Otay Water Pipeline Project Manager,
Office of Environmental Quality and Transboundary Issues (OES/EQT): Suite 2726, U.S. Department of State, 2201 C Street NW., Washington, DC 20520.
Federal Registration Number: 2016-11282

Lisa Coburn-Boyd,
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Dear Lisa Corbun-Boyd and Otay Pipeline Project Manager-

We want to thank the Otay Water District and U.S. Department of State for receiving and carefully considering our comments on the proposed Otay Mesa Conveyance and Disinfection System Project (project). We are writing on behalf of WILDCOAST and Surfrider Foundation members in both California and Baja California.

Our comments and questions below focus on why the EIR/EIS cannot be certified as is, and why it would be inappropriate to grant a Presidential Permit.

In brief, the EIR/EIS is fundamentally flawed in that:

- it segments the cumulative impacts of the seawater desalination treatment plant construction and operation from the proposed delivery of the product water to the United States;
- the assumption that there are no better alternatives for water supply reliability in the region of the San Diego County Water Authority is not substantiated, and;
- even if the cumulative impacts of the treatment plant are removed from the analysis, the analysis of the adverse impacts from construction and operation of the delivery system is inadequate.

Further, the Presidential Permit must be denied on the grounds that the project is not in the best interest of the United States because:

- it allows a local California government agency to avoid California State laws designed to protect the environment from poorly sited and designed seawater desalination facilities;
- it undermines the intent, if not letter, of agreements between the United States and the international community to address climate change; and
- it discourages resolution of long-standing cross-border disputes over water pollution abatement and Colorado River water allocation – issues that can be resolved in economically and environmentally preferable alternatives to the proposed project.

A: EIR/EIS IS NOT ADEQUATE

1. Segmenting and Cumulative Impacts

The EIR/EIS assumes the desalination treatment plant in Rosarito will be constructed and operated to produce 100 million gallons per day (mgd) regardless of whether the proposed

conveyance system is approved and constructed. This fundamental assumption is not verified in the EIR/EIS with any documentation or references.

In fact, the logic of the proposal seems inconsistent with the purpose of the project described in the EIR/EIS. That is, the District is proposing to purchase and take delivery of differing volumes of the product water – a minimum of 10mgd up to a maximum of 50mgd -- dependent on seasonal variations in demand. We can only assume that the remaining volume of product water will be delivered to meet demands in Mexico during times when demand by the San Diego County Water Authority fall below the maximum of 50mgd allowed in the conveyance system. However, because variations in demand based on seasonal conditions in the San Diego region are similar to those in northern Baja, the EIR/EIS fails to adequately document the assumption of cumulative seasonal demand for the full production of 100mgd. That is, it is hard to imagine a season when demand for the product water in San Diego would increase and demand for the water in Baja would simultaneously decrease. Furthermore, agreements and letters of intent from the Otay Water District (District) and Mexico have been in place since as early as 2009. This seems to suggest that the pipeline and water demand from the US are in fact key drivers of this project.

Most importantly, construction of the desalination facility is directly related to construction of the conveyance system – there would be no need for a conveyance system but for the seawater treatment plant.

Further, and maybe more inexplicably, the EIR/EIS seems to segment construction and operation of the conveyance system on the Mexican side of the border from the construction and operation of the conveyance system on the US side of the border.[1] *See discussion of "Project Specific Impacts (GHG)" below.* Segmenting one portion of the conveyance system from another portion of the conveyance system clearly avoids the definition of a "system" of interdependent pipes and pumps from the source to the point of delivery -- and more importantly undermines a thorough cumulative impacts analysis -- without any rationale.

