



December 30, 2015

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RE: Comments Regarding the Status of Salton Sea Task Force Agency Actions

Dear State Water Resources Control Board:

On behalf of Audubon California, Defenders of Wildlife, Pacific Institute and Sierra Club, we write to submit our comments regarding the status of Agency Actions by the Salton Sea Task Force (Task Force), in anticipation of the State Water Resources Control Board's (State Water Board) public workshop on January 5th. We appreciate State Water Board's following up on its March 18, 2015 workshop and look forward to continued monitoring and assessment, as directed by the Task Force Agency Actions released on October 9, 2015. The magnitude and scope of the multi-agency state effort dictated by the Task Force Agency Actions will require careful coordination and integration. The State Water Board is best suited to supervise this effort and ensure that the state meets its commitments.

In response to the State Water Board's December 4th public workshop notice, we write to provide the following input to the State Water Board relative to the implementation of the Salton Sea Management Program. In addition, we reiterate our recommendation that the State Water Board require the Natural Resources Agency (Agency) to submit, *within three months of the January 5th, 2016 workshop*, (1) the Agency's estimated annual funding obligations pursuant to the Quantification Settlement Agreement (QSA) and QSA-related legislation, including mitigation payments, (2) the Agency's schedule for developing and implementing a coordinated holistic plan to address the air, wildlife, and water quality problems at the Salton Sea as the water transfer goes into full effect and without the delivery of mitigation water after 2017, and (3) the Agency's identified and potential future sources of current and potential future funding to meet the State's financial obligations with respect to the QSA and QSA-related legislation. 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.

The Salton Sea Task Force's strong and timely Agency Actions are very welcome and encouraging. The Agency Actions clearly convey the urgency of the challenges facing the Salton Sea and the critical importance of immediate actions to address and reverse the Sea's decline. The state's Salton Sea Management Program must incorporate and demonstrate this urgency by accelerating the implementation of common-sense, 'no regrets' actions such as the construction of the water supply and distribution infrastructure required to support large-scale habitat and air quality management projects at the Salton Sea. Absent the suspension of the water transfer or the extension of the mitigation water delivery requirement, the Salton Sea ecosystem and public health in the region face a critical tipping point in less than two years. Fortunately, expedited and aggressive implementation of a Salton Sea Management Program can avoid the worst of these impacts. We urge the State Water Board to embrace its designated monitoring and assessment role to ensure that the State satisfies its commitments and obligations.

We offer our comments in the order described by the State Water Board's December 4th Public Notice. We preface our comments by recognizing the state's creation and hiring of a new Assistant Secretary for Salton Sea Policy in late September, and the very valuable recommendations of the Salton Sea Task Force itself. In the three months since the release of the Task Force Agency Actions, the California Natural Resources Agency has held two initial stakeholder meetings and has begun the process of convening the needed stakeholder workgroups to develop and review plans and designs for a Salton Sea Management Plan. Despite the passage of almost ten months since the last State Water Board workshop, the Salton Sea management effort is still very much in its infancy. We acknowledge the challenge of developing and implementing a plan of this magnitude, while reiterating our concerns about the imminent collapse of the ecosystem and the severity of public health impacts in the absence of an expedited effort. We provide the following comments within this context.

Efforts to improve public outreach and local partnerships

Communication with stakeholders and the general public is very important. The new assistant secretary has met with a large number of stakeholders including local partners and our organizations. He has convened two large stakeholder meetings and is organizing workgroups comprised of many stakeholders, developing momentum and building confidence that the state now recognizes its obligations and is making a concerted effort to address them. However, the California Natural Resources Agency (CNRA) has yet to schedule a general public meeting or update its website. We have heard that the state will soon schedule public outreach meetings, but to date such meetings have not occurred.

We strongly encourage CNRA to update and maintain the Department of Water Resources (DWR) Salton Sea website so that it becomes a timely and credible source of information on CNRA and Task Force activities. As of December 29th, 2015, the DWR Salton Sea website at <http://www.water.ca.gov/saltonsea/> reportedly was "Last Modified: 09/21/2015." The "new" Salton Sea Ongoing Projects page on the website simply shows a page extracted from IID's *Salton Sea Restoration and Renewable Energy Initiative Framework Document*, rather than detailed descriptions of on-going projects and the state's own timelines. As public and media interest in the Salton Sea increases, this website must become more timely, more informative, easier to navigate, and more credible. This

website is the public's first entry into the state's Salton Sea activities. It should reflect the state's commitment and interest in the issue. We also recommend having this website, and as many materials as possible, made available in Spanish.

