State Water Resources Control Board

Public Workshop Regarding Status of the Salton Sea
1 pm, Tuesday, November 15 2016
Cal/EPA Headquarters Building, Coastal Hearing room
1001 I Street, Second Floor, Sacramento, CA

Comments from Salton Sea Authority

Good morning members of the State Water Resources Control Board, my name is Phil Rosentrater and I am here to deliver comments on the need for tangible action from the state to improve conditions at the Salton Sea. My comments are shared at the request of the Salton Sea Authority Board of Directors in my capacity as Executive Director for the Salton Sea Authority.

I commend you and the State Water Resources Control Board for taking an interest in this issue which is of paramount importance to the residents of the Imperial and Coachella Valleys, as well as the people of California, the Colorado River Basin states and Baja Mexico, whose water security is contingent upon a healthy Salton Sea. Your actions here also affect the avian diversity and environmental well-being of states and nations all along the Pacific Flyway which is linked to the Salton Sea.

Created in 1993, The Salton Sea Authority was formed “for the purpose of directing and coordinating activities relating to improvement of water quality and stabilization of water elevations and to enhance recreational and economic development potential of the Salton Sea and other beneficial uses…”

The Salton Sea Authority (SSA) is comprised of the major local entities with the most direct stake in the future of the Salton Sea, including the Coachella Valley Water District, the Imperial Irrigation District (IID), Riverside County, Imperial County and the Torres Martinez Desert Cahuilla Indians.

The Salton Sea is at once the greatest threat and opportunity to the economy and environmental health of the Coachella and Imperial Valleys. Beyond the Salton sink, establishing and maintaining a healthy, smaller and sustainable Salton Sea is pivotal for water security in the drought-stricken southwest United States.

This region, located below sea level, has flooded with Colorado River water, and evaporated, about every three hundred years. Occasionally, the floods came more often than the droughts that dried the sea which has no outlet to the ocean. From 1824 to 1904, Colorado River flows flooded the Salton Basin at least eight times. The latest flood, ending in 1907, was the first caused by humans.

Although the Authority has worked to improve conditions at the Salton Sea for more than two decades, the Native American tribes have endured even longer, with tribal lands and the health of their people impacted by the Salton Sea for more than 111 years.

Many promises have been made to these people and many promises have been shamefully broken. The native people as well as those who settled this region in more recent times are now closely watching to see if the state and federal governments will keep their promises and uphold the public trust in matters related to the Salton Sea.
Over the last two decades, IID became a party to agreements which provide for conservation measures to generate up to approximately 500,000 acre-feet of water annually for transfer out of the Imperial Valley for Southern California urban users. Because the Salton Sea is sustained largely by agricultural discharges, absent mitigation and restoration, the parties recognized that these transfers would have unacceptable environmental impacts. Accordingly, IID committed to provide mitigation water to the Salton Sea through 2017, while the state of California committed to develop and implement a restoration plan at the end of a 15-year interim mitigation period.

While IID fulfilled its commitments, the state of California has not begun to restore the Salton Sea.

Today, severe drought in the Colorado River Basin has resulted in calls for additional agricultural conservation from the Salton Sea basin in order to stabilize Lake Mead reservoir levels. The dire ecological and public health consequences of further diminishing flows to the Salton Sea absent a well-financed restoration plan are clear. The Authority believes meeting the national interest in Lake Mead stabilization and federal drought contingency planning will require a secure and meaningful federal funding commitment for Salton Sea restoration to be combined with the state fulfilling its original commitments related to the Quantification Settlement Agreement (QSA).

In 2003, the State made a commitment to develop, fund, and implement a plan to mitigate the impacts of the largest conserved water transfer from agriculture to urban areas in US history – the QSA. As a result of the QSA, significant quantities of agricultural return flows that would otherwise flow into the Salton Sea will instead be conserved and transferred away to help California live within its annual entitlement of 4.4 MAF in Colorado River water.

Thirteen years later, the state plan has yet to be defined and the local residents are increasingly agitated as they rely on the state to honor its QSA commitments.

