



AGENDA: BOARD OF DIRECTORS MEETING
DATE: Thursday, June 22, 2023, at 10:00 a.m.
LOCATION: North Shore Beach & Yacht Club
 99155 Sea View Dr, Mecca, CA 92254

The Following Salton Sea Authority Directors will be attending via video/teleconference from:

Director Yxstian Gutierrez
 County Administrative Center
 4080 Lemon Street
 Conference Room C
 Riverside, CA 92501
 Ph: (951) 955-9500

Director V. Manuel Perez
 Riverside County District 4 Office
 73710 Fred Waring Drive
 Suite 222
 Palm Desert, CA 92260
 Ph: (760) 863-8211

*The meeting can be viewed live at 10:00 a.m. on June 22nd. Please see the meeting login information at SaltonSea.com/meetings, or access www.zoom.us, click "Join Meeting," and enter **Webinar ID 878 4892 2864** and **Passcode 446431**.*

I. CALL TO ORDER

PLEDGE OF ALLEGIANCE
ROLL CALL

A copy of the agenda and supplemental materials will be available for viewing or download at: saltonsea.com/meetings

II. PUBLIC COMMENTS

This Public Comments time is reserved for comments on any non-action agenda item and for matters not on the agenda. California law prohibits members of the Board from taking action on matters not on the agenda.

Members of the public may address the Board regarding any matter within the Authority's jurisdiction and are invited to speak to any specific action item in the agenda at the time it is called. All non-action agenda items should be addressed during this general public comment period.

Remarks shall be limited to a maximum of three (3) minutes.

When you speak, state your name for the record prior to providing your comments. Please address your comments to the Chairman.

If present in person, complete a "request to speak" form and give it to the board secretary.

*Via Zoom: use Zoom's "raised hand" feature, or by phone press *9 to be acknowledged.*

Written comments must be received by noon Wednesday, June 21, 2023, to be incorporated in the record.

Comments may be emailed to info@saltonsea.com (include in your subject line "Public Comment, 5/24/2023 SSA board meeting") or delivered by hand or mailed to 82995

Highway 111, Suite 200, Indio, California, “Attn: Clerk of the Board, Salton Sea Authority”.

All written comments should include your name, address (addresses will be redacted), and whether it is for general public comment or a specific agenda item (provide number and topic). Comments received in writing, either by email or written, will be distributed to the Board, posted on the Salton Sea Authority website for public review and, **if received before noon on Wednesday, June 21st**, will be acknowledged during public comments. Written comments will be included in the public record but not be read aloud.

III. BOARD MEMBER COMMENTS

This is a time set aside for members of the Board to share their thoughts and concerns regarding general Authority matters not on the agenda, ask questions of staff, and request that items be added to a future agenda.

The Brown Act expressly prohibits lengthy Board Member discussion of matters not on the agenda. The Board may at its discretion (by 4/5 vote) add items deemed to be an emergency to the agenda to engage in public discourse.

IV. ITEMS FOR BOARD DISCUSSION AND POSSIBLE ACTION

A. CONSENT CALENDAR – Approve, Receive, and File

1. Minutes of Salton Sea Authority Board Meeting May 25, 2023
2. Salton Sea Authority Warrant Register Ratification for May 31, 2023
3. Salton Sea Authority Internal Financial Report for: 7/01/2022 – 04/30/2023

B. North Lake Pilot Demonstration Project – Proposition 68 Grant and Project update.

C. Colorado River Post-2026 Operational Guidelines – Environmental Assessment Comment Period. Discuss in relation to interim SEIS.

D. SB583 (Padilla) – Bill Status Report and Next Steps.

E. Salton Sea Authority at 30 – a brief look back and discuss moving forward.

F. Consideration of Appointments for FY 2023-2024 Officers for the Salton Sea Authority Board of Directors (effective July 1, 2023)

- a. Election of President of Board
- b. Election of Vice-President of Board
- c. Election of Secretary of Board
- d. Election of Treasurer of Board

G. Consider Approval of Resolution Updating Signatories on Authority’s bank account at Pacific Western Bank.

V. REPORTS

A. Federal

1. Federal Activities – Lisa Moore Lehman, Partner, Cultivating Conservation
2. US Bureau of Reclamation – Jeremy Brooks, Salton Sea Program Manager

B. State

1. State Advocacy Report – Oracio Gonzalez, Principal, Ollin Strategies
2. State of California – Mr. Miguel Hernandez, Public Affairs Officer, California Natural Resources Agency
3. Salton Sea State Recreation Area Update on Activities – Steve Quartieri, District Superintendent, California State Parks

C. Local

1. Salton Sea Action Committee – Alan Pace, SSAC President

D. Executive Director’s Report and Comments

1. G. Patrick O’Dowd, Executive Director/GM, Salton Sea Authority

VI. ADJOURNMENT

NEXT MEETING TIME & LOCATION:

The Salton Sea Authority board is scheduled to meet on:

Thursday, July 20, 2023, at 10:00 a.m.

Imperial County

Board of Supervisors Chamber

940 W. Main Street

El Centro, CA 92243

(442) 265-1020

Any public record, relating to an open session agenda item, that is distributed within 72 hours prior to the meeting is available for public inspection in the lobby at the front desk of the County Law Building located at 82995 Highway 111, Indio, CA 92201.

OFFICIAL PROCEEDINGS
SALTON SEA AUTHORITY
BOARD OF DIRECTORS MEETING
May 25, 2023

I. CALL TO ORDER

The regularly scheduled meeting of the Salton Sea Authority (“Authority”) Board of Directors (“Board”) was called to order by Luis A. Plancarte, President, at 10:00 a.m., May 25, 2023, at Imperial County BOS Chamber and via Zoom Webinar.

PLEDGE OF ALLEGIANCE Led By Treasurer Cardenas

ROLL CALL:

DIRECTORS PRESENT ON SITE

Luis A. Plancarte, President
Ryan Kelley, Director
John Aguilar, Director
Alex Cárdenas, Treasurer

AGENCY

Imperial County
Imperial County
Coachella Valley Water District
Imperial Irrigation District

DIRECTORS PRESENT VIA ZOOM

Thomas TorteZ, Director
Gina N. Dockstader, Director
Yxstian Gutierrez, Director
Samantha Arthur, Ex Officio Board Member

AGENCY

Torres Martinez Desert Cahuilla Indians
Imperial Irrigation District
County of Riverside
California Natural Resources Agency

DIRECTORS ABSENT

V. Manuel Perez, Director
Altrena Santillanes, Vice President
Cástulo R. Estrada, Secretary

AGENCY

County of Riverside
Torres Martinez Desert Cahuilla Indians
Coachella Valley Water District

*In keeping with the Salton Sea Authority bylaws, there being at least three of the five member agencies represented, *and a single director carrying the vote of both directors when the second director of the same agency is absent, a quorum was declared, and the meeting proceeded.*

SALTON SEA AUTHORITY STAFF PRESENT

G. Patrick O’Dowd, Executive Director/GM (in person)
Carlos Campos, Best Best & Krieger, Legal Counsel (In Person)

MEMBERS OF THE PUBLIC PRESENT

On Site: Eric M. Reyes, Los Amigos de la Comunidad, Isamay Pasillas, Comite’ Civico De Valle, Miguel Hernandez, CNRA and Mr Cortez, Los Amigos de la Comunidad.

Via Zoom: Juan De Lara, Tom Sephton, Melinda Dorin, Jessica Humes, Mario Llanos, Reed McConnell, Vickie Doyle, Nathan White, Darren Simon, Jasmyn Phillips, Kay Pricola, Tina Shields, Jenny Ross, Pat Cooper, Elizabeth Jachens, Evon Wilhoff, Lee Hernandez and 7 additional members of the public.

II. PUBLIC COMMENTS

Comments made in person by: Eric Reyes and Eric Cortez of Los Amigos de la Comunidad and Isamay Pasillas of Comite’ Civico De Valle.

Via Zoom: Nathen White and Jasmyn Phillips.

III. BOARD MEMBER COMMENTS

Treasurer Cardenas shared his comments.