As explained in more detail below, for purposes of a Presidential permit, as well as full review of environmental impacts from the proposal, the desalination treatment plant cannot be segmented from the proposal to convey the product water to alternative points of delivery. While environmental review for the construction and operation of the desalination facility may be within the sole discretion of the Mexican government, a delivery pipeline crossing the border demands a thorough review of the cumulative impacts of both before a Presidential permit can be thoroughly considered.[2]

This gap in fundamental baseline information undermines the intent of CEQA, NEPA and the Presidential permit review process to fully document the cumulative impacts of the proposed project and the national interest in the project. Certification of the EIR/EIS

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[1] See eg., EIR/EIS at page 2-7: *"It is uncertain at this time if a District pump station would be required to convey water to Roll Reservoir. If the water is delivered to the United States-Mexico border with a hydraulic grade line (HGL) of approximately 800 feet or more (for sufficient pressure), then a pump*

[2] See http://www.state.gov/p/wha/rls/fs/2012/187529.htm : *"Pursuant to NEPA, in considering an application for a Presidential permit, the Department must take into account environmental impacts of the proposed facility and directly* ***related construction.***" (emphasis added)

must be denied until the analysis includes a description of the adverse impacts of the treatment facility and a thorough cumulative impacts analysis of construction and/or operation of both the treatment plant and the conveyance system to deliver the water produced by the treatment plant.

At a minimum, the EIR/EIS must be expanded to include a thorough analysis of the adverse impacts of the conveyance system, regardless of whether sections of the system are in the United States or Mexico.

Finally, consideration of a Presidential permit would be premature before a thorough cumulative impacts analysis is available to the public.

2. Alternatives

The EIR/EIS assumes a need for the conveyance system based on an assumed demand for the product water within the service area of San Diego County Water Authority (SDCWA).[3] In fact, the stated purpose for the proposed project is an alternative water supply source.[4] Therefore, an EIR/EIS narrowly focused on alternative pipeline routes for conveyance of the water is inconsistent with the broader purpose of augmented water supply and the comparable alternatives for augmented water supply.

Further, the analysis relies on a 2005 document prepared by SDCWA to analyze opportunities for developing seawater desalination.[5] However, an analysis of opportunities, whether in an Urban Water Management Plan or other planning documents, is not equivalent to a documented need for the project. Also all of those documents have a "plan B" in case the said plant is not constructed.

San Diego County Water Authority has numerous water supply alternatives, as well as demand management options, that would serve as alternatives to meet the purpose of the proposed project. In fact, SDCWA has other opportunities to develop seawater desalination in a way that avoid some of the reasons why the proposed project is inconsistent with issuance of a Presidential permit – as explained in detail below.

Further, SDCWA is one of many agencies reliant on imported water from the State Water Project and Colorado River through their membership in the Metropolitan Water District (MWD). Therefore, any reliability benefits generated by MWD's alternative supply options and demand management translate directly to SDCWA and the District, and vice versa. And there are ample opportunities to meet the goals of the proposed project without creating adverse environmental impacts that undermine US national interests.[6]

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[3] See EIR/EIS at page : *"The increased flexibility provided by the proposed project would increase the reliability of the District's ability to deliver water by providing an alternative supply source to* ***SDCWA****..."* (emphasis added).

[4] See EIR/EIS at page 1-5 (Purpose): "The increased flexibility provided by the proposed project would increase the reliability of the District's ability to deliver water by providing an alternative supply source to SDCWA...."

[5] *Id. at page 1-8: "The District used the Feasibility Study of Seawater Desalination Development Opportunities for the San Diego/Tijuana Region Final Report (SDCWA 2005) to help create and support the goals and objectives of the proposed project."*

[6] See: "The Untapped Potential of California Water Supplies" at http://pacinst.org/publication/ca-water-supply-solutions/

More importantly, alternatives to seawater desalination include options that create multiple benefits that are critical to meeting numerous US national interests, including:

- reduced embedded energy demand in water supplies and use, and reduction of indirect GHG emissions;
- abatement of point and non-point pollution and compliance with the intent of the Clean Water Act;
- flood control through restored natural watershed functions;
- improvement of aquatic habitat and wildlife populations;
- mitigating the impact of wastewater discharges in Mexico that impact beaches in the United States;

Of course the list of benefits to our national interests would include avoidance of local California government agencies engaging in cross-border projects that undermine State and federal law (if they were constructed in the US), and the national interest in enforcing the intent of those laws to protect the environment when the adverse impacts clearly affect environmental quality in the US.

