



United States Department of the Interior

FISH AND WILDLIFE SERVICE

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IN REPLY REFER TO:

May 15, 2000

MEMORANDUM

To: Regional Director, Lower Colorado River Region, Bureau of Reclamation
Boulder City, Nevada (Attn: Salton Sea Project Manager)

From: California-Nevada Operations Manager, Fish and Wildlife Service
Sacramento, California

Subject: Draft Environmental Impact Statement (EIS) for the Salton Sea Restoration
Project

The Fish and Wildlife Service has reviewed the draft EIS for the Salton Sea Restoration Project and would like to offer the following comments in our capacity as a cooperating agency. We have provided general comments below, and specific comments can be found in the table format provided with the document. Both a hard copy and an electronic copy of the specific comments are provided for your convenience.

General Comments

The Service would like to congratulate the Bureau of Reclamation (Bureau) and the Salton Sea Authority for the timely completion of the draft EIS. However, we have identified certain data gaps in the draft. We have attempted to note specific gaps in our comments provided in the table.

In general, there was a lack of evaluation of the potential impacts to wildlife associated with contaminants in the Salton Sea and its tributaries. Because all of the alternatives discussed in the draft EIS incorporate evaporative concentration of Salton Sea water in a manner that will be accessible to wildlife, this is an ongoing concern. Although we realize that the concentrations are not currently at levels expected to be acutely toxic to wildlife, anticipated changes in the Imperial Valley could result in conditions that cause measurable impacts to wildlife health and/or reproduction. An ecological risk assessment approach is recommended to provide a quantitative measure of the risks associated with the project actions. Such an evaluation should be conducted for all contaminants of potential concern before final project designs are completed. Please see the specific comments given for the following pages: 3-17, 3-67, 3-86, 3-149, 4-21, 4-25, 4-26, 4-30, 4-31, 4-33, 4-47, 4-121, 4-123, 4-189, 4-191, 6-16, 6-33, 6-37, 6-41, and 6-42.

We support the need for salinity control as a part of the restoration process for the Salton Sea. Maintenance of a fishery is necessary in order for the Salton Sea to continue to support large populations of fish eating birds such as the American white pelican, the brown pelican, and the double-crested cormorant. We are still concerned that other problems in the Sea are the primary

drivers of the conditions promoting fish and wildlife disease. We need to continue in our efforts to understand the complex interactions that drive these disease events. This understanding will allow a more comprehensive solution to be developed. As Phase 1 of the project moves forward, the lead agencies need to make sure that all are aware of the limitations of this phase and that additional projects will likely be required to restore the Sea to a healthy ecosystem.

The Bureau is currently planning activities at the north end of the Salton Sea that would provide wetland enhancement opportunities. We believe that this project offers great potential benefits to wildlife in the long term. There are concerns regarding desert pupfish distribution and movement that will need to be addressed prior to the finalization of the design for this portion of the project. Additional coordination between the Bureau, the Service, and the California Department of Fish and Game is needed to discuss the issues in greater detail. This coordination should allow the Bureau to incorporate adequate information in the final document to address these concerns and support implementation of this project in the near future.

We have evaluated the alternatives and have drawn some general conclusions regarding the locations of the facilities described. It is clear from the document that the size and location of the southwestern concentration pond is problematic. The location of this pond is adjacent to the largest population of desert pupfish at the Salton Sea. This location requires that a “pupfish pond” be located along the shoreline between the concentration pond and shore. We are concerned that the configuration of the pupfish pond will result in poor water quality, particularly during the warmer months of the year. Although pupfish have a high tolerance for high temperatures and low dissolved oxygen, the conditions in this pond may result in fish being stressed. In the most extreme conditions that occur in the Imperial Valley, there may be pockets where dissolved oxygen is essentially lacking altogether. In addition, the configuration of this pond may make the pupfish more vulnerable to spills of agricultural chemicals. The risk associated with these conditions is of great concern to the Service.

The locations being evaluated for the Enhanced Evaporation System (EES) differ significantly in the magnitude of impacts that are likely to be associated with them. The potential increase in salinity in San Felipe Creek associated with Alternative 3 is of great concern to the Service. San Felipe Creek has been designated as critical habitat for the desert pupfish and may function as a source population of pupfish to the Salton Sea. Much more specific information will be required regarding the potential change in conditions for the Service to adequately evaluate the possible impacts of this alternative to the desert pupfish and its critical habitat. The Salton Sea Test Base is known to be occupied by the flat-tailed horned lizard, a species that is the subject of a conservation agreement among several federal and state agencies (including the Bureau). No avoidance, minimization or mitigation measures have been provided to address the potentially significant loss of terrestrial habitat for this species. There is also the possibility that the dunes present on the site may be habitat for one or more federally listed endangered plants. The active dune system should be avoided if this alternative is chosen. The dock at the Test Base is a primary loafing site for the brown pelican at the Salton Sea. This will also need to be addressed for any activities planned for this facility. While both locations occur in corridors used by

migratory birds, the Bombay Beach site appears to be significantly less sensitive overall and warrants full consideration as these alternatives are refined. We are also concerned that the general discussion of the EES does not adequately address the magnitude of the changes to the landscape that would occur with its implementation.