IV. SPECIAL PRESENTATIONS AND RECOGNITIONS

A. Scott Bruckner, Principal Policy Analyst, Riverside County gave a presentation on the Enhanced Infrastructure Financing District.

V. ITEMS FOR BOARD DISCUSSION AND POSSIBLE ACTION

A. CONSENT CALENDAR – Approve, Receive, and File

1. Minutes of Salton Sea Authority Board Meeting April 27, 2023
2. Salton Sea Authority Warrant Register Ratification for April 2023
3. Salton Sea Authority Internal Financial Report for: 7/01/2022 – 03/31/2023
4. Reclassification/Elimination of Fish Clean-up Fund to General Fund

Motion made by Cardenas, 2nd by Aguilar, The Board approved the Consent Calendar to be received and filed. Unanimously approved by the following vote:

AYES: 7

NOES: NONE

ABSENT: Director’s Estrada, Perez and Santillanes

ABSTAINED: NONE

MOTION PASSED: 7-0

- B. Desert Shores “Restoring Habitat and Improving Air and Water Quality at the Salton Sea” – USBR Grant and Project update.
Executive Director/GM G. Patrick O’Dowd provided an update on the project.
- C. SB583 (Padilla) – Governance Structure, Operations & Maintenance.
ED O’Dowd gave a brief update. Directors Cardenas, Aguilar, and Ex Officio Board Member Samantha Arthur shared their comments.
- D. Supplemental Environmental Impact Statement Comment Letter – Lisa Moore, Cultivating Conservation informed the Board that the SEIS process was delayed to include an assessment of a voluntary plan submitted by the lower basin states.
- E. Future Dates and Locations for Salton Sea Authority Board of Director meetings.
Executive Director/GM G. Patrick O’Dowd provided an update.

VI. REPORTS

A. Federal

- 1. Federal Activities – Lisa Moore Lehman, Partner, Cultivating Conservation provided an update on Item E. The Supplemental Environmental Impact Statement Comment Letter.
- 2. US Bureau of Reclamation – Jeremy Brooks, Salton Sea Program Manager, discussed commitment agreements and scopes of work. The BOR is working with CNRA and the Torres Martinez Tribe on their agreements. He stated that they are still on track to have those agreements awarded in September of this year.

B. State

- 1. State Advocacy Report – Oracio Gonzalez, Principal, Ollin Strategies – No Report.
- 2. State of California – Mr. Miguel Hernandez, Public Affairs Officer, California Natural Resources Agency provided an update in person.
- 3. Salton Sea State Recreation Area Update on Activities – Steve Quartieri, District Superintendent, California State Parks – Provided an update.

C. Local

- 1. Salton Sea Action Committee – Alan Pace, SSAC President – No Report

D. Executive Director’s Report and Comments

- 1. G. Patrick O’Dowd, Executive Director/GM, Salton Sea Authority, provided an update.

VII. ADJOURNMENT

President Plancarte adjourned the meeting at 11:29 a.m.

NEXT MEETING TIME & LOCATION:

The Salton Sea Authority Board Meeting will be held:
Thursday, June 22, 2023, at 10:00 a.m.
North Shore Beach & Yacht Club
99155 Sea View Drive
Mecca, CA 92254

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Salton Sea Authority
Checking Account Activity
May 1, 2023 through May 31, 2023

Date	Number	Vendor Name	Description	Amount
05/04/2023	Deposit	Department of Water Resources	Grant reimbursement for period ending 12/31/22	12,585.79
05/10/2023	6154873	County of Riverside - Executive Office	Riverside County North Lake reimbursements through 12/31/22	(5,190.90)
05/11/2023	EFT	Pacific Western Bank	Visa Payment for billing cycle ended 04/30/23	(575.68)
05/15/2023	EFT	Pacific Western Bank	Positive pay fees 05/23	(71.00)
05/24/2023	EFT	QuickBooks	Check processing fees 05/23	(7.50)
05/24/2023	6236905	SystemGo IT LLC	Website services 05/23	(382.00)
05/24/2023	6230798	Eide Bailly LLP	Accounting services 04/23	(6,881.80)
05/24/2023	6231076	George Patrick O'Dowd	Mileage 04/27/23 thru 05/22/23	(279.04)
05/24/2023	6234333	Cultivating Conservation	Consulting fees 04/23	(7,350.00)
05/24/2023	6235984	Best, Best & Krieger	Services related to Federal funding and Succession planning 04/23	(2,409.20)
05/24/2023	6236220	Allied	Policy renewal through 04/01/24	(11,331.00)
05/31/2023	Deposit	Verizon Wireless	Refund account credit	143.75
Beginning Cash Balance				\$ 125,937.65
Monthly Activity				(21,748.58)
Ending Cash Balance				\$ 104,189.07



Salton Sea Authority Budget to Actual General Fund (Unaudited)

For the Period July 1, 2022 through April 30, 2023

	A	B	C	D	C / D	C - D
	March 2023	April 2023	YTD FY 23	Budget FY 23	YTD Target 83%	\$ Variance
1 REVENUE						
2 Local Government / Member Assessments	\$ -	\$ -	\$ 810,000	\$ 800,000	101%	\$ 10,000
3 Other Federal / State / Local Reimbursements	-	-	360	250,000	0%	(249,640)
4 Sponsorships	686	-	686	-	N/A	686
5 Grant Reimbursements to General Fund	8,329	-	35,619	110,000	32%	(74,381)
6 TOTAL REVENUE	9,014	-	846,665	1,160,000	73%	(313,335)
7 EXPENSES						
8 SSA Administration						
9 Salaries & Benefits						
10 Total Salaries	23,950	23,680	202,784	270,600	75%	(67,816)
11 Total Employee Benefits	10,713	13,893	116,766	135,300	86%	(18,534)
12 Total Salaries & Benefits	34,663	37,573	319,550	405,900	79%	(86,350)
13 Contract / Professional Services						
14 DC Advocates	7,400	7,350	75,257	88,200	85%	(12,943)
15 Sacramento Advocates	7,000	7,000	70,000	84,000	83%	(14,000)
16 Grant Administration	-	-	55,920	100,000	56%	(44,080)
17 Community Outreach Initiative	-	-	15,000	-	N/A	15,000
18 Attorney Fees	5,104	2,409	40,250	50,000	80%	(9,750)
19 Audit & Accounting	6,404	6,882	59,657	75,000	80%	(15,344)
20 Total Contract / Professional Services	25,907	23,641	316,083	397,200	80%	(81,117)
21 Equipment / IT Maintenance	679	580	7,104	8,700	82%	(1,597)
22 Coachella Water District Board Room Usage Fees	-	-	1,200	-	N/A	1,200
23 Insurance	877	-	7,997	10,500	76%	(2,503)
24 Office Expense/Operating Supplies	588	115	5,940	8,300	72%	(2,360)
25 Office Expense/Online Services	292	191	2,858	3,300	87%	(442)
26 Dues, Subscriptions	669	669	7,082	14,200	50%	(7,118)
27 Travel/Mileage	4,357	283	23,866	40,000	60%	(16,134)
28 County Charges	168	1,542	6,202	-	N/A	6,202
29 TOTAL EXPENSES	68,202	64,595	697,882	888,100	79%	(190,218)
30 NET INCOME / (LOSS)	\$ (59,187)	\$ (64,595)	\$ 148,783	\$ 271,900	55%	\$ (123,117)

*No assurance is provided on these financial statements. The financial statements do not include a statement of cash flows. Substantially all disclosures required by accounting principles generally accepted in the U.S. are not included.



