Board Workshop
Salton Sea
Deadline: 3/14/19 by 12 noon

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SWRCB Clerk

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State Water Resources Control Board
1001 I Street
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Dear Chairwoman Marcus and Honorable Members of the Board,

What we are seeing at the Salton Sea is a deliberate repetition of the Owens Lake fiasco. How can I say fiasco, when Owens Lake has been held out by public agencies and their well paid consultants as the shining example of success that should be replicated at the Salton Sea? Because Owens Lake was once a shimmering jewel in California's high desert. It is nothing of the sort now. Driven by corrupt political leadership, the Los Angeles Department of Water and Power used lies and deception to gain control over the inflow to Owens Lake in the early 20th Century. Owens Lake was dried up into a dust bowl. The aquatic wildlife was eradicated and the human population was impoverished and decimated. For many decades, Owens Lake was one of the worst sources of PM10 dust in North America. There is one town left, Keeler, a ghost of its former self with a small population that mostly either work for the Water Department, or just want to disconnect from the world. Owens Lake is not a shining example of what to do at the Salton Sea.

Yes some waterfowl are now returning to Owens Lake. That's because some genius figured out that water actually holds down dust. Put some of the water back into what's left of the lakebed and some migratory birds return. A surprise? Shouldn't be. It took 100 years and a successful lawsuit over dust blowing into towns like Lone Pine, near, yet quite a distance from Owens Lake, to turn things around just a little bit there. Now, after the lawsuit forced spending well over two and a half billion dollars and counting, the dust problem is improved, some fraction of the waterfowl once there a hundred years ago are using the irrigated ponds, and the human population, well, not such a good story there. Is this really the best the Golden State can do?

The myth of the "accidental sea" is just that, a myth. Going back about a million years, the Salton Trough was the northern tip of the Sea of Cortez. After a million years of the Colorado River cutting great canyons through the Southwest, the Salton Trough partly filled with sediment. That and geological shifts separated the Salton Basin from the Sea of Cortez. The Salton Basin then became ancient Lake Cahuilla, periodically filling with Colorado River water, then drying down, then filling again, and again, and again over the

millennia. The Colorado River, much like the meandering Mississippi, turned north to fill ancient Lake Cahuilla, or south to fill a vast river and tidal estuary at the north end of the Sea of Cortez. Through those millennia this Colorado River terminus region had water, fish, aquatic birds, and an indigenous human population. The “accidental” partial filling of the Salton Basin in 1905 and 1906 was just one more Colorado River flood that turned the course of the River north, pushing through cuts in a levee until emergency human efforts stopped the flow. Now in the 21st Century human efforts are choking off the flow again. We have dammed and diverted the once mighty Colorado River. It will not flood again for as long as our dams hold.

As the Los Angeles Department of Water and Power did at Owens Lake, now our regional water agencies are diverting the Salton Basin water supply to the coast. A coast with plenty of water, if the water agencies there were willing to pay the cost of responsibly desalinating that ocean water. But the water agencies are in the business of buying the cheapest water they can get or selling the cheap water they have, at the highest profit possible, without respecting the cost to the environment, the wildlife, the local economy, or the lives of the people in the region most impacted by the water diversions.

The damage at Owens Lake was massive. The damage at the Salton Sea, three time the size of Owens Lake, will also be massive. We have already seen a dramatic loss of fish population and of fish eating birds at the Salton Sea in the last few years. We are beginning to see dust off the dry lakebed as the Sea has receded more than 8ft since the QSA water transfers began in 2003 exposing more than 24,000 acres of dry lakebed, a substantial portion of it emissive, and only a small fraction of it mitigated in any way. Shoreline communities are becoming cut off from the Salton Sea as it loses more than a foot a year of level and recedes hundreds of yards from communities like Salton City and Bombay Beach.

When the QSA was signed in 2003, under great pressure from the State and Federal government, the State made a promise to restore the Salton Sea, a promise codified in legislation. Fifteen years later it is a promise not yet kept. The State has an obligation to the citizens of the Salton Sea region and to the environment to make good on that promise. But the State is not solely to blame for that failure to date.

