

February 21, 2007

Mike Chrisman
Secretary for Resources
Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Re: Salton Sea Early Start Habitat

Dear Secretary Chrisman:

As members of the Salton Sea Advisory Committee and as representatives of Audubon-California, California Outdoor Heritage Alliance, Defenders of Wildlife, Pacific Institute, and Sierra Club, organizations with nearly 400,000 members in California, we write to urge you to expedite the development and implementation of 'Early Start Habitat' (ESH) at the Salton Sea. We believe that ESH can provide multiple benefits, including high-quality bird habitat, air quality management, data on the relative benefits of various ecological and engineering designs, and, more broadly, a mechanism for generating additional revenues for the Salton Sea Ecosystem Restoration Program.

The broad consensus on the value and importance of implementing ESH strongly suggests that ESH should move forward as a separate project, unconnected to the larger and more contentious issues surrounding the selection, funding and implementation of the Salton Sea Ecosystem Restoration Program's preferred alternative. We urge you to separate the implementation of ESH from the broader Salton Sea Ecosystem Restoration project, and to ensure that work on ESH begins as quickly as possible. Specifically, we urge you to direct the Department of Fish & Game to work with the USGS Salton Sea Science Office, the U.S. Fish and Wildlife Service, and the Salton Sea Authority on the design and location of ESH around the Salton Sea, and to work with the Imperial Irrigation District (IID) to identify optimal sites for ESH. Further, we request that you initiate scoping for this project no later than May 31, 2007.

Additionally, we urge you to brief the members of the Wildlife Conservation Board on: (1) the importance of Salton Sea restoration to the State of California; (2) the critical role ESH will have in reducing dust emissions from exposed playa and thereby protecting human health; (3) the benefit that ESH will offer the State and other landowners by reducing liability for dust emissions; (4) the important role ESH will play in providing interim habitat while a preferred alternative is identified, evaluated, permitted, and constructed; (5) the value ESH will have in informing the ecological and engineering design of saline habitat complexes for the preferred alternative; and (6) the importance the State ascribes to funding the work required to implement ESH.

The Salton Sea Ecosystem Restoration Program PEIR includes the following description of ESH:

All eight alternatives would include up to 2,000 acres of shallow saline habitat for use by birds after the Salton Sea salinity becomes too high to sustain some species. This habitat would be constructed prior to

construction of full-scale habitat components, and is referred to as Early Start Habitat. Early Start Habitat was assumed to be located at elevations between -228 and -232 feet msl. Early Start Habitat would be a temporary feature for two to six years and would be eliminated or assimilated as the alternatives are constructed along the southern shoreline prior to 2020. These lands could subsequently be used for other purposes, including geothermal development, agriculture, and open space.

For the purposes of the PEIR, it was assumed that the Early Start Habitat area would be located along the southern shoreline because the flat slope of the sea bed would provide a large area for the shallow water cells. The area is currently used by many birds. Most agricultural drains in this area are pumped into the Salton Sea and could provide a stable source of inflows into the Early Start Habitat. Saline water from the Salton Sea would be pumped into the cells to be mixed with freshwater from the drains to provide salinity between 20,000 and 60,000 mg/L. (p. 3-6)

Given the cost of ESH, we do not believe that ESH should be a temporary feature. Care should be taken during the siting of ESH to ensure its long-term compatibility with any preferred alternative, as well as potential geothermal development, reclamation for agricultural use, and existing agricultural uses. Nor do we believe that the location of ESH should necessarily be limited to the Sea's southern shoreline.

The placement of ESH on lands that would otherwise emit dust could offer the State – and other landowners – the additional benefit of decreasing air quality problems and potential liability. We are optimistic that the air quality monitoring program described in the PEIR could identify emissive areas (likely to be less than the full area exposed as the Sea recedes) where ESH could be sited. Quoting State Water Resources Control Board (SWRCB) WRO 2002-0013 and WRO 2002-0016 Mitigation Measure AQ-7, the PEIR calls for (1) restricting public access, (2) research and monitoring, (3) creation or purchase of offsetting emission reduction credits, and (4) direct emission reductions at the Sea. As with the ESH, we believe that the State and other responsible parties should move quickly on the first two of these actions. Research and monitoring will be necessary components of any Salton Sea restoration plan alternative. The sooner the State and other responsible parties initiate a robust research and monitoring program at the Sea, the better information we will have about the extent of existing and potential air quality problems due to the exposure of Salton Sea playa. Feeding this information into determinations of where to locate ESH could enable the State to meet air quality and habitat objectives simultaneously.

