DECLARATION OF AL KALIN

I, Al Kalin, declare:

1. I am over the age of 18 and own land adjacent to the Salton Sea in the County of Imperial. The following facts are of my own personal knowledge and, except as stated otherwise, if called as a witness, I could and would testify competently thereto.

2. This Declaration is made in support of Imperial County and Imperial County Air Pollution Control District Response and Opposition to Petition for Unconditional Writ of Supersedeas.

3. Attached hereto as Exhibit F-1 is a copy my resume.

4. I own an undivided half interest in 480 acres of farmland within one mile of the southern shoreline of the Salton Sea. I am a lifelong resident of the Imperial Valley. My family's farm is located near the Salton Sea, and so I grew up hunting and exploring in the area. I am very familiar with the Salton Sea.

5. I received a Bachelor of Science in Farm Management (and minors in Crop Science, Soil Science, Game Bird Management, and Agricultural Engineering), from California Polytechnic State University, San Luis Obispo, and then I returned to the Imperial Valley to share with my brother the management of my family's agribusiness operations, including farming (I am a partner of Kalins Farms), and a drainage tile maintenance company (I am the president). I am also a stockholder and the Chief Executive Officer of Trifolium, Inc., which does habitat restoration for local mitigation projects.

6. At Kalins Farms, my brother and I raise alfalfa, sugar beets, carrots, dehydrator onions, sugar cane, wheat, bermudagrass, sudangrass and Kline grass. We farm ground as close as one mile from the Salton Sea's south shoreline near Westmorland, California.

7. The Imperial Valley has the largest gravity feed irrigation system in the world. All of the agriculture in the Imperial Valley is made possible by the water that comes from the Colorado River. The water travels over seventy miles across the desert, and is delivered to the farmers' fields and dumps in to the Salton Sea.

8. I am very involved in the Imperial Valley community and am an advocate for agriculture. I spent three years providing agricultural input on a 32-member state Salton Sea advisory committee.

9. I am also a Consultant for the Imperial County Farm Bureau Voluntary TMDL Compliance Program; a member of the Imperial County Farm Bureau Water Committee and Board of Directors; a member of the Imperial Irrigation District ("IID") Water Conservation Advisory Committee and the Drain Water Quality Technical Advisory Committee; and, a member of several other committees involving water quality, agriculture, and the Salton Sea.

10. I am very familiar with the Salton Sea and existing environmental issues facing the Salton Sea, including water quality, impacts to fish and wildlife from increased salinity (the Salton Sea is over forty percent saltier than the Pacific Ocean (the Pacific Ocean is 35 parts per thousand, and the Sea is 49 parts per thousand of salt)), and negative air quality and public health impacts resulting from a receding shoreline.

11. Fishing at the Salton Sea has declined over the years as a result of increased salinity of the Sea. For example, catches of Orangemouth Corvina, Sargo, and Croaker (introduced to the Sea in the 1950's) have been non-existent since 2004. Catches of Tilapia (introduced to the Sea in the early 1970's) are still reported.

12. One of my goals as a Salton Sea advisory committee member was to preserve the sea-created climate. The northwest winds blowing across the Salton Sea in the winter are warmed by the water in the Salton

Sea, which rarely drops below 50 degrees. This creates a micro-climate along the south end of the Salton Sea in the winter, allowing farmers nearby to grow crops that may freeze in other parts of the Imperial Valley. These conditions allow farmers at the southern end of the Salton Sea to grow crops that no one else can. Thus, nationwide, the first lettuce, cauliflower, broccoli, sweet corn, watermelons, cantaloupes, and onions are produced at the Salton Sea earlier than any other place in the United States. This is an economic advantage for Imperial Valley farmers at the southern end of the Salton Sea. The Sea's habitat contributes to maintaining this microclimate.