One potential project consideration of particular interest and relevancy to the proposed project is the development of advanced treatment for potable reuse of effluent currently discharged from Punta Bandera/San Antonio de los Buenos treatment plant in Mexico. Discharges of effluent and wastewater from this facility exceed 24.7 mgd and are currently undermining our national interest in pollution abatement and creating numerous environmental, economic and recreational impacts for communities in northern Mexico and south San Diego. In 2015, there were 233 beach closure days as result transboundary water quality impacts in Imperial Beach as a result of transboundary pollution. A pipeline already exists that crosses the international border to the IBWC wastewater treatment plant and has capacity for expansion. The alternatives analysis should include an alternative in which the IBWC treatment plant is expanded to facilitate water reuse for water consumption on the US side of the border. It is unacceptable that agencies in Mexico and the United States would support a desalination facility when 27.4 mgd of wastewater is available for reuse at Punta Bandera/San Antonio de los Buenos.

In conclusion, as noted above, segmenting the treatment plant from conveyance of the product water has precluded a thorough cumulative impact analysis in the draft EIR/EIS. And the unsubstantiated demand for the product water has exacerbated that flaw by precluding a thorough analysis of alternatives to the project, the multiple environmental benefits of alternatives, and a robust discussion of the national interests in the proposed project – or lack thereof.

This gap in fundamental baseline information undermines the intent of CEQA, NEPA and the Presidential permit review process to fully document the cumulative impacts of the proposed project and the national interest in the project. Certification of the EIR/EIS must be denied until the analysis includes a description of the alternatives to the project based on the stated purpose of water supply augmentation for SDCWA and the District – not a narrow list of alternatives for conveying the water.

The EIR/EIS must be expanded to include a thorough analysis of alternative water supply augmentation alternatives and demand reduction options to meet water

reliability in the region with a focus on advancing US national interests. Finally, consideration of a Presidential permit would be premature before a thorough alternatives analysis is available to the public.

3. Project Specific Impacts

a. GHG Emissions

The GHG emissions analysis is flawed in two respects:

- segmenting the conveyance system from the treatment plant has eliminated a thorough cumulative impact analysis of the two interdependent parts, including GHG emissions analyses; and
- segmenting the portion of the conveyance system in the US from the section of the conveyance system in Mexico is wholly unsupported, and the resulting GHG analysis is inadequate.

On a side note, we strongly disagree with the implication in the EIR/EIS that the project will somehow eliminate the energy demand of transporting water from through the State Water Project (SWP) to the region. First, neither SDCWA nor the District have any authority to dictate to Metropolitan Water District (MWD) how much SWP or Colorado River water is imported to the region, and MWD has clearly indicated in other documents related to development of seawater desalination projects that the inclusion of the product water will not offset the volume of water MWD imports to the region. Second, SDCWA itself imports water from the Colorado River for its own supply portfolio, and there is no documentation that they would forego that imported water as a result of water being made available from this proposed project. In short, if the project does not reduce the volume of water imported to the region, there is no rationale for the argument that reduced imported water mitigates the GHG emissions from the proposed project.

The energy embedded in the water supply portfolios of the District and/or SDCWA are a combination of conveyance and treatment of water. And increasing embedded energy in those water supply portfolios has the foreseeable impact of generating indirect GHG emissions. Further, meeting water supply reliability in the region through greater investments in efficiency and conservation will eliminate energy demand from the water conserved – reducing potential direct GHG emissions associated with the current demand.[7]

However, the segmentation of the Rosarito treatment facility -- combined with the absence of an alternatives analysis based on the stated objectives of regional supply augmentation in the EIR/EIS[8] to augment regional water supplies -- precludes a robust discussion of GHG emissions related to the proposed project. As noted above, segmenting the proposed conveyance system from the interdependent seawater treatment plant undermines the intent of NEPA and CEQA and precludes a robust discussion of national interests prior to issuance of a Presidential permit.