Communication with stakeholders and the general public should be proactive. We encourage CNRA to develop and implement a public outreach schedule, including holding regular meetings in the Salton Sea region in both Riverside and Imperial Counties, in English and in Spanish, and noticed in English and in Spanish, as well as periodic briefings for legislative and agency staffs in Sacramento and for the federal legislators whose districts include the Salton Sea.

Efforts to implement habitat creation and dust suppression projects

Meeting the Salton Sea Task Force's short-term habitat goal requires an accelerated timeline for the immediate term projects needed to meet the objective of 9,000-12,000 acres of habitat creation and dust suppression projects by the year 2020. To achieve this, the state will need to prioritize actions to design and implement a water supply and distribution infrastructure ("infrastructure"). We have encouraged CNRA to emphasize the importance of such infrastructure for any larger-scale Salton Sea plan that may be implemented in the future: any such plan will require the capture and redistribution of Salton Sea inflows. Therefore, the critical path for the Salton Sea includes the accelerated design and construction of this water supply infrastructure. CNRA should give the design, budgeting, environmental compliance, and permitting of this water supply infrastructure its very highest priority.

We have written to CNRA to recommend that the agency present a timeline and critical path elements for implementing the Task Force Agency Actions. Our recommended actions included:

- Describe the water supply and distribution system ("infrastructure");
- Develop initial budget estimates for the accelerated implementation of the infrastructure;
- Develop an accelerated timeline for the infrastructure project, including the identification of critical path elements;
- Identify and describe existing Salton Sea-related permits and the extent to which they can be used to implement the infrastructure;
- Conduct a rapid analysis of "no regrets" air quality and habitat projects that can proceed in conjunction with the infrastructure;
- Identify and describe additional permits that will need to be obtained, along with relevant lead and regulatory agencies; and
- Identify existing Salton Sea-related contracts with consultants that could be modified quickly to cover new tasks related to the design, environmental compliance, and permitting of the infrastructure backbone.

The current CNRA effort takes place within a broader context of existing statute and the Task Force Agency Actions. These pre-existing goals and objectives should drive the current effort.

Existing statute (California Fish & Game Code §2940) establishes clear goals for Salton Sea management that include protection of the fish and wildlife dependent on the Salton Sea ecosystem, stabilization of the aquatic and shoreline habitat, protection of the area's air quality and water quality; and preservation of cultural and tribal values at the Sea.

The Task Force Agency Actions and the Governor's accompanying press release dated October 9th, 2015, build on these goals by describing several quantifiable action items with specific deadlines (from the press release):

- Meet a short-term goal of 9,000-12,000 acres of habitat creation and dust suppression projects at the sea (by 2020)
- Set medium-term goal of 18,000-25,000 acres of habitat creation and dust suppression projects at the sea (starting in 2020)
- Within the next year, as part of planning to meet the 2030 greenhouse gas goals, the Public Utilities Commission, the Energy Commission and the Independent System Operator will consider renewable energy opportunities at and around the Salton Sea and the region, and any additional transmission that may be needed for the near term or long term.
- Convene a scientific advisory committee to ensure that the best available science guides the habitat restoration efforts.

We have encouraged CNRA to organize these goals on a timeline, to inform agency planning efforts over the short-term, medium-term and long-term. We also encouraged CNRA to establish a set of objectives for each goal. Most importantly, CNRA should immediately articulate clear objectives specifically for 2016. These should include:

- Complete next level of engineering design for water supply infrastructure
- Develop budgets for water supply infrastructure
- Initiate NEPA/CEQA for water supply infrastructure
- Analyze existing permitting to determine the flexibility of those permits to accommodate short-term objectives
- Begin permitting processes
- Convene scientific advisory committee
- By January, 2016, define objectives, establish membership, and implement reporting deadlines for each of the Salton Sea Management Plan committees
- Create and distribute for review an annotated list of air quality management and habitat project types and options as they relate to the various goals, and identify, at a broad level, how each of these options will help attain the California Fish & Game Code §2940 goals for water, air quality, and habitat
- Update Salton Sea water balance and harmonize existing water models

- Quantify predicted wildlife benefits of short-term projects
- Convene working groups
- Develop outreach materials (such as 1 page briefings) that committee members can share with their staff, boards, etc.
- Develop a public relations plan and schedule
- Host two public workshops at each of Imperial Valley, Salton Sea, lower Coachella Valley, and Upper Coachella Valley
- Host briefings for each state and federal legislator or staff who represents part of the Salton Sea basin
- Update and maintain DWR (or CNRA) Salton Sea website
- Work with California Energy Commission and other agencies to prioritize Salton Sea geothermal in the Renewable Energy Transmission Initiative (RETI) 2.0 and other energy and transmission planning processes and host a workshop on renewables at the Salton Sea
- Conduct preliminary feasibility evaluations for proposed Salton Sea management plans.