Salton Sea Authority
Budget to Actual
DWR - Proposition 68 Grant (Unaudited)
 For the Period July 1, 2022 through April 30, 2023

	A	B	C	D	C / D	C - D
	March 2023	April 2023	YTD FY 23	Budget FY 23	YTD Target 83%	\$ Variance
1 REVENUE						
2 State of California Grant (Prop 68)	\$ 32,896	\$ -	\$ 70,822	\$ 2,200,000	3%	\$ (2,129,178)
3 TOTAL REVENUE	32,896	-	70,822	2,200,000	3%	\$ (2,129,178)
4 EXPENSES						
5 Salton Sea Authority Salaries	5,691	-	22,702	110,000	21%	(87,298)
6 Riverside County Salaries	592	-	3,395	-	N/A	3,395
7 Contractors	26,295	-	43,863	2,090,000	2%	(2,046,137)
8 Audit & Accounting	318	-	861	-	N/A	861
9 TOTAL EXPENSES	32,896	-	70,822	2,200,000	3%	(2,129,178)
10 NET INCOME / (LOSS)	\$ -	\$ -	\$ -	\$ -		\$ -

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Salton Sea Authority Budget to Actual BOR -DSR (Unaudited)

For the Period July 1, 2022 through April 30, 2023

	A	B	C	D	C / D	C - D
	March 2023	April 2023	YTD FY 23	Budget FY 23	YTD Target 83%	\$ Variance
1 REVENUE						
2 Bureau of Reclamation Grant	\$ 4,393	\$ -	\$ 22,667	\$ -	N/A	\$ 22,667
3 TOTAL REVENUE	4,393	-	22,667	-	N/A	\$ 22,667
4 EXPENSES						
5 Salton Sea Authority Salaries	2,320	-	9,378	-	N/A	9,378
6 Contractors	2,073	-	10,611	-	N/A	10,611
7 Legal Expenses	-	-	2,677	-	N/A	2,677
8 TOTAL EXPENSES	4,393	-	22,667	-	N/A	22,667
9 NET INCOME / (LOSS)	\$ -	\$ -	\$ -	\$ -		\$ -

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Salton Sea Authority Balance Sheet

(Unaudited)
As of April 30, 2023

	TOTAL
1 ASSETS	
2 Checking/Savings	\$ 15,354
3 Other Current Assets	
4 Prepaid Items	5,353
5 Grant Receivable	86,580
6 Total Other Current Assets	<u>91,933</u>
7 TOTAL ASSETS	<u>107,287</u>
8 LIABILITIES & FUND BALANCE	
9 Liabilities	
10 Accounts Payable	21,084
11 Credit Cards	578
12 Other Current Liabilities	
13 Accrued Payroll	11,968
14 Due to Imperial County	2,227
15 Due to Riverside County	54,748
16 Accrued Vacation	39,316
17 Total Other Current Liabilities	<u>108,259</u>
18 Total Liabilities	<u>129,921</u>
19 Fund Balance	(22,634)
20 TOTAL LIABILITIES & FUND BALANCE	<u>\$ 107,287</u>

*No assurance is provided on these financial statements. The financial statements do not include a statement of cash flows. Substantially all disclosures required by accounting principles generally accepted in the U.S. are not included.

Memorandum

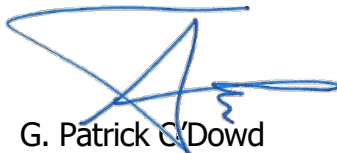
To: Salton Sea Authority Board of Directors
From: G. Patrick O'Dowd, Executive Director/GM
Date: June 22, 2023
Re: **Colorado River Environmental Impacts**

The attached memo from Ms. Lisa Moore of Cultivating Conservation provides background concerning the Bureau of Reclamation's draft SEIS for Near-Term (2024-2026) Mead/Powell Operations and Reclamation's more recently published (June 16, 2023) [notice of intent to prepare an Environmental Impact Statement \(EIS\) on post-2026 Mead/Powell Operations](#). It discusses issues with the earlier SEIS effort and concerns about this new filing.

Recommendation:

Direct staff to prepare comments in response to this recent notice in view of the potential that this new EIS process may otherwise fail to consider the environmental justice, tribal, clean air, clean water and habitat impacts on the Salton Sea region.

Respectfully submitted,



G. Patrick O'Dowd
Executive Director/GM



MEMO

TO: Salton Sea Authority Board of Directors and G. Patrick O’Dowd
FROM: Lisa Moore
RE: **Federal Report**
DATE: June 20, 2023

Summary: This memo provides Directors with background concerning the Bureau of Reclamation’s draft SEIS for Near-Term (2024-2026) Mead/Powell Operations and Reclamation’s more recently published (June 16, 2023) notice of intent to prepare an Environmental Impact Statement (EIS) on post-2026 Mead/Powell Operations.

Whereas the draft SEIS proposes to govern water conservation and other operational features of Colorado River management for 3 years, the proposed new EIS and the guidelines it will create will govern operations well into the future. As a result, this EIS process is critically important to the Salton Sea region.

The June 16 notice for post-2026 operations establishes 3 public scoping meetings in July and requests that the “public submit comments concerning the scope of specific operational guidelines, strategies, and another issues that should be considered” by a **deadline of August 15, 2023**. The notice particularly solicits comment on the nature of the “affected environment” Reclamation should consider in evaluating the impacts of proposed water conservation and related measures in the new EIS.

Action Item: Directors may wish to direct staff to prepare comments in response to this recent notice in view of the potential that this new EIS process may otherwise fail to consider the environmental justice, tribal, clean air, clean water and habitat impacts on the Salton Sea region. The section directly below briefly describes the draft SEIS and the defects in that document because these defects are likely to be repeated in the post-2026 EIS absent robust engagement.

Background:

As you will recall, this past spring Reclamation released a draft SEIS to evaluate the public health and environmental impacts of two proposed alternatives to conserve water in the short-term (2024-2026) to stabilize the Colorado River system — one according to the Law of the River and California’s senior priority and the other an across the board cut to water deliveries which would have significantly and negatively affected our region.

In view of that proposal, Directors directed staff to prepare comments on the draft SEIS. After noting Interior and Reclamation’s recognition that its Colorado River water conservation measures would negatively impact the public health and environment of the Salton Sea region, the comments found that Reclamation’s draft SEIS nonetheless failed to consider those impacts in the environmental justice and tribal analyses as required by numerous Biden administration orders; failed to perform the required Clean Air Act conformity analysis (required to ensure that Reclamation’s water conservation mandates do not

result in Salton Sea local governments failing to comply with Clean Air Act air quality standards and propose federal mitigation to assure such compliance); and failed to consider impacts to water quality and endangered species in our region.

Shortly before the comment period was set to close in late May, Reclamation withdrew the draft SEIS and indicated it would re-propose a new draft SEIS to consider a consensus proposal developed by the Lower Basin States. Reclamation has since indicated that it will publish this new draft for public review and comment and finalize the SEIS for these near-term measures by the end of the year.

The new June 16 notice for a new EIS would look beyond near-term management and propose long-term water conservation and management measures for the Colorado River system. Reclamation manages Lake Mead and Lake Powell operations pursuant to the 2007 Interim Guidelines for Lower Basin Shortages and Coordinated Operations for Lake Powell and Lake Mead (2007 Interim Guidelines), the 2019 Drought Contingency Plan, and Minute 323 between the U.S. and Mexico. These guidelines and the 2019 DCP expire in 2026.

As a result, Reclamation is undertaking this new EIS to adopt new guidelines for the long-term operation of Mead and Powell. The 2007 Interim Guidelines were subject to National Environmental Policy Act (NEPA) review and resulted in an EIS. That EIS did not consider the environmental impacts of Reclamation's proposed guidelines on the Salton Sea region.

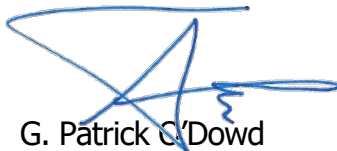
Memorandum

To: Salton Sea Authority Board of Directors
From: G. Patrick O'Dowd, Executive Director/GM
Date: June 22, 2023
Re: **SB583 Padilla – Oppose Unless Amend**

Last week this board met in special session to consider certain amendments to the subject bill which, if accepted by the author, would substantially mitigate the risks associated with the legislation in its current form, and in addition create a new entity solely for the purpose of addressing operations and maintenance of completed projects. The State has acknowledged that the costs associated with these completed projects – including the Species Conservation Habitat Project and others as they come online – will be in the tens of millions of dollars annually and there is at present no clear plan for funding, managing, and operating those investments. The language also provides certain protections that the important, ongoing work does not languish and efforts to secure future funding, including the [Imperial Streams Salton Sea and Tributaries Feasibility Study](#), secured by the Authority and which could be foundational to securing hundreds of millions if not billions of federal dollars to complete the restoration efforts at the Sea is not impaired or altogether lost.

