March 12, 2019

E. Joaquin Esquivel
Chairman
State Water Resources Control Board
CalEPA Building
Sacrament, California

Dear Chairman Esquivel et.al.,

It was such welcome news to hear that you all will be coming to North Shore at the Salton Sea. Congratulations to the Board and to the Chair, Joaquin Esquivel. Cutting right through the political noise to talk, human being to human being, with those most hurt by the disastrous water transfers is the right thing to do.

When you get to North Shore, please take the time to see how beautiful the Salton Sea actually is. See what we are fighting to protect! It is California's largest lake. Fixing it will be a legacy for an entire region, indeed for California.

The Salton Sea Ecosystem Restoration Program Volume 1: Final Programmatic Environmental Impact Report (2007) is the governing programmatic EIR for the Salton Sea. The goals of this program were based on statute under the Salton Sea Restoration Act (SB 277 Ducheney). The goals were: 1) Restoration of long term stable aquatic and shoreline habitat for the historic levels and diversity of fish and wildlife that depend on the Salton Sea; 2) Elimination of air quality impacts from the restoration projects; and 3) Protection of water quality.

There are three alternatives for restoration now on the table. One (the perimeter lake) was the work of a consultant. Two others became apparent during the many meetings and presentations over the past three and a half years and brought to the Salton Sea Management Program Long Range Planning Committee in open session. To recap, they are:

- The perimeter lake
- The sea to sea canal with tunnel siphon
- The blended alternative (25,000 acres of habitat plus a sea to sea canal to control lake elevation.

None of these has ever been studied in an EIR let alone together in one document. This should happen.

State law require that when new alternatives arise during the planning process (the second and third alternatives mentioned above are new ones found in just this manner), an EIR must be conducted before any money can be spent:

California Public Resources Code (Section 21062), especially sections 3(C) and 3(D) state:

15162. SUBSEQUENT EIRS AND NEGATIVE DECLARATIONS

(a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative."

Despite repeated notifications by letter to your Board; in the press; and through comments in public meetings of the Salton Sea Management Program's Long Range Planning Committee and 10 Year Plan Committee, Assistant Secretary Wilcox is proceeding with the perimeter lake as if no other alternatives exist.

Through a Freedom of Information request, I secured general ledgers of the State of California Salton Sea Management Program and the Department of Water Resources Salton Sea Offices to check on the financial status of the project. The State has spent 17 million on salaries and consultants in the past three years in pursuit of the perimeter lake.

Two hundred and eighty million more have now been appropriated. Recent news indicates IID is likely to get two hundred million more from the federal government in the near future. This is way too much money, and way too important a project, for money to be spent without an environmental impact report comparing the three alternatives mentioned above. The California Public Resources code (sec. 21102) states:

“No state agency, board, or commission shall request funds, nor shall any state agency, board, or commission which authorizes expenditures of funds, other than funds appropriated in the Budget Act, authorize funds for expenditure for any project, other than a project involving only feasibility or planning studies for possible actions which the agency, board or commission has not approved, adopted or funded, which may have a significant effect on the environment unless such request or authorization is accompanied by an environmental impact report. Feasibility and planning studies exempted by this section from the preparation of an environmental impact report shall never the less include consideration of environmental factors.”

In October of 2018 the Imperial Irrigation District released Salton Sea Hydrological Modeling and Results a report on what our sea will look like in 2047 if the perimeter lake is built.

Turns out the perimeter lake is just a thin ribbon of water along the west edge. It includes 100,000 acres of dry playa and a gigantic salt sink, which will probably look a lot like Badwater at Death Valley.

Here’s the actual image from the report:

From: CH2M HILL. Salton Sea Hydrological Modeling and Results Prepared for Imperial Irrigation District October 2018 (p.7-11)

Figure 32. Historical and Projected Salton Sea Exposed Playa for Perimeter Lake Alternative

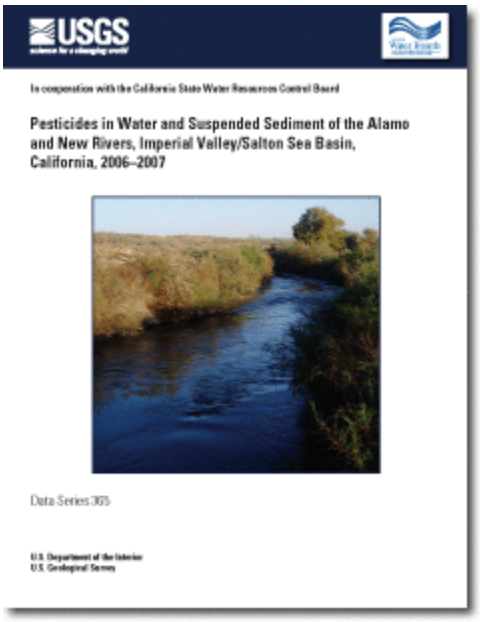
Year = 2047 WSE = -263.0 ft. Salinity > 200,000 mg/L Playa = 100,000 acres

