



Working Together to Protect and
Restore the Salton Sea

March 31, 2004

Salton Sea Coalition Members:

Cabazon Band of Mission Indians

California Waterfowl Association

Center for Biological Diversity

Defenders of Wildlife

Planning and Conservation League

National Audubon Society, California

Native American Land Conservancy

National Wildlife Federation

The Pacific Institute

Planning and Conservation League

San Diegans for the Salton Sea

San Diego Audubon Society

Sierra Club

Torres Martinez Desert Cahuilla Indians

United Anglers of Southern California

Western Outdoor News

Charles Keene
California Department of Water Resources
770 Fairmont Avenue
Glendale, CA 91203

Re: NOP of PEIR for Salton Sea Ecosystem Restoration

Dear Mr. Keene:

The Salton Sea Coalition submits the following comments on the "Notice of Preparation of a Programmatic Environmental Impact Report (PEIR) for the Restoration of the Salton Sea Ecosystem and Preservation of its Fish and Wildlife Resources." The Salton Sea Coalition is a group of 14 environmental and recreational organizations and tribes working together to protect and restore the Salton Sea ecosystem. Our organizations represent more than 1.3 million people, including more than 500,000 people in California.

We appreciate the opportunity to comment on the scope of the PEIR. We offer the following comments in an effort to improve the process and the substance of the PEIR, and in the hopes that the PEIR will identify a feasible restoration plan that can enjoy broad public support. The Resources Agency's dedication to a transparent, public process with broad objectives, and its willingness to explore a range of potential alternatives to meet the objectives laid out in the state's QSA implementing legislation, will greatly increase the likelihood of identifying a project that the legislature will endorse.

The NOP raises concerns that the California Department of Water Resources and the California Department of Fish and Game (the lead agencies) plan to draft a PEIR based upon a very narrow interpretation of the state's implementing legislation. We encourage the lead agencies to select a feasible alternative that satisfies the fish and wildlife, air quality, and water quality objectives of the implementing legislation, and that also identifies potential recreational and economic development opportunities that could be implemented by other state or local agencies. The state's implementing legislation does not preclude consideration of recreation or economic development

in the selection of a preferred alternative. Although these issues are beyond the authority of the lead agencies, other state and local agencies, including the Department of Parks and Recreation and the Salton Sea Authority, have a clear interest in promoting these values at and around the Salton Sea. We urge the lead agencies to collaborate with state and local agencies, to incorporate appropriate recreational and economic development elements into Salton Sea ecosystem restoration alternatives. Incorporating these elements into the project design, rather than forcing the other agencies to adjust their plans after the project has been selected, will generate a more robust plan that can enjoy broader public support. The legislature may then choose to fund these project elements from other sources, but at least will have the benefit of a more comprehensive plan.

We also encourage the lead agencies to address air quality concerns at and around the Salton Sea. Air quality in the Salton Sea area already violates national and state ambient air quality standards. The exposure of additional lakebed due to decreased inflows to the Sea will very likely exacerbate current conditions. One of the objectives noted in the NOP is “Elimination of air quality impacts from restoration projects.” The lead agencies should read this objective broadly, and not act only to mitigate direct air quality impacts arising from project construction. We strongly urge the lead agencies to work proactively with the Air Resources Board and the local air quality districts, to address the current and likely future air quality problems in the project area. Although air quality issues lie beyond the purview of the lead agencies, the State of California ultimately will bear fiscal responsibility for the impacts of the QSA-related water transfers; from a state-wide perspective, it makes sense for the lead agencies to address these broader issues up front, rather than waiting for other California agencies to address them after human health in the area is affected. Air quality agencies should be full partners in the development and evaluation of potential alternatives; the lead agencies must not wait to consult them until after alternatives have already been developed. The construction of air quality monitoring stations, and conducting on-site emissivity tests for exposed lakebed, will provide necessary data for understanding actual conditions at and around the Sea. We urge the lead agencies to coordinate such tests and monitoring with the Air Resources Board and Cal EPA, as soon as possible. Protecting and improving human health, as well as avian health, will be a deciding factor in the evaluation of any alternative.