Good faith discussions to address our concerns have been taking place, and constructive ideas have been exchanged back and forth. We understand that the bill language is perhaps being amended, and we are hopeful that our concerns can be adequately address thereby. However, we have not seen any final language which the author would accept, nor had the opportunity to fully evaluate that proposed new language to assess its impacts. We have requested in the past and have renewed our request that the Senator hold an open public hearing on the bill, so that both the benefits and concerns can be vetted by the community prior to its consideration and passage. We have offered to host such a gathering, and hope that the Senator will take us up on that offer. Should those thresholds be met, staff would so advise this Board and consider an alternate position, perhaps not in opposition (or even support if our amendments are fully and responsibly integrated). However, because we continue to have concerns about the unintended consequences of the bill if passed in its present version, and further strongly believe it should be vetted in an open public forum, we do not recommend changing the Authority's position of "OPPOSE unless Amended" at this time.

Respectfully submitted,



G. Patrick O'Dowd
Executive Director/GM



June 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 Unless Amended.

Dear Senator Padilla,

On behalf of the Salton Sea Authority, we write to thank you for amending SB 583 to remove implementation of the Salton Sea Management Program (SSMP) from the scope of the proposed conservancy. While this amendment is a step in the right direction, we remain concerned the proposed conservancy would duplicate the role the Authority plays in restoration, and respectfully request that you further amend the bill to 1.) limit the conservancy's scope to operations and maintenance of completed projects; 2.) add representation of Authority member agencies to the conservancy's board; 3.) require the conservancy to develop a strategic plan outlining how it will meet its mission while avoiding duplication and 4.) limit tribal representation on the board to tribes that have historically resided in the Salton Sea region.

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." 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."

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, acquire land (consensually or through eminent domain if necessary), and undertake project development related to fish and wildlife, salinity,

protection, and enhancement of water quality, the “reduction or elimination of threats to public health, safety and welfare” or the establishment of on-going maintenance and operations programs.

As amended on May 23, 2023, the proposed Salton Sea Conservancy is now limited to “support[ing] implementation of the Salton Sea Management Program Phase I: 10-Year Plan (SSMP) and the Long-Range Plan,” a role the Authority currently fills. For example, under AB 71 (Chapter 402, Statutes of 2013), the Authority was authorized to lead development of a financially feasible restoration plan for the Salton Sea and was allocated \$2 million through the state budget to complete that work. The plan, which was incorporated into the SSMP, called for the construction of a North Lake, an approximate 4,030-acre horseshoe-shaped lake at the north end of the Sea to control dust and create habitat for fish and birds. In 2021, the California Department of Water Resources signed a \$19.25 million grant funding agreement with the Salton Sea Authority for construction of the North Lake Demonstration Project, a 156-acre lake in the Whitewater Area identified in the SSMP, to serve as a first phase of the larger North Lake project.

Further, and similar to the Authority, the conservancy is empowered 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.

Rather than duplicating the Authority’s role supporting implementation of the SSMP, we respectfully request that you further refine the conservancy’s scope to the operation and maintenance of projects completed under the SSMP, the Long-Range Plan and the ongoing Imperial Streams Salton Sea and Tributaries Feasibility Study the U.S. Army Corps of Engineers is conducting in partnership with the State and the Authority.

As outlined in the December 2022 Draft Long Range Plan, ongoing operations, maintenance, energy and replacement (“OMER”) expenses are estimated at \$64.6 million a year at full SSMP implementation. This is a particularly significant ongoing cost that to date no agency, local or state, has been assigned to lead. The operations and maintenance costs of projects completed pursuant to the U.S. Army Corp study will also be significant. While the state will already have ongoing liability for these completed projects, the conservancy would be well positioned to coordinate efforts to secure operations and maintenance funds for these and the state projects, including accessing federal, state, and philanthropic funding streams. To this end, we request that you consider an amendment directing the conservancy develop a strategic plan outlining how it will carry on its mission, inclusive of securing the funding and personal it will need to complete its work. The Salton Sea Authority is well positioned to assist the conservancy in pursuing resources to address these ongoing financial commitments.

Finally, we would like to see the language relating to tribal participation adjusted to ensure only federally recognized tribes can serve on the board as there are no non-federally recognized tribes in the Salton Sea region.

We thank you for consideration of these amendments. In the event you incorporate these amendments into your legislation, the Authority will gladly remove its opposition to this measure.

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
Grant Mack, Deputy Legislative Secretary, Office of
the Governor
Joe Stephenshaw, Director, Department of Finance
Members, Assembly Natural Resources Committee

SECTION 1.

Division 23.6 (commencing with Section 33810) is added to the Public Resources Code, to read:

DIVISION 23.6. Salton Sea Conservancy

CHAPTER 1. General Provisions

33810.

This division shall be known, and may be cited, as the Salton Sea Conservancy Act.

CHAPTER 2. Definitions

33811.

For purposes of this division, the following definitions apply:

- (a) "Board" means the board of directors governing the Salton Sea Conservancy.
- (b) "Conservancy" means the Salton Sea Conservancy established pursuant to Section 33812.
- (c) "Fund" means the Salton Sea Conservancy Fund established pursuant to Section 33825.
- (d) "Local public agency" includes, but is not limited to, a city, county, city and county, district, association of governments, or joint powers authority.
- (e) "Long-Range Plan" means the plan prepared by the Salton Sea Management Program to comply with State Water Resources Control Board Order (revised) WR 2017-01342002-0013. The plan must be consistent with the requirements of the order and the Salton Sea Restoration Act established pursuant to Chapter 13 (commencing with Section 2930) of Division 3 of the Fish and Game Code, including the objectives set forth in subdivision (c) of Section 2931 of the Fish and Game Code.
- (f) "Nonprofit organization" means a private, nonprofit organization that qualifies for tax exempt status under Section 501(c)(3) of Title 26 of the Internal Revenue Code.
- (g) "Region" or "Salton Sea region" means the geographic boundaries of the Salton Sea ecosystem, as described in subdivision (d) of Section 2931 of the Fish and Game Code.
- (h) "Salton Sea Management Program Phase I: 10-Year Plan" means the plan for action over the 10-year period from 2018 to 2028. The plan's goal is to improve conditions around the Salton Sea by constructing projects that create habitat and reduce dust from exposed lakebed on 30,000 acres.
- (i) "Tribe" means any federally recognized Native American tribe or a nonfederally recognized Native American tribe listed on the California Tribal Consultation List maintained by the Native American Heritage Commission.
- (j) [The Imperial Streams Salton Sea and Tributaries Feasibility Study means the study being conducted by the United States Army Corp of Engineers in partnership with the State of California and the Salton Sea Authority together as joint local sponsors, pursuant to a Resolution of the U.S. Senate Committee on Environment and Public Works, 114th Congress, 2nd Session \(April 28, 2016\).](#)

CHAPTER 3. Salton Sea Conservancy

33812.

(a) The Salton Sea Conservancy is hereby created as a state agency within the Natural Resources Agency to ~~support implementation of~~[operate, maintain, and manage projects completed pursuant to the Salton Sea Management Program Phase I: 10-Year Plan](#) ~~and~~, the Long-Range Plan [and The Imperial Streams Salton Sea and Tributaries Feasibility Study](#).

(b) The conservancy's jurisdiction is limited to the Salton Sea region.

33813.

The conservancy shall carry out programs, projects, and activities to further the conservancy's purposes specified in Section 33812. This may include any, any combination, or all of the following:

- (a) Expending funds and awarding grants and loans to develop and implement programs and projects that are designed to further the conservancy's purposes specified in Section 33812.
- (b) Engaging community members and stakeholders through education, outreach, opportunities to provide input, and volunteering on programs and projects.