The displacement dike raises several concerns that have not been addressed. The displacement dike is likely to result in changes in the circulation patterns in the Salton Sea. This could result in increased deposition of contaminants at the mouths of the New and Alamo Rivers and could promote pathogens by altering the characteristics of the water column in the river delta areas. The structure is likely to impede the movement of desert pupfish between drains currently occupied in the southeast and southwest corners of the Salton Sea. The structure will limit foraging opportunities for birds near their nesting sites in the New and Alamo River deltas forcing them to forage farther from the nest. The increased length of foraging trips may make their eggs and chicks more vulnerable to the extreme temperatures experienced in this area. Given that part of the structure would be located on submerged Service lands, we would like the opportunity to evaluate alternative elevation management strategies that could provide greater benefits to wildlife.

The use of Palen Lake as a discharge site in Phase 2 is also of concern. We believe that this is likely to result in the transfer of wildlife health problems to this location. In the long term, disposal of up to 9 feet of salt and other material in this lake bed is likely to result in large terrestrial impacts. This alternative may result in the creation of a very large “attractive nuisance” that would be difficult if not impossible to manage.

There are several gaps in the information provided in the discussion of the use of flood flows. Additional information on the current volume and pattern of flows going to the Colorado River delta needs to be compared with what would occur under the proposed action. The anticipated changes in the Rio Hardy and other delta wetlands as a result of these flow changes should be described to the maximum extent possible. The current discussion given in terms of percentages of years that flood flows are diverted or reduced is difficult to translate into impacts to habitat and fish and wildlife. The fact that the volume of water that would be diverted in a year could support 25,000 acres of wetlands for two years is very important given the irregular nature of these flows.

It should be noted that the use of Salt Creek for the delivery of flood flows to the Salton Sea is a significant unmitigated impact given that portions of the creek are currently occupied by the desert pupfish.

The budget figures provided in the Symposium III Alternatives Packet which was handed out at the Salton Sea Symposium III in January as an introduction to the alternatives discussed in the draft EIS do not include a line item for monitoring. Although no specifics have been developed in terms of a monitoring program, it is important that the recipients of these documents be aware that there will need to be a substantial monitoring effort. An estimate could be provided in future documents based on a percentage (e.g., 10% or 15%) of the overall project costs. An additional budget consideration is a contingency fund to support adaptive management actions that may be

required to address unforeseen impacts to fish and wildlife resources. An additional 15% would be an appropriate estimate of contingency funding for budgeting purposes.

We would like to take this opportunity to advise the Bureau on the tasks that remain for our two agencies relative to the restoration project. Under section 2(a) of the Fish and Wildlife Coordination Act (Coordination Act), “any department or agency of the United States ...first shall consult with the United States Fish and Wildlife Service” whenever waters are proposed or authorized “to be impounded, diverted, the channel deepened, or the stream or other body of water otherwise controlled or modified for any purpose whatever...”. In furtherance of the purposes of the Coordination Act, section 2(b) states, “the reports and recommendations of the Secretary of the Interior on wildlife aspects of such projects...based on surveys and investigations conducted by the United States Fish and Wildlife Service...for the purpose of determining the possible damage to wildlife resources and for the purpose of determining means and measures that should be adopted to prevent the loss of or damage to such wildlife resources...shall be made an integral part of any report prepared or submitted...to the Congress...”.

During the pre-construction planning phase of project development, Planning Aid Reports provide technical assistance on wildlife matters to assist the Bureau in refining its current suite of project alternatives and in selecting a preferred alternative with the least unavoidable direct, indirect, and cumulative project-related impacts to fish and wildlife. When the Bureau selects the preferred project alternative, we would prepare a 2(b) report or Coordination Act Report. The Bureau will provide the Service with specific design details and locations of all project features. We have not yet been consulted to conduct biological investigations, prepare a Planning Aid Report, nor to prepare a Coordination Act Report. The current draft EIS does not provide adequate details for either of these reports to be developed nor does it comply with the requirements of the Coordination Act. In other words, the Bureau must comply with the National Environmental Policy Act as well as the Fish and Wildlife Coordination Act. One does not replace the other.

Pursuant to the Endangered Species Act of 1973, as amended, the Bureau must consult with the Service when the proposed action may affect a federally listed species. We have already provided the Bureau with a list of the species that may occur in the project area. As with the Planning Aid Reports and the Coordination Act Report, conducting the consultation will require specific details regarding the preferred project alternative. The information minimally required to initiate formal consultation is as follows:

- a detailed description of the action (i.e., preferred alternative) being considered;
 - a detailed description of the specific project area that may be affected by the action;
 - a detailed description of any federally listed species or critical habitat that may be affected by the action;
 - a detailed description of the manner in which the action may affect any listed species or critical habitat and an analysis of any cumulative effects;
 - relevant reports, including any environmental impact statements, environmental assessments, biological assessments or other analyses prepared for the proposed action;
- and

- any other relevant studies or other information available on the action, the affected federally listed species, or critical habitat.

In closing, it is appropriate to remember that the Salton Sea is a very important place for wildlife in part because of the low level of human disturbance. As we move forward with a project that may promote greater human use, we need to be certain that the wildlife isn't discouraged from using the habitat that we are trying to improve for it by more intensive and disruptive human activities. We look forward to working with the Bureau and the Salton Sea Authority on management of all uses of the Salton Sea to maximize the benefits to the people and the wildlife alike.

We appreciate the opportunity to provide these comments and participate in this process as a cooperating agency. We look forward to continuing this process as the Bureau further refines its plans, and we approach a solution for the Salton Sea. Please contact Nancy Gilbert of my staff at (760) 431-9440 if you have any questions regarding these comments.

s/ M.J. Spear

Attachments (1 hard copy, 1-3.5" disk)

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