Alternatively, even if the rationale for segmenting the desalination treatment plant was satisfactory for the purposes of a Presidential permit, which we do not accept, segmenting the portion of the conveyance system in the US from the directly connected portion of the

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[7] For example, investment in indoor efficiency can reduce the demand for electricity and/or natural gas for water heaters to supply inefficient household appliances and faucets – a direct reduction in GHG emissions.

[8] See footnote 4 above.

conveyance system in Mexico[9] exacerbates the inadequate GHG emissions analyses. It appears that the need for a pump in the US, and the associated energy demand and indirect GHG emissions, is dependent on whether pressure in the pipe is great enough to serve the purpose of conveyance to the reservoir. Clearly location of the pump, or any other measure to create the needed pressure, is a function of the entire conveyance system. It is of no distinction what side of the border any part of the conveyance system is constructed – it's integral to the purpose of conveyance. However, as we noted, the "purpose" of the project is not simply the conveyance of water. As stated in the EIR/EIS, the purpose of the project is an alternative water supply augmentation plan – which clearly requires a cumulative impacts analysis including the treatment plant and conveyance of the product water from the plant.

In conclusion, there is a clear national and global interest in reducing GHG emissions to meet the intent of domestic law and international agreements on climate change. It would clearly be against national interest to have local government agencies in the US engaging in projects that subvert State and federal laws, and international agreements, to protect the environment – including efforts to dramatically reduce GHG emissions (as opposed to the increased GHG emissions from the proposed project).

The gap in fundamental information from segmentation of the treatment plant from the cumulative impacts analysis, coupled with the absence of any alternatives analyses for the stated purpose of the project, undermines the intent of CEQA, NEPA and the Presidential permit review process to fully document the cumulative impacts of the proposed project and the national interest in the project.

Certification of the EIR/EIS must be denied until the analysis includes a description of the alternatives to the project based on the stated purpose of water supply augmentation for SDCWA and the District – not a narrow list of alternatives for conveying the water. The EIR/EIS must be expanded to include a thorough analysis of alternative water supply augmentation alternatives and demand reduction options to meet water reliability in the region and the associated impacts on direct and indirect GHG emissions.
Finally, consideration of a Presidential permit would be premature before a thorough GHG emissions analyses is available to the public.

b. Hydrology and Water Quality

As described above, the absence of an alternatives analysis based on the stated purpose of supply augmentation for SDCWA and the District has precluded a thorough analysis of adverse impacts to water quality. Further, the absence of that alternatives analysis has precluded consideration of reducing otherwise intractable water quality degradation in the region, and the numerous important national interests in improved water quality.

A non-exhaustive list of water quality improvements from investments in alternatives for achieving water supply reliability includes benefits to restoration efforts in the Tijuana River National Estuarine Research Reserve– not only a national interest, but a direct interest of a federal government program and critical concerns to address water quality issues. Impacts from effluent and wastewater discharges at Punta Bandera/San Antonio de

[9] See footnote 1 above.

los Buenos (and additional discharges in Playas de Tijuana) treatment plant have consequential effects on beaches in the United States. It is in the national interest to fast track projects that will mitigate these impacts (such as reclamation) and protect the public health of community members in south San Diego. Additionally, there are threats from these water quality impacts to national security. The United States Navy is currently constructing a $1 billion Navy SEAL campus and training facility at Silver Strand. In 2015, Silver Strand Strand had 41 days of beach closure as a result of contamination associated with transboundary contamination.

As noted above, following the principles of "integrated water resources management" as outlined by the Army Corps of Engineers[10], as well as alternatives outlined in the Pacific Institute report, "The Untapped Potential of California Water Supplies"[11], alternative water supply management options can provide greater water reliability in the region and simultaneously further economic and environmental national interests.

c. Biological Resources

The fatal flaws in the EIR/EIS noted above are also relevant to the analysis of adverse impacts to biological resources and the comparable benefits that may be achieved from alternatives for the true purpose of the project: supply augmentation for SDCWA.

