even more confusing.

After close review, it appears that: (a) the first page of the 3/17/93 letter is incomplete; (b) the 3/24/93 letter to the Board of Supervisors was inserted between pages 1 and 2 of the 3/24/93 letter to County Counsel; (c) letter of 4/7/93 to Heuberger is missing; (d) letter of 6/2/93 to Morrison is missing; (e) 1/8/93 letter to Heuberger with attached letters of 8/21/92 and 10/3/92 are missing; and (f) 3/29/93 comment letter on DEIR and GPU is missing pages 15, 16 and the 16 pages of appendix including 3/31/92 letter re groundwater, 2/8/93 USG environmental information, 1991 summary and map re groundwater information, Hot Mineral Spa map and BLM DAG map are missing. Additionally, the 5/25/93 letter to the Planning Commission bears a different date stamp than the identical copy which I had date-stamped on 5/27/93 for my records. That 5/25/93 letter is missing the enclosures listed on pg.4.

For unknown reasons, the 84 page Sierra Club part 2 response hand delivered and submitted with the Sierra Club part 1 comments on 3/22/93 was inserted in comments Vol. II after page 14 of my 3/29/93 comments as an individual on the DEIR/GPU project. The missing pages and appendix to my 3/29/93 comments were not located anywhere in either bound volume.

However, after reviewing the FEIR volume of comments and
Incomplete and missing comment letters on GPU project

responses and observing that some letters I submitted on the DEIR/GPU had been omitted from the FEIR, I attached a number of letters as enclosures to my 5/25/93 comments to the Planning Commission on the FEIR. Consequently, the Planning Department received an original and 1 copy of my 3/29/93 comments on the DEIR and GPU.

The following Sierra Club comments and letters are inappropriately identified as comments of mine: (a) 3/23/93 appendix to Sierra Club comments submitted on 3/22/93; (b) letter of 4/3/93; and (c) 84 pages of Sierra Club part 2 comments submitted on 3/22/93 and specifically incorporated by reference as DEIR comments as described on pg. 1 of the Sierra Club comments in the FEIR Vol. II. The Sierra Club was not acknowledged as a commenter in Vol. II of the Comment Letters even though those 84 pages are the longest single comment.

The omissions of letters and erroneous presentation of comment letters received by the Planning Department and included in the bound volumes of comments presented by the Planning Department to the Planning Commission represents a distortion of the full public commentary received on the GPU project. Based on the distortions and omissions I have noted, who knows how many other letters have been omitted and/or how many other comments have pages missing or out of order? What were the criteria for including comment letters of some, but failing to include complete letters of others? Members of the public should be able to trust that letters mailed or hand delivered for a specific planning project will be included in the public record for decision-makers as the letters were submitted.

Failure of the Planning Department to present an accurate and complete set of public comment to decision-makers of the Planning Commission and Board of Supervisors seriously undermines public confidence in the planning process and the opportunity for public commentary required by CEQA.

I respectfully request that the County void the decisions of the Planning Commission and Board of Supervisors on the GPU because the Public Record does not accurately reflect public comments submitted prior to hearing and the official record is therefore flawed. Because the record is flawed, the decisions based on that record are also flawed.

cc:

Board of Supervisors and official hearing record for GPU
Joan Jackson, Sierra Club Legal Committee
Nick Ervin, Sierra Club Conservation Committee
Larry Silver, Sierra Club Legal Defense Fund
Richard Wharton, USD Environmental Law Clinic
Courtney Coyle, USD Environmental Law Clinic



SIERRA CLUB, SAN DIEGO CHAPTER
 San Diego and Imperial Counties
 3820 Ray Street
 San Diego, CA 92104

(SCH #93011023)

To: Supervisor Wayne Van De Graaff, Chairman
 Imperial County Board of Supervisors
 Tom Fries, County Counsel

From: Edith Harmon, Imperial County Representative,
 Conservation Committee

Date: July 14, 1993

Re: Incomplete Public Comment Record for General Plan Update
 (GPU) and FEIR as of July 6, 1993



This letter summarizes issues raised in the verbal statements and letters of Joan Jackson and Edith Harmon presented at the July 6, 1993 Public Hearing on General Plan Update (GPU). (Letters enclosed.)

On March 22, 1993 the Sierra Club submitted to the Planning Department our two-part packet of comments addressing the DEIR and the GPU/DEIR. This document contained 135 pages of comments on the DEIR and 84 pages on the GPU (incorporated by reference as DEIR comments) and appendix. If these comments seem lengthy or repetitious, it is because separate comments on DEIR and GPU were requested by the County's consultant and because comments follow the format of the County's DEIR and GPU documents which are themselves repetitious. Although the Sierra Club did meet the comment period deadline for both the DEIR and draft GPU, 84 pages of our comments were omitted from the FEIR Vol. II.

The FEIR was released for review some 2 months after the comment deadline on the DEIR. After reading the FEIR and revised GPU, and in light of the omission of part of our earlier comments, the Sierra Club deemed it necessary to submit an additional 20 page comment in response to the FEIR and revised GPU for the benefit of the Planning Commission and Board of Supervisors. The materials submitted to the Planning Commission prior to the hearing date included a copy of the Sierra Club's complete two part comments on the DEIR and GPU originally submitted on March 22, 1993, BLM FOIA materials with cover letter, a June 7th cover letter and 20 pages of comments on the FEIR and revised GPU. These mailed submissions were received by the Planning Department on June 8, 1993. However, only the cover letters and BLM FOIA materials appeared in the bound volumes of background materials available for public review prior to the Board's hearing on July 6, 1993. Missing were the 20 pages of comment on the FEIR and revised GPU. (On July 6th there were three bound volumes of letters/comments and numerous unbound submissions to the Board in addition to the GPU and FEIR volumes available for public review in the office of the Clerk to the Board of Supervisors.)

The Sierra Club considers it important for the Board of Supervisors to understand our major concerns with the FEIR and revised GPU. Consequently, a third set of comments, 17 pages in length, was mailed and received by the County for the Board on June 28th. Yet it appears that these comments were not included in the public record for the June 29th Board of Supervisors hearing or available for public review on July 6, 1993 prior to the Board's fourth day of continued public hearings on the GPU. Indeed, only the cover letter with 2 of the 3 listed enclosures was found in the official record as of our inspection on July 6, 1993. (However, because the Planning Director did refer to the maps in this 17 page response during the public hearing meetings, we erroneously assumed that these written comments had been included in the official public hearing record.)

The Sierra Club objects to the County's failure to include our written comments (received by the County prior to Public Hearings) in the official record of written public comments made available to decision makers prior to their decisions on this project. The County's failure to include our written comments make it appear that the Sierra Club failed to respond in writing to the FEIR and revised GPU documents. Our public statements at hearings referenced written comments which had been submitted for the public record and received by the County prior to the hearing dates.

Accordingly, during the July 6, 1993 hearing we resubmitted the 17 pages of comments and their June 23, 1993 cover letter addressed to the Board of Supervisors. At that time we also resubmitted the 20 pages of comments and the attached June 7, 1993 cover letter addressed to the Planning Commission. That July 6, 1993 submission represented the second submission of comments on the FEIR and revised GPU addressed to the Board of Supervisors and Planning Commission on June 7 and June 23, 1993. Copies of the return receipts were also submitted for the Public Record.

Based on our July 6th inspection of the official hearing record, it appears that the Planning Department substituted the Sierra Club's part 2 comments (84 pages on the DEIR and Draft GPU) into my comments submitted as an individual rather than include them in the FEIR Vol. II with the Sierra Club's part 1 comments to which they were specifically incorporated by reference. (Harmon 7/6/93 letter enclosed.) That mishandling of responses again misrepresents the full comments of both the Sierra Club and Harmon on the County's General Plan Update Project. Additionally, we direct your attention to the fact that the Sierra Club was omitted from the list of commenters.

Failure of the County to include complete sets of written comments as submitted and referenced in our public comments at Public Hearing mean that the decisions of the Planning Commission and Board of Supervisors were made without consideration of the Sierra Club written comments on the FEIR and revised GPU. The County's failure to include and respond to all written comments submitted within the comment deadline and failure to provide a correct and complete record of all comments injures all. Who can tell whom the County decides to acknowledge? As noted in the Sierra Club's letter of July 6, 1993, the Sierra Club believes the

record for the decision on the General Plan Update and FEIR is flawed because of these omissions and irregularities.

The Sierra Club would appreciate an explanation for the following questions:

- 1) Why our complete comments on the DEIR and GPU were omitted from the FEIR Vol. II even though comments were received by the Planning Department prior to the comment deadline.
- 2) Why all of our written comments on the FEIR and revised GPU addressed to the Planning Commission did not appear in the public record for the Planning Commission hearing on June 9th, as of our July 6th inspection of that record at the office of the Clerk to the Board of Supervisors.
- 3) Why all of our written comments on the FEIR and revised GPU for the June 29th Board of Supervisors Public Hearing on the GPU were not included in the official public record as of our July 6th inspection at the office of the Clerk to the Board of Supervisors.
- 4) Why the omission of the Sierra Club from the list of commenters.

Written comments addressed to decision-makers and submitted prior to the public hearings should be made available to Commission and Board members and be included as part of the official public comment record as required by CEQA. As part of the public record, full commentary should be available for public review.

Accordingly, the Sierra Club requests that a revised draft GPU and revised draft EIR with the complete and correct public comment record be circulated, and that there be a reconciliation of discrepancies between text and maps, GPU inter-element inconsistencies, County document compatibility with adopted federal management plans and policies, and incorporation of changes discussed in FEIR responses to comments.

enclosures:

Harmon letter of 7/6/93

Sierra Club letter of 7/6/93

First pages of Sierra Club comments on:

DEIR (135 pgs) and draft GPU (84 pgs) received by Planning Department 3/22/93

FEIR and revised GPU (20 pgs) received by County for Planning Commission 6/8/93

Additional comments on FEIR and revised GPU (17 pgs) received by County for Board of Supervisors 6/28/93

cc:

Board of Supervisors & official record for General Plan Update
State Clearinghouse (SCH #93011023)

Joan Jackson, Sierra Club Legal Committee

Larry Silver, Sierra Club Legal Defense Fund

Richard Wharton, USD Environmental Law Clinic

Courtney Covle, USD Environmental Law Clinic



SIERRA CLUB, SAN DIEGO CHAPTER
 San Diego and Imperial Counties
 3820 Ray Street
 San Diego, CA 92104

Supervisor Van De Graaff, Chairman
 Imperial County Board of Supervisors
 940 Main Street
 El Centro, CA 92243

Dear Chairman Van De Graaff:

We reviewed documents that were included in the official record for the General Plan Update in the office of the Clerk to the Board of Supervisors on Friday July 2, 1993. Several responses submitted by the Sierra Club on the General Plan Update and EIR were not included. Today, 7/6/93, there were two additional volumes of comments available. One dated 6/2/93, the other 6/4/93. These two volumes were not available for our review on 7/2/93.

