

US EPA ARCHIVE DOCUMENT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
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San Francisco, CA 94105-3901

October 14, 2011

Lanika Cervantes  
U.S. Army Corps of Engineers  
6010 Hidden Valley Road, Suite 105  
Carlsbad, CA 92011

Subject: Salton Sea Species Conservation Habitat Project Draft Environmental Impact Statement /  
Environmental Impact Report, Imperial County, California, August 2011 (CEQ  
20110263)

Dear Ms. Cervantes:

The U.S. Environmental Protection Agency (EPA) has reviewed the above project pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), our NEPA review authority under Section 309 of the Clean Air Act, and the provisions of the Federal Guidelines (Guidelines) promulgated at 40 CFR 230 under Section 404(b)(1) of the Clean Water Act (CWA).

Since the DEIS does not identify a preferred alternative, we have rated each alternative, pursuant to EPA's *Policy and Procedures for the Review of Federal Actions Impacting the Environment*. Our rating, the same for each alternative, is *Lack of Objections* (please see the enclosed "Summary of EPA Rating Definitions"). EPA supports the project purpose -- developing a range of aquatic habitats to support fish and wildlife species dependent on the Salton Sea. As the Draft Environmental Impact Statement (DEIS) explains, the Salton Sea habitat is being lost to increasing salinity and decreasing Sea elevation. The action alternatives would create 2,080 to 3,370 acres of aquatic habitat ponds intended to serve as a proof of concept for an even larger restoration effort. We recommend that the FEIS include the jurisdictional delineation. We have also enclosed detailed comments on water quality impacts, farmland impacts, and alternatives.

We appreciate the opportunity to review the DEIS and look forward to continued coordination with Army Corps. When the FEIS is published, please send a copy to me at the address above (Mail Code: CED-2). If you have any questions, please contact me at (415) 972-3521 or contact Tom Kelly, the principal reviewer for the project, at (415) 972-3856 or [kelly.thomasp@epa.gov](mailto:kelly.thomasp@epa.gov).

Sincerely,

/s/

Kathleen M. Goforth, Manager  
Environmental Review Office  
Communities and Ecosystems Division

Enclosures: Summary of Ratings Definitions  
Detailed Comments

## **Water Quality**

### *Section 404, Clean Water Act Permitting*

The project would restore shallow water habitat lost due to the Salton Sea's ever-increasing hypersalinity and reduced area, as the Sea recedes. Construction of the proposed project may impact up to 24 acres and temporarily impact up to 1,760 acres of waters of the U.S. (p. 3.4-58); however, the jurisdictional delineation has not been verified by the Army Corps.

#### *Recommendation:*

The FEIS should include the findings of the Corps-verified jurisdictional delineation.

### *Changing Water Management Practices*

The DEIS discusses water quality in Section 3.11. It provides contaminant concentrations and water quality parameters in Table 3.11-5, Comparison of Water Quality Objectives with Current Conditions (2004-2010 Mean Annual). The DEIS also states that "Inflow to the Sea from the Imperial Valley is projected to continue to decline from the current annual average of 1,029,620 afy [*acre-feet per year*] to 723,940 afy (with adjustment for the Quantification Settlement Agreement [QSA]) by 2020 (DWR and DFG 2007)." (p. 3.11-7) This will occur about the same time as the Imperial Irrigation District fallowing program also ends in 2018. The DEIS does not clarify the potential for these changes to alter phosphorus, nitrogen and pesticide concentrations in the New and Alamo Rivers.

#### *Recommendation:*

The FEIS should discuss expected changes to water quality based on changing water management practices, and the potential for these changes affect the project's success.

### *Contingency Planning*

The proposed project would provide habitat for both fish and invertebrate species, which in turn would provide forage for bird species dependent on the Salton Sea Ecosystem. The project is designed as a "proof-of-concept" project for a period of ten years, in which several project features, characteristics, and operations could be tested under an adaptive management framework. This allows operators to try different combinations of storage, salinity, and residence times to investigate how these factors could be adjusted to provide the best conditions for fish and birds presently and to inform future restoration (p. 2-10). The DEIS acknowledges the funding uncertainty of the project by stating (p. 2-10):

"The proof-of-concept period would last for approximately 10 years after completion of construction (until 2025). By that time, managers would have had time to identify those management practices that best meet the Project goals. After the proof-of-concept period, the Project would be operated until the end of the 75-year period covered by the QSA (2078) or until funding were no longer available."