Certain water agencies that benefit from the continuing and increasing transfer of water away from the agriculture that supplied the drainage that sustained the Salton Sea for the last century have, by their actions, turned the program on the ground away from any kind of genuine restoration of this ancient and still vibrant aquatic environment by favoring dry lake dust mitigation over any kind of aquatic habitat. Some of these water agencies have spent millions to hire some of the same contractors that planned and built the hodgepodge of dust mitigation projects at Owens Dry Lake to execute dry lake dust mitigation at the Salton Sea.

At the same time one of these agencies, the Imperial Irrigation District (IID), has deliberately and systematically, delayed, blocked, or shut down every effort to build aquatic habitat on the vast swath of land they own at the south end of the Salton Sea. The Red Hill Bay Project has been delayed two years by the IID. Any progress on the Species Conservation Habitat Project has been blocked for three years and other smaller projects on the ground have been also been blocked. As the former IID General Manger Kevin Kelley told me in December 2018, with respect to my small solar/geothermal based aquatic habitat, dust cover, water recycling, and salt mitigation project on IID land, quote “I was never going to let you build your project”. That policy has been applied to all the other State and Federally funded aquatic habitat projects on IID land. Let people design and plan and seek permits and waste their time and money, but block anything from being built. Millions of tax dollars, hundreds of thousands of private dollars at a minimum, and years of time have been wasted thanks to IID’s policy of delay, duplicity, and deception. Aquatic habitat needs a water supply. As such it does not serve the interests of a water agency that benefits from selling water to the tune of six billion in revenue over the 75 year life of the QSA. Money, power, control of resources, and freedom from any liability or even responsibility do seem to serve the interests of a water agency that benefits from the destruction of the Salton Sea. The IID is not the only public agency playing this game.

The residents of the communities in the line of the prevailing future PM10 dust laden winds, Bombay Beach, Niland, and Calipatria have little voice. The residents of the West Shores communities heavily impacted by the loss of their shoreline as it recedes and as IID puts up cyclone fences and “No Trespassing” signs to block shoreline access have no voice. They are inside the IID’s zone of control, but outside of IID’s water service area, and therefore have no right to vote for IID Directors. Locally these residents suffer from Devastation without Representation. But they do vote for State officials. The State has a

responsibility to these residents who were lied to when the QSA was put into place and who bear the brunt of the destruction of the shoreline that was the focus of their communities. The beneficiaries of the QSA water transfers include the big property developers of San Diego County and the western Coachella Valley and the water agencies that serve them as well as the IID that sells water it gets for free due to its ostensible stewardship over farm water rights in its service area. The victims of the QSA are the residents that live near the Salton Sea, the fish and birds that depend on the Salton Sea, and all the residents of California who are fast losing another jewel in the desert.

The State of California owes it to the residents of the Salton Sea region, the wildlife and ecosystem, and all the citizens of this State to find a way to overcome the barriers put up by self-serving water agencies and get aquatic habitat, dust mitigation, and some kind of recreational restoration implemented very soon. If necessary the concept of eminent domain could be used to break through intransigence while eliminating possibly legitimate local agency concerns over landowner liability and long term responsibility for maintaining projects.

The State of California also owes it to the residents, wildlife, and citizens to think beyond short term mitigation strategies and envision a reasonable restoration as promised fifteen years ago. A partial restoration perimeter lake or channel proposal backed by the Salton Sea Authority and a small north lake proposal by Riverside County should be evaluated by the State for feasibility in a review process where reports and analysis are open to the public.

A year ago eleven water import proposals were accepted by the State's Salton Sea Management Program in an open solicitation for review. Each of them described ways to meet the State's restoration promise. Three were selected for further consideration because they were potentially feasible and were in some way backed by large engineering firms. These proposals should be evaluated by one or more independent engineering firms selected by the State for technical and financial feasibility.

Sincerely,

Tom Sephton