We also urge the lead agencies to adopt a broad vision regarding project financing. The NOP, and conversations several of us have had with DWR staff, suggest that DWR intends to limit its range of alternatives to those that can be funded by the \$300 million Salton Sea Restoration Fund established by SB 317 (Kuehl). In our view, such an *a priori* funding constraint would be unreasonable and counter-productive. Nowhere does the implementing legislation constrain the project to this funding. The innovative funding mechanism authorized by SB 317 offers initial funding for a restoration project, based on the important principle of beneficiary pays. It in no way purports to be the sole source of funding for any such project. Indeed, SB 317 specifically directs the Secretary of the Resources Agency to pursue federal participation in the restoration of the Salton Sea. SB 277 (Ducheny) provides that the restoration of the Salton Sea ecosystem shall use the funds “in the Salton Sea Restoration Fund *and other funds made available by the Legislature and the federal government*” (emphasis added). It is not reasonable to assume that no additional state or federal appropriations, or state bond funds, will be available once a feasible alternative has been identified. The lead agencies should not limit the PEIR by excluding reasonable alternatives that would exceed some arbitrary

cost threshold.

The PEIR should clearly define the project area. The NOP offers the following geographic scope: “The restoration program area includes the Salton Sea and lower Colorado River ecosystems, including the Colorado River delta in Mexico,” and a map of the “General Project Area” (titled Figure 1, depicting most or all of Imperial, Riverside, and San Diego counties, as well as parts of Arizona, Baja California, and Sonora). Many of the birds found at and around the Salton Sea use the Sea itself only for part of their daily or annual activities. Many species forage in the surrounding fields, returning to the Sea at night. Many more bird species depend on the agricultural land in the region; the potential impacts to these birds must be addressed in the PEIR. The Sea’s ecosystem extends well beyond the existing shoreline, to encompass the varied built and natural habitats in the area. The PEIR should clearly describe and define these varied habitats, as well as the potential impacts that would result from alterations in the Sea’s extent, water quality (such as salinity, nutrient concentrations, selenium concentration, and temperature), and biota. Additionally, DWR should develop a more informative map depicting the general project area.

The Salton Sea Coalition strongly believes that the conservation measures necessary to protect the fish and wildlife species dependent on the Salton Sea should be implemented at and around the Salton Sea. The Coalition strongly opposes a preferred alternative that would spend funds from the Salton Sea Restoration Fund on activities covered by the Lower Colorado River Multi-Species Conservation Program.

A sound “No Project” alternative will be a critical element in the evaluation of any project alternative. Such an independent baseline would greatly improve understanding of the Sea, and would prove invaluable for determining the relative merits of current and new restoration proposals. To date, no credible projection of future conditions at the Salton Sea has been developed, despite repeated requests to the Salton Sea Science Office. The lead agencies should contract with the Science Office to convene an expert workshop, to project future conditions at the Salton Sea. The lead agencies, in consultation with the Salton Sea Advisory Committee, should identify a set of hydrologic conditions, such as the current transfer schedule, an accelerated transfer schedule, and drought conditions, as well as other on-going and planned and possible future actions that may affect the quantity and quality of inflows to the Sea. Based on these hydrologic conditions, the expert workshop would project the likely physical and biological conditions at the Salton Sea in the years, for example, 2010, 2025, 2050, and 2100. We urge the lead agencies to start this process as soon as possible, so that the Science Office has time to develop a credible set of scenarios.