Although the Sierra Club cover letters for the packets dated 6/7/93 and 6/23/93 were included, the complete contents of the packets were not. There are other items we submitted that do not appear in the in the public record. The purpose of a public comment period is to allow the decision makers to make their decisions on the best possible information. The public also has a right to review comments made. When the record is not complete this makes it difficult for the Board to make a decision based on all available information. It also makes it impossible for there to be a informed review by the public.

The Sierra Club believes the record for the decision on the General Plan Update and FEIR is flawed because of these omissions and therefore request that the GPU and EIR be resubmitted with the complete public comment record.

We appreciate the opportunity to comment on this matter, and if there are any questions please call Joan Jackson at 619-729-3261.

Sincerely,

Joan Jackson
 Legal Committeee

July 6, 1993

Supervisor Van De Graaff, Chairman
 Imperial County Board of Supervisors
 940 Main Street
 El Centro, CA 92243

Dear Chairman Van De Graaff:

My husband and I reviewed documents that were included in the official record for the General Plan Update in the office of the Clerk to the Board of Supervisors on Friday July 2, 1993. When we reviewed the volumes presented, it appeared that the 5/25/93 letter I submitted to the Planning Commission on the General Plan Update and EIR was not included in the materials provided to your Board. When we did not see that 5/25/93 letter to the Planning Commission, I specifically asked Clerk Linda Weaver if there were any volumes of letters and responses in addition to the one identified with the 6/15/93 date. We understood her to state that there were no additional volumes.

Today we returned to the Clerk's office to review the materials after speaking with you. Today we were given two additional volumes of comments and letters. One dated 6/2/93, the other 6/4/93. These two volumes were not available for our review on 7/2/93.

My 5/25/93 letter was found today, however the complete set of listed enclosures was not included. The attached 3/29/93 comment on the GPU and FEIR is missing pages 15-16 and the 16 pages of appendix. Only the cover sheet of the Sierra Club's 84 page part 2 response was included with my letter. However, your document contains the full text of that Sierra Club response rather than the appendix I submitted. There was an illegible copy of my 3/24/93 letter. I was unable to find a copy of my 6/2/93 letter to Assistant Planning Director Morrison. It appears that letters submitted have not all been included and that in places materials enclosed are incomplete, and in another instance materials not submitted were included as a submission of mine.

If there are errors in letters that I submitted, might there also be missing comments or letters from others? What is the explanation for the omissions and confused manner in which materials were submitted by the Planning Department for the record?

Thank you for your willingness to discuss our concerns about procedures when I called on 7/3/93. Thank you for our efforts on 7/3/93 to check procedures related to the public record.

P. O. Box 444
 Ocotillo, CA 92259
 July 6, 1993

Comments on the Draft Environmental Impact Report for the
Imperial County General Plan Update (SCH #93011023)

The following comments in response to the Draft Environmental Impact Report (DEIR) for the proposed Imperial County General Plan Update are submitted by the Conservation Committee of the San Diego Chapter of the Sierra Club which serves San Diego and Imperial Counties. General comments are followed by more specific comments related to the adequacy of the DEIR. The more specific comments not covered in other discussion are included toward the end of the comments. This response incorporates by reference all the discussions of inadequacies, inconsistencies, and errors included in comments in response to the Draft General Plan Update which is separate document.

INTRODUCTION

The DEIR for the Imperial County General Plan Update contains useful and interesting information about the County, even though some of that information is out-dated or of questionable relevance. Beyond that, the DEIR is deficient in a number of critical respects, including but not limited to the following issues.

There should be clarification about the geographic location of Imperial Valley v. Imperial County within the GP and DEIR.

DEIR FAILS TO EVALUATE IMPORTANCE OF INTERNAL INCONSISTENCIES IN DRAFT GENERAL PLAN UPDATE

1. The DEIR fails to evaluate the proposed general plan in terms of the proposed plan's consistency with State planning laws regarding general plans as spelled out by the Governor's Office of Planning and Research in the document entitled State of California General Plan Guidelines, cited as "(OPR)". The State Legislature has declared that:

Decisions involving the future growth of the State, most of which are made and will continue to be made at a local level, should be guided by an effective planning process, including the local general plan, and should proceed within the framework of officially approved statewide goals and policies directed to land use, population growth and distribution, development, open space, resource preservation and utilization, air and water quality, and other related physical, social and economic development factors. (Govt. Code Sec. 65030.1)

California planning laws as detailed by OPR contain very specific provisions with respect to protection of the natural environment and resources and other mandatory issues such as housing. However, the DEIR does not contain an adequate evaluation of the proposed plan's conformance to the State's mandatory

Specific Comments in Response to the County of Imperial Draft General Plan Update

The specific comments in response to the Draft General Plan Update (GP) were prepared as the GP and the Draft Program EIR (DEIR) for the General Plan Update were reviewed chapter by chapter and topic by topic. Because the text of the two documents is often identical, many comments are cross referenced.

The Conservation Committee finds that the Draft General Plan Update does not meet the all of the criteria of the State EIR described in the General Plan Guidelines published by the Governor's Office of Planning and Research (OPR). Consequently, the draft GP does not satisfy the requirements for an internal consistent legally adequate general plan as set forth in the Government Codes and as determined by court decisions. The Draft General Plan Update appears neither well integrated nor reasonable consistent in its present form.

INTERNAL CONSISTENCY REQUIREMENTS FOR GENERAL PLANS

Our response to the Draft General Plan Update was prepared after a review of the OPR Guidelines discussion. Some important highlights of the OPR discussion of requirements for an internal consistent general plan are described in the appendix.

Examples of Draft General Plan Update violations of Internal Consistency requirements for General Plans include, but are not limited to the following:

MAPPING DEFICIENCIES, OMISSIONS, AND INCONSISTENCIES

1. All figures/maps in the GP and DEIR ignore patterns of land ownership. The Conservation/Open Space Element (GP-C/OSE) states that: "A significant and controlled by the Bureau of Land Management [BLM]." (GP-C/OSE, p. 30.) Yet, none of the figures show the location of federal, state, county, Indian Reservations and private lands. This is important because county land planning responsibility extends only to county lands and private lands. BLM has published three Desert Access Guides (DAGs) which cover Imperial County, Salton Sea DAG #20, Midway Well DAG #21, Imperial Valley South DAG #22. These DAGs (or maps) show a pattern of land ownership and leave the reader with a poor understanding of which lands within Imperial County are subject to BLM planning and management. Information obtained from Imperial County Assessor's records will be needed to update DAGs to show the current pattern of ownership.

2. All figures in the GP and DEIR incorrectly list Draft General Plan Update comments

SIERRA CLUB COMMENTS ON FINAL EIR (FEIR) AND IMPERIAL COUNTY
GENERAL PLAN UPDATE PROJECT (SCH# 93011023)

Long range planning does not deal with future decisions, but with future of present decisions.

The preparers of the FEIR for the Imperial County General Plan have submitted for public review a document which is both complete and inadequate under CEQA. In numerous instances where the response stated "comment noted," the more correct observation is that means "comment ignored" following which no changes were made to the R or General Plan text or maps.

The FEIR, Vol. II (FEIR-II) has failed to include the 84 page response to the Draft General Plan Update (GPU) which was submitted by Sierra Club's Conservation Committee at the same time as the response to the Draft EIR (DEIR). The Sierra Club response in the GPU (GPU) was identified as a separate but essential component of our R comments. In both the letter of transmittal and in the first paragraph of the comments on the DEIR, in addition to the note xeroxed on the back of the letter of transmittal. Paragraph 2, page 2 of Sierra Club DEIR comments explains why the inclusion of the Sierra Club's comments on the General Plan Update are to be considered an integral part of the DEIR response. Sierra Club's comments on the R specifically refer to the Lead Agency to comments in the SC-GPUC in comments on pages 1, 2, 3, 7, 8, 9, 14, 19, 41, 43, 115, 116, 130 and 131. Thirty two of the 84 pages have numerous and very specific references to text or maps in the DEIR. Failure to include the complete comments submitted by the Sierra Club within the comment period is in violation of CEQA Guidelines Sec. 15132 (b).

Response 654 references text of the General Plan Update in #432. Additionally, response #733 states that:

The General Plan Update itself constitutes the proposed project and all information included within the General Plan Elements may be regarded as aspects of the project description. It is not necessary or desirable to reiterate all General Plan Update descriptions in the EIR.

Why then does the FEIR fail to include the Sierra Club comments on the text of the General Plan Update? The Sierra Club comments on the General Plan Update to references identical text in the DEIR and referred back to in our comments in the same manner in which the FEIR responses refer to the General Plan Update.

Because the FEIR-II fails to include the complete comments of the Sierra Club, it also failed to respond to almost all of the issues raised by the Conservation Committee in those 84 pages in the response to the Lead Agency. Said failure is a violation of CEQA Guidelines Sec. 15132(d).

The introduction to the FEIR-II states that 23 comment letters

Additional Sierra Club Conservation Committee comments on
FEIR and Imperial County General Plan Update Project

OVERVIEW

The Overview was not included in the Draft GPU available for public review for the 3/22/93 deadline. The General Plan Update (GPU) Overview states that "particulate matter originating from agricultural activities is the primary air quality concern in Imperial County." (p.17.) The FEIR discussion of air quality states that "the preponderance of PM₁₀ is from wind and natural sources" (FEIR, III-193). The GPU Overview lists three APCD monitoring stations (p.17). By contrast the FEIR Fig. 20 "Air Quality Monitoring Locations" depicts nine "monitoring sites" which of the sites are monitored by APCD? Which monitors the other sites?

The GPU Overview fails to make mention of the outlying rural areas of the county which are groundwater dependent. Overview (5. Water Resources, p.20) is not reflective of the text of the Water Element or the FEIR with respect to groundwater resources.

GPU Overview discussion of plant resources should reflect the discussion within the Conservation and Open Space Element (COSE) The Overview discussion of animals should reflect the importance to the County of the habitats for listed threatened and endangered species of animals as included in the COSE and FEIR.

GENERAL PLAN INCONSISTENCIES

The map/text issues associated with habitat map (COSE, Fig and FEIR Fig. 10 differ with respect to the Agricultural Element (AE) Fig 1 and FEIR Fig 10 (part 2 comments #13(b), p.4). There appear to be serious mapping discrepancies near the Salton Sea (See Habitat map and Agriculture Map.)

The mapping errors described in part 2 comments #14 (p.4-5) were not corrected in the GPU Habitat map. (See Habitat maps for GPU and FEIR.)