(c) Coordinating, collaborating, and partnering with federal, tribal, state, regional, and local jurisdictions and stakeholders to develop and implement programs ~~and that enhance beneficial uses and improve the operational efficiency of the completed~~ projects.

~~(d) Identifying and working to resolve any barriers or impediments to progress, including capacity or organizational deficiencies.~~

CHAPTER 4. Governing Board

33814.

(a) The conservancy shall be governed by a board of directors.

(1) The board shall consist of ~~eight~~nine voting members appointed as follows:

(A) One public member appointed by the Governor subject to confirmation by the Senate, who is not an elected official and who resides within the conservancy's territory.

(B) One public member appointed by the Speaker of the Assembly, who is not an elected official and who resides within the conservancy's territory.

(C) One public member appointed by the Senate Committee on Rules, who is not an elected official and who resides within the conservancy's territory.

~~(D) Five members~~One member of the board or a designee who is appointed ~~from local governments surrounding~~by the Riverside County Board of Supervisors, who is a resident of that county.

(E) One member of the board or a designee who is appointed by the Imperial County Board of Supervisors, who is a resident of that county.

(F) One member of the board or a designee who is appointed by the Coachella Valley Water District, who is a resident of the District.

(G) One member of the board or a designee who is appointed by the Imperial Irrigation District, who resides within the District's boundaries.

(H) One member of the board or a designee who is appointed by the Torres Martinez Desert Cahuilla,

(I) One member of a non-governmental organization focused on Environmental Justice work in the Salton Sea, area tribes, local environmental justice organizations, and others. Region appointed by the Secretary of Natural Resources

(2) The board shall also consist of five ex officio, nonvoting members designated as follows:

(A) The Director of Finance, or the director's designee.

(B) The Secretary of the Natural Resources Agency, or the secretary's designee.

(C) The Director of Fish and Wildlife, or the director's designee.

(D) The Director of Water Resources, or the director's designee.

(E) One representative of the United States Bureau of Land Management, designated by the United States Secretary of the Interior.

(b) Each member of the board appointed pursuant to paragraph (1) of subdivision (a) shall serve a four-year term.

33815.

Annually, the voting members of the board shall elect from among the voting members of the board a chairperson and vice chairperson, and other officers, as necessary. If the office of the chairperson or vice chairperson becomes vacant, a new chairperson or vice chairperson shall be elected by the voting members of the board to serve for the remainder of the term.

33816.

A majority of the voting members shall constitute a quorum for the transaction of the business of the conservancy. The board shall not transact the business of the conservancy if a quorum is not present

at the time a vote is taken. A decision of the board requires an affirmative vote of five of the voting membership, and the vote is binding with respect to all matters acted on by the conservancy.

33817.

The board shall adopt rules and procedures for the conduct of business by the conservancy.

33818.

The board may establish advisory boards or committees, hold community meetings, and engage in public outreach.

33819.

The board shall maintain a headquarters office within the Salton Sea region. The conservancy may rent or own real and personal property and equipment pursuant to applicable statutes and regulations.

33820.

(a) The board shall determine the qualifications of, and shall appoint, an executive officer of the conservancy, who shall be exempt from civil service. The board shall employ other staff as necessary to execute the powers and functions provided for in this division.

(b). Within two years of hiring an executive officer, the board shall prepare and adopt a strategic plan to achieve the goals of the conservancy. The plan shall describe its interaction with local, regional, state, and federal agencies. The strategic plan shall establish priorities and criteria for operations, maintenance, and management of projects based upon an assessment of project requirements, institutional capabilities, and funding needs throughout the Salton Sea region. The strategic plan shall be consistent with the Salton Sea Management Plan, the Long-Range Plan, the Imperial Streams Salton Sea and Tributaries Feasibility Study, and shall outline a plan that avoids any duplication of roles between the Conservancy, the Salton Sea Management Program, and the Salton Sea Authority.

33821.

The board may enter into contracts with private entities and public agencies to procure consulting and other services necessary to achieve the purposes of this division.

33822.

The conservancy's expenses for support and administration may be paid from the conservancy's operating budget and any other funding sources available to the conservancy.

33823.

The board shall conduct business in accordance with the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).

33824.

The board shall hold its regular meetings within the Salton Sea region.

CHAPTER 5. Powers, Duties, and Limitations

33825.

The Salton Sea Conservancy Fund is hereby created in the State Treasury. Moneys in the fund shall be available, upon appropriation by the Legislature, only for the purposes of this division.

33826.

The conservancy may engage in partnerships with nonprofit organizations, local public agencies including the Salton Sea Authority, and landowners.

33827.

In implementing this division, the conservancy shall cooperate and consult with the city or county in which a grant is proposed to be expended or an interest in real property is proposed to be acquired, and shall, as necessary or appropriate, coordinate its efforts with the Salton Sea Authority and other state agencies, in cooperation with the Secretary of the Natural Resources Agency.

33828.

(a) The conservancy may require a grantee to enter into an agreement with the conservancy on terms and conditions specified by the conservancy.

(b) The conservancy may require a cost-share or local funding requirement for a grant. The conservancy may make that cost-share or local funding requirement contingent upon the total amount of funding available, the fiscal resources of the applicant, or the urgency of the project. The conservancy may waive cost-share requirements.

(c) The conservancy may fund or award grants for plans and feasibility studies consistent with its plans.

(d) The conservancy may seek repayment or reimbursement of funds granted on terms and conditions it deems appropriate. The proceeds of repayment shall be deposited in the fund.

(e) The conservancy may require any funds [advanced](#) that exceed the costs of eligible or approved projects or of acquisition to be returned to the conservancy, ~~to be available for expenditure when appropriated by the Legislature.~~

33829.

(a) The conservancy may provide grants and loans to state agencies, local public agencies, tribes, and nonprofit organizations to further the purposes of this division.

(b) An entity applying for a grant from the conservancy to acquire an interest in real property shall specify all of the following in the grant application:

(1) The intended use of the property.

(2) The manner in which the land will be managed.

(3) How the cost of ongoing operations, maintenance, and management will be provided, including an analysis of the maintaining entity's financial capacity to support those ongoing costs.

33830.

The conservancy may sue and be sued.

33831.

The conservancy may acquire from willing sellers or transferors interests in real property and improve, lease, or transfer interests in real property, in order to carry out the purposes of this division.

33832.

The conservancy may enter into an agreement with a public agency, nonprofit organization, or private entity for the construction, management, or maintenance of facilities authorized by the conservancy.

33833.

The conservancy shall not exercise the power of eminent domain.

33834.

(a) The conservancy may pursue and accept funds from various sources, including, but not limited to, federal, state, and local funds or grants, gifts, donations, bequests, devises, subventions, grants, rents, royalties, or other assistance and funds from public and private sources.

(b) The conservancy may accept fees levied by others.

(c) The conservancy may create and manage endowments.

(d) All funds received by the conservancy shall be deposited in the fund for expenditure for the purposes of this division.

33835.

Notwithstanding Section 10231.5 of the Government Code, on or before January 1, 2025, and annually thereafter, the conservancy shall prepare and submit a report to the Governor and the Legislature, pursuant to Section 9795 of the Government Code, on its [implementationsupport](#) of the [operations, maintenance, and management of projects completed under the](#) Salton Sea Management Program Phase I: 10-Year Plan ~~and~~ the Long-Range Plan, [or projects completed pursuant to the Imperial Streams Salton Sea and Tributaries Feasibility Study](#) that includes all of the following:

(a) A schedule of projects undertaken by the conservancy and a schedule of grants and loans made by the conservancy.

(b) The program or goal specified by the 10-Year Plan ~~or~~, the Long-Range Plan or the Imperial Streams Salton Sea and Tributaries Feasibility Study under which each project, grant, or loan was carried out and the manner and extent to which the goals of the project, grant, or loan, and the goals of this division, were achieved and the actual cost thereof, including an accounting.

(c) A schedule of grants awarded to the conservancy and the disposition of the funds granted.

(d) The disposition of the funds appropriated to the conservancy in the fiscal year preceding the year in which the report is made.