Again, because of the narrow analysis of alternatives for pipeline routes, rather than alternative supply augmentation options, the biological impacts are narrowly focused on terrestrial wildlife in the vicinity of the conveyance system. This is wholly inadequate. An analysis of the true purpose of the project, as stated in the draft EIR-EIS, is water supply augmentation. Therefore the analysis should include alternative water supply augmentation options and the potential water quality benefits that, in turn, improve wildlife habitat.

The draft EIR-EIS segmented the seawater desalination facility from the analysis despite the fact that meeting the purpose of supply augmentation clearly requires the treatment plant. A review of the proposed desalination plant location, design and technology will reveal that it fails to minimize the intake and mortality of marine life. Therefore the analysis of biological impacts is wholly inadequate from segmenting the treatment plant from the cumulative impacts -- despite its clear connection to meeting the purpose of the proposed project.

4. Conclusion

In summary:

First, segmenting the seawater desalination facility and the conveyance system from the cumulative impacts analysis -- because the treatment plant would occur with or without the conveyance system -- is not adequately documented in the draft EIR-EIS.

Second, even if the District were to prove that presumed fact, the draft EIR-EIS is still wholly inadequate. One primary purpose of the EIR-EIS is to fully inform a robust

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[10] See eg., "Towards Integrated Water Resource Management" at: http://www.iwr.usace.army.mil/Media/News-Stories/Article/480990/towards-integrated-water-resources-management/

[11] See footnote 6 above.

analysis, consideration, and public discussion of issuing a Presidential permit. That analysis and discussion requires thorough documentation of a local California agency becoming a partner in the proposed desalination project – including the treatment plant -- and whether that partnership serves the national interest. That robust and thorough analysis and public discussion is impossible without documenting the adverse impacts of the entire proposed project, including the treatment plant, and the possible minimization of adverse impacts -- and/or advancement of eliminating current adverse impacts -- from choosing alternatives to the proposed seawater desalination project. In short, that analysis must be based on the true purpose of the conveyance system as documented in the introductory section of the draft EIR-EIS: to achieve the goal of reliable water supply augmentation in the San Diego region.

As we note below, without that thorough cumulative impacts analysis, and a thorough alternatives analysis that meets the stated purpose to augment regional water supplies, the public discussion is undermined and the Presidential permit must be denied.

B: PRESIDENTIAL PERMIT MUST BE DENIED

Discussion of elements for consideration of Presidential permits. See: http://www.state.gov/p/wha/rls/fs/2012/187529.htm

1. **California Law**
    a. **Regulation of Seawater Desalination**

Since finalizing the 2005 SDCWA documents illustrating the opportunities for including seawater desalination in the supply portfolio (cited in the draft EIR/EIS), the State of California has adopted regulations for seawater desalination facilities. These regulations mandate the use of best site, design and technology to minimize the intake and mortality of marine life, as well as water quality objectives and technology preferences for discharge of the concentrated brine.

The United States has a clear interest in protecting marine life and habitat for economic benefits from maximum sustainable fishery yields, recreational values, and intrinsic values from healthy marine life populations and ocean water quality. Without a thorough analysis of the intake and mortality of marine life at the proposed Rosarito facility, as well as habitat degradation from poorly diluted brine discharge, it is virtually impossible to ensure a robust public discussion and consideration of those national interests prior to issuance of a Presidential permit.

Further, SDCWA and the District are clearly aware of the new mandates for seawater desalination facilities in California. In fact, a more up-to-date review of the 2005 "opportunities" document relied on in the draft EIR/EIS would illustrate that SDCWA has it's own proposal to construct and operate a seawater desalination facility in the Camp Pendleton United States Marine Base. That facility will have to meet the new California regulations. Unlike the partnership to include the Rosarito desalination facility in the SDCWA supply portfolio proposed in the draft EIR/EIS, that Camp Pendleton plan has been postponed for further action until there is a well-founded demand for the water. And it is unclear whether or not that Camp Pendleton desal proposal, and other preferred alternatives, will be "crowded out" of consideration if the proposed Presidential permit is approved.