Groundwater quality/development issues raised in part comments #16, 17 p.6, 7 and elsewhere appear to have been ignored

The vast majority of the inconsistencies: inter-element intra-element, and text-map inconsistencies that were pointed out in the part 2 comments remain in the final draft of the GPU. Likewise, the majority of the County Planning/Federal management incompatibilities pointed out in the part-2 comments have not been addressed or corrected. These inconsistencies should be addressed

Neither the outdated 1990 Housing Element nor the GPU-LU provided information on population or housing units for the communities of Palo Verde, Hot Mineral Spa, Bombardier Beach, Desert Shores and Salton City. Concerns raised in parts of the



University of San Diego

RECEIVED

OCT 07 1993

IMPERIAL COUNTY
BUILDING INSPECTION

Legal Clinics

To: Board of Supervisors, Imperial County
Re: Comments on Revised Draft Environmental Impact Report for
Imperial County General Plan Update

From: Environmental Law Clinic at The University of San Diego
School of Law. Consists of ten pages.

Date: October 7, 1993

INTRODUCTION

As legal advisors to the San Diego Chapter of The Sierra Club, we present the following concerns over the Revised Draft Environmental Impact Report (RDEIR). According to the Notice of Availability (NOA) for the RDEIR, the need for the revision and the recirculation is "in light of [the] comments and responses [on the Draft PEIR], the County has decided to recirculate the Draft PEIR...for further public review and comment."

The following comment document was received by the Imperial County Planning Department before October 8, 1993, within the comment period allowed by the NOA, and reflects the continuing interest on the part of the Sierra Club to see that the letter, as well as the spirit, of The California Environmental Quality Act (CEQA) is respected and followed.

I. INSTEAD OF RESTRICTING COMMENT TO DISCRETE PORTIONS OF THE RDEIR, THE COUNTY MUST ACCEPT COMMENTS ON THE ENTIRE REVISED DOCUMENT.

Certain language used in the NOA is of concern to the Sierra

Club. Of first concern is the statement, in bold type, that "[t]he County will disregard comments pertaining to portions of the [RDEIR] that have not been revised (i.e. that are not highlighted in the RDEIR)." This statement is troublesome for the following reasons.

Because the document was recirculated as a whole, logic demands that one should be able to comment on the whole document. The changes made to the DEIR are now integrated into the document, and comments must be taken on the cumulative effect of the RDEIR as it now reads. "When significant new information to a DEIR is added after public notice and consultation, but before certification, the lead agency must issue a new notice and recirculate the EIR." Marin Muni. Water District v. KG Land California Corp, 235 Cal. App.3d 1652, 1 Cal. Rptr. 2d 767 (1991). As contemplated by CEQA, "recirculation" is different than "redistribution." Recirculation of the RDEIR starts anew the entire certification process, including public comment. Redistribution merely involves sending the document to everyone on the mailing list with little opportunity to comment.

The need for public comment is especially acute where, as here, new portions of the RDEIR create inconsistencies with "old" portions or have cumulative impacts on the remainder of the document. Such inconsistencies produce an arbitrary and unreasonable document. Abuse of discretion may lead to judicial inquiry and subsequent invalidation by the court. Longtin's California Land Use 1993 Supplement Section 4.61; City of Poway v.

City of San Diego, 155 Cal. App.3d 1037, 202 Cal.Rptr. 366 (1984). The adequacy of an environmental impact report depends upon "whether it was prepared in observance of procedure required by law and, under this standard, the court employs a rule of reason that inquires whether the EIR contains reasonably thorough discussion of significant aspects of probable environmental consequences. State of California v. Block, 690 F.2d 753 (C.A. Cal. 1982). Though the Block case interprets the National Environmental Policy Act, or NEPA, all decisions on NEPA have been held to be strongly persuasive on the interpretation of CEQA. Friends of Mammoth v. Board of Supervisors, 8 Cal. 3d 247, 104 Cal. Rptr. 761 (1972).

The inconsistencies lie within the RDEIR itself, between the RDEIR and DEIR, and between the RDEIR and General Plan. Highlighted text changes in the RDEIR do not accurately or completely reflect changes in the EIR made subsequent to the original DEIR. These inconsistencies fall into four categories:

A. New Changes Create Internal Inconsistencies Within the RDEIR

Some highlighted changes in the RDEIR create new inconsistencies with other portions of the RDEIR text that were not changed or highlighted. These inconsistencies indicate either an alarming inattention to detail or an attempt to avoid addressing areas considered problematic by the County. Either way, these inconsistencies suggest that the county did not undertake the intelligent evaluation of environmental effects required under CEQA, which leaves the RDEIR subject to invalidation by a reviewing

court. The County's best interest would be served by allowing public comment to be made on the entire recirculated RDEIR in order to expose these inconsistencies before the document is adopted.

B. Certain Map Changes Were Made Which Are Currently Not Subject to Public Comment

Some map changes have been made, but were not highlighted in the RDEIR. This error makes it difficult for people to know where changes have been made, and more importantly, since the NOA limits one's commentary to the highlighted portions only, the NOA would preclude individuals from commenting on this changed portion for no reason other than it was not highlighted.

C. Changes Made In Some Maps Were Not Made In Others

306 Other changes made in some maps were not made in other maps, thereby producing mapping inconsistencies within the RDEIR itself and between the RDEIR and the General Plan. Our concern is that if left as is, resolution of these conflicts within the document will be left to the discretion of the Planning Director at a later date. Again, these inconsistencies can be pointed out in a timely and efficient manner only if the entire RDEIR is opened to public comment.

D. The County Has Ignored Documented Mapping Errors

Lastly, documented mapping errors contained in the public comments on the DEIR were ignored as the errors remain in the RDEIR. This makes one wonder if public comments are considered at

all, or if they are placed, at the Planning Director's discretion, in some "correspondence file", where important comments never see the light of day.

Clearly it is of the utmost importance for the entire recirculated document to be opened to public comment. If this does not occur, many significant inconsistencies will remain, creating a flawed RDEIR subject to judicial review and rejection.

306 Yet, even if the comment period were held to be concluded for the original portions of the DEIR, the County has a continuing obligation to carefully consider the substance of comments submitted late, and cannot simply disregard these comments. The County should take note that:

while there is no legal requirement for an agency to respond in writing to comments submitted after the expiration of the comment period, an agency's failure to evaluate the substance of the comment and to respond appropriately to substantive comments in the proceedings may place the agency at risk, in the event of legal challenge.

Discussion following CEQA Guidelines, Cal. Code Regs., tit. 14, Section 15088.

Thus, regardless of how the County chooses to characterize or administer the comment period, they have an ongoing obligation to consider comments on the DEIR as incorporated into the recirculated RDEIR.

II. THE COUNTY'S FAILURE TO RESPOND TO TIMELY SUBMITTED PUBLIC COMMENTS STANDS IN VIOLATION OF CEQA

307 Other language in the NOA of concern to the Sierra Club relates to the assertion in the NOA that "the County has already responded in detail to comments on the Draft PEIR." This is

inaccurate, as comments timely submitted by the Sierra Club and its representatives went without a response from the County. These comments on the DEIR, which were date-stamped at the Planning Commission and the Board of Supervisors, were never included in the FEIR or its public record, and never received a response. The failure by the County, either willful or negligent, to respond to these comments stands in direct conflict with statements in the NOA to the effect that the County has already responded in detail, and are contrary to CEQA requirements.

307 CEQA contains specific and unambiguous procedures which govern the public comment process, conceivably in anticipation of such actions as the County's. Evaluation and response to public comments is an essential part of the CEQA process; failure to comply with that requirement can lead to disapproval of a project. See Discussion following CEQA Guidelines, Cal. Code Regs., tit. 14, Section 15088. Hence, for the Final EIR, the lead agency must evaluate and respond to all the comments it receives within the public review period. Remy, Thomas, and Moose, Guide to the California Environmental Quality Act (1991). Thus, the County failed to follow CEQA when it disregarded comments from The Sierra Club. If these comments were not evaluated or responded to, one wonders how many other comments from other individuals were similarly discarded.

308 **III. IN MANY INSTANCES, THE COUNTY'S RESPONSE TO SELECTED PUBLIC COMMENTS WAS INADEQUATE.**

The County's responses to the comments that they chose to

respond to were inadequate. Here again CEQA, as well as the cases interpreting it, contains clear standards on what constitutes an adequate response to public comments (and what does not). The Sierra Club wishes to direct the County's attention to Section 15088 of the CEQA Guidelines, which states in pertinent part:

"The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The lead agency shall respond to comments received during the noticed comment period and any extensions and may respond to late comments.

. . .

The response shall describe the disposition of significant environmental issues raised. In particular, the major issues raised when the responsible agency's position is at variance with recommendations and objections raised in the comments *must be addressed in detail giving reasons why specific comments and suggestions were not accepted* (emphasis added).

300 CEQA Guidelines, Cal. Code Regs., tit. 14, Section 15088 (a) & (b); See Also The People v. County of Kern, 39 Cal.App.3d 830 (1974).

In the decision of The People v. County of Kern, the planning department's addendum and summary of comments to the DEIR were found by the court to be inadequate responses by the county to significant environmental issues raised, because they did not address in any detail the reasons why the specific comments and objections were not accepted. The inadequate responses, besides challenging the accuracy of certain aspects of the DEIR, related to serious questions raised concerning the availability of water, the inadequacy of current data to determine the effect of development on the water supply, the potential for groundwater pollution, the inadequacy of geological surveys, and the fact that a development site was directly over a fault line.

These issues concerning the inadequacy of responses to significant environmental concerns, which led to the invalidation of the Kern County DEIR, are equally germane to the Imperial County DEIR and RDEIR. These documents fail to adequately evaluate and respond to public comments concerning the source of water for the proposed development along both sides of the Salton Sea, and the proximity to a fault line and to Bureau of Land Management wilderness areas of the proposed fill near Mesquite Mine, among other concerns.

308 The Kern decision was followed by and expanded upon more recently by the court in Cleary v. County of Stanislaus. The Cleary court found, using criteria established by statutes and case law, that the County's responses were inadequate to answer the specific concerns about a DEIR voiced in a letter from The Department of Agriculture. The County was forced to make findings to support their position. Cleary v. County of Stanislaus, 118 Cal.App.3d 348 (1981). After Cleary, lead agencies "must respond to all significant environmental comments in a level of detail commensurate to that of the comment." See Also Discussion following CEQA Guidelines, Section 15088. Since The Sierra Club's comments were detailed, the County's responses should have been equally as detailed. The County's failure to respond in detail to the few comments they chose to address leaves the FEIR and RDEIR fatally flawed.

IV. THE COUNTY'S CONDUCT THROUGHOUT THE DEIR AND RDEIR PROCESS SUBVERTS THE LETTER AND INTENT OF CEQA

An unacceptable harm to the CEQA process occurs when comments are not included in the FEIR or the RDEIR, as well as when comments are responded to in an insufficient manner, or are totally disregarded. The Kern court noted that:

309 [o]nly by requiring the County to fully comply with the letter of the law can a subversion of the important public purposes of CEQA be avoided, and only by this process will the public be able to determine the environmental and economic values of their elected and appointed officials, thus allowing for appropriate action come election day...[w]e conclude that the County's failure to respond with specificity in the [FEIR] to the comments and objections to the [DEIR] renders the [FEIR] fatally defective.