Without decisive action, up to 100 square miles of dusty playa could be exposed as the shoreline recedes, placing human health at risk while also leaving habitat high, dry and too salty to sustain America’s largest and most diverse population of migratory waterfowl outside the Everglades.

Yet, the sea has languished for decades as relatively small sums of federal and state money generated studies and reports aimed at assessing the problems and delivering plans to fix them.

The state used $25 million from Prop 84 money (money that was dedicated to the restoration of Sea) to produce a study and several options for restoration including a “do nothing” alternative that cost over one billion dollars. The other alternatives ranged up to almost nine billion dollars. A closer look, however, reveals the most costly option of all is the “do nothing” alternative. Analysis by the Pacific Institute reveals this alternative offers damage to human health, environment, property values and the economy estimated to exceed $70 billion dollars over 30 years.

After years of study and discussion at the state level, a comprehensive restoration plan produced by the state Resources Agency in 2007 was shelved by the California Legislature when lawmakers balked at committing to the $9 billion price tag.

The Sea continued to drift into decline after 2007. The state created a top-heavy, state dominated “Salton Sea Restoration Council” that never held a single meeting.

Although the Salton Sea Authority and its partner agencies recognize the state and federal roles and responsibilities at the Salton Sea, the Authority is directed by board-adopted policy to assert a leadership
role to ensure local priorities are recognized. Accordingly, the Authority has successfully fought to assert a local leadership role in the revitalization efforts for the Sea.

The Authority board adopted a set of guiding principles along with a common platform that focuses on the issues and opportunities that unites the Authority partners. Leaders of Imperial County and the Imperial Irrigation District in particular, have modeled the approach needed to make progress when they set aside lawsuits that continued to divide neighbors, and instead embraced locally driven objectives for reviving the Sea.

While there may be occasional issues among the local agencies comprising the Authority, there is absolutely no disagreement on the point that revitalization of the Sea is a state obligation that is long overdue.

Accordingly, the Salton Sea Authority and its partner agencies are not sitting on the sidelines wringing their hands. The local leaders realize we can no longer wait for outside interests to solve our problems. We know that an environmentally healthy and economically vibrant Salton Sea will require all parties to work diligently together in good faith, investing in fair proportion and integrated manner for the benefit of the watershed.

Alarmed at the lack of action by the state to revitalize the Salton Sea and avoid potential impacts from the QSA water transfers, the Authority and its partner agencies appealed to the state legislature in 2012 to establish a stronger governance role for the Authority in matters pertaining to Sea revitalization. Specifically, the Authority requested the legislature empower the Authority to develop an updated vision for a revitalized Sea, and to also develop a strategy to pay for the revitalization in cooperation with the state, as prescribed by law.

Assemblyman Manuel Perez provided a vehicle to address this governance issue with AB 71, a bill providing the Salton Sea Authority with official standing and a clear voice in full consultation and coordination as partners with the state, working to restore the Salton Sea.

By establishing a partnership between the California Natural Resources Agency and the Salton Sea Authority, AB 71 addressed the void created by the elimination of the Salton Sea Restoration Council. In addition, AB 71 authorized funding from the Salton Sea Restoration Fund for the Authority to lead a feasibility action plan. This is now referred to as the Financial Feasibility Action Plan (FFAP).

The broad goal of the Salton Sea Funding and Feasibility Action Plan was to develop an updated vision for the Salton Sea and surrounding region that matches funding realities with needs. The project addressed three specific goals for the Salton Sea and its surrounding area:

- Provide a healthy environment for residents around the Sea
- Work toward a Salton Sea and bordering habitat that sustains enough aquatic life to provide habitat for wildlife on the Pacific flyway
- Help revitalize the economy around the Salton Sea and in Imperial and Riverside Counties

The Authority completed this work on time and under budget in May of this year.

It may be difficult, but it is not impossible to accomplish progress in a timely manner and cost effective manner at the Salton Sea.
For the record, please allow me to repeat: The Authority completed the Financial Feasibility Action Plan in consultation and coordination with the state Natural Resources Agency on time, and under budget.