~~(e) A review of local, state, and federal government actions taken to implement the 10-Year Plan or the Long-Range Plan.~~

~~(f)~~

~~(e)~~ (e) A detailed workplan for the upcoming year that identifies projects for delivery, objectives, major tasks, and expected completion dates.

~~(g)~~ (g) An identification of additional funding, legislation, or other resources required that would more effectively enable the conservancy or local governments to carry out the purposes of this division.

33836.

(a) The conservancy may expend funds and award grants and loans to develop projects and programs that are designed to further the purposes of this division.

(b) The conservancy may provide and make available technical information, expertise, and other nonfinancial assistance to public agencies, nonprofit organizations, and tribal organizations, to support program and project development and implementation.

33837.

(a) Nothing in this chapter shall limit or alter (1) The state's obligations to the Salton Sea as identified in any state plan or contractual commitment related to the management of the Salton Sea, including the Salton Sea Management Plan, the Long-Range Plan or an applicable State Water Resources Control Board order, including Orders WRO 2002-0013 and WRO 2017-0134 and orders issued on or after January 1, 2023.(2) The State's required consultation and coordination of restoration projects with the Salton Sea Authority pursuant to Chapter 402, Statutes of 2013.

338XX (Salton Sea Authority governance balancing and State appropriations - TBD)

AMENDED IN ASSEMBLY JUNE 8, 2023

AMENDED IN SENATE MAY 23, 2023

AMENDED IN SENATE MARCH 20, 2023

SENATE BILL

No. 583

Introduced by Senator Padilla

(~~Coauthor~~: ~~Coauthors~~: Assembly Member *Members Cervantes and Garcia*)

February 15, 2023

An act to add Division 23.6 (commencing with Section 33810) to the Public Resources Code, relating to conservancies.

LEGISLATIVE COUNSEL'S DIGEST

SB 583, as amended, Padilla. Salton Sea Conservancy.

Existing law authorizes various conservancies to acquire, manage, direct the management of, and conserve lands in the state.

This bill would establish the Salton Sea Conservancy within the Natural Resources Agency to undertake various activities related to the Salton Sea region. The bill would require the conservancy to be governed by a board of directors and would set forth the powers, duties, and limitations of the board of directors and the conservancy, as provided. The bill would create the Salton Sea Conservancy Fund and would make moneys in the fund available, upon appropriation by the Legislature, for purposes of the conservancy.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Division 23.6 (commencing with Section 33810)
2 is added to the Public Resources Code, to read:

3
4 DIVISION 23.6. SALTON SEA CONSERVANCY

5
6 CHAPTER 1. GENERAL PROVISIONS

7
8 33810. This division shall be known, and may be cited, as the
9 Salton Sea Conservancy Act.

10
11 CHAPTER 2. DEFINITIONS

12
13 33811. For purposes of this division, the following definitions
14 apply:

15 (a) "Board" means the board of directors governing the Salton
16 Sea Conservancy.

17 (b) "Conservancy" means the Salton Sea Conservancy
18 established pursuant to Section 33812.

19 (c) "Fund" means the Salton Sea Conservancy Fund established
20 pursuant to Section 33825.

21 (d) "Local public agency" includes, but is not limited to, a city,
22 county, city and county, district, association of governments, or
23 joint powers authority.

24 (e) "Long-Range Plan" means the plan prepared by the Salton
25 Sea Management Program to comply with State Water Resources
26 Control Board Order (revised) WR 2017-01342002-0013. The
27 plan must be consistent with the requirements of the order and the
28 Salton Sea Restoration Act established pursuant to Chapter 13
29 (commencing with Section 2930) of Division 3 of the Fish and
30 Game Code, including the objectives set forth in subdivision (c)
31 of Section 2931 of the Fish and Game Code.

32 (f) "Nonprofit organization" means a private, nonprofit
33 organization that qualifies for tax exempt status under Section
34 501(c)(3) of Title 26 of the Internal Revenue Code.

35 (g) "Region" or "Salton Sea region" means the geographic
36 boundaries of the Salton Sea ecosystem, as described in subdivision
37 (d) of Section 2931 of the Fish and Game Code.

1 (h) “Salton Sea Management Program Phase I: 10-Year Plan”
2 means the plan for action over the 10-year period from 2018 to
3 2028. The plan’s goal is to improve conditions around the Salton
4 Sea by constructing projects that create habitat and reduce dust
5 from exposed lakebed on 30,000 acres.

6 (i) “Tribe” means any federally recognized Native American
7 tribe or a nonfederally recognized Native American tribe listed on
8 the California Tribal Consultation List maintained by the Native
9 American Heritage Commission.

10
11 CHAPTER 3. SALTON SEA CONSERVANCY
12

13 33812. (a) The Salton Sea Conservancy is hereby created as
14 a state agency within the Natural Resources Agency to support
15 implementation of the Salton Sea Management Program Phase I:
16 10-Year Plan and the Long-Range Plan.

17 (b) The conservancy’s jurisdiction is limited to the Salton Sea
18 region.

19 33813. The conservancy shall carry out programs, projects,
20 and activities to further the conservancy’s purposes specified in
21 Section 33812. This may include ~~any~~, *any one*, any combination,
22 or all of the following:

23 (a) Expending funds and awarding grants and loans to develop
24 and implement programs and projects that are designed to further
25 the conservancy’s purposes specified in Section 33812.

26 (b) Engaging community members and stakeholders through
27 education, outreach, opportunities to provide input, and
28 volunteering on programs and projects.

29 (c) Coordinating, collaborating, and partnering with federal,
30 tribal, state, regional, and local jurisdictions and stakeholders to
31 develop and implement programs and projects.

32 (d) Identifying and working to resolve any barriers or
33 impediments to progress, including capacity or organizational
34 deficiencies.

35
36 CHAPTER 4. GOVERNING BOARD
37

38 33814. (a) The conservancy shall be governed by a board of
39 directors.

1 (1) The board shall consist of eight voting members appointed
2 as follows:

3 (A) One public member appointed by the Governor subject to
4 confirmation by the Senate, who is not an elected official and who
5 resides within the conservancy's territory.

6 (B) One public member appointed by the Speaker of the
7 Assembly, who is not an elected official and who resides within
8 the conservancy's territory.

9 (C) One public member appointed by the Senate Committee on
10 Rules, who is not an elected official and who resides within the
11 conservancy's territory.

12 (D) Five members appointed from local governments
13 surrounding the Salton Sea, area tribes, local environmental justice
14 organizations, and others.

15 (2) The board shall also consist of five ex officio, nonvoting
16 members designated as follows:

17 (A) The Director of Finance, or the director's designee.

18 (B) The Secretary of the Natural Resources Agency, or the
19 secretary's designee.

20 (C) The Director of Fish and Wildlife, or the director's designee.

21 (D) The Director of Water Resources, or the director's designee.

22 (E) One representative of the United States Bureau of Land
23 Management, designated by the United States Secretary of the
24 Interior.

25 (b) Each member of the board appointed pursuant to paragraph
26 (1) of subdivision (a) shall serve a four-year term.

27 33815. Annually, the voting members of the board shall elect
28 from among the voting members of the board a chairperson and
29 vice chairperson, and other officers, as necessary. If the office of
30 the chairperson or vice chairperson becomes vacant, a new
31 chairperson or vice chairperson shall be elected by the voting
32 members of the board to serve for the remainder of the term.

33 33816. A majority of the voting members shall constitute a
34 quorum for the transaction of the business of the conservancy. The
35 board shall not transact the business of the conservancy if a quorum
36 is not present at the time a vote is taken. A decision of the board
37 requires an affirmative vote of five of the voting membership, and
38 the vote is binding with respect to all matters acted on by the
39 conservancy.

1 33817. The board shall adopt rules and procedures for the
2 conduct of business by the conservancy.

3 33818. The board may establish advisory boards or committees,
4 hold community meetings, and engage in public outreach.

5 33819. The board shall maintain a headquarters office within
6 the Salton Sea region. The conservancy may rent or own real and
7 personal property and equipment pursuant to applicable statutes
8 and regulations.

