

Memorandum

To: Salton Sea Authority Board of Directors
From: G. Patrick O'Dowd, Executive Director /GM
Date: February 23, 2023

Re: Commitments Agreement follow up

Last month this Board and the community was afforded an extensive presentation and discussion regarding the "Commitments Agreement" and an assessment of its potential effects on the Salton Sea and Region ([viewable at SaltonSea.com](http://viewable.at.SaltonSea.com)). I applaud this Board for the attention it gave to this important issue, and the important questions which were raised with the presenters – some of which were answered, others remain open. In particular, impacts from conservation measures and how those impacts would be mitigated were the two areas of most significant concern as expressed by this Board and the public. Staff has evaluated and continues to evaluate these concerns, and will make recommendations to this Board for action as appropriate. Below are key issues raised which we believe are as yet unresolved.

Impact Assessment:

Ms. Gould (USBR) pointed out that the Supplemental Environmental Impact Statement (SEIS) being developed on the Colorado River does not include any adjacent impacts to the Sea or the affected communities. Offsetting this in part, Ms. Shields (IID) shared an analysis prepared by the State that between 5,800 and 8,200 acres of additional playa will be exposed by 2027. The model also assumed that fallowing would end in 2028, and that the "additional" exposed acreage would decline over time in the future, to the point where by 2047 the difference with and without the transfer will be negligible. Finally, Ms. Shields provided two footnotes to the presentation: (1) While IID assisted in developing the data set, the analysis of impacts was solely the representation of the State of California. IID makes no representation as to the accuracy of the analysis. And (2), the conditions that will exist post-2028 will depend on the outcome of the 2026 renegotiation of the 2007 guidelines, and could result in curtailing, reducing, maintaining, or increasing the conservation measures in Imperial County, with any impacts associated therewith not reflected in the current analysis.

The question still remains however: What if this analysis is wrong? We know that based on the [State Water Board Order](#), roughly 30,000 acres were required to be mitigated in the first 10 years of the management plan, contemplating there would be

additional mitigation required in the future. This exposure was the result of just over 200,000 acres of out of basin transfers. It is reasonable to ask how could such a discrepancy occur, where 25% increase in conserved water produces 1/5th the impact of that being mitigated as part of the earlier transfer? Ms. Gould stated that an SEIS performed under conventional circumstances this undertaking would be years in the making, but that the Colorado River SEIS is moving at "Rocket Speed". If the Colorado River impacts merit such an analysis, why wouldn't the impacts to the Sea and region be given to the same level of care and concern?

One other impact that was touched on briefly was the change in water quality resulting from the increased conservation measures. It is expected that water quality will be affected, but no discussion was provided as to how that change in water quality will affect the implementation of restoration projects or its effects on the ecosystem or human health and safety, left otherwise unmitigated.

Economic impacts and other impacts to the community were not addressed in either the Commitments Agreement or the SEIS.

Mitigation:

As an extension of its role and responsibility under the QSA and pursuant to the Water Board Order, the State of California has taken a leading role in mitigating impacts from additional conservation measures. However, based on the [SSMP 2021 Annual Report](#), the State is lagging in its obligation to mitigate playa as required by the Order alone. In fact, of the 7,000 acres required to be mitigated by FYE21, only 2,255 acres were accounted for. And even based on the State's own projections for FYE22, having completed an additional 3,500 acres in a single year, it still leaves an estimated shortfall of 2,995 acres. And the State's mitigation obligations grow much steeper from there. In fact, if you add the most conservative estimate of additional impacts to the remaining workload, the State will have to fund and mitigate a total of 29,816 acres between now and 2028, or roughly 4,970 acres of mitigation and/or restoration each year for the next six years to meet both its obligation under the QSA and the additional burden inherited by this action. One would reasonably question whether this is practically achievable, and if not, what are the consequences and costs to the community and the environment?

Funding:

Under the Commitments Agreement, the Federal government is providing the State \$20 million to accelerate work on the 10-year plan. But as was pointed out, impacts from these measures will be additive to the QSA impacts. In its own analysis, the Bureau has acknowledged an existing liability of over \$300 million to mitigate existing impacts on Federal lands at and around the Sea, yet the Agreement provides monies only to mitigate the impacts resulting from future conservation measures taken, without specifically setting funds aside to address legacy federal exposures at the Sea.

Monitoring and Public Awareness:

There have long been reports of adverse impacts from the changing Sea, from bloody noses to increased childhood asthma rates, along with dramatic and noticeable changes to the environment and its resident species. But little information is available in the public square that would help inform an ordinary citizen of what the real risk to them is from the changes taking place at the Sea. Monitoring is divided amongst a number of local, regional, and other agencies, each with discreet responsibility. It is likely unknown (or at least little publicized) as to whether the full spectrum of potentially harmful elements is being monitored, measured, or mitigated. It is essential that this effort be consolidated – if only for analysis and reporting purposes – so that the people who live and visit the region can know with reasonable certainty that doing so does not put them at any level of risk which would be elevated above any other desert environment. On the other hand, if such risk does exist, the community should be so informed, as well as advised as to what steps are being taken to mitigate the risk, and what steps they must take themselves to protect themselves from such risk.

Staff Recommendation:

Obviously, these are challenging times, and the importance of this effort to stabilize the Colorado River cannot be overstated. However, it is also well established that agricultural conservation of water in the Salton Basin will result in less flows to the Sea, increased playa exposure, and elevated risk to human health and safety. State and federal partners must take care that any measures taken to protect the Colorado River do not negatively impact the Imperial and Coachella Valleys, that plans should be developed *in advance* for the most serious possible outcome, that funding should be specifically set aside, and that actions should be taken *in advance* of such measures to ensure that if the programs developed prove inadequate, corrective measures can swiftly be implemented before harm is done to the people of the region.

Staff has for some time been in discussions with a global engineering firm with expertise in evaluating environmental impacts at this scale, and are working to develop a scope of services that would allow for a third party review of the State's analysis and through the Salton Sea Authority provide independent guidance to the people of the region that the plans being developed and implemented are carefully considered and properly executed. With your direction, we plan to continue to advance these conversations with our state and federal partners to identify the necessary resources to complete this work.