

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

January 4, 2001

G27

Dear Mr. Safely:

Re: Proposed Cadiz Groundwater Storage Project

I am the Executive Director of the Desert Tortoise Preserve Committee, a nonprofit organization that has been devoted to promoting the welfare of the desert tortoise, *Gopherus agassizii*, and its habitat throughout its range in the desert Southwest since 1974. On behalf of the Committee and other tortoise interest groups such as the Desert Tortoise Council that I represent on the Bureau of Land Management's desert planning efforts, I thank you for providing this additional opportunity to review and provide comment on the proposed Cadiz Groundwater Storage Project. As you will see below, we are deeply concerned that the Supplemental Draft EIR/EIS includes new proposals that may have significant negative environmental impacts on both the desert tortoise and its designated critical habitat. These impacts are not addressed in the Supplement or in the original Draft EIR/EIS.

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Page 1-4 of the Supplement states, the "Supplement to the Draft EIR/EIS is focused on water resources and related air quality issues" and further "The Draft EIR/EIS addressed issues such as potential effects on endangered species, wildlife habitat, and cultural resources; these issues are not revisited in this Supplement." These statements are of concern in and of themselves, since by implication any relevant new data on other affected resources has been ignored. In particular, a new federally-funded study has determined that local desert tortoise populations have undergone a recent decline of such magnitude that we feel that a complete reevaluation of the potential impacts of the project to this resource may be warranted. Of even greater concern, however, is that the Supplement to the Draft EIR/EIS includes new proposed actions such as the construction of a series of "observation wells" that are not evaluated for their environmental impacts on the tortoise or its designated critical habitat.

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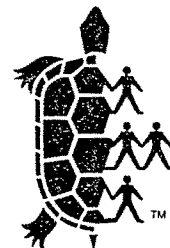
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Although the Cadiz landholdings lie immediately adjacent to designated desert tortoise critical habitat (in fact according to Figure 3-5, Cadiz owns Section 5 of T5N R15E which was designated as critical habitat in the February 8, 1994 determination) neither the original Draft EIR/EIS nor the Supplement include a single map depicting critical habitat boundaries. If this had been done, it would have been quite clear that most of the newly proposed locations for the observation wells are within or along the boundary of designated critical habitat. Nowhere in the Supplement are the direct or indirect environmental impacts to the

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tortoise or its critical habitat of these newly proposed constructions addressed. Indeed, a footnote on page 3-29 states "Installation of any new monitoring facilities would be subject to approval by the applicable regulatory agencies." This is troubling in that the EIR/EIS process appears to have failed to evaluate both the specific impacts of certain proposed actions and the cumulative impacts of the project to a Federal- and state-listed species.

G27-3

The proposed actions will impact on critical habitat in two separate desert tortoise recovery units. The proposed spreading basins and those production wells northeast of the basins lie on the southwestern edge of the Chemehuevi critical habitat unit (CHU), which is part of the Northern Colorado Desert Tortoise Recovery Unit. The proposed observation wells to the east of the spreading basin lie within the Chemehuevi CHU. In addition, many of the observation wells proposed to the north of the basin lie in and along the Fenner Valley within the Piute-El Dorado CHU of the Eastern Mojave Desert Tortoise Recovery Unit.

G27-4

The Fenner Valley forms a significant link between the Chemehuevi and Piute-El Dorado critical habitat units. In the Fenner Valley lies the Goffs Permanent Study Plot, which was established in 1977 for the Bureau of Land Management and is one of 15 plots in the California desert where tortoise populations have been surveyed every 4 years or so. This site was surveyed in spring 2000 by a team led by Dr. Kristin Berry of the U.S. Geological Survey. The survey results were widely publicized and were featured in several newspaper articles (e.g. Los Angeles Times, 7/16/00; San Bernardino Sun 8/14/00). According to a July 2000 report of the survey, the population has undergone a severe decline and only 10-14% of tortoises registered in prior surveys remain.

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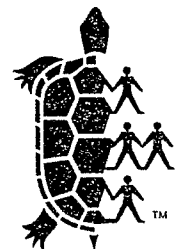
The Fish and Wildlife Service's 1994 *Desert Tortoise (Mojave Population) Recovery Plan*, notes that predation by ravens may significantly impact on recruitment of juvenile tortoises, that raven populations are increasing in the Fenner Valley (Appendix F, page 11) and that "artificial sources of food and water help sustain more individuals during times of resource shortage" (Appendix D, page 34). Clearly, now that the local tortoise population has crashed, recruitment of juvenile tortoises is at premium if recovery is to occur. However, according to the Draft EIR/EIS, the proposed spreading basins will provide a new water source for birds (page 5-164). We were pleased to see that the original Draft EIR/EIS included a series of proposed mitigations for impacts to non-critical tortoise habitat caused by construction of 35 miles of pipeline. However, the ongoing impact to the tortoise afforded by subsidizing one of its known predators by providing a ready source of water for ravens was not considered in the original EIR/EIS. Given that new data shows a major decline in the local tortoise population, appropriate mitigations must be provided to offset this impact.

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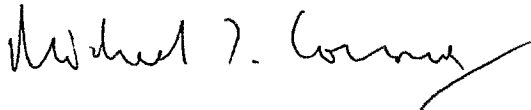
According to page ES-3 of the Draft EIR/EIS the purpose of the EIR/EIS is to provide "a detailed project description and an analysis which fully evaluates the potential environmental impacts and mitigation measures for the proposed project. CEQA and NEPA specifically require that an EIR/EIS identify any potential adverse impacts determined to be significant after mitigation." Clearly, given the issues we have identified above, this purpose has not yet been fulfilled and the EIR/EIS process is incomplete since the proposed actions have not been fully evaluated for their impacts on the threatened desert tortoise and its habitat. Obviously, appropriate mitigations cannot be developed without this evaluation.

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Again, we thank you for providing the opportunity to comment on the Supplemental Draft EIR/EIS and we look forward to seeing your response. If we can be of any additional information or assistance please feel free to contact me by telephone at (909) 683-3872 or by e-mail at <dtpc@pacbell.net>.

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Sincerely,



Michael J. Connor, Ph.D.
Executive Director

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cc: James Williams, BLM