Moreover, without having all comments in front of them, decision makers cannot come to informed decisions. Without having all comments included in the public record, citizens cannot be alerted to issues that may be of great concern to them.

CONCLUSION

310 The San Diego Chapter of the Sierra Club respectfully requests a second comment period on the RDEIR in which comments will be officially accepted by the County on the entire document, not merely selected highlighted portions. This second comment period would permit persons who followed the improperly framed NOA to make their comments on the entire RDEIR and its inconsistencies. Accordingly, the Sierra Club itself is submitting comments on both highlighted and unhighlighted text and maps of the RDEIR to expose inconsistencies.

Furthermore, the Sierra Club requests that a Supplemental Revised Draft EIR and a Revised GPU be prepared and circulated for

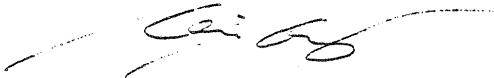
310 public comment, to correct deficiencies and inconsistencies noted in current, as well as previous comments and letters, submitted by the Sierra Club and its representatives.

Thank you for this opportunity to comment on the RDEIR and its NOA.

Respectfully Submitted by:



Courtney Coyle



Kevin Kemper

The Environmental Law Clinic at University of San Diego School of Law

RESPONSES TO COMMENTS

Southern California Association of Governments - September 1, 1993

1. Comment noted.

El Centro Naval Air Facility, Department of the Navy - September 7, 1993

2. Aircraft noise is discussed in the Environmental Analysis section (III.D) of the Revised Draft PEIR on pages III-69, III-75, III-76, and III-80.

Marine Corps Air Station, United States Marine Corp - October 8, 1993

3. The policies of the County of Imperial will not affect military operations. As stated in the General Plan, federal regulations will have complete jurisdiction within federal properties.
4. Comment noted.
5. It is currently not known whether the proposed Mesquite Regional Landfill and/or the Chocolate Mountain Regional Landfill will be approved and constructed. Any potential impacts of the Chocolate Mountain Regional Landfill could be addressed in the environmental studies conducted for that project.
6. No urbanization is planned to be associated with the Chocolate Mountain Regional Landfill.
7. All alternatives of the General Plan Update require satisfactory buffer areas adjacent to military operation areas.

Imperial Irrigation District - October 7, 1993

8. This correction has been made in the Final PEIR.
9. This correction has been made in the Final PEIR.
10. This correction has been made in the Final PEIR.

Metropolitan Water District of Southern California - October 8, 1993

11. Comment numbers 1, 2, 4, 7, 8, 15, 25, 28, and 33 of Metropolitan's letter dated March 22, 1993 were adequately addressed in the Responses to Comments on the Draft PEIR

(see Volume II, Final EIR, May 1993). These are incorporated into the Final PEIR.

12. According to Palo Verde Irrigation district staff, the "Palo Verde Weir" was PVID's original rock diversion structure. It was replaced by the "Palo Verde Diversion Dam" which lies just downstream of the site of the original weir. While most of the local population still refer to the PVID diversion as the "Palo Verde Weir," the correct name is the "Palo Verde Diversion Dam." This change has been made in the Final PEIR as requested.

"Bard Irrigation District" has been changed to "Bard Water District" in the Final PEIR.

13. Figure 13, page III-115, shows the current range of the flat-tailed horned lizard of which the Algodones Dunes is included. The 1993 survey that MWD mentions is apparently referring to surveys conducted by the U.S. Fish & Wildlife Service (USFWS) for the All-American Canal Lining Project in Imperial County. This survey was conducted specifically for the above project, and only the 23-mile-long by 600-foot-wide section along the canal was surveyed. Figure 13 was prepared with the assistance of the USFWS.
14. The missing pages, which contain no significant changes from the Draft PEIR, have been forwarded to Metropolitan.
15. The California portion of the Yuma Project is known as the "Reservation Division." The USBR document Updating the Hoover Dam Documents (M.N. Nathanson, 1978) lists the second California priority as "Yuma Project (Reservation Division) -- not exceeding a gross area of 25,000 acres. The Reservation Division consists of both Indian and non-Indian lands. USBR commonly refers to the area as the "Yuma District." Nevertheless, "Yuma District" has been changed to "Yuma Project (Reservation Division)" in the Final PEIR as requested.
16. This comment refers to an unchanged portion of the Revised Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR. Please see response to comment 306.
17. This comment refers to an unchanged portion of the Revised Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR. Please see response to comment 306.
18. This comment refers to an unchanged portion of the Revised Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR. Please see response to comment 306.

19. This correction has been made in the Final PEIR.
20. This clarification has been made in the Final PEIR as requested.
21. The Bard Water District operates the water delivery system for the entire Reservation Division, including both Indian and non-Indian lands. Any annual diversion figure applied to Bard Water District would therefore include water delivered to both Indian and non-Indian lands.
22. This correction has been made in the Final PEIR.
23. These clarifications have been made in the Final PEIR as requested.
24. This correction has been made in the Final PEIR.

Palo Verde Irrigation District - September 28, 1993

25. In the Notice of Availability for the Revised Draft PEIR, the County explained that, because the County has already received and responded to comments on unchanged portions of the Revised Draft PEIR, the County would disregard comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR. Many of Palo Verde Irrigation District's remarks pertain to text that was unchanged from the Draft PEIR. The County is not required to respond to these comments.

Although the County provided adequate notice of the availability of the Draft PEIR, the County can only assume that, for whatever reason, the Palo Verde Irrigation District was unaware of the availability of the Draft PEIR, and first became aware of the project through the Revised Draft PEIR. It should be noted that the availability of the Draft PEIR was adequately noticed in the Imperial Valley Press, and that preparation of the General Plan Update and General Plan Draft PEIR as well as the announcement of several public hearings associated with these documents have been highly publicized in the County since late 1992. Nevertheless, the County is committed to ensuring that all members of the community have an opportunity to review and comment on the document. The County firmly believes that, aside from the intrinsic value of full community participation, such involvement will produce the best environmental document possible.

Consistent with this goal, the County will respond to all of the Palo Verde Irrigation District's comments, even though some of those comments concern portions of the Revised Draft PEIR that were not revised from the Draft PEIR. The County takes this approach not out of any legal compulsion, but merely to further its goal of ensuring broad public participation in the General Plan process.

26. The Table of Contents for the Imperial County General Plan Update Revised Draft PEIR, including Part III, follow a format that is fairly standardized and typical of EIRs throughout California.
27. The Revised Draft PEIR analyzes environmental impacts that would occur to all areas of the County with approval and implementation of the General Plan Update. As such, the analysis of all environmental issues and discussion of all mandatory sections considered all areas of the County. To the extent that the PEIR emphasizes discussion of the Imperial Valley, this is simply due to the facts that the Imperial Valley is the largest intensively-used region of the County (approximately 3,500 square miles), contains the County's largest population base, is experiencing the County's greatest population, housing, and commercial growth, would be most affected by any significant and unmitigated impacts associated with a General Plan, and provided the greatest input to the current environmental review process. The County did not intentionally or otherwise downplay areas outside the Imperial Valley; rather, the PEIR adequately evaluates at a program level all impacts that would occur throughout the entire County, and provides mitigation measures to reduce those impacts below significance. It should be noted that the Final PEIR has been revised in several locations (e.g., S-14, 3rd paragraph; III-67, last sentence; III-236, part 3c) to make statements better fit the entire County rather than the Imperial Valley portion of the County.
28. This comment is not completely understood since the only figure that indicates the Cibola and Imperial National Wildlife Refuges is Figure 14. Figure 14 and all other figures provided in this program-level PEIR are regarded as adequate.
29. Issues associated with newly enacted plans, permit requirements and water quality regulations are project-specific concerns not usually addressed at the General Plan level. However, an additional mitigation measure has been added to the Water Quality section of the Final PEIR (page III-214) to require that all new development or public works projects comply with all requirements of the Regional Water Quality Control Board, the Environmental Protection Agency, and other responsible agencies that have jurisdiction in the County.
30. Water availability is addressed in the Public Services/Safety section of the Revised Draft PEIR (e.g., pages III-160 to III-166) and in responses to the Metropolitan Water District's comments on the Draft PEIR (see Volume II, Final EIR, May 1993).
31. The Final PEIR has been revised to indicate that projects must meet the requirements of all appropriate agencies.
32. These corrections have been made in the Final PEIR.
33. "The District" has been changed to "The Imperial Irrigation District" in the Final PEIR. The comment regarding 1,458 drain miles is not understood; the 52 miles of drains

discussed in the previous paragraph on page II-16 are owned by the Bureau of Reclamation, not by the IID.

34. A sentence has been added to the Final PEIR to specify that ground water is utilized in several rural communities of Imperial County not serviced by irrigation districts with Colorado River water.
35. The 34-acre difference between 7,428 acres (Table 1) and 7,462 acres (the area in Palo Verde Valley provided water as of May of 1992 and 1993) is exceedingly minor -- a factor of about 0.46%. As indicated in footnote 1 for Table 1, "All acreages are approximations and should, therefore, only be used for informational purposes." With regard to the second part of this comment, the source of Table 1, as indicated in that table, is the Imperial County General Plan, County Overview, dated September 1985, and the sources of Table 5, as indicated in that table, the Imperial County Agricultural Crop and Livestock Reports. The information provided in these tables reflects differences in land use for selected years and is regarded as both adequate and appropriate.
36. Table 4, "Draft General Plan Update (in acres)," reflects land uses proposed by the General Plan Update, not past or current land uses. With regard to the second portion of this comment, the 26,940 acres represents the difference between land that is proposed to be designated Agriculture under the General Plan Update and land that was harvested in 1991. Whereas the designated area would remain as such until changed as a result of a subsequent General Plan Amendment, the area actually cultivated fluctuates from year to year, as indicated especially by Table 5. It is expected that almost all irrigation water will be Colorado River water.
37. The area south of Palo Verde and east of Highway 78 is designated the same as the area west of Highway 78, i.e., Agriculture.
38. The Recreation/Open Space designation was designed to replace the Preservation category. The Recreation/Open Space designation is considered appropriate for the area in question.
39. There is no typographical error; "or" should not be "of."
40. Unlike Table 1, Table 5 does not categorize agricultural land by region. The use of data in Table 1 is considered appropriate.
41. The overall General Plan Update seeks, by policy, to limit agriculture in groundwater dependent areas unless long-term adequate water supply can be identified. The use of groundwater would require a Conditional Use Permit which is subject to environmental review with associated groundwater availability studies.