13. The water level at the Salton Sea is decreasing, causing thousands of acres of salt playa once underwater to be exposed. A decrease of five feet would mean exposing 17,000 acres of playa because of the shallowness of the sea. It is my understanding that the water level has decreased by more than three feet so far.

14. When the Salton Sea shoreline recedes, I have observed that it leaves behind fine salt particles to blow in the air and damage crops and create health problems. The particles, which I understand are made up of sodium sulfate, calcium sulfate, and sodium chloride, look like white power on a powdered doughnut. The particulates are very fine (in the PM10 range), and look like white smoke from something that is on fire. I call them "white dust storms."

15. I have observed that the white salt dust has burned leaves on sweet corn grown next to the Salton Sea.

16. I have experienced that the salt dust can also cause negative physical health impacts. For example, during a "white dust storm," the dust cloud affected me like tear gas. I was choked in my throat, I couldn't breathe, my nose burned, and my eyes burned. The dust also causes breathing difficulties, especially for those people with asthma.

17. Over the years, I have taken many photographs of the Salton Sea and the dust in the surrounding area.

18. Attached hereto as Exhibit F-2 is a true and correct copy of a photograph I took on December 23, 2004, of dust coming off the Salton Sea playa on the east side of the New River Delta and blowing across the bay (shooting north west).

19. Attached hereto as Exhibit F-3 is a true and correct copy of a photograph I took at 2:41 p.m. on December 23, 2004, of the bay on the east side of the New River Delta with the Salton Sea playa in the background with 15 mile per hour winds (shooting west). I added text on this photograph describing my observations when I took the photograph, which states: "Looking west across the bay on the east side of the New River Delta. White salt flats are visible between water's edge and salt cedar brush along the New River channel that goes out into the Salton Sea."

20. Attached hereto as Exhibit F-4 is a true and correct copy of a photograph I took at 3:38 p.m. on December 23, 2004, of the bay on the east side of the New River Delta with the Salton Sea playa in the background with 25 mile per hour winds (shooting west). I added the following text on the photograph describing my observations: "Looking west across the bay on the east side of the New River Delta. White dust clouds rising from salt flats are visible between water's edge and salt cedar brush along the New River channel that goes out into the Salton Sea."

21. Attached hereto as Exhibit F-5 is a true and correct copy of a photograph I took on February 15, 2006, of the Salton Sea playa on the east side of the New River Delta during a high wind event (shooting east).

22. Attached hereto as Exhibit F-6 is a true and correct copy of a photograph I took on February 15, 2006, of the Salton Sea playa on the east side of the New River Delta during a high wind event (shooting east).

23. Attached hereto as Exhibit F-7 is a true and correct copy of a photograph I took on December 16, 2006, of the dike on the east side of the bay on the east side of the New River Delta showing what I believe to be toxic white dust blowing across the Salton Sea playa and dike that holds back the Salton Sea onto a growing crop.

24. Attached hereto as Exhibit F-8 is a true and correct copy of a photograph I took on January 5, 2007, of Elston Grubaugh, Assistant General Manager of IID, on a tour of the Salton Sea playa on the east side of the New River Delta.

25. Attached hereto as Exhibit F-9 is a true and correct copy of a photograph I took on January 16, 2007, of what I believe to be toxic white dust in the air around a disturbed limb at the south shore of the Salton Sea near the New River Delta.

26. Attached hereto as Exhibit F-10 is a true and correct copy of a photograph I took on January 16, 2007, of Vince Brook, IID Key Customer Coordinator QSA, whom I believe to be reacting to white toxic dust coming off of a disturbed limb at the south shore of the Salton Sea near the New River Delta.

27. Attached hereto as Exhibit F-11 is a true and correct copy of a photograph that I took on December 19, 2007, of Senator Ducheney's, Imperial County's, and Coachella Valley's staff members taking a tour of the Salton Sea playa on the east side of the New River Delta.