The perimeter lake, which some estimate to cost one and a half billion dollars, fails to meet statutory requirements set forth in Ducheney: 1) Restoration of long term stable aquatic and shoreline habitat for the historic levels and diversity of fish and wildlife that depend on the Salton Sea; 2) Elimination of air quality impacts from the restoration projects, and 3) protection of water quality.

Water quality is another glaring weakness of the perimeter lake. Water being used is to come from The Alamo and New Rivers, two of the most polluted rivers in the United States. Last Month, Ian

James' story "A Toxic River' (part of the "poisoned Cities Deadly Borders" series published in The Desert Sun) stated "The New River is filled with sewage and toxic pollution. Despite more than $90 million spent, the Mexican and U.S. governments have failed to clean it up."

I looked for a more scientific presentation of water quality issues. The best article on the subject is from the U.S.G.S, prepared in cooperation with your own California State Water Resources Control Board under Agreement # 05-278-250-0.



The article makes for horrifying reading. I urge each of you get a copy and read it.

I quote from the abstract:

"Water and suspended-sediment samples were collected at eight sites on the Alamo and New Rivers in the Imperial Valley/Salton Sea Basin of California and analyzed for both current-use and organochlorine pesticides by the U.S. Geological Survey. Samples were collected in the fall of 2006 and spring of 2007, corresponding to the seasons of greatest pesticide use in the basin…"

"Water samples were analyzed for a suite of 61 current-use and organochlorine pesticides using gas chromatography/mass spectrometry. A total of 25 pesticides were detected in the water samples, with seven pesticides detected in more than half of the samples. Dissolved concentrations of pesticides observed in this study ranged from below their respective method detection limits to 8,940 nanograms per liter (EPTC). The most frequently detected compounds in the water samples were chlorpyrifos, DCPA, EPTC, and trifluralin, which were observed in more than 75 percent of the samples. The maximum concentrations of most pesticides were detected in samples from the Alamo River. Maximum dissolved concentrations of carbofuran, chlorpyrifos, diazinon, and malathion exceeded aquatic life benchmarks established by the U.S. Environmental Protection Agency for these pesticides."

Suspended sediments were analyzed for 87 current-use and organochlorine pesticides... Twenty current-use pesticides were detected in the suspended-sediment samples, including pyrethroid insecticides and fungicides. Fourteen legacy organochlorine pesticides also were detected in the suspended-sediment samples. Greater numbers of current-use and organochlorine pesticides were observed in the Alamo River samples in comparison with the New River samples. Maximum concentrations of current-use pesticides in suspended-sediment samples ranged from below their method detection limits to 174 micrograms per kilogram (pendimethalin). Most organochlorine pesticides were detected at or below their method detection limits, with the exception of p,p'-DDE, which had a maximum concentration of 54.2 micrograms per kilogram. The most frequently detected current-use pesticides in the suspended-sediment samples were chlorpyrifos, permethrin, tetraconazole, and trifluralin, which were observed in more than 83 percent of the samples. The organochlorine degradates p,p'-DDD and p,p'-DDE were detected in all suspended-sediment samples."

The perimeter lake is a mistake thrust upon an unwilling population and the ecology of an entire region. We can do much better.

We need a new site specific EIR comparing the perimeter lake, the sea to sea canal/siphon, and the blended alternative, in order to determine the best option.

In the meantime, the Salton Sea will need more time. The California State Water Resources Control Board needs to be prepared to limit or enjoin further water transfers and restart mitigation water until the State examines the three alternatives in an unbiased environmental impact report, decides on one and makes significant process towards constructing it. As you know, no projects are completed on the ground except for Torres Martinez, which was mostly the work of a private citizen named Debby Livsay.

We also need a change in leadership. And any State employees should be based at the Salton Sea, not in Sacramento.

Thank you for this chance to comment.

Sincerely,

Christopher W. Cockroft

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