42. The 1:1 replacement of agricultural land is an optional mitigation measure for potential impacts to the conversion of existing prime agricultural land by future development projects. The feasibility of implementing this mitigation measure will be determined on a project by project basis and will take into account several factors, including water availability.
43. Figure 8 illustrates roads by street classification. The portion of this comment regarding the classification of the two dirt roads to Picacho - Indian Pass and north of Winterhaven is a policy issue that should be directed to the Board of Supervisors during their consideration of the General Plan.
44. This change has been made in the Final PEIR as requested.
45. Comment noted. Due to the diversity of resource information sources and the limitations on mapping due to scale, all graphics are general guides to the location of resources and considered adequate on a program-level basis. The value of the graphics in the Program PEIR lies in the ability to identify sensitive resources in a given region which can then be reviewed on a project-level basis with site-specific studies.
46. This change has been made in the Final PEIR as requested.
47. Information on the Drainwater Study may be obtained from Marcia Radke of the USFWS (619-348-5278).
48. The sensitivity map was prepared by Mr. Jay von Werlhof of Imperial Valley College.
49. The Final PEIR has been revised to indicate that electric service for the Palo Verde area is provided by Southern California Edison.
50. The Final PEIR has been revised to indicate that telephone service for the Palo Verde area is provided by Contel.
51. These changes have been made in the Final PEIR as requested.
52. These changes have been made in the Final PEIR as requested.
53. The Cibola National Wildlife Refuge is adequately discussed on page III-121.
54. This clarification has been made in the Final PEIR as requested.
55. The average response time is for the County.
56. Table 15, "Significant Seismic Events In Imperial Valley Since 1900," lists significant seismic events in Imperial Valley. It is not known whether any documented liquefaction

caused damages exist for the Palo Verde Valley area.

57. See response to Comment 29.
58. The comment requesting that Figure 22 be altered is noted. The source of this figure, as indicated, is the U.S. Department of Agriculture, Soil Conservation Service. The purpose of the map, which it adequately accomplishes, is to illustrate the locations of soil associations in the Palo Verde area.
59. This correction has been made in the Final PEIR.
60. This change has been made in the Final PEIR as requested.
61. The shading on Figure 27 indicates areas of flood plain, as defined by the Federal Emergency Management Agency.
62. Items 25, 29, and 44 have been revised in the Final PEIR.

El Centro Regional Medical Center - October 8, 1993

63. Comment noted. Discussion of the Hospital District and municipal bonds has been deleted from this page. In general, the Regional Medical Center presents a difficult question not usually dealt with in Environmental Impact Reports. Also, as discussed in the past, the proposed General Plan Update is not considered growth inducing, but growth accommodating. After careful review of these issues, the County of Imperial has determined that although an increased demand of services may result from growth governed by the General Plan Update, no physical impacts to the environment can be identified. These impacts seem to fall within the realm of Economic and Social Effects as defined by CEQA guidelines Section 15131. Although important to consider, these effects do not require mitigation under CEQA.
64. This section has been revised to reflect the County of Imperial's position that secondary economic and social effects of growth on the Regional Medical Center are beyond the scope of the PEIR. However, the Planning/Building Department has agreed to forward a notice of all residential development permits within this jurisdiction to assist the Regional Medical Center in dealing with the potential economic effects.
65. Comment noted.
66. Comment noted. See responses to Comments 63 and 64.

Russell Associates - October 5, 1993

67. Comment noted.
68. The Specific Plan Area (SPA) land use designations are designed to ensure compatibility of surrounding land uses, enhance project processing time, and reduce costs while providing adequate public facilities for development. The Planning Department can develop a schedule and scope of work for a PEIR once the project in question is defined. Although it would be preferable to complete the overall Specific Plan for the Mesquite SPA prior to processing individual projects, this is not required. An individual project can develop a Specific Plan for a site-specific use in conjunction with a given Conditional Use Permit.
69. The Planning/Building Department does not recommend separate processes for a CUP and Specific Plan. As currently defined, these processes can be concurrent and completed prior to an overall Specific Plan being completed for the Mesquite Lake area.
70. Comment noted.
71. See responses to Comments 68 and 69.

Walt Tunnessen, Sierra Club (Drafted by Edith Harmon) - October 5, 1993

72. The Responses to Comments for the Draft PEIR adequately responded to all comments received during the public review period of that document (see Volume II, Final EIR, May 1993). The present responses adequately respond to all comments received during the public review period of the Revised Draft PEIR. The County disagrees with the commenter's beliefs regarding the adequacy of the General Plan Update, Circulation Element, and Water Element, and disagrees with the commenter's beliefs regarding circulation of a Revised General Plan Update, documentation of the Public Record, and adequacy of the Revised Draft PEIR.
73. This comment does not provide the County with specifics. There is thus no way to respond to it.
74. The proposed Land Use Plan, Modified Staff Alternative, and Environmental/Open Space Alternative were changed to reflect the best available information from the BLM. Other maps were not changed because such changes would not add significantly to the information presented.
75. The comment regarding Figure 9 is non-specific and refers to an unchanged portion of the Revised Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft

PEIR that were not highlighted and that were unchanged from the Draft PEIR. Please see response to comment 306. With regard to the resource maps related to desert tortoise and flat-tailed horned lizard habitat, these maps were revised and take into account generous input and review provided by biologists with the U.S. Fish and Wildlife Service and the Bureau of Land Management. The maps are considered accurate, particularly considering that the PEIR is a program-level document.

76. This comment does not provide the County with specifics. There is thus no way to respond to it.
77. This comment is incorrect. The development standards for Recreation/Open Space are not considered inconsistent. They set specific criteria for both environmental review and protection of sensitive biological resources including prohibitions on agriculture and intensive recreation within Areas of Critical Environmental Concern.
78. This comment is incorrect. All portions of the PEIR, with the exception of the Modified Staff Alternative, and the General Plan Update that discuss the limitation on the conversion of agricultural land to non-agricultural uses indicate a five-year restriction after adoption of the Plan Update by the Board of Supervisors. Exceptions would be allowed where land is needed for use by a public agency, for geothermal purposes, where a mapping error occurred, or where a clear long-term economic benefit to the County is demonstrated through the planning and environmental review process. Under the Modified Staff Alternative, which can be approved by the Board of Supervisors, the General Plan Update would state that the restriction on the conversion of agricultural land to non-agricultural uses would be two years (see Revised Draft PEIR page IX-28).
79. As specified in Mitigation Monitoring Measure #42, "All Specific Plan Areas will include a biological study conducted by a qualified biologist and coordinated with USFWS and BLM...prior to approval of Specific Plan." This statement is consistent with the mitigation measure on page III-136 of the Biological Resources section that states: "The environmental studies conducted for each SPA shall include a biological study conducted by a qualified biologist, and a Notice of Preparation shall be sent to the U.S. Fish and Wildlife Service and the Bureau of Land Management. The fact that this requirement is not reiterated on maps and in text elsewhere in the PEIR and General Plan Update does not make it invalid or inconsistent.
80. This comment is incorrect. As indicated in Mitigation Monitoring Measure #10, for instance, the County will "require a biological field reconnaissance and report for proposed projects with the potential for biological impacts." Mitigation Monitoring Measures 11, 12, and 13 further address the need for biological compliance with preservation actions and mitigation measures. These measures reflect those discussed on pages III-135 and III-136 of the Biological Resources section. With regard to the comment on the desert tortoise, the distribution of this threatened species' potential habitat is adequately illustrated in Figure 11b of the program PEIR. The compilation of

this figure takes into account generous consultation with staff biologists of the BLM and USFWS.

81. This comment does not provide the County with specifics. The comment also does not appear to relate to any changed portion of the Revised Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR. In any event, the standards and criteria for approval of SPAs as discussed in the Revised Draft PEIR are consistent with those of the General Plan Update.
82. The PEIR requires an analysis by the lead agency to determine if dedicated open space adjacent to a landfill can be considered an adequate buffer zone. This approach is considered appropriate and consistent with limiting land use conflicts as discussed on pages III-26 and III-27.
83. This comment does not appear to relate to any changed portion of the Revised Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR. In any event, issues relating the relationship between the General Plan Update and the Air Quality Attainment Plan are adequately addressed in the Responses to Comments received on the Draft PEIR (see Volume II, Final EIR, May 1993). See, for example, response to comment 289 in that document.
84. With the possible exception of the changed text on page S-13 (last paragraph, line 3) where "County Planning and Engineering Departments" was replaced with "County Planning Department," this comment does not appear to relate to any changed portion of the Revised Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR. In any event, both the Summary and the Mitigation Monitoring Program sections of the Revised Draft PEIR are adequate. With regard to CEQA requirements of an PEIR Summary, see response to comment 329 on the Draft PEIR.
85. The portion of the comment regarding the existing quality and availability of groundwater resources does not relate to any changed portion of the Revised Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR. In any event, these issues are substantively similar to several comments received on the Draft PEIR, and were adequately addressed in the Responses to Comments received on the Draft PEIR (see Volume II, Final EIR, May 1993). See, for example, responses to comments 293 and 427 in that document. The portion of the comment regarding failure of the Revised

Draft PEIR to discuss development in groundwater-dependent areas is incorrect. Page III-214 of the Revised Draft PEIR contains the following mitigation measure:

All discretionary development projects located within limited groundwater basins require a groundwater availability/quality study, conducted by a licensed professional as part of the environmental review process to ensure an adequate water supply to both the proposed project and existing users. This analysis will include potential effects to watersheds and recharge areas to ensure that no long-term impacts to groundwater basins will occur.

A new mitigation measure, relating to water quality, has been added to page III-214 of the Final PEIR (October 25, 1993). This mitigation measure states that:

All new development and public works projects shall comply with all requirements of the Regional Water Quality Control Board, the Environmental Protection Agency, and other responsible agencies that have jurisdiction in the County pertaining to water quality.

86. See response to comment 85.
87. See response to comment 85.
88. See response to comment 85. Also see Comments 104, 293, and 294 and associated responses in the Responses to Comments on the Draft PEIR (see Volume II, Final EIR, May 1993).
89. See response to comment 85
90. This comment is incorrect. The Revised Draft PEIR addresses cumulative impacts of the General Plan Update on pages V-1 through V-12. The discussion evaluates, at a program-level of analysis as defined by CEQA, the cumulative impacts associated with implementation of the General Plan as well as those associated with reasonably foreseeable future General Plan Amendments. The analysis assumes full build-out of the County under the General Plan Update, as well as full build-out of its sphere of influence which extends several miles from the Imperial County line into the counties of San Diego and Riverside, the State of Arizona, and Mexico. All public services were considered in the analysis of cumulative impacts.
91. This comment does not provide the County with specifics. Furthermore, this comment apparently pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.