This Action Plan supports the State’s near term efforts to develop habitat projects around the Sea such as the Species Conservation Habitat (SCH) Project and the projects funded by the state’s Financial Assistance Program (FAP). It also includes the Salton Sea Restoration and Renewable Energy Initiative, a forward-leaning proposal from Imperial County and Imperial Irrigation District to integrate local renewable energy resources (especially reliable, carbon free geothermal power) in a plan to provide dust protection and habitat restoration.

The Salton Sea Authority and its member agencies endorsed the Initiative in concept, and the IID/Imperial County partnership has been working to refine the proposal since its unveiling in the Spring of 2015. In January of this year, the IID board of Directors voted unanimously to spend $500,000 to further develop the infrastructure backbone concepts from the Initiative to jump start the development of a shovel ready project that can be funded and quickly built in partnership with the state.

The Action plan also includes a concept for a perimeter lake that creates a stable shoreline allowing dust and habitat coverage in addition to restoring economic vitality from recreational activities and improved property values. While there are benefits to all parties at the Sea, locals are asserting leadership in finding solutions to move it forward. Both Riverside and Imperial County are exploring options to help finance a portion of this infrastructure through mechanisms like Infrastructure Finance Districts.

To be fair, the state has finally provided a down payment to move forward on several projects already in the pipeline like Red Hill Bay, Torres Martinez Wetlands and SCH. To accelerate development of these projects with the $80.5 Million in funding from the Proposition 1 water bond, the state legislature approved, and the governor signed, AB 1095 (Garcia) which defines “shovel ready” projects at the Sea as those that are in the final stages of permit and design.

The Authority and its member agencies, as well as partners like the Regional Water Quality Control Board and numerous NGOs have contributed hundreds of staff hours and resources to support the state outreach efforts for the draft SSMP. The Salton Sea Authority prides itself in involving the local agencies and the public in the strategic planning for the Sea. The Authority leads several of the advisory committees supporting the state’s Salton Sea Management Plan, including the Outreach, Funding and Long Range Planning Committee. These committees were for the purpose of involving stakeholders at the sea in developing long term solutions for a smaller sustainable Sea.

In summary, the Authority and its partner agencies at the local level have been working diligently and tirelessly to develop reasonable, achievable proposals for revitalization.

The Authority believes that while the Authority and its member agencies should maintain leading roles in any revitalization effort, this support does not absolve the state from its legal, contractual and moral obligations to make sure the impacts of the QSA water transfer do not adversely impact the citizens and natural environment of the Salton Sea.

Clearly the Salton Sea Authority and its partner agencies have been productively engaged in a variety of actions, proposals, projects and solutions to help improve conditions of the Salton Sea. We are seeing many positive results but the one result locals are most anxious to see – construction projects on the Salton Sea playa promised by the state of California – has yet to materialize.
When the Governor created the Salton Sea Task Force, several actions were highlighted as state deliverables in the immediate and near term. The Task Force relied on information gathered from stakeholders to produce its recommendations, which were released on October 9, 2015, and called for:

- Immediate implementation and further development of a Salton Sea management plan
- Improve public outreach and local partnership
- Accelerate project implementation and delivery
- A short-term goal of 9,000-12,000 acres of habitat creation and dust suppression projects at the sea in the next five years
- A medium-term goal (starting in 2020) of restoring up to 25,000 acres of habitat creation and dust suppression projects at the sea
- Ensure Oversight by Regulatory Agencies
- Consider opportunities for increasing renewable energy development at and around the Salton Sea

The local agencies are extremely concerned that state progress in creating habitat and dust suppression projects is behind schedule based on the Governor's task force recommendations last year.

We are out of time, and the locals are out of patience. The state needs to start constructing projects that will save a portion of the smaller Sea for manage air quality impacts from a significant draw down of water, a portion for specific habitats, and a portion for recreation.

The Authority and its local partners have demonstrated their commitment to the Sea, working diligently in good faith to honor every commitment we have made. We insist, in strongest terms, that the state fully commit its attention and resources to fulfilling its commitments to the Salton Sea under the QSA.

Yours for a healthy, smaller but sustainable Salton Sea,

PHIL ROSENTRATER
GM/Executive Director