We also encourage the lead agencies to improve their public outreach. The CEQA Guidelines recommend early public consultation with concerned citizens and organizations in order to solve any potential issues (see Guidelines §15083). While initial scoping sessions have been held, there has been considerable controversy regarding whether these sessions were organized with sufficient public notice as to encourage maximum public input. The lead agencies should hold additional scoping workshops in the Coachella and Imperial valleys, and especially at least one public scoping meeting in a community alongside the Salton Sea. The residents of the Coachella and Imperial valleys, and especially those residents living alongside the Sea, must be actively consulted in the development of any restoration alternative. No restoration program can expect to be successful if it fails to engage local residents.

The Torres Martinez Desert Cahuilla Indians, as one of the largest Salton Sea area landowners (and one of the tribal governmental bodies directly impacted) must be consulted by the State or any other authority charged with implementing changes to the remnants of “Ancient Lake Cahuilla.” The federal government recognizes the sovereignty of Indian Tribes and thus there is no credence to State jurisdiction over tribal lands near and beneath the Sea. For instance, Torres Martinez reservation land maintains a “checkerboard” pattern in all northern areas of the PEIR consideration but nonetheless the Sea’s unique features and use by Tribes should not be diminished. Tribal people have co-existed within the region before the Sea’s transformation to that of an enormous agricultural run-off repository. From a tribal perspective, the Salton Sea and adjacent land areas consist of Natural Features, Landscapes, Traditional Properties, Sacred Sites, and Historic Sites that have sustained value, character, or cultural significance. To insure the protection and preservation of tribal heritage, it is critical that the Tribes retain and rediscover as much of their cultural heritage as possible. The Sea is representative of a continuous biographical chapter embedded in the consciousness of tribal heritage.

Prior to beginning the PEIR, the lead agencies must develop specific performance standards or objectives for this project, beyond the general objectives set forth by the Legislature. These standards or objectives can then be translated into site-specific mitigation. The NOP fails to provide an indication of what the agencies expect are the specific goals and objectives for a Restoration Plan. Without specific goals and objectives, it is impossible to ascertain the quality of the range of alternatives.

We urge the lead agencies to adopt the following standards and objectives for the restoration plan:

- The restoration plan must ensure that the Salton Sea ecosystem (including the surrounding agricultural land) continues to support the diversity and comparable population size of bird species. In addition, the restoration plan should provide for improved conditions for bird species, including addressing causes of bird disease.
- The Salton Sea ecosystem must support a thriving and sustainable fishery as well as provide habitat for the endangered pupfish.
- The Salton Sea ecosystem must continue to maintain its exceptional recreational opportunities, including birding, hunting, and fishing.
- The restoration plan must be consistent with a thriving agricultural economy in the Imperial and Coachella Valleys.
- The restoration plan must address water quality issues at the Sea and in its tributaries, and should build upon current TMDL efforts.
- The restoration plan should not contribute to any decline in air quality in the Imperial and Coachella Valleys.
- The restoration plan should attempt to leverage opportunities for providing

economic stability for the communities in the Salton Sea ecosystem.

The NOP fails to describe the process for this project, and fails to provide any timeline beyond “the PEIR will be completed by December 2006.” The lead agencies should describe a specific plan for how this PEIR will be prepared in conjunction with the State Advisory Committee and how affected local constituencies will be able to provide input throughout the process. Given the magnitude of this project, the agencies should be designing a PEIR process that provides maximum ability for public input. In addition, it is critical that the lead agencies clearly inform the public whether future CEQA documents are anticipated. Such information will affect the manner in which people review the first tier EIR.

Finally, while the lead agencies have stated that they intend to prepared a programmatic EIR, we strongly encourage the creation of an EIR with as much site-specific, project-specific environmental analysis as possible. We are very concerned that the development of a programmatic EIR, followed by a project-level EIR in 2007 or later, will result in significant delay in the implementation of a restoration plan.

Thank you for the opportunity to comment on the NOP. We look forward to working with the lead agencies to develop a sound and feasible restoration plan for the Salton Sea ecosystem. Please do not hesitate to contact us if you would like clarification of any of the above comments or recommendations.

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