*Recommendation:*

The FEIS should include a Contingency Plan, should operation and management funding terminate. This Contingency Plan should provide for project modifications (*e.g.*, breach of berms) to maximize habitat acreage and function if the project site is no longer managed and provided with an adequate water supply to maintain existing habitat.

*Pond Seepage*

Appendix C discusses pond seepage as a concern for berm stability. In the construction of New River Wetlands Demonstration Project, seepage from beneath the ponds exceeded evaporation<sup>1</sup>. Initially, some of the ponds in the proposed project are likely to be in direct contact with groundwater, substantially limiting seepage, but this is not true for ponds further from the shore. Additionally, as the level of the Salton Sea declines to -258 feet below mean sea level in 2077 (p. 2-9), the entire pond complex will be well above the water table. Mitigation measures, such as geosynthetic liners or low permeability soil layers, can readily prevent seepage.

**Recommendation:**

The FEIS should discuss the relative significance of pond seepage and consider mitigation if appropriate.

*Project Maintenance*

The DEIS describes vegetation removal from the sedimentation basin, interception ditch and around the river pump station (p. D-23), but does not describe vegetation removal from the Species Conservation Habitat (SCH) ponds. The lack of any vegetation description for the SCH ponds leads us to assume no vegetation is planned there, however, a variety of invasive species are likely to inhabit the ponds over time.

*Recommendation:*

The FEIS should describe and budget for vegetation removal from the SCH ponds.

**Farmland**

The DEIS considered the loss of 37 acres of farmland, in Impact AG-2 (permanent conversion of a small amount of farmland to nonagricultural use), less than significant for alternatives 1 and 4. Alternatives 1 and 4 convey water from the Alamo and New Rivers by gravity diversion, rather than by pumping and pipes. The next section, Impact AG-3, apparently considered the same impact significant, because the land would permanently convert Williamson Act contract land to nonagricultural use. In clarifying the significant impact, the DEIS offered the following explanation (p. 3.2-10):

The Williamson Act provides financial incentives to encourage the retention of agricultural land. As discussed under Impact AG-2, the conversion of 60 acres of agricultural land [*the measure of significance for AG-2*] would negligible in relation to the amount of land that is currently farmed and fallowed in the Imperial Valley. However, the conversion of land under Williamson Act contracts prior to the nonrenewal termination date would require the payment of cancellation fees (personal communication, A. Havens 2011). This impact

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<sup>1</sup> Selenium in the New River and an Evaluation of Human Health Risk Reduction by the Brawley and Imperial Constructed Wetlands Demonstration Project (W-06-3), Richard M. Gersberg, San Diego State University, see: [http://scerpfiler.org/cont\\_mgt/doc\\_files/W\\_06\\_3.pdf](http://scerpfiler.org/cont_mgt/doc_files/W_06_3.pdf)

would be significant when compared to both the existing environmental setting and No Action Alternative.

The basis for the significance rating appears to be the payment of cancellation fees, rather than the project's environmental impacts. We also note that alternatives that include the fee payment may represent an overall project savings, when lower energy costs are also considered.

*Recommendation:*

The FEIS should clarify the entity that would need to make the fee payment, for converting Williamson Act land, and explain why this impact would be significant.

**Alternatives**

The Department of Natural Resources selected Alternative 3 as the California Environmental Policy Act preferred alternative, "because it would provide greater long-term benefits by restoring the greatest amount of habitat, while minimizing environmental impacts to the extent feasible." (p. ES-21) Section 2.2 and Appendix B describe the development of the project alternatives; however, these sections do not clarify the reason for pond sizes associated with each alternative. If maximization of habitat is a primary criterion for selection of the preferred alternative by the Army Corps, which EPA supports, the document should provide an explanation for limiting pond size associated with alternatives at the same river. For example, do specific factors (topography or project costs) prevent construction of ponds similar to alternative 3, using gravity diversion?

*Recommendation:*

The FEIS should discuss constraints on the pond size associated with each alternative.