92. This comment does not provide the County with specifics. Furthermore, this comment apparently pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR. In any event, this comment is substantively identical to comments already received on the Draft PEIR. See, for example, comment 294 and its associated response in the Responses to Comments on the Draft PEIR (see Volume II, Final EIR, May 1993).
93. Comment noted.
94. The discussion of biological resources in the Environmental Setting section of the Revised Draft PEIR is adequate. Discussions of rare, threatened, and endangered species are properly and adequately provided in the Biological Resources section of Part III (Environmental Analysis).
95. This comment does not provide the County with specifics. Furthermore, this comment apparently pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.
96. This comment apparently pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR. Furthermore, this comment is substantively identical to comments already received on the Draft PEIR. See, for example, comments 294 and 551 and their associated responses in the Responses to Comments on the Draft PEIR (see Volume II, Final EIR, May 1993).
97. This comment pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.
98. The portions of this comment that regard requests for SPAs and leapfrogging development do not pertain to text that was changed from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR. The portion of the comment regarding the ability of the Environmental/Open Space Alternative to accommodate all projected population growth, economic growth and urban development is noted.

99. This comment pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.
100. This comment pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.
101. This comment pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR. In any event, see Responses to Comments 129 and 133 received on the Draft PEIR (see Volume II, Final EIR, May 1993).
102. This comment does not provide the County with specifics, and there is thus no way to respond to it. A possible exception to this is the portion of the comment that relates to schools. However, this portion of the comment pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.
103. This comment does not provide the County with specifics. Furthermore, this comment pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR. In any event, it should be noted that the environmental analysis of each issue addressed in the PEIR analyzes both impacts to existing conditions on the ground today and impacts under conditions of the 1973 General Plan.
104. This comment pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.
105. This comment pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.
106. This comment pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding

comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.

107. This comment pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.
108. There is no requirement that all text of a General Plan PEIR be reiterated in the General Plan, or vice versa. This measure has been added to the Mitigation Monitoring Program to ensure implementation. With regard to water quality/availability, see response to comment 85.
109. This comment pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR. In any event, the Draft PEIR and Responses to Comments on that document (see Volume II, Final EIR, May 1993) repeatedly state that project-specific environmental review will be required as a condition of approval of a Specific Plan.
110. The portion of this comment regarding inconsistency does not provide the County with specifics and thus no response is possible. With regard to the portion of the comment arguing for incompatibility between the Increased Agriculture Alternative and BLM ACEC designations, the Revised Draft PEIR contains the following statements:

"Agricultural development of the East Mesa would be limited to private lands and could cause yet undefined impacts to resources located within BLM Areas of Critical Environmental Concern (ACEC)" (page IX-1, 3rd paragraph).

"The designation of this East Mesa area as Agriculture is consistent with the existing 1973 General Plan, however, it is not consistent with BLM ACEC designations" (page IX-1, last paragraph).

"... any projects that would affect flat-tailed horned lizard habitat would require formal consultation with the USFWS since the lizard is now a candidate for listing" (page IX-8, last paragraph).

The statement that "The Agriculture designation would not conflict with the underlying BLM designations and, in fact, is consistent with the existing designation of this area as General Agriculture" in the last paragraph on page IX-8 of the Revised Draft PEIR has been deleted from the Final PEIR.

111. This comment pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.
112. See response to Comment 61.
113. The portion of this comment that regards the No Project Alternative pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR. In any event, this issue has been addressed in response to Comment 340 on the Draft PEIR. With regard to the remaining portion of this comment, see response to Comment 110 above.
114. Comment noted. All five alternatives are regarded as feasible.
115. Comment noted. See response to Comment 310.
116. Comment noted. Without specifics regarding alleged inaccurate highlighted text changes, the County cannot respond. See response to Comment 306.
117. Comment noted. See response to Comment 306.
118. Figure 4 is highlighted in the Table of Contents; see response to Comment 306 for an explanation of this. With regard to Figures 15, 25, and 26, see response to Comment 74.
119. This comment does not provide the County with specifics, with the exception of the portion regarding an airport site in Ocotillo. Furthermore, this comment pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR. The issue of an airport in Ocotillo is addressed in response to Comment 671 on the Draft PEIR.
120. Comment noted.
121. This comment does not provide the County with specifics, with the exception of the portion regarding the lack of inclusion of Seeley as an Urban Area on page III-14. However, this comment pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR. Nevertheless, the County is

committed to producing the best environmental document possible. Consistent with this goal, the Final PEIR has been revised to include Seeley in this section of the text. The County makes this revision not out of any legal compulsion, but to further its goal of meeting the above-stated commitment. It should be noted that Seeley is discussed in the impact analysis section, identified on the proposed Land Use Plan, and included in Table 2 on population and housing.

122. Comment noted.
123. See response to Comment 78.
124. Comment noted. The General Plan Update emphasizes a balance in jobs and housing reflected in both the Urban Areas and SPAs. The unique exception of Plaster City does not create an internal inconsistency.
125. This comment is not understood and, in any case, apparently pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.
126. See response to Comment 79.
127. Comment noted.
128. Comment noted. Adequate responses have been made on all comments received on the Draft PEIR that were submitted during public review of that document.
129. Comment noted.
130. Comment noted.
131. See response to comment 98.
132. This comment pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.
133. The proposed buffer area for Special Purpose Facilities is designed to eliminate land use conflicts. The addition of new language allowing flexibility to a lead agency on this requirement, if a project is surrounded by publicly designated open space, will mitigate these land use conflicts. See response to Comment 82.

134. This comment pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR. Portions of this comment, however, are substantively identical to Comment 42 (by the Palo Verde Irrigation District) which, as described in response to Comment 25, the County felt obligated to respond to though not out of any legal compulsion. See response to Comment 42
135. This comment pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.
136. The concept of "Balanced Jobs and Housing" is the corner stone of the General Plan Update and there are no conflicts or inconsistencies with the Air Quality Attainment Plan. Specifically, the General Plan Update orients the majority of commercial development, employment, and housing to the Urban Areas where existing infrastructure already exists and commuting would be minimized
137. See response to Comment 84
138. Comment noted. The Revised Draft PEIR adequately addresses potential impacts that would occur to groundwater resources under implementation of the proposed General Plan Update and its alternatives.
139. This comment apparently pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.
140. See response to Comment 85.
141. The only portion of text that was changed from the Draft PEIR to the Revised Draft PEIR in the quotation cited on page III-16 of the Revised Draft PEIR was a correction of the "Open Space/Recreation" designation name to "Recreation/Open Space." The focus of this comment does not pertain to text that was changed from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.
142. The question regarding "substantial agricultural use" does not pertain to text that was changed from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.

Nevertheless, with regard to the remainder of the comment, there is no requirement that all text of a General Plan PEIR be reiterated in the General Plan (or vice versa) or that all portions of an Environmental Analysis section be reiterated in the Project Description (or vice versa). To the contrary, the various sections of the Revised Draft PEIR and the General Plan Update are regarded as consistent and adequate.

143. The statement of consistency with BLM management plans has been removed from the Agricultural Alternative section. The objectives in the Agricultural Element are consistent with the Land Use Element and the PEIR which attempts to identify no net loss of agricultural lands to urban development.
144. This comment apparently pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR. In any event, this comment is substantively identical to comments already received on the Draft PEIR. See, for example, comment 294 and its associated response in the Responses to Comments on the Draft PEIR (see Volume II, Final EIR, May 1993).
145. See response to Comment 113.
146. Comment noted. The County regards the Increased Agriculture Alternative as an adequate and reasonable alternative under CEQA.
147. Comment noted.
148. Comment noted. It is conceivable that the boundaries of irrigation districts can change.
149. This alternative is a result of comments received on the Draft PEIR and subsequent meetings between County Staff and various cities, other agencies, and citizens. It also reflects the input of the Planning Commission and Board of Supervisors through public hearings.
150. The Revised Draft PEIR reflects the public record of the planning process and documents the alternatives before the Board of Supervisors in upcoming hearings. The Modified Staff Alternative was a result of input on the original proposed land use plan through public review of the Draft PEIR.
151. The proposed project of the Revised Draft PEIR accurately reflects the currently proposed General Plan Update. At this time, the Board of Supervisors can adopt the proposed General Plan Update or a version of it that has been analyzed by various alternatives in the Revised Draft PEIR.

152. The Board of Supervisors have not taken a final action on any part of the General Plan Update. However, they did recommend that the Standards and Criteria section for Specific Plan Areas be changed from an affirmative finding of four criteria to consideration of the criteria. They did not change the requirement for environmental review which is discussed under individual Specific Planning Area policies. They also did not change any standards and criteria which are consistent with the policies. Consequently, the proposed change from affirmative finding to consideration is not considered inconsistent.
153. See response to Comment 78.
154. This comment pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR. In any event, the Notice of Availability for the Revised Draft PEIR also stated that: "The Final PEIR will be presented to the Imperial County Board of Supervisors at the time of the public hearings on the proposed project."
155. Due to the addition of the Modified Staff Alternative and the Environmental/Open Space Alternative to the Revised Draft PEIR, the text in question on page I-3 has been revised to include these alternatives. The County is grateful to the commenter for pointing out this error.
156. This comment is incorrect. See response to Comment 78.
157. This comment pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.
158. See response to Comment 34.
159. This comment pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.
160. See response to Comment 109.
161. See response to Comment 94.
162. See response to Comment 150.

163. This comment pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.
164. This comment pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.
165. This comment pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.
166. See response to Comment 74.
167. See response to Comment 74.
168. This comment pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.
169. This comment pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.
170. Comment noted. The County does not consider the paragraph 2 under "Agricultural Land" on page III-16 to be inconsistent with any of the other statements cited in this comment.
171. This comment pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.
172. This comment pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.

173. This comment pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.
174. Comment noted.
175. Comment noted.
176. The first sentence of this comment is noted. With regard to the remainder of the comment, see response to Comment 80.
177. Comment noted. See response to Comment 80.
178. Comment noted. See response to Comment 80.
179. Comment noted.
180. Comment noted.
181. Comment noted.
182. See response to Comment 96.
183. See response to Comment 98.
184. Comment noted.
185. This comment apparently pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR. In any event, new urban growth is not restricted to SPAs.
186. See response to Comment 152.
187. See response to Comment 98.
188. Comment noted. The Revised Draft PEIR does not conclude that approval and implementation of SPAs will result in significant and unmitigable traffic or other impacts. The Revised Draft PEIR requires, as did the Draft PEIR, that all SPAs undergo additional environmental review prior to approval. This comment is substantively similar to several others raised by the commenter on the Draft PEIR. See, for example, Comment 344 and associated response in the Responses to Comments on the Draft PEIR

(see Volume II, Final EIR, May 1993).

189. This comment pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR. Nevertheless, the County is committed to producing the best environmental document possible. Consistent with this goal, the Final PEIR has been revised to indicate on page III-20 that the I-8 and Highway 111 SPA is approximately 280 acres. The County makes this revision not out of any legal compulsion, but to further its goal of meeting the above-stated commitment.
190. See response to Comment 103.
191. This comment pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.
192. Comment noted.
193. This comment is not understood and, even in the context of the previous three comments, offers the County no tangible specifics for which a response can be formulated. In any case, the comment apparently pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.
194. See response to Comment 133.
195. See response to Comment 99.
196. This comment pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.
197. This comment pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.
198. This comment does not provide the County with specifics. The comment also does not appear to relate to any changed portion of the Revised Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments

on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.