It is not in the national interest to encourage local California government agencies to participate in a seawater desalination facility in Mexico that clearly fails to meet State environmental regulations to protect marine life, marine habitat and ocean water quality. Marine life and water quality degradation are not isolated by international borders.

Investment in seawater desalination can also have the unintended consequence of economically "crowding out" preferred alternatives that restore and enhance marine life populations, habitat and water quality. Examples of multi-benefit "integrated resources water management" are both economic and environmental approaches to reliable water supply.[12] But, without adequate analyses for meeting the stated purpose of supply augmentation, it is impossible to have a robust analysis and public discussion of national interest in the proposed project.

b. GHG Reduction and other Climate Mitigation

California has enacted progressive measures to reduce GHG emissions and comply with international efforts to mitigate on-going climate change caused by those emissions. And California State agencies have already identified the indirect GHG emissions attributable to seawater desalination, and has imposed GHG mitigation requirements to offset the GHG unavoidable GHG emissions.

Again, there is a clear national interest in ensuring local government agencies do not participate in projects that undermine the intent of California law. However, because the EIR-EIS has inappropriately segmented the treatment facility from the conveyance system, and exacerbated that flaw by segmenting the conveyance system on the US side of the border from the interconnected parts in Mexico, the robust analysis necessary for public discussion of the Presidential permit is not available.

2. International Climate Change Agreements

The United States has participated in recent international agreements to reduce GHG emissions. Consequently, there is a national interest in ensuring those agreements are honored by California and local government agencies in California.

As noted above, segmenting the desalination treatment plant from the conveyance system eliminates the consideration of the cumulative impacts from energy demand and GHG emissions necessary for full and robust public discussion before issuance of the Presidential permit. This fundamental flaw in the EIR/EIS precludes a robust analysis and public discussion prior to issuance of the Presidential permit.

3. Colorado River Water Treaty

The longstanding disputes over the Treaty between the US and Mexico, and the allocation of Colorado River water, is an issue of national interest. Arguably any project that creates a partnership or arrangement for the conveyance of water across the border should be reviewed for its potential to resolve or exacerbate disputes over Treaty compliance. Yet the EIR-EIS does not mention the Treaty, and how the transfer of desalinated seawater across the border may help resolve, or exacerbate, those disputes. Ironically, the conveyance of

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[12] See eg.,: ACOE IRWM principles at http://www.iwr.usace.army.mil/Media/News-Stories/Article/480990/towards-integrated-water-resources-management/

water from Mexico to the US is not analyzed in the context of an international treaty guaranteeing conveyance of water from the US to Mexico – and the current and future impediments to fully meeting the obligations in the Treaty. A robust analysis of the project and the implication for meeting the commitments by the US in the Treaty, is necessary for an informed public discussion prior to issuing a Presidential permit.

As just one example, footnotes in the draft EIR-EIS imply that the product water delivered to the District may reduce demand for Colorado River water in the region, and consequently offset energy demand for conveyance of the water. If that were true it would have the effect of making more water available from California's allocation of Colorado River water to meet the volumes allocated to Mexico in the Treaty. Again, if that were true, the project would provide a clear national interest in helping to meet US obligations in the Treaty. But the public is left with an undocumented implication that imported water demand will be reduced to offset GHG emissions – but no commitment to ensure the reduced demand for imported water is used to meet US commitments in an international Treaty.

Further, given predictions that climate change is already changing the weather and precipitation in the Colorado River basin, energy intensive water projects will have the short-term effect of adding water to the supply portfolio, and the long-term effect of adding GHG emissions that exacerbate the unreliability created by climate change.[13] This is the "double edged sword" of developing seawater desalination characterized by the science community as climate "maladaptation." Again, the public is precluded from this important discussion of our national interest in future supplies and allocations of Colorado River water because the District and State Department have inappropriately segmented the Rosarito treatment facility from the conveyance system, and inexplicably ignored that the stated purpose of the project is to augment water supplies and reliability in the San Diego County Water Authority service area.

