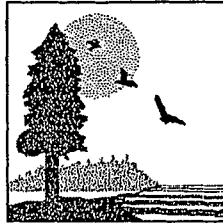


CALIFORNIA STATE LANDS COMMISSION
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February 22, 2000

File Ref: SD 1999-12-06.2

52

Ms. Nadell Gayou
The Resources Agency
1020 Ninth Street, 3rd Floor
Sacramento, CA 95814

Mr. Jack Safely
Metropolitan Water District of Southern California
P. O. Box 54153
Los Angeles, CA 90054-0153

Dear Ms. Gayou and Mr. Safely:

Staff of the California State Lands Commission (CSLC or Commission) has reviewed the Draft Environmental Impact Report (DEIR) for the Cadiz Groundwater Storage and Dry-Year Supply Program, SCH #99021039. Based on our review, we offer the following comments.

CSLC Jurisdiction

Shortly after becoming a State, California was granted Sections 16 and 36 (2 square miles), or lands in lieu thereof, out of each township (36 square miles) then held by the federal government. These lands, classified as "School Lands," were given to the State to help support public education. While many of the School Lands were sold off over the years, the State retains an interest in approximately 1.3 million acres of mostly desert and forest lands. State legislation has mandated that revenues from these School Lands accrue to the State Teachers Retirement System. The CSLC has jurisdiction and authority over those School Lands and lieu lands that remain unsold. The CSLC also retains certain mineral interests in some lands that were previously conveyed into private ownership.

52-1

Based on our review of the proposed project, several of the proposed alignments of the water conveyance system appear to cross School Lands located in Section 36, T1N, R16E, SBM; Section 36, T5N, R14E, SBM and Section 36, T3N, R16E, SBM. These lands are under the jurisdiction of the CSLC and any use will require a lease from the Commission. The CSLC is, therefore, a Responsible Agency under the California Environmental Quality Act (CEQA).

S2-1

In addition, the proposed well field development may have an impact on water rights and quality associated with lands under the CSLC's jurisdiction in Section 16, T5N, R15E, SBM; portions of Section 36, T5N, R14E, SBM and portions of Sections 16 and 36, T5N, R13E, SBM. Additional lands in which the State retains a mineral interest may also be impacted by the water development.

S2-2

On page 5-8, the document discusses existing land use and ownership. Figure 5.2-1 shows land ownership in relation to the Cadiz Project Facilities. A map that compares land ownership to the maximum extent of areas affected by the project would also be helpful. For example, the maximum subsidence due to project operations (Appendix B) extends beyond the project facilities. Subsidence could, therefore, be shown in relationship to land ownership.

S2-3

Additionally, pages 5-99 and 5-101 discuss the effects on groundwater levels due to operation of the project. Does Figure 5.5-13 depict the geographic extent of impacts to groundwater levels, or could it possibly extend beyond that depicted? Please clarify.

S2-4

Specific Environmental Comments

On page 5-166, the document states that the Eastern Alternative (preferred alternative) will remove foraging habitat for sharp-shinned hawk, ferruginous hawk prairie falcon, yellow warbler, pallid bat and western mastiff bat. The document, however, does not indicate how many acres of foraging habitat for these species will be impacted. Please clarify.

S2-5

Regarding page 5-179, Mitigation Measure B-7 is designed to reduce potential direct impacts on the American badger and desert kit fox to below a level of significance by removing these species from the construction corridor following consultation with the Department of Fish and Game (DFG). Once removed, please clarify what will be done with these animals. Will they be relocated to in-kind compensatory mitigation land?

S2-6

Mitigation Measure B-17 at page 5-181 stipulates a speed limit of 35 miles per hour between Cadiz-Rice Road and the Iron Mountain Pumping Plant. Staff of the CSLC believes this speed limit should be reduced to 15 mph to allow desert tortoises a better opportunity to escape from being crushed by moving vehicles. Such speed limit should be observed by all construction crew and enforced by monitors on all access roads in construction areas of desert tortoise habitat.

S2-7

Page 5-182, Mitigation Measure B-26, states that offsite property shall be provided at a 1:1 ratio for impacts to desert tortoise habitats (Mojave wash scrub, Mojave creosote bush scrub, and desert dunes/sandy fields). Furthermore, this area will be permanently protected and managed for the protection and preservation of this species. Does this include both temporary and permanent impacts? Staff believes compensation ratios should be 3:1 for permanent impacts and 1:1 for temporary impacts. Habitat values for offsite mitigation may not be as high as the habitat that was destroyed, and may involve time delays before it reaches a point where it meets the habitat that was originally destroyed. As such, compensation ratios of 3:1 would seem more appropriate.

S2-8

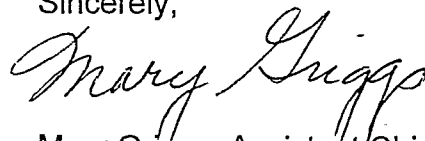
Mitigation Measure B-33, page 5-184 also references compensation ratios for offsite mitigation for impacted wash habitat at a 1:1 ratio. The document, page 5-185, states that to reduce the level of significance of impacts related to the Eastern Alternative, replacement acreage for temporary and permanent acreage losses of Mojave wash scrub and desert tortoise habitat will be done at a 1:1 ratio. As mentioned above, staff believes that 3:1 for permanent impacts and a 1:1 ratio for temporary impacts is more appropriate. These ratios would apply to the other alternative alignments as well.

S2-9

Page 8.2 of the document states that impacts associated with the build alternatives would not have significant impacts following implementation of the proposed mitigation measures. Staff believes that these impacts would be mitigated to a level of insignificance only if the ratios as mentioned above are implemented.

Thank for the opportunity to comment. If you have any questions regarding the CSLC's leasing process, please contact Alan Scott at (916) 574-1861. For questions regarding environmental content of the DEIR, please contact Kris Vardas at (916) 574-1877.

Sincerely,



Mary Griggs, Assistant Chief
Division of Environmental Planning
And Management

cc: Alan Scott
Kris Vardas