28. Attached hereto as Exhibit F-12 is a true and correct copy of a powerpoint presentation I received at the IID Board of Directors meeting on May 27, 2008, entitled "Salton Sea Shoreline Air Quality Issues". The powerpoint presentation was given to the IID Board of Directors at this meeting. I commented during the public comments session of this meeting.

29. I am very concerned that further exposure of the Salton Sea playa will harm public health and the crops.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed this 23rd day of March, 2010, at Westmorland, California.

Al Kalin

Al Kalin

EXHIBIT F-1

Resume of Al K. Kalin

P.O. Box 1
Westmorland, CA 92281
Email: akalin@hughes.net
Work:(760) 455-1399 Fax:(760) 344-1071

EXPERIENCE

1965-Present Kalin Farms - Partner Brawley, CA

- General Farming and Farm Equipment Contracting
- Design and Construction of Duck Clubs, Waterfowl Property Management

1966-Present Tile Maintenance Co.- President Brawley, CA

- Cleaning and maintenance of agricultural drainage tile
- Aerial infra-red photography - Pioneered and developed techniques for the use of low level aerial color infra-red photography of cropland to find plugged drainage lines, insect damage, herbicide damage, and plant diseases.

1980 - 2006 Kalin Company - Partner/CEO Brawley, CA

- Manufacturer and sales of fishing lures world wide

1997 – Present Imperial Irrigation District

- Member - Drain Water Quality Technical Advisory Committee

1998 – Present Regional Water Quality Control Board

- Member - Alamo Sediment/Siltation TMDL Technical Advisory Committee

1998 – Present Western Outdoor News Costa Mesa, CA

- Freelance Outdoor Writer

2000 – Present Regional Water Quality Control Board

- Chairman - Alamo Sediment/Siltation TMDL TAC Subcommittee to determine most feasible Best Management Practices (BMP's)

2000 – 2006 Imperial Valley Press El Centro, CA

- Weekly Columnist, "Outdoor Tales" (Thursday)
- "Outdoors Report" (Friday)

2001 - Present Imperial County Farm Bureau Board of Directors

- Member

2001 - Present Salton Sea Bird Festival

0429

- Advisory Committee Member and Community Guide

2001 – Present Regional Water Quality Control Board
- Chairman – Salton Sea Nutrient TMDL Technical Advisory Committee

2001- 2006 University of California Desert Research and Extension Center – Meloland Station
- Industry Representative for the Research Advisory Committee

2002 – 2009 Imperial County Farm Bureau El Centro, CA
- On-Farm Consultant for the Imperial County Farm Bureau's Voluntary TMDL Compliance Program

2004 – 2009 Imperial County Farm Bureau El Centro, CA
- Environmental Committee - Chairman

2002 – Present Imperial Irrigation District Water Conservation Advisory Board
- Member (Current Chairman)

2003 – Present Citizen's Congressional Task Force on the New River / Desert Wildlife Unlimited –
- Advisory member

2003 – Present State Department of Water Resources Salton Sea Technical Advisory Committee –
- Member

2005 - Present Audubon California
- Consultant, Restorationist, and Area Coordinator for Audubon California's Landowner Stewardship Program in Imperial County

2005 - Present Lower Colorado River Multi-Species Conservation Program
- Farmers Advisory Committee member - Help guide the Bureau of Reclamation as they grow of native trees and shrubs on thousands of acres in the Colorado River flood plane.

2009 – Present Trifolium, Inc. CEO
- The company's capabilities includes growing nursery stock for habitat restoration as well as building, restoring and managing native and managed habitat.