199. This comment pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.
200. Comment noted.
201. This comment pertains to Figure 9, which was not changed from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.
202. The distribution of the flat-tailed horned lizard's potential habitat is adequately illustrated in Figure 11b of the program PEIR. See response to Comment 75.
203. This comment pertains to portions of Table 13 which were not changed from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.
204. This comment pertains to portions of Table 14 which were not changed from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.
205. Comment noted.
206. Comment noted.
207. This comment pertains to Figure 15, which was not changed from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.
208. This comment pertains to Figure 15, which was not changed from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.
209. This comment pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding

comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.

210. This comment is incorrect. See response to Comment 80.
211. See response to Comment 80.
212. This comment pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR. In any event, the County does not regard the Revised Draft PEIR text and maps or Revised Draft PEIR text and Land Use Element text to be inconsistent. See response to Comment 80.
213. See responses to Comments 208, 210, and 212.
214. See response to Comment 75.
215. This correction has been made in the Final PEIR.
216. See response to Comment 88.
217. This comment pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.
218. See response to Comment 101.
219. Comment noted.
220. See response to Comment 85.
221. See response to Comment 85.
222. See response to Comment 85.
223. This comment pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.
224. This comment is incorrect. The discussion in question are based on impacts to existing conditions that would occur under implementation of the Land Use, Traffic and

Circulation, Agricultural, and Geothermal and Transmission Elements.

225. See response to Comment 124.
226. Comment noted.
227. This comment apparently pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.
228. See response to Comment 85.
229. This comment refers to Responses to Comments on the Draft PEIR (see Volume II, Final EIR, May 1993) and does not pertain to text that was unchanged from the Draft PEIR. As described in the Notice of Availability for the Revised Draft PEIR, the County has already responded in detail to comments on the Draft PEIR and is responding only to those comments that pertain to new text in the Revised Draft PEIR.
230. This comment refers to Responses to Comments on the Draft PEIR (see Volume II, Final EIR, May 1993) and does not pertain to text that was unchanged from the Draft PEIR. As described in the Notice of Availability for the Revised Draft PEIR, the County has already responded in detail to comments on the Draft PEIR and is responding only to those comments that pertain to new text in the Revised Draft PEIR.
231. This comment refers to Responses to Comments on the Draft PEIR (see Volume II, Final EIR, May 1993) and does not pertain to text that was unchanged from the Draft PEIR. As described in the Notice of Availability for the Revised Draft PEIR, the County has already responded in detail to comments on the Draft PEIR and is responding only to those comments that pertain to new text in the Revised Draft PEIR.
232. This comment pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.
233. See response to Comment 85.
234. See response to Comment 85.
235. See response to Comment 85.
236. Comment noted. The County regards discussion of these topics in the Revised Draft PEIR as adequate.

237. See response to Comment 85.
238. See responses to Comments 41 and 85 in this document and see responses to Comments 104, 293, and 294 in the Responses to Comments on the Draft PEIR (see Volume II, Final EIR, May 1993).
239. Comment noted.
240. This comment pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.
241. This comment pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.
242. See response to Comment 85.
243. See response to Comment 85.
244. This comment pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.
245. This comment pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR. In any event, it should be noted that the environmental analysis of each issue addressed in the PEIR analyzes both impacts to existing conditions on the ground today and impacts under conditions of the 1973 General Plan.
246. Comment noted. See response to Comment 85.
247. This comment pertains to Figure 22, which was not changed from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.
248. This comment pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding

comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR. In any event, it should be noted that soil surveys of Imperial County by the United States Department of Agriculture were available prior to 1973.

249. See response to Comment 104.
250. See response to Comment 85.
251. This comment pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.
252. This comment pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.
253. This comment pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.
254. This comment pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.
255. This comment pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.
256. Comment noted.
257. This comment pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.
258. Comment noted.
259. Comment noted.

260. This comment pertains to text (Mitigation Monitoring Measure #17) that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.
261. Comment noted. The County regards the discussion in the Revised Draft PEIR relating to the issue in question as adequate.
262. See response to Comment 78.
263. This comment pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR. In any event, policy will be established by the Board of Supervisors during public hearings on the adoption of a General Plan Update and certification of the Final PEIR.
264. Comment noted. Based on the CEQA guidelines, all foreseeable projects should be reviewed within the Cumulative Impacts analysis section. The County considers "Future General Plan Amendments" as foreseeable projects where applicants have indicated an interest in writing to pursue these proposed developments.
265. "Figure 11" has been revised in the Final PEIR to state "Figures 11a, 11b, 11c, 12, 13, 14, and 15". With regard to the second portion of this comment, see response to Comment 85.
266. This comment apparently pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR. In any event, a "project" is a discretionary action such as a subdivision, a rezone, a General Plan Amendment, or a Conditional Use Permit. If a property is zoned for a single family home, a home can be constructed without a cultural resource study.
267. The Revised Draft PEIR does not indicate that potential emissions from the Mt. Signal Industrial Park and Niceland Specific Plan Area proposals would be any more problematic than emissions associated with the proposed Mesquite Regional Landfill, Glamis SPA, Felicity SPA, Holtville Airstrip SPA, Tamarack SPA, or East Border Crossing SPA.
268. This comment pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.

269. With regard to the first portion of this comment, see response to Comment 109. The second portion of the comment is noted; the Ocotillo/Nomirage area is not part of a currently proposed future General Plan Amendment.
270. Comment noted. The cumulative impacts to groundwater that would occur under implementation of the General Plan Update are adequately addressed in the Revised Draft PEIR. See response to Comment 85 in this document and response to Comment 293 in the Responses to Comments on the Draft PEIR (see Volume II, Final EIR, May 1993).
271. The first portion of this comment pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR. With regard to the second portion of the comment, treatment in the Revised Draft PEIR of the various subjects listed by the commenter is regarded as adequate.
272. This comment pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.
273. Comment noted. The County regards all alternatives discussed in the Revised Draft PEIR as adequate and feasible under CEQA.
274. See response to Comment 78.
275. See response to Comment 110.
276. See responses to Comments 110 and 273.
277. Comment noted.
278. It does not necessarily follow that the Increased Agricultural Alternative would be environmentally superior to the Modified Staff Alternative simply because it is environmentally superior to the Proposed Plan Update and the Increased Development Alternative.
279. See response to Comment 74.
280. This comment pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.

281. This comment pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.
282. This comment pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR. In any event, the County regards all alternatives discussed in the Revised Draft PEIR as adequate and feasible under CEQA.
283. This comment pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.
284. This comment pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.
285. This comment pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.
286. This comment pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.
287. This comment pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.
288. This comment pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.
289. This comment pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted

and that were unchanged from the Draft PEIR.

290. This comment pertains to text that was unchanged from the Draft PEIR. As explained in the Notice of Availability for the Revised Draft PEIR, the County is disregarding comments on portions of the text of the Revised Draft PEIR that were not highlighted and that were unchanged from the Draft PEIR.
291. If the Board of Supervisors chooses the Modified Staff Alternative with a two-year limit on General Plan Amendments to Agricultural designated lands, Mitigation Monitoring Program Measure #17 will be changed to two years.
292. See response to Comment 61.
293. Based on a review of Table 26 of the Revised Draft PEIR, the increase in area for SPAs is approximately 4.9%, not 9.5% as identified by the commenter. This increase is considered as only slightly higher than that of the proposed project. This increase of 1,100 acres must also be reviewed in the context of the entire General Plan area, which includes 2,942,080 acres.
294. Comment noted.
295. Comment noted.
296. Comment noted.
297. The Revised Draft PEIR identifies this alternative as environmentally superior to all other alternatives.
298. Comment noted. Discussion of environmental impacts to Water Quality and Hydrology in the Revised Draft PEIR are regarded by the County as adequate under CEQA. The commenter is correct in concluding the Environmental/Open Space Alternative would have less impacts on water quality.
299. See response to Comment 113.
300. Comment noted.
301. The potential impacts on the threatened desert tortoise and its habitat by proposed regional landfills will be evaluated in the environmental studies conducted for those projects.
302. Comment noted. The Revised Draft PEIR concludes that the General Plan Update would adequately protect cultural resources in the County.

303. See response to Comment 85.
304. Comment noted. See response to Comment 310.
305. Comment noted.

University of San Diego Environmental Law Clinic - October 7, 1993

306. The Notice of Availability (NOA) accompanying the release of the Revised Draft PEIR stated:

"PLEASE TAKE NOTE that substantial portions of the text of the Revised Draft PEIR are identical to the Draft PEIR. Those portions of the text of the Revised Draft PEIR that are new are highlighted. Because the County has already responded in detail to comments on the Draft PEIR, the County will respond only to those comments that pertain to new text in the Revised Draft PEIR. **The County will disregard comments pertaining to portions of the text that have not been revised (i.e., that are not highlighted in Revised Draft PEIR).**"

The commenter challenges the County's effort to limit its duty to respond to the second round of comments. Essentially, the commenter argues that recirculating the PEIR means recirculating the entire document, rather than just new portions of it (which is, in effect, what the County has done).

The duty to recirculate an PEIR arises out of Public Resources Code section 21092.1, which provides that "[w]hen *significant new information* is added to an environmental impact report after notice has been given pursuant to Section 21092," the public agency must recirculate the document for public review and comment prior to certification. (Emphasis added; see also *Marin Municipal Water District v. KG Land Corporation California* (1991) 235 Cal.App.3d 1652, 1666-1668 [1 Cal.Rptr.2d 767]; *Sutter Sensible Planning, Inc. v. Board of Supervisors* (1981) 122 Cal.App.3d 813, 818-823 [176 Cal.Rptr. 342].)

Nothing in Public Resources Code section 21092.1 either expressly or implicitly prohibits the approach taken by the County. Indeed, the County's approach is entirely consistent with both the letter and the spirit of the recirculation requirement.

The recirculation requirement exists in large measure to discourage "the practice of releasing a report for public consumption that hedges on important environmental issues while deferring a more detailed analysis to the final [environmental document] that is insulated from public review." (*Mountain Lion Coalition v. California Fish and Game Commission* (1989) 214 Cal.App.3d 1043, 1052 [263 Cal.Rptr. 104].) Indeed, the

California Supreme Court has recognized the centrality of public comment to the CEQA process:

"CEQA compels an interactive process of assessment of environmental impacts and responsive project modification which must be genuine. It must be open to the public, premised upon a full and meaningful disclosure of the scope, purposes, and effect of a consistently described project, with flexibility to respond to unforeseen insights that emerge from the process." (*Concerned Citizens of Costa Mesa, Inc. v. 32nd District Agricultural Association* (1986) 42 cal.3d 929, 936 [231 Cal.Rptr. 748].)