9 33820. The board shall determine the qualifications of, and
10 shall appoint, an executive officer of the conservancy, who shall
11 be exempt from civil service. The board shall employ other staff
12 as necessary to execute the powers and functions provided for in
13 this division.

14 33821. The board may enter into contracts with private entities
15 and public agencies to procure consulting and other services
16 necessary to achieve the purposes of this division.

17 33822. The conservancy's expenses for support and
18 administration may be paid from the conservancy's operating
19 budget and any other funding sources available to the conservancy.

20 33823. The board shall conduct business in accordance with
21 the Bagley-Keene Open Meeting Act (Article 9 (commencing with
22 Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of
23 the Government Code).

24 33824. The board shall hold its regular meetings within the
25 Salton Sea region.

26

27 CHAPTER 5. POWERS, DUTIES, AND LIMITATIONS

28

29 33825. The Salton Sea Conservancy Fund is hereby created in
30 the State Treasury. Moneys in the fund shall be available, upon
31 appropriation by the Legislature, only for the purposes of this
32 division.

33 33826. The conservancy may engage in partnerships with
34 nonprofit organizations, local public agencies, and landowners.

35 33827. In implementing this division, the conservancy shall
36 cooperate and consult with the city or county in which a grant is
37 proposed to be expended or an interest in real property is proposed
38 to be acquired, and shall, as necessary or appropriate, coordinate
39 its efforts with other state agencies, in cooperation with the
40 Secretary of the Natural Resources Agency.

1 33828. (a) The conservancy may require a grantee to enter
2 into an agreement with the conservancy on terms and conditions
3 specified by the conservancy.

4 (b) The conservancy may require a cost-share or local funding
5 requirement for a grant. The conservancy may make that cost-share
6 or local funding requirement contingent upon the total amount of
7 funding available, the fiscal resources of the applicant, or the
8 urgency of the project. The conservancy may waive cost-share
9 requirements.

10 (c) The conservancy may fund or award grants for plans and
11 feasibility studies consistent with its plans.

12 (d) The conservancy may seek repayment or reimbursement of
13 funds granted on terms and conditions it deems appropriate. The
14 proceeds of repayment shall be deposited in the fund.

15 (e) The conservancy may require any funds that exceed the costs
16 of eligible or approved projects or of acquisition to be returned to
17 the conservancy, to be available for expenditure when appropriated
18 by the Legislature.

19 33829. (a) The conservancy may provide grants and loans to
20 state agencies, local public agencies, tribes, and nonprofit
21 organizations to further the purposes of this division.

22 (b) An entity applying for a grant from the conservancy to
23 acquire an interest in real property shall specify all of the following
24 in the grant application:

25 (1) The intended use of the property.

26 (2) The manner in which the land will be managed.

27 (3) How the cost of ongoing operations, maintenance, and
28 management will be provided, including an analysis of the
29 maintaining entity's financial capacity to support those ongoing
30 costs.

31 33830. The conservancy may sue and be sued.

32 33831. The conservancy may acquire from willing sellers or
33 transferors interests in real property and improve, lease, or transfer
34 interests in real property, in order to carry out the purposes of this
35 division.

36 33832. The conservancy may enter into an agreement with a
37 public agency, nonprofit organization, or private entity for the
38 construction, management, or maintenance of facilities authorized
39 by the conservancy.

1 33833. The conservancy shall not exercise the power of eminent
2 domain.

3 33834. (a) The conservancy may pursue and accept funds from
4 various sources, including, but not limited to, federal, state, and
5 local funds or grants, gifts, donations, bequests, devises,
6 subventions, grants, rents, royalties, or other assistance and funds
7 from public and private sources.

8 (b) The conservancy may accept fees levied by others.

9 (c) The conservancy may create and manage endowments.

10 (d) All funds received by the conservancy shall be deposited in
11 the fund for expenditure for the purposes of this division.

12 33835. Notwithstanding Section 10231.5 of the Government
13 Code, on or before January 1, 2025, and annually thereafter, the
14 conservancy shall prepare and submit a report to the Governor and
15 the Legislature, pursuant to Section 9795 of the Government Code,
16 on its implementation of the Salton Sea Management Program
17 Phase I: 10-Year Plan and the Long-Range Plan that includes all
18 of the following:

19 (a) A schedule of projects undertaken by the conservancy and
20 a schedule of grants and loans made by the conservancy.

21 (b) The program or goal specified by the 10-Year Plan or the
22 Long-Range Plan under which each project, grant, or loan was
23 carried out and the manner and extent to which the goals of the
24 project, grant, or loan, and the goals of this division, were achieved
25 and the actual cost thereof, including an accounting.

26 (c) A schedule of grants awarded to the conservancy and the
27 disposition of the funds granted.

28 (d) The disposition of the funds appropriated to the conservancy
29 in the fiscal year preceding the year in which the report is made.

30 (e) A review of local, state, and federal government actions
31 taken to implement the 10-Year Plan or the Long-Range Plan.

32 (f) A detailed workplan for the upcoming year that identifies
33 projects for delivery, objectives, major tasks, and expected
34 completion dates.

35 (g) An identification of additional funding, legislation, or other
36 resources required that would more effectively enable the
37 conservancy or local governments to carry out the purposes of this
38 division.

1 33836. (a) The conservancy may expend funds and award
2 grants and loans to develop projects and programs that are designed
3 to further the purposes of this division.

4 (b) The conservancy may provide and make available technical
5 information, expertise, and other nonfinancial assistance to public
6 agencies, nonprofit organizations, and tribal organizations, to
7 support program and project development and implementation.

Memorandum

To: Salton Sea Authority Board of Directors
From: G. Patrick O’Dowd, Executive Director/GM
Date: June 22, 2023
Re: Election of Salton Sea Authority Officers (effective July 1, 2023)

The following guidelines are provided from the Salton Sea Authority Joint Exercise of Powers Bylaws (December 2016 update):

- 3.1 Officers: The officers of the Authority shall consist of the President, Vice-President Secretary, and Treasurer, each of whom shall be selected from the voting members of the Board of Directors.
 - 3.2 Term of Office: The term for all officers shall be one (1) year.
 - 3.3 Election of Officers: The Authority shall elect, by a majority vote of the Board of Directors, its officers at its last meeting of the fiscal year, and at such other times as there may be a vacancy in any office.
 - 3.4 Rotation of Officers: It shall be a policy of the Board to encourage rotation of the offices among the Board members.
- 8.1 The fiscal year of the Authority shall be from July 1 to June 30, following.

Currently-seated officers are:

	<u>Current:</u>	<u>Agency:</u>
President	Luis A. Plancarte	Imperial County
Vice President	Altrena Santillanes	Torres Martinez Desert Cahuilla Indians
Secretary	Castulo R. Estrada	Coachella Valley Water District
Treasurer	Alex Cardenas	Imperial Irrigation District

Memorandum

To: Salton Sea Authority Board of Directors
From: G. Patrick O’Dowd, Executive Director/GM
Date: June 22, 2023
Re: Salton Sea Authority Resolution Updating Signatories on SSA Bank Account

BACKGROUND:

At the June 22, 2023, Salton Sea Authority (Authority) Board meeting, appointment of officers to the Board are being considered. If changes are made, this will necessitate a corresponding change in signatories on the Authority bank accounts. Pacific Western Bank requires a copy of a resolution from the Board to authorize the new signatories on Salton Sea Authority’s accounts and to remove all prior signatories.

Salton Sea Authority’s Bylaws state that the Treasurer shall be the depository of funds. Traditionally the President, Vice-President, and Executive Director/GM have additionally been designated as signatories to ensure availability of two signatories, as required, at any given time.

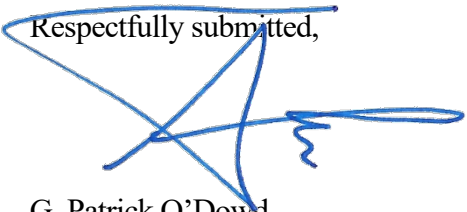
The attached proposed resolution includes the incoming President, Vice-President, Treasurer, and the Executive Director/GM G. Patrick O’Dowd as signatories, and the removal of any others who might remain in the bank’s records.