EDUCATION

Brawley Elementary School
Brawley Union High School
California Polytechnic State University San Luis Obispo, CA

- B.S. Degree in Farm Management
  With secondary studies in Crop Science, Soil Science, Agricultural Engineering and Gamebird Management

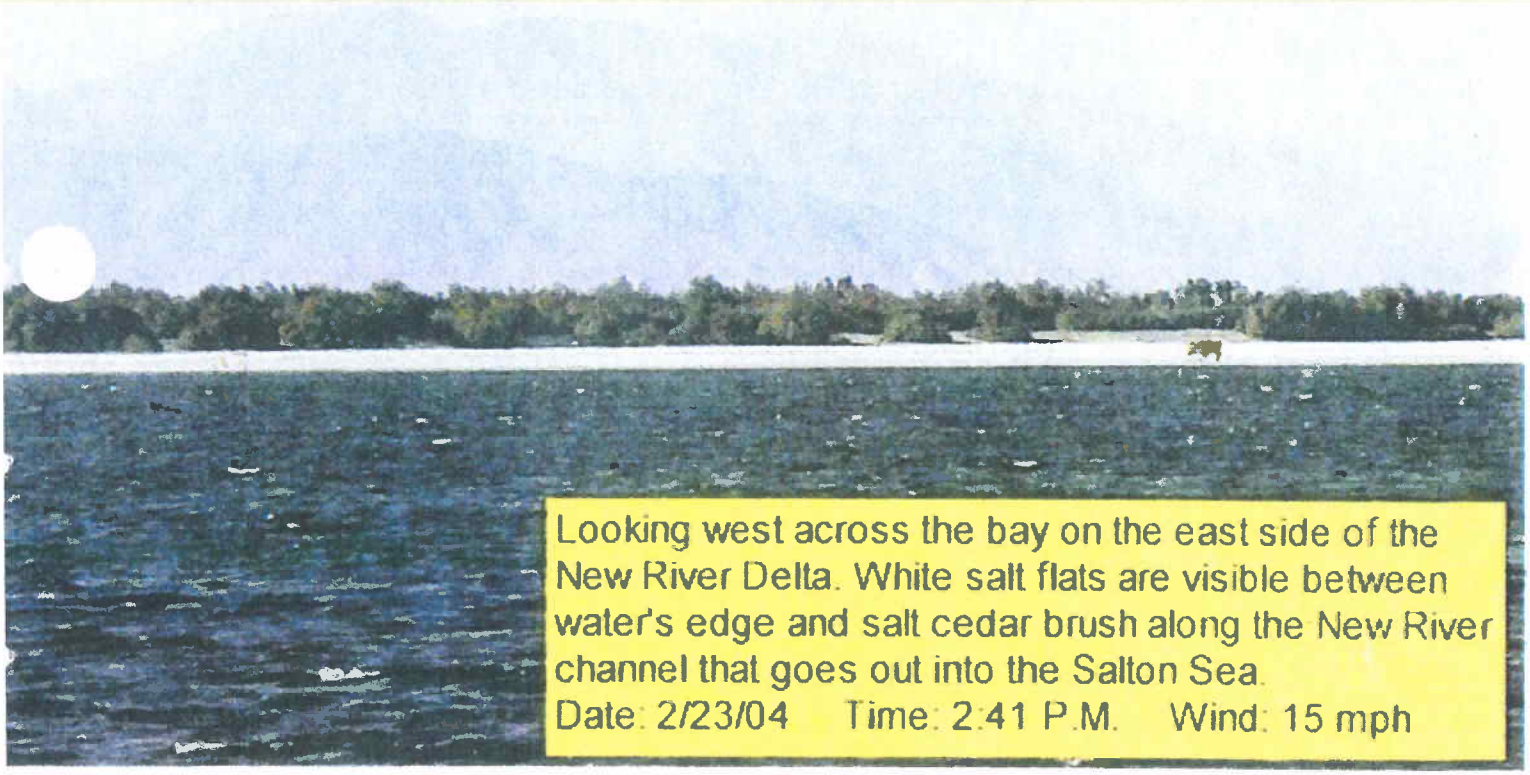
COMMUNITY INTERESTS

1977 – 2007 Westmorland Union Elementary School District - Trustee

1976 - 1986 Westmorland Community 4-H Leader

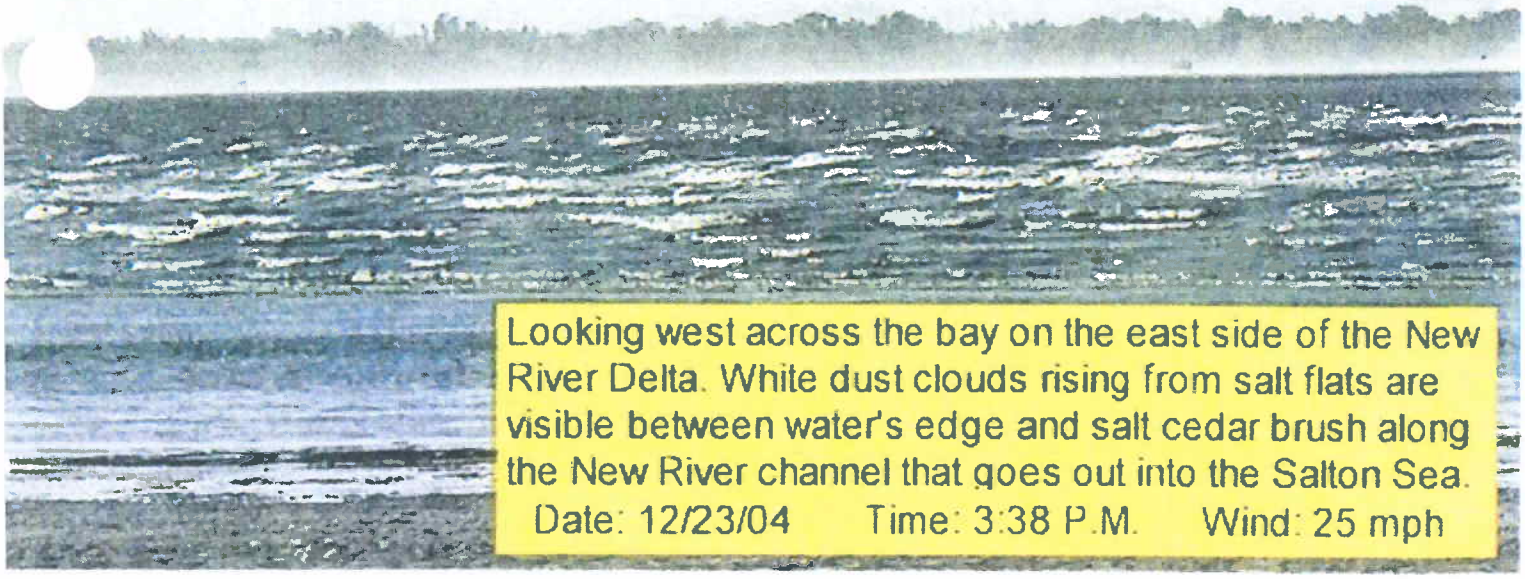
EXHIBIT F-2

EXHIBIT F-3



Looking west across the bay on the east side of the New River Delta. White salt flats are visible between water's edge and salt cedar brush along the New River channel that goes out into the Salton Sea.
Date: 2/23/04 Time: 2:41 P.M. Wind: 15 mph

EXHIBIT F-4



Looking west across the bay on the east side of the New River Delta. White dust clouds rising from salt flats are visible between water's edge and salt cedar brush along the New River channel that goes out into the Salton Sea.
Date: 12/23/04 Time: 3:38 P.M. Wind: 25 mph