We believe that ESH should be sited based upon a clear set of criteria developed by the Salton Sea Science Office, with input from the Point Reyes Bird Observatory and other experts. Some initial suggestions include:

- maximization of ecological value (e.g., in locations that previously supported large numbers of birds, or would otherwise be expected to support large numbers of birds);
- minimization of dust emissions from sites known or likely to generate dust;
- avoidance of temporary sites (e.g., sites likely to be incompatible with future land uses); and
- use of areas where ESH can be rapidly completed (e.g., where berms or dikes already exist, with a readily available water source; and/or areas already under state control, to minimize permitting requirements).

Several existing sources could contribute toward the funding of ESH. These include various bond funds, and, potentially, some federal funding. Locating ESH to both maximize ecological value and minimize dust emissions from exposed Salton Sea playa would offer the State an additional funding source: the revenue stream authorized by the legislature as part of the Quantification Settlement Agreement implementing legislation. We believe that early implementation of ESH could facilitate the transfer of the so-called (c)(1) and (c)(2) water. The (c)(2) water is the 800,000 acre-feet conserved by IID to be delivered to the Salton Sea

to mitigate a portion of the adverse impacts caused by the transfer of water from IID to SDCWA (SWRCB Order WRO 2002-0013)... The QSA and legislation allow for sale of this water to Metropolitan prior to 2017 if the Secretary for Resources determines that the transfer is consistent with the preferred alternative.

The legislation also allows for the transfer of a separate 800,000 acre-feet of conserved water from IID to DWR at \$175/acre-foot in 2003 dollars and adjusted for inflation (Fish and Game Code Section 2081.7(c)(1)). This water is frequently referred to as (c)(1) water. The QSA and legislation allow for sale of this water to Metropolitan if certain conditions are met. (PEIR at 3-80)

In addition to providing a clear benefit to the Imperial Irrigation District – whose cooperation will greatly expedite the process as a whole – and to the Metropolitan Water District of Southern California, the transfer of these waters would provide an important revenue source for the ESH and the Salton Sea restoration project itself. Given the high cost of any restoration project, we believe that all potential revenue sources should be evaluated.

Although the PEIR claims that the transfer of the (c)(1) and (c)(2) water would increase air quality management costs due to a projected one-to-two foot drop in the surface elevation of the Salton Sea, we believe that siting ESH based on the initial criteria suggested above could avoid most, if not all, of these costs. We believe that the discretionary authority granted to you by SB 317 enables you to approve the transfer of the (c)(1) and (c)(2) water contingent on the satisfaction of air quality management requirements due to the appropriate siting of ESH. Such a cost-effective approach would enable the State to permit the transfer of the (c)(1) and (c)(2) water to the southern California coastal plain, expanding the State's revenue base for the Salton Sea Ecosystem Restoration Program, generating support from IID and MWD, and meeting southern California's water needs more broadly. Given these benefits, we encourage you to begin discussions with IID and MWD to develop a (c)(1) and (c)(2) transfer schedule that, informed by data generated by the air quality monitoring program and a reasonable construction schedule for ESH, would accommodate IID's shift from fallowing to efficiency, the interaction with IID's efficiency conservation plan implementation, and IID's conservation/transfer schedule.

As you know, the Colorado River basin remains in drought. Precipitation in southern California is well below average, and the Sierra snowpack hovered below 40% of normal as of February 1st. Should these droughts continue, pressure on California's limited water resources will only increase.

We believe that the combination of prompt implementation of ESH based on careful consideration of ecological and air quality management needs, existing authority for generation of additional revenue for the Salton Sea Ecosystem Restoration Program, and pressing water

needs in southern California all demonstrate the value of prompt implementation of ESH, air quality research and monitoring, and transfer of the (c)(1) and (c)(2) water.

Thank you for your consideration of these suggestions. We look forward to your thoughts on this proposed course of action. Please do not hesitate to contact any of us if you would like any additional information.

Sincerely,

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