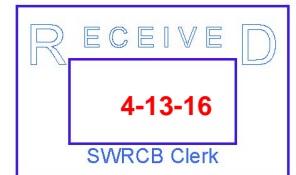




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**RE: Status of the Salton Sea Management Program**

Dear State Water Resources Control Board:

On behalf of Audubon California, Defenders of Wildlife, Pacific Institute, and Sierra Club California, we write to offer our comments regarding the status of the Salton Sea Management Program, in response to the State Water Resources Control Board's (Board's) March 22<sup>nd</sup> Notice of a Public Workshop on this topic. The governor's and the Board's increased attention to the Salton Sea over the past year signal a dramatic and welcome change from the prior eight years. However, translating this renewed attention into action, in the form of actual habitat creation and dust suppression projects at the Salton Sea, has not yet occurred. The current rate of progress suggests that the Salton Sea Management Program will not meet the Salton Sea Task Force's stated goals of 9,000-12,000 acres of habitat creation and dust suppression projects in the short-term or 18,000-25,000 acres of such projects in the medium-term.

We maintain that addressing the Salton Sea's habitat and air quality challenges is relatively straightforward in concept, especially in the short and medium-term. The estimated 700,000 acre-feet of average annual inflows to the Salton Sea for the foreseeable future will provide a ready and available source of water for extensive habitat and dust suppression efforts. Evidence from the decommissioned Reclamation/USGS 100-acre shallow water saline habitat ponds pilot project adjacent to the Salton Sea clearly demonstrates the viability and productivity of constructing and maintaining such habitat. Several effective methods used to suppress dust emissions at Owens Lake offer valuable lessons for managing Salton Sea playa. Tremendous opportunity exists at the Salton Sea for habitat creation projects. Additionally, a recent NREL/CEERT study shows significant energy system and carbon benefits to California with the addition of 1,280 MW of geothermal energy generated in the Imperial Valley, indicating that the Task Force Agency Actions are achievable and realistic.

**It is time to focus on management, not policy:** The challenge continues to be moving from concept and policy to constructing habitat and dust suppression projects at the Salton Sea. The new Assistant Secretary's full title reflects the problem: it is time to move past "Salton Sea Policy" and toward "Salton Sea Management." As we've noted in previous comments, the State's actions still do not reflect the urgency of

the impending ecological and public health catastrophe at the Salton Sea. For example, “Salton Sea” does not appear anywhere on the Natural Resources Agency’s homepage. To reinforce the importance of Salton Sea action, California Natural Resources Agency Secretary Laird should direct all appropriate Agency departments to prioritize Salton Sea activities and expedite the implementation of proposals to implement habitat creation and dust suppression projects.

**Greater transparency about program coordination is needed and appropriate:** The Salton Sea Management Program is housed within the Natural Resources Agency (see organizational chart posted at [resources.ca.gov/salton-sea/management-program-organizational-chart/](https://resources.ca.gov/salton-sea/management-program-organizational-chart/)). However, the Salton Sea Task Force includes “principle staff and appointed members of the Governor’s Office, Natural Resources Agency, California Environmental Protection Agency, State Water Resources Control Board, Air Resources Board and Energy Commission.” Institutionally, the Management Program appears to be a subset of some larger Task Force effort, but it is not clear the extent to which Task Force discussions and decisions direct or inform coordination or interaction among the staff of the different agencies represented on the Task Force. To the public and other external audiences, it appears that the Assistant Secretary leads the State’s Salton Sea efforts. However, the structure and individuals comprising the Task Force suggest that the Assistant Secretary’s role and authority are more complicated. Greater transparency about the structure and decision-making roles within the State’s effort would be appropriate. Additionally, greater coordination between Task Force agencies, including participation in the Management Program committees, would be productive. To the consternation of stakeholders, there has been a total lack of presence or engagement from California’s energy agencies and the California Independent System Operator in the Salton Sea Management Program meetings. Given that several Salton Sea Task Force recommendations require these entities taking actions, which to date have not occurred, it is critical that they be fully and publicly engaged in the Salton Sea management process.

**The scale of effort requires a full-time project manager and greater authority over other agencies:** We appreciate and commend the unflagging efforts, regular communication, and good faith demonstrated by the new Assistant Secretary for Salton Sea Policy. However, the scale of the effort required to implement and operationalize a Salton Sea Management Plan is far too great for one person. The Assistant Secretary needs dedicated staff and greater authority over those assigned to work on Salton Sea activities. We do not know how many people in State agencies are currently assigned to Salton Sea activities, or what those specific tasks are. Previously, we have expressed concern that Salton Sea program funds were being expended on non-Salton Sea activities and are very mindful of stakeholders’ concerns about the appropriate use of these funds. To demonstrate transparency and to facilitate communication, we recommend that the Salton Sea Management Program list state staff working on Program activities and their specific responsibilities.

