

Memorandum

To: Salton Sea Authority Board of Directors
From: G. Patrick O'Dowd, Executive Director/GM
Date: July 20, 2023
Re: **Salton Sea Conservancy (SB 583 – Padilla)**

We reported at our last board meeting that substantive discussions have taken place regarding this significant legislation, and that while the language originally proffered by the Authority was not accepted by the bill author, extensive changes to the bill were negotiated and accepted. Significantly, the bill was amended to include the Authority's coordination and consultation on the implementation of its commission, and each member agency of the Authority will be afforded a board seat, with the Salton Sea Authority's President to serve as Vice Chair. In addition, all existing laws and agreements remain unaltered through the implementation of this new legislation. We are grateful for the Senator's collaborative spirit in working through these important issues.

We remain concerned about how this conservancy will be implemented and what impacts it will have on existing efforts including the 10-year plan and the feasibility study. Still, the agreement provides for a time to develop a Business Plan once the board is seated and a new general manager is hired, which should minimize those adverse impacts. One area where the bill could be further clarified is how the Authority and the conservancy will work together on community impacts. The Authority has long looked to the State (and now the conservancy too) to address impacts from the "shoreline in", addressing environmental and ecological changes resulting from the changes at the Sea, while the Authority leads efforts, in coordination and consultation with the State (and now the conservancy also) on community-centric impacts from the "shoreline out". And while this framework is not specifically codified in law, we believe it is inherent in both the nature of a conservancy and the jurisdictional authority of the Authority and its member agencies. It would be helpful to add clarifying language to the legislation in this regard.

The Authority's current position on this bill is "Oppose unless Amend". Given the changes agreed to by the author, we believe that continued opposition of this bill is inappropriate at this time. However, as expressed earlier Staff remains concerned that both the newness of this endeavor and the lack of clarity on certain issues give pause to moving to a full support position. Nonetheless, as negotiated Staff believes that the bill is far better than originally proposed and with work could be implemented in a manner that adds benefit to the restoration effort and addressing the ongoing operation of completed projects.

Recommendation:

Discretion of the Board.

Respectfully submitted,



G. Patrick O'Dowd
Executive Director/GM