



May 19, 2023

The Honorable Stephen Padilla  
California State Senate  
1021 O Street, Suite 6640  
Sacramento, CA 95814

**RE: SB 583 (Padilla) Salton Sea Conservancy/ OPPOSE.**

Dear Senator Padilla,

On behalf of the Salton Sea Authority, we write in opposition to SB 583, your legislation to create a Salton Sea Conservancy. It was our hope that you would agree to delay further consideration of this measure until next year ("two-year bill") to create the space for the thoughtful and transparent consideration this proposal deserves, but that request was rejected as "premature." Therefore, and considering the denial of our original earlier request that you delay consideration of the measure, we are now regretfully in full opposition.

The Salton Sea Authority ("Authority") was formed in 1993 as a joint powers authority and consists of the Coachella Valley Water District, the Imperial Irrigation District, the County of Riverside, the County of Imperial and the Torres Martinez Desert Cahuilla Indians. The Authority was created out of a "need for a local agency to work with the state of California, the federal government, and the Republic of Mexico in the development of programs to ensure the continued beneficial uses of the Salton Sea," including enhancing the "recreational and economic development potential of the Salton Sea."<sup>1</sup> The Authority was intentionally created as a "public agency separate and apart from any Party" to coordinate and harmonize Salton Sea activities across the member agencies "relating to improvement of water quality and stabilization of water elevation and to enhance recreational and economic potential of the Salton Sea and other beneficial uses."<sup>2</sup>

As outlined in Article II ("Powers of the Authority") of the "Joint Powers Agreement Creating the Salton Sea Authority" (a copy of which can be found online at <http://saltonsea.com/jpa>), the Authority was empowered, on behalf of its member agencies, to enter legally binding contracts, leases and other agreements with both private and government entities. In addition, the Authority was authorized to raise revenue, incur debt, and undertake project development related to fish and wildlife, salinity, protection, and enhancement of water quality, the "reduction or elimination of

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<sup>1</sup> Salton Sea Joint Powers Agreement, Pg 4.

<sup>2</sup> Ibid Pg 6.

threats to public health, safety and welfare” or the establishment of on-going maintenance and operations programs.<sup>3</sup>

In reviewing your legislation, we cannot help but notice the extensive redundancy and duplication of the roles you envision for the Conservancy. Like the Authority, the Conservancy can act to enhance fish and wildlife, protect and improve public health, enhance recreation etc. While the Conservancy will have the power to provide grants for acquisitions, easements, restoration, et cetera, the entities receiving those grants would still have to coordinate with our member agencies to obtain entitlements pertaining thereto.

After numerous starts and stops the State has undergone since codifying the Quantification Settlement Agreement in 2003, we are naturally concerned that this proposal is just the latest reorganization “solution” to the State’s historic inability to meet its legal obligations. The examples are numerous, from the \$8.9 billion plan recommended by the Natural Resources Agency to restore the Sea in 2008, a financially unfeasible proposal that required a \$2 million Salton Sea Funding and Feasibility Study conducted by the Authority a decade ago to help rectify, to the various appointed Salton Sea task forces that have come and gone without producing any measurable benefit. Ultimately, because of action taken by an Authority member agency, in 2017 the State Water Board Water issued Order 2017-0134 (Water Order) establishing annual acreage completion requirements of both habitat and dust-suppression projects on 29,800 acres of exposed play, now being actively monitored by the State Water Board.

The Authority is certainly not opposed to having robust and transparent conversations with stakeholders on how a Conservancy could help the state succeed where its other efforts have failed, but that engagement cannot be siloed. One-off conversations with individual stakeholders is not helpful, and does nothing to build the public trust that this undertaking requires. Just as important, these conversations cannot be rushed. Ultimately, the communities around the Salton Sea, which already suffer from lack of economic opportunity and the highest rates of particulate pollution in the state, do not deserve to be treated as subjects for experimentation.

For example, under your proposed legislation, the Conservancy would take over implementation of both the Salton Sea Management Plan (SSMP) and the Long-Range Plan. The SSMP is a monumental effort being led by the California Natural Resources Agency (CNRA) in collaboration with the California Department of Water Resources (DWR) and the California Department of Fish and Wildlife (CDFW), charged with fulfilling the state’s obligations under the QSA. Further, the State is required to coordinate and consult with the Salton Sea Authority in its implementation of the SSMP.

We have serious questions and indeed grave concerns about shifting primary responsibility for this massive undertaking, the dozens of staff it employs, and the

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<sup>3</sup> Ibid Pg 8

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hundreds of millions of dollars that the program has been entrusted, into a new to be created entity without the experience, expertise or capabilities these agencies bring to this effort. And while the Authority has led the charge in drawing broad public attention to the states many failings when it has missed its SSMP milestones, we strongly believe that shifting those responsibilities at this critical juncture would be both reckless and adversely consequential.

As we noted in our original letter requesting that you delay consideration of this bill until next year, the Salton Sea Authority, is the only public-facing body that regularly meets to discuss the Salton Sea, and the only consistent public forum available to the community. We renew our offer to routinely add a Conservancy discussion item to its agenda so that this concept can receive a full public vetting. Our meetings are streamed and recorded and would allow us to publicly investigate those areas where a Conservancy might help the state succeed where past efforts have failed.

The Authority welcomes the opportunity to discuss this with you further and would invite you join us at our upcoming Salton Sea Authority board meeting on May 25<sup>th</sup>. We reiterate our desire to have an open, transparent, and robust dialogue on every aspect of this proposal at a forum and frequency that ensures ease of access and maximum resident and other stakeholders participation.

Sincerely,



Luis A. Plancarte  
Salton Sea Authority President  
Supervisor, Imperial County



Altrena Santillanes  
Salton Sea Authority Vice President  
Tribal Secretary, Torrez Martinez  
Desert Cahuilla Indians

cc: Assemblymember Edwardo Garcia  
Secretary Wade Crowfoot, California Natural  
Resources Agency  
Hazel Miranda, Deputy Legislative Secretary,  
Office of the Governor  
Joe Stephenshaw, Director, Department of  
Finance  
Members, Assembly Natural Resources Committee