To support the Assistant Secretary and accelerate the implementation of Salton Sea Program Management projects and activities, we strongly suggest that a full-time project manager be assigned or detailed to work under the Assistant Secretary through at least the end of 2017. The new Project Manager would track and supervise the many deliverables, schedules, and tasks required to achieve the goals established by the Salton Sea Task Force Agency Actions, enabling the Assistant Secretary to focus on key decisions, agency coordination, and stakeholder and public outreach. If the State does not have a very experienced,

dedicated Project Manager on staff with availability for this critical task, perhaps the federal government or a local or regional agency could detail such a person through the end of 2017 or later.

**The Salton Sea Management Program should formally adopt and promote goals and objectives:** The new Salton Sea Management Program website (at [resources.ca.gov/salton-sea/](http://resources.ca.gov/salton-sea/)) states:

Governor Edmund G. Brown Jr.'s Salton Sea Task Force, created in May 2015, has directed agencies to develop a comprehensive management plan for the Sea that will:

- Meet a short-term goal of 9,000 acres to 12,000 acres of habitat and dust suppression projects, and
- set a medium-term plan to construct 18,000 acres to 25,000 acres of habitat and dust suppression projects.

These goals will be implemented through the Salton Sea Management Program, which is committed to a transparent process with clearly defined goals and measurable objectives aligned with available fiscal and hydrological resources.

The clearly defined goals and measurable objectives referenced on the website should be publicized. The Salton Sea Management Program should adopt and promote the Salton Sea goals codified in statute. For example, California Fish & Game Code §2940 established the following goals for Salton Sea management:

In restoring the Salton Sea, it is the intent of the Legislature to do all of the following:

- (1) Permanently protect fish and wildlife that are dependent on the Salton Sea ecosystem.
- (2) Restore the long-term stable aquatic and shoreline habitat for fish and wildlife that depend on the Salton Sea.
- (3) Eliminate air quality impacts from restoration projects using the best available technology, as determined by the South Coast Air Quality Management District and the Imperial County Air Pollution Control District.
- (4) Protect water quality.
- (5) Maintain the Salton Sea as a vital link along the Pacific Flyway.
- (6) Preserve local tribal heritage and cultural values associated with the Salton Sea.
- (7) Minimize noxious odors and other water and air quality problems.

Goals and objectives provide direction and milestones for any program or project. The Salton Sea Management Program should define its goals and objectives, beyond the acreage targets described in the Task Force Agency Actions. To ensure that this occurs, we urge you to require the Assistant Secretary to submit a written report to the Board by the end of May, 2016, listing the Salton Sea Management Program goals and objectives. These should incorporate existing statutory goals, including those listed above, as well as the acreage goals established by the Task Force Agency Actions. Appropriate measurable objectives should be listed for each goal. These goals, objectives, and metrics should also be posted on the Salton Sea Management Program website.

**The Salton Sea Management Program should develop and share clear and achievable milestones:** The Salton Sea Task Force Agency Actions highlights the importance of “clear and achievable milestones with state-directed plans to achieve them.” To achieve the short-term goal of 9,000 acres to 12,000 acres of habitat and dust suppression projects, the Program should determine by what date the relevant engineering plans, environmental compliance documentation, funding plans, permits, easements, and construction deadlines will be required. These milestones should then be shared with appropriate project

partners and oversight agencies such as yours, to ensure that project deadlines will be met or to identify potential problems.

**The State should formalize its long-term commitment through memoranda of agreement:** Salton Sea Management Program goals and objectives and milestones will help address the need for a demonstrated long-term state commitment to meeting its Salton Sea responsibilities and obligations. Although state activities over the past six months have begun to demonstrate state interest in the Salton Sea, skepticism and lack of trust continue. To demonstrate commitment, the state should develop and execute memoranda of agreement related to funding Salton Sea projects in the IID service area in particular. The state should also develop a master contract or similar mechanism to ensure the rapid reimbursement of Salton Sea project expenses fronted by other stakeholders. Ultimately, as discussed below, it may be most appropriate to memorialize this commitment in a new Water Resources Order.

**The Assistant Secretary should develop a multi-year financing plan:** The governor's proposed budget of \$80 million to the Department of Water Resources for the plan, design, and construction of projects at the Salton Sea would be the state's first significant contribution to Salton Sea management. This welcome and much-needed financial commitment is an important start and will likely be sufficient for Salton Sea activities in the coming fiscal year. As the funding lead, the State also needs to develop a clear multi-year financing plan with annual contributions and reimbursement commitments. To accelerate its development, we urge you to require the Assistant Secretary to submit a multi-year financing plan, together with a capital improvement plan, to the Board within three months of the April 19, 2016 workshop. This multi-year financing plan should describe estimated and expected expenditures and potential funding sources through at least the end of the short-term period (described in the Governor's press release as ending in 2020).

**The State should determine and publicize the nature of its role (oversight versus operations):**

Construction and operation of Salton Sea Management Program projects pose complex institutional challenges. Most of the water that will supply these projects comes from IID and remains under IID control until it enters the Salton Sea. The State needs to negotiate an appropriate mechanism to assure sufficient water flow to the habitat and dust suppression projects built at the Salton Sea, for the life of those projects. Additionally, IID and other entities own the majority of land adjacent to and underneath the Salton Sea. Navigating these multiple jurisdictions will require clear planning and explicit agreements. It is not clear if the Salton Sea Management Program has determined the State's role in the design, construction, management and oversight of individual Salton Sea project components. The State should determine its role in Salton Sea management: will oversight and funding be more appropriate than direct construction and operations?