Attached please find proposed Salton Sea Authority Resolution number 23-05 for your consideration, which update the signatories to show the new President, Vice-President, Treasurer, and the Executive Director/GM as signatories.

RECOMMENDATION:

The Salton Sea Authority Staff recommends that the Salton Sea Authority Board approve attached Salton Sea Authority Resolution No. 23-05 to update the signatories on this bank account.

Respectfully submitted,



G. Patrick O’Dowd
Executive Director/GM



**SALTON SEA AUTHORITY
RESOLUTION NO. 23-05**

**RESOLUTION OF THE BOARD OF DIRECTORS OF
THE SALTON SEA AUTHORITY DESIGNATING OFFICIALS
AUTHORIZED TO SIGN WARRANTS AND CHECKS,
TRANSFER FUNDS, AND ACCESS SAFE DEPOSIT BOX**

BE IT RESOLVED by the Board of Directors of the Salton Sea Authority (Authority), assembled in regular meeting this 22nd day of June 2023, that Pacific Western Bank is instructed to honor Authority warrants or checks written on accounts in the name of the Salton Sea Authority executed by any two of the following designated officials:

- _____, President
- _____, Vice-President
- _____, Treasurer
- G. Patrick O’Dowd, Executive Director/General Manager; and

BE IT FURTHER RESOLVED that Pacific Western Bank is instructed to honor any transfer of funds by means of written instructions by order of any two designated officials:

- _____, President
- _____, Vice-President
- _____, Treasurer
- G. Patrick O’Dowd, Executive Director/General Manager; and

BE IT FURTHER RESOLVED that all warrants and checks, and instructions to transfer funds will require at least one original signature of those persons herein defined; and

BE IT FURTHER RESOLVED that the second signature for warrants and checks, and instructions to transfer funds may be an original signature or a facsimile signature (stamp); and

BE IT FURTHER RESOLVED that Pacific Western Bank is instructed to honor access to safe deposit box(es) executed by any two of the following designated officials:

- _____, President
- _____, Vice-President
- _____, Treasurer
- G. Patrick O’Dowd, Executive Director/General Manager; and

BE IT FURTHER RESOLVED that prior authorizations to sign warrants and checks, transfer funds and access safe deposit box(es) are hereby rescinded; and

BE IT FINALLY RESOLVED that the Secretary is hereby directed to furnish a certified copy of this resolution to Pacific Western Bank.

Salton Sea Authority

Attestation

DRAFT



MEMO

TO: Salton Sea Authority Board of Directors and G. Patrick O’Dowd
FROM: Lisa Moore
RE: **Federal Report**
DATE: June 20, 2023

Summary: This memo provides Directors with background concerning the Bureau of Reclamation’s draft SEIS for Near-Term (2024-2026) Mead/Powell Operations and Reclamation’s more recently published (June 16, 2023) notice of intent to prepare an Environmental Impact Statement (EIS) on post-2026 Mead/Powell Operations.

Whereas the draft SEIS proposes to govern water conservation and other operational features of Colorado River management for 3 years, the proposed new EIS and the guidelines it will create will govern operations well into the future. As a result, this EIS process is critically important to the Salton Sea region.

The June 16 notice for post-2026 operations establishes 3 public scoping meetings in July and requests that the “public submit comments concerning the scope of specific operational guidelines, strategies, and another issues that should be considered” by a **deadline of August 15, 2023**. The notice particularly solicits comment on the nature of the “affected environment” Reclamation should consider in evaluating the impacts of proposed water conservation and related measures in the new EIS.

Action Item: Directors may wish to direct staff to prepare comments in response to this recent notice in view of the potential that this new EIS process may otherwise fail to consider the environmental justice, tribal, clean air, clean water and habitat impacts on the Salton Sea region. The section directly below briefly describes the draft SEIS and the defects in that document because these defects are likely to be repeated in the post-2026 EIS absent robust engagement.

Background:

As you will recall, this past spring Reclamation released a draft SEIS to evaluate the public health and environmental impacts of two proposed alternatives to conserve water in the short-term (2024-2026) to stabilize the Colorado River system — one according to the Law of the River and California’s senior priority and the other an across the board cut to water deliveries which would have significantly and negatively affected our region.

In view of that proposal, Directors directed staff to prepare comments on the draft SEIS. After noting Interior and Reclamation’s recognition that its Colorado River water conservation measures would negatively impact the public health and environment of the Salton Sea region, the comments found that Reclamation’s draft SEIS nonetheless failed to consider those impacts in the environmental justice and tribal analyses as required by numerous Biden administration orders; failed to perform the required Clean Air Act conformity analysis (required to ensure that Reclamation’s water conservation mandates do not

result in Salton Sea local governments failing to comply with Clean Air Act air quality standards and propose federal mitigation to assure such compliance); and failed to consider impacts to water quality and endangered species in our region.

Shortly before the comment period was set to close in late May, Reclamation withdrew the draft SEIS and indicated it would re-propose a new draft SEIS to consider a consensus proposal developed by the Lower Basin States. Reclamation has since indicated that it will publish this new draft for public review and comment and finalize the SEIS for these near-term measures by the end of the year.

The new June 16 notice for a new EIS would look beyond near-term management and propose long-term water conservation and management measures for the Colorado River system. Reclamation manages Lake Mead and Lake Powell operations pursuant to the 2007 Interim Guidelines for Lower Basin Shortages and Coordinated Operations for Lake Powell and Lake Mead (2007 Interim Guidelines), the 2019 Drought Contingency Plan, and Minute 323 between the U.S. and Mexico. These guidelines and the 2019 DCP expire in 2026.

As a result, Reclamation is undertaking this new EIS to adopt new guidelines for the long-term operation of Mead and Powell. The 2007 Interim Guidelines were subject to National Environmental Policy Act (NEPA) review and resulted in an EIS. That EIS did not consider the environmental impacts of Reclamation's proposed guidelines on the Salton Sea region.



TO: Salton Sea Authority Board of Directors
FROM: Oracio Gonzalez, Ollin Strategies
DATE: June 2023
SUBJECT: California State Advocacy

This memorandum provides a summary of state legislative and fiscal developments related to the Authority's state advocacy.

Fiscal

On June 15, 2023, the state legislature passed a budget for purposes of meeting the constitutional deadline for a balanced budget to be passed and sent to the Governor. The budget that was passed, SB 101, is not "real" in that it was passed for purposes of meeting the constitutional deadline, and does not reflect a final agreement with the Governor. That said, the budget does reflect the priorities the legislature would like to see reflected in the final budget that is being actively negotiated with the Governor. Of note, SB 101 reduced the magnitude of Salton Sea Restoration funds that would be "shifted" to a general obligation bond from the \$169 million proposed by the Governor to \$119 million. Specifically, the legislature voted to restore \$50 million of the \$80 million the Governor had proposed in January 2023.

As noted in a previous report, there are two primary bond vehicles moving through the legislature:

- AB 1567 (Garcia), a measure that would place a \$15.9 billion general bond before voters on March 5, 2024. On May 26, the measure was amended to increase funding for Salton Sea restoration from \$240 million to \$400 million. Of these funds, the bond continues to set aside \$30 million for the Salton Sea Authority. In addition, the bond would set aside \$15 million for a Salton Sea conservancy. Measure is awaiting a hearing before the Senate Natural Resources Committee.
- SB 867(Allen), a measure that would place a \$15.5 billion general obligation bond before voters during a yet to be specified date. As proposed, the measure includes \$100 million for Salton Sea restoration activities. Measure was heard by the Assembly Water Parks and Wildlife Committee on June 20, 2023, and is now awaiting a hearing before the Assembly Natural Resources Committee.

Conservancy (SB 583)

Pursuant to the direction of the Board, the Authority submitted an "Oppose Unless Amended" position letter and accompanying amendments to Senator Padilla and the members of the

Assembly Natural Resources Committee. Senator Padilla has not indicated if he plans to accept the amendments. The measure is scheduled to be heard by the Natural Resources Committee on Monday, June 26, 2023, at 2:30pm.