



MEMO

TO: Salton Sea Authority Board of Directors and G. Patrick O’Dowd
FROM: Lisa Moore
RE: **Federal Report**
DATE: September 19, 2023

Roughly every two years, Congress develops a Water Resources Development Act (WRDA) which provides authority for U.S. Army Corps of Engineers projects. Senator Padilla (D-Calif.) is a member of the Senate Committee on Environment and Public Works (EPW), the Senate body that drafts the WRDA legislation. This memo describes legislative measures developed with CNRA/DWR and the State’s federal legislative team to advance in this upcoming WRDA bill.

Background

In 2020, the Salton Sea Authority secured a provision in WRDA authorizing a new feasibility study to develop a Corps project to address long-range Salton Sea management. This supplemented existing Corps legislative direction/authority to do so from 2007 and 2016, and effectively mobilized Corps engagement as a funding partner at the Sea. This was one of only three new such authorizations secured that year. A feasibility study is required to unlock Corps funding for the Salton Sea at a 65% federal share. Subsequently, the Authority secured appropriations and internal agency resources necessary for the Corps to undertake the study.

The Authority then worked with CNRA/DWR to develop the required agreements to provide the Authority and CNRA/DWR would be joint local sponsors of the feasibility study, with the State providing the required cost share. At the outset, all parties recognized that to appropriately address the scale of the challenges at the Sea, the study would likely exceed the Corps internal policy that such studies be completed within 3 years for a total cost of \$3 million. As the Corps, Authority and CNRA/DWR have worked on the development of the feasibility study, the need to exceed \$3 million in costs to complete a properly scaled study has become clear. Discussions then ensued with the Corps concerning securing additional federal resources to do so.

In that connection, due to an administrative reading of existing legislative authorities, the Corps indicated that it may require legislative direction that it may supplement funding into the Salton Sea feasibility study. In addition, there are existing Corps policies that may limit the consideration of the benefits the study will confer on federal lands and to local air quality. As a result, we worked in coordination with CNRA/DWR to develop legislative language for WRDA to address these concerns.

Legislative Recommendations

Senators Padilla and Feinstein had internal submission deadlines for WRDA requests of September 15. We submitted this language after collaborating with CNRA/DWR and securing a letter of support from the Newsom Administration for it (attached). This is the very beginning of the legislative process. The language may be modified by the Senators or EPW Committee staff, may be drafted slightly differently by the Senate’s official drafting lawyers (Senate Legislative Counsel) or modified based on feedback from the Corps. Similar work will take place on the House side.

Legislative Text Request, Imperial Streams, Salton Sea, CA

- (1) Completion of Investigations – The Secretary is authorized to provide funds from current and future appropriations to advance investigations that previously received funds from the Infrastructure Investment and Jobs Act (Public Law 117-58), provided that non-Federal interests have entered into binding agreements with the Secretary. Investigations receiving such additional authorized funds shall continue to be subject to existing terms and conditions from the Infrastructure Investment and Jobs Act (Public Law 117-58).
- (2) Imperial Streams Salton Sea, CA — In carrying out the Imperial Streams Salton Sea investigation, the Secretary shall consider the comprehensive