“Feasibility” itself needs to be defined prior to conducting feasibility evaluations. The feasibility evaluations should be more than just an effort to identify fatal flaw analysis. They should include specific criteria to evaluate project feasibility, such as:

- Ability to meet overall program objectives
- Ease of construction
- Time to complete construction
- Ease of permitting
- Time to attain objectives
- Capital costs
- Annual operations, maintenance, energy and replacement costs
- Seismic risk
- Resilience (e.g., if one project element fails, will others also fail)
- Inflow requirements
- Impacts on state’s 2030 greenhouse gas targets
- Selenium risks
- Water quality benefits and impacts
- Habitat benefits and impacts
- Air quality benefits and impacts

CNRA must also work with stakeholders to identify a medium and long-term plan for the Sea, beyond 2020. While immediate progress must be made at the Sea to address the imminent impacts from the water transfer, the Sea will continue to decline for decades due to less inflow to the Sea and there must be a plan for addressing those longer-term issues. To ensure that current and short-term efforts do not

result in stranded costs or costly revisions due to the need to address impacts beyond 2020, the State must start on a longer-term plan while working diligently to address the imminent impacts at the Sea.

Project Management Recommendations

A full-time project manager is necessary to ensure that project objectives and outcomes are achieved in a timely manner. We have encouraged CNRA either to task an existing employee or hire a new person (potentially with a facilitation firm such as Center for Collaborative Policy) with extensive project management experience to assume responsibility for tracking and directly supervising the objectives and tasks related to the Salton Sea management plan. This would support the state's efforts and enable the Assistant Secretary to engage more in the interagency coordination, planning, feasibility evaluation, and public outreach described in the Task Force's Agency Actions.

The California Energy Commission regarding consideration of renewable energy opportunities at and around the Salton Sea and the region.

Development of geothermal at the Salton Sea will provide air quality, economic and carbon benefits. However, developing this resource commercially will require valuing these resources in utilities procurement. Additionally, bringing it to market will require new transmission investments. Each of these processes have long lead-times, and will require prioritizing development of these resources by the state. We encourage the California Public Utilities Commission, California Energy Commission and California Independent System Operator, and the Governor's Office of Planning and Research to develop an action plan for bringing these resources to commercial market.

Ensure Oversight by Regulatory Agencies

We encourage the State Water Board to embrace its designated monitoring and assessment role to ensure that the State satisfies its commitments and obligations. The State Water Board should establish a quarterly or at minimum semi-annual workshop schedule, with clear deadlines and objectives for state agencies and announced sanctions for failure to meet these deadlines and objectives. The state's recent actions are very encouraging; continued oversight will promote continued activity and dedication.

An important objective of State Water Board oversight must be to ensure the coordination among the many state agencies named by the Task Force Agency Actions, including officials and staff at the California Energy Commission, the Public Utilities Commission, and the Independent System Operator. Such monitoring and oversight will help clarify who is doing what as part of state efforts to carry out the Task Force recommendations.

Establish a Federal and State Memorandum of Understanding

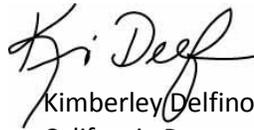
We recommend that the State of California enter into a Memorandum of Understanding with the U.S. Department of the Interior and with the Army Corps of Engineers, to improve collaboration between state, federal, and tribal entities on natural resource issues involving the Salton Sea. The MOU will be a key step in cementing each party's commitment to find collaborative solutions to resource challenges, to share available technical and scientific information and expertise, to facilitate more efficient permitting, and to prioritize partnerships to improve resource conditions in and around the Sea.

In closing, we are very encouraged by Task Force recommendations and look forward to working with you and the other state agencies to protect the communities and wildlife at the Salton Sea. The key objective in the next several months must be to acknowledge the urgency of the Salton Sea's challenges by expediting the implementation of a water supply and distribution infrastructure. This infrastructure would be a 'no regrets' action, required for the implementation of any Salton Sea Management Plan under consideration and critical for the timely construction of habitat and air quality management projects at the Salton Sea. The accelerated implementation of this infrastructure will signal state commitment to meeting its obligations. We encourage the State Water Board to establish such activity as the very highest priority for the state.

Sincerely,



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