The recirculation requirement advances this goal by ensuring that the public has an opportunity to review and comment on all significant aspects of the document.

The public has had a full and fair opportunity to review and comment on the PEIR for the Imperial County General Plan Update. The County originally released the Draft PEIR on or about January 22, 1993 and accepted comments on the Draft PEIR through March 22, 1993. Thus, the public was provided 60 days in which to review and comment on the Draft PEIR.

The public took full advantage of this opportunity. The County received 23 comment letters and 780 specific comments. The County carefully reviewed 23 comment letters and 780 specific comments, systematically responded to each specific comment, and, to the extent appropriate, revised the Draft PEIR.

In some instances, the revisions to the Draft PEIR consisted of incorporating further mitigation measures. The County concluded that it was appropriate to include this new information, including mitigation measures, in the Final PEIR, in that doing so advanced one of the central purposes of CEQA: to lessen or avoid to the extent feasible a project's adverse environmental impacts.

The County did not certify the PEIR at that time, however. Although the County believed that the revisions to the Draft PEIR did not constitute "significant new information" within the meaning of section 21092.1, the County decided to recirculate the document for further review and comment. The Board followed this course of action because it was committed to providing the public and other public agencies with a full, fair and complete opportunity to review and comment upon the environmental analysis of the General Plan Update. Indeed, the Board recognized that public review and comment was an essential component of producing the best possible General Plan Update. The Board therefore decided to provide other public agencies and the public with the opportunity to review and comment upon those portions of the PEIR that were revised following circulation of the Draft PEIR.

For these reasons, the Board directed its consultant to recirculate the Draft PEIR. The Board instructed its consultant to highlight revised portions of the document to enable reviewing agencies and the public to focus on those portions of the Draft PEIR that had been changed.

The Revised Draft PEIR was released for public review on August 23, 1992. Consistent with the Board's wishes, revised portions of the Revised Draft PEIR were highlighted. The County accepted comments through October 8, 1993.

The Board has thus afforded the public and interested agencies with two distinct, legally sufficient opportunities to review and comment on the PEIR. The first comment period covered the document as a whole. The second comment period covered only those portions of the PEIR that had been revised. In the course of these two comment periods, the public has been afforded the opportunity to review and comment on every single word in the Draft PEIR and Revised Draft PEIR. Providing such an opportunity is precisely what the recirculation requirement is designed to ensure.

Obviously, the County could have exercised its discretion to accept comments on the whole of the Revised Draft PEIR, rather than only the new portions of the document. Nothing in section 21092.1, however, *requires* such an approach.

The County had sound reasons for restricting consideration of comments on the Revised Draft PEIR. Responding to the first set of comments (on the Draft PEIR) had proven to be a costly and time-consuming undertaking. Having completed this process, the County already knew how the public and reviewing agencies felt about the Draft PEIR. Thus, responding to comments on the portions of the Revised Draft PEIR that had not been changed would have been an empty, repetitive exercise. Yet, such an effort would nevertheless have required substantial County efforts. The Board felt that such an investment of time or money would have been a waste of finite County resources.

The Governor's Office of Planning and Research (OPR) has proposed revisions to the CEQA Guidelines that explicitly endorse the approach taken by the County. Currently, the CEQA Guidelines do not contain regulations implementing section 21092.1. The amendments propose, among other things, new section 15088.5, which provides guidance on the recirculation requirement. This section provides in part:

"If the revision is limited to a few chapters or portions of the draft PEIR, the lead agency need only recirculate the chapters or portions that have been modified" (Proposed CEQA Guideline, § 15088.5, subd. (b) (proposed by the Resources Agency, draft dated June 25, 1993).)

In its Initial Statement of Reasons concerning the proposed regulations, OPR explained:

"This subsection will help to focus public comments on the altered portions of EIRs, and to discourage repetitive comments on the unchanged portions, which have already been subject to full public review" (Initial Statement of Reasons, p. 8 (June 25, 1993).)

OPR has thus endorsed the approach followed by the County. Indeed, in proposing this regulation, OPR has invoked precisely the same concerns that moved the County to limit comments on the Revised Draft PEIR.¹

The commenter questions this approach. It cites a number of cases imposing or making reference to the recirculation requirement. These cases are inappropriate for the simple reason that the County *did* recirculate the document.

The commenter also argues that public comment on unchanged portions of the document is required because the revised portions of the text create new inconsistencies. On close scrutiny, this argument is not persuasive. The public was free to comment on the revised text. In preparing comments, the public was welcome to point out, among other things, ways in which the revised text was purportedly inconsistent with the unchanged text. Nothing in the County's NOA suggests otherwise.²

Moreover, in charging that the revisions "create new inconsistencies" with other portions of the Draft PEIR, the commenter does not point out the nature of these inconsistencies. The commenter has not identified a single, specific instance of an inconsistency between the revised text and the unchanged text. To offer a meaningful response, the County would have to speculate as to what inconsistencies the commenter has in mind. Requiring the County to engage in such speculation is neither reasonable nor appropriate (cf. *Perley v. Board of Supervisors* (1982) 137 Cal.App.3d 424, 434 [187 Cal.Rptr. 53]; *Cleary v. County of Stanislaus* (1981) 118 Cal.App.3d 348, 360 [173 Cal.Rptr. 390].) Other commenters did offer specific instances of inconsistencies, and the County has responded to those comments.

Next, the commenter charges that the Revised Draft PEIR does not highlight maps to show what changes have been made. The reason for this is simple enough: shading is

¹ Consistent with the proposed regulation, the County could have recirculated only the new text. The County felt, however, that such an approach would make reviewing the document too cumbersome. The County thus decided to recirculate the entire document and highlight the new text, so that the public could review the changes in the context of the document as a whole. In effect, the approach recommended by the commenter would penalize the County for making the Revised Draft PEIR "user friendly."

² Indeed, in another letter, the Sierra Club has pointed out perceived inconsistencies between the new text in the Revised Draft PEIR, and the unchanged text. Thus, the Sierra Club itself recognizes that the NOA did not discourage such comments.

often used on maps for other purposes, such as to indicate the locations of certain resources or other characteristics, and the addition of new shading would risk proper interpretation of the intended illustration. The changed (and new) figures were therefore indicated by shading the appropriate captions and figure numbers in the Table of Contents. In any event, the maps were circulated with the revised text of the Revised Draft PEIR, and the public was free to comment on those revised maps.

The commenter also argues that changes were made in some maps, but not in others. Once again, the commenter does not provide the County with specifics, despite the fact that it had a full and fair opportunity to do so. There is thus no way to respond to this comment. Other commenters did offer specific comments on maps, and the County has responded to those comments.

The commenter charges that the public comments on the Draft PEIR pointed out mapping errors, but the Revised Draft PEIR fails to correct these errors. Because the commenter points to no examples of such alleged errors, the County cannot offer a response. Moreover, the record makes it abundantly clear that the County took public comments on the Draft PEIR and Revised Draft PEIR very seriously.

Finally, the commenter argues that the County has a continuing obligation to consider the substance of late comments. The commenter does not, however, point to substantive comments that were disregarded by the County. On the contrary, the County made every effort to ensure that the Revised Draft PEIR contained the most accurate available information, including the latest maps. The County recognizes its obligation to ensure that the information in the Final PEIR, as certified by the Board, is as accurate as possible. If the commenter believes that the County fell short of this goal in some respect, then it should have pointed out this alleged failure in its comment letter. Once again, absent specifics, it is neither reasonable nor appropriate to expect the County to provide a specific response.

307. The commenter charges that the County failed to respond to comments on the Draft PEIR submitted by the Sierra Club. The County recognizes that "[t]he evaluation and response to public comments is an essential part of the CEQA process." (Discussion following CEQA Guidelines, § 15088; see also *Environmental Protection Information Center v. Johnson* (1985) 170 Cal.App.3d 604, 627 [216 Cal.Rptr. 502]; *Gallegos v. California State Board of Forestry* (1978) 76 Cal.App.3d 945, 952-955 [142 Cal.Rptr. 86].) The County further recognizes its obligation to provide written responses that describe the disposition of the significant environmental issues raised in the comments, and that manifest a good faith, reasoned analysis. (CEQA Guidelines, § 15088, subd. (b); *Sierra Club v. Gilroy City Council* (1990) 222 Cal.App.3d 30, 46 [271 Cal.Rptr. 393].)

The record bears out the County's commitment to this responsibility. The County provided detailed responses to the 780 specific comments it received on the Draft PEIR (see Volume II, Final EIR, May 1993). It is also providing response to the 310 specific

comments received on the Revised Draft PEIR. No timely comments on the Draft PEIR or Revised Draft PEIR have been disregarded.

308. The commenter argues that the County's responses to comments were inadequate. The only specifics offered by the commenter appear in a single sentence: "These documents fail to adequately evaluate and respond to public comments concerning the source of water for the proposed development along both sides of the Salton Sea, and the proximity to a fault line and to Bureau of Land Management Wilderness areas of the proposed fill near Mesquite Mine, among other concerns."

The County has, in fact, provided detailed responses to comments (Volume II, Final EIR, May 1993) focusing on these issues. See, for example, responses to Comments 293, 300, 309, 335, 427, 482 (groundwater and water supply issues), and 136, 251, 309, 455, 456 (regional landfill issues) in that document.

Moreover, as the Draft PEIR and Revised Draft PEIR make clear, consideration of the proposed regional landfill at Mesquite Mine is not a part of the General Plan Update. The proposed regional landfill will have to undergo separate, comprehensive environmental review, including impacts associated with seismicity and BLM wilderness areas.

Finally, the commenter's comment does not bear on the revised text in the Revised Draft PEIR. Rather, it attacks the County's responses to comments on the Draft PEIR. Accordingly, although the County takes this comment seriously, the County is not legally obliged to provide a written response to this comment.

309. The commenter repeats its charge that the County has either disregarded or inadequately responded to comments on the Draft PEIR. As noted in response to the commenter's other remarks, the record does not bear out this argument.

The commenter also claims that not all comments on the Draft PEIR were before the Board or included in the public record. This argument ignores the fact that the Board has yet to certify the PEIR for the General Plan Update. Thus, the public record has not yet closed. The County wishes to reassure the commenter that the board will have before it all comments on the Draft PEIR and the Revised Draft PEIR when it considers whether to certify the document. Moreover, the public has had, and will continue to have, unhindered access to all public documents concerning the PEIR.

310. The commenter requests "a second comment period." The County believes that providing a second comment period would not be an appropriate allocation of finite County resources.

As noted above, the Draft PEIR and Revised Draft PEIR, taken as a whole, have been subjected to comprehensive public review. The public has been provided two, distinct

periods, totalling 105 days, in which to perform this review. No part of the document has been shielded from public scrutiny. Another review period would merely be an occasion for traversing ground that has already been thoroughly covered. In short, it would involve needless delay and expense.