**The Assistant Secretary should develop a master funding agreement with IID, a construction management plan, and an operations plan:** The state initiated scoping for the Salton Sea Species Conservation Habitat (SCH) project on June 21, 2010. It issued the final EIR/EIS in July, 2013. Apparently, the State has secured all necessary permits for the SCH project. Some initial preparation of the SCH site has occurred, primarily the removal of saltcedar, but construction of the SCH project has yet to begin. According to the Natural Resources Agency's April 8<sup>th</sup>, 2016 "Report on Salton Sea Projects: Per requirements of AB 1095," the state now plans to start project construction early next year, some seven years after project conception. This experience strongly suggests that the State should delegate design,

environmental compliance, permitting and construction on future projects to other, local authorities that have direct construction experience, to meet the Task Force's deadlines and acreage targets.

IID has taken the lead on the initial design of the "backbone infrastructure" that we highlighted in previous comments. We recommend that the State execute a master funding agreement with IID to provide assurance that IID payments to date will be reimbursed and that future project-related expenditures will be reimbursed on a timely basis. The State should also develop a broader construction management plan that describes roles of appropriate state agencies, such as DWR's Division of Engineering, to ensure timely review and appropriate supervision of local design and construction efforts. Similarly, the State should develop a plan for subsequent operation and management of Salton Sea habitat and dust suppression projects. To accelerate the development of the master funding agreement, construction management plan, and operations plan, we urge you to require the Assistant Secretary to submit each of these documents to the Board within three months of the April 19 workshop.

**The Assistant Secretary should schedule agency stakeholder advisory committee meetings immediately, with regular meetings thereafter:** Three of the agency stakeholder advisory committee workgroups have met since the last SWRCB workshop in January, but the others have yet to meet. To our knowledge, no meetings have been scheduled for the following committees:

- Project
- Environmental Compliance
- Science Advisory
- Agency Stakeholder group as a whole

The work of each of these committees will be important for the Salton Sea Management Program, yet the expertise and experience of the committee members remains untapped. We recommend that the Assistant Secretary schedule a regular meeting date for the agency stakeholder group as a whole, such as the second Thursday of the month (or whatever specific day is convenient for the majority of participants). The agency stakeholder group should meet quarterly in person, with the two intervening meetings conducted via webinar or conference call, to update members on state activities and achievement of milestones and objectives, and to discuss issues as needed. Within the next two weeks, the Management Program should also schedule meetings for each of the other committees and post agendas and meeting objectives on the Management Program website.

**RWQCB should summarize existing water quality requirements and designations for the Assistant Secretary:** As noted previously, there appears to be little interagency coordination with respect to Salton Sea management activities. For example, the Management Program does not appear to have an overview or summary of existing Regional Water Quality Control Board regulations governing the Salton Sea or inflows to the Sea. We recommend that the Board direct the RWQCB to summarize existing regulations and water quality parameters for the lake and major tributaries and deliver this summary to the Assistant Secretary, to assist in the evaluation of Salton Sea proposals and to ensure consistency among state agencies' responses and reviews of such proposals. For example, we recommend that a RWQCB staff member participate in the April 13 meeting of the Long Range Planning Committee, scheduled to review proposals intended to improve the water quality of the Salton Sea.

**The Assistant Secretary should harmonize and publicize hydrologic and salinity data:** The Salton Sea Management Program should develop and post information on Salton Sea elevation and salinity to its website, as well as information on annual and monthly inflows to the Salton Sea. Currently, IID, the Salton Sea Authority, and possibly the State itself each has its own hydrologic and salinity model for the Salton Sea. These models are not consistent and are not transparent. Hydrologic and salinity data and models need to be harmonized and publicized. Project planning, not to mention consensus among stakeholders, cannot be achieved without this critical information. To ensure that this deficiency is corrected, we urge you to require the Assistant Secretary to submit a written report to the Board by the end of July, 2016, describing the Salton Sea Management Program's hydrologic baseline and projected inflows to the Salton Sea.

**The State Water Board should revise WRO 2002-0013:** In addition to providing the above oversight and ensuring accountability, the State Water Board should revise Revised Order WRO 2002-0013 to reflect the final language of the QSA as signed on October 10, 2003, and the clear language adopted by the legislature in 2003 in Senate Bill (SB) 277, SB 317, and SB 654, and in SB 187 in 2008.

Many of the recommendations and suggestions offered in our previous comment letters remain pertinent. We urge you to direct the Salton Sea Management Program to review and act upon these previous recommendations and suggestions, as well as the ones described above, and to accelerate their efforts on behalf of the Salton Sea and the people and wildlife who depend on it. Our brief window, before the mitigation water requirement expires and the Salton Sea enters a period of very rapid decline and deterioration, is closing fast.

Sincerely,



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Cc: Bruce Wilcox, Assistant Secretary for Salton Sea policy  
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Jose Angel, RWQCB