4. Resolution of Cross-Border Pollution

Transboundary contamination from discharges of wastewater and treatment plant effluent in Mexico have water quality impacts in communities of south San Diego, including the City of Imperial Beach, Coronado and Silver Strand. Agencies involved in the presidential permit process need to be focused on mitigating the impacts of this transboundary contamination (as mentioned earlier). As transboundary contamination and water quality impacts are a critical concern for local jurisdictions, agencies, and residents in the region, alternatives such as reuse, enhancements to existing infrastructure and fast-tracking proposed projects should be prioritized rather than desalination. Full reclamation and treatment of discharges, effluent, and wastewater from treatment plants in Mexico (such as Punta Bandera/San Antonio de los Buenos) needs to implemented to mitigate impacts of transboundary contamination and create a sustainable source of water.

5. Conclusion

The NEPA and CEQA review is unique in this case because it not only involves actions by federal and California agencies, but is inextricably linked to actions by the Mexican government. Decoupling, or segmenting, the very limited part of the project built in

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[13] See eg., Opinion of Union of Concerned Scientists on "maladaptation" at: http://blog.ucsusa.org/juliet-christian-smith/climate-problem-or-solution-californias-water-sector-is-at-a-crossroads-as-drought-drags-on

California precludes a thorough public discussion of the stated purpose of the project, as well as the national interest in the project.

Ironically, the draft EIR-EIS segments the treatment plant that creates the water for conveyance, as well as the conveyance system within the boundaries of Mexico. Arguably, if the review is limited to only development of the conveyance system within the boundaries of California, there is no need for NEPA review at all.

In any case, the draft EIR-EIS is wholly inadequate for the purpose of identifying issues of national interest from the partnership between the District and Mexico in a water supply augmentation project for the San Diego region. The draft EIR-EIS must be dramatically expanded in scope to properly identify the issues relevant to the US national interests. The EIR-EIS must be a holistic review that allows a thorough and robust public discussion of national interests well beyond the narrow issue of conveying the water from the border area in California to the District's reservoir.

C. FINAL CONCLUSIONS and RECOMMENDATIONS

Water management in the western United States is a complicated web of local and regional, intrastate, interstate and international allocation agreements. The stated purpose of the project in the draft EIR-EIS to augment the supply portfolio of the District and the San Diego County Water Authority requires consideration for balancing the supply and demand already made available through those complicated local, regional, state and interstate allocation arrangements. But when the project involves conveying water produced in Mexico to the United States, it demands a robust analysis of national interests before a public discussion of a Presidential permit for the project. The draft EIR-EIS woefully fails in that respect.

We strongly encourage the District and the Department of State to dramatically expand the scope of analysis to include the potential adverse impacts of the proposed Rosarito desalination facility and the entire conveyance system from the facility to the District's reservoir.

Further, we strongly encourage a more robust consideration of alternative means for meeting water supply reliability in the service area of the San Diego County Water Authority. That analysis of alternatives should include a robust discussion of the national interest in the proposed partnership to purchase and convey water from the Rosarito desalination facility and a comparative analysis of national interests from alternatives to the proposal.

Much of the documentation of cumulative adverse impacts may be met by simply including the Mexican government's environmental impact analysis – assuming it meets CEQA and NEPA standards. But that simply provides the baseline for the more important discussion of alternatives to augment the San Diego supply portfolio with projects that are greater at achieving US national interests.

We strongly encourage the District to re-circulate an improved draft EIR-EIS before considering certification of the current draft. And we strongly encourage the Department of State to forego consideration of a Presidential permit until an EIR-EIS is drafted to allow a robust consideration and public discussion about the national interests in the project.

We very much appreciate your consideration of these comments, and look forward to your response. In the meantime, please do not hesitate to contact us regarding the comments above.

Sincerely,

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