EXHIBIT F-5

EXHIBIT F-6

EXHIBIT F-7

EXHIBIT F-8

EXHIBIT F-9

EXHIBIT F-10

EXHIBIT F-11

EXHIBIT F-12

Salton Sea Shoreline Air Quality Issues

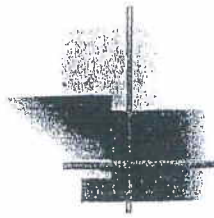
Presentation to IID Board of Directors

May 27, 2008

Anticipated Shoreline Exposure

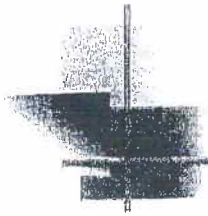
- Modeling for IID Transfer Project and Salton Sea Restoration Project predicts exposure

- Contributing factors



Emissions From Exposed Shoreline

- Uncertainty: whether and to what extent exposed shoreline will result in dust emissions
- Further studies needed re: soil types, sediment makeup, surface stability, wind conditions



Emissions From Exposed Shoreline

- Few comparable sites
- Some emissions in excess of state/federal standards expected
- Emissions would exacerbate air quality conditions in Imperial Valley, a serious "non-attainment area" for PM_{10}

Mitigation Measures for Shoreline Emissions

- Uncertainty: extent of mitigation; effectiveness, feasibility and cost of potential measures
- Further studies needed
- Non-water methods (brine or chemical stabilizers, sand fences, etc.) or water-efficient irrigated vegetation

Legal Liability for Shoreline Emissions

- Depends upon cause of exposure: a CEQA project, regulatory violation, man-made activity, or natural condition?
- Responsibility for CEQA "mitigation"
- Responsibility for regulatory compliance
- Local air districts: ICAPCD and SCAQMD
- Liability through litigation: nuisance, negligent conduct, trespass

Emissions Caused By Transfer Project

- IID responsible for mitigating air quality impacts from shoreline exposed by Transfer Project, to the extent feasible
- Mitigation, Monitoring and Reporting Program (MMRP) adopted in October 2003; includes "4-Step Air Quality Mitigation Plan"

(continued)

Emissions Caused By Transfer Project

- IID also responsible for mitigation actions included in State Board Order
- No on-the-ground mitigation (other than research/monitoring) currently required

(continued)

Emissions Caused By Transfer Project

- Mitigation costs paid from QSA JPA funds up to $133 million; State pays excess
- Transfer Project not responsible for mitigating impacts caused by baseline conditions or causes other than Transfer Project

Emissions Caused By Restoration Project

- Restoration Project responsible for mitigating air quality impacts from shoreline exposed by Restoration Project
- Identification of mitigation measures deferred; subsequent assessment needed

(continued)

Emissions Caused By Restoration Project

- Each Alternative includes Air Quality Management (AQM) component
- Restoration Project (if approved and implemented) responsible for AQM on land acquired for restoration

(continued)

Emissions Caused By Restoration Project

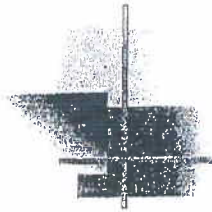
- PEIR included cost estimates for AQM component
- Uncertainty: whether Restoration Project will be implemented; extent of mitigation if only a portion implemented
- No mitigation required if Restoration Project does not proceed

(continued)

Emissions Caused By Restoration Project

- PEIR does not impose any obligation for air quality mitigation on IID
- IID not responsible for air quality mitigation for Restoration Project, based on cost cap in QSA/Salton Sea legislation

Emission Caused By Water Conservation Activities



- Water Code Section 1013 exempts IID from liability for air quality effects adjacent to Sea, if caused by water conservation activities required by federal or state law
- Does not apply to CEQA mitigation measures

Landowner Liability

- Potential landowner liability for emissive shoreline exposed by natural conditions or causes other than Transfer Project and Restoration Project
- Restoration Project PEIR assumed that ICAPCD and SCAQMD would impose liability for exceeding standards, by regulation (e.g., Rule 804)

(continued)

Landowner Liability

- Difficult to locate, quantify, regulate and control dust emissions from vacant lands; no enforcement actions yet in Imperial Valley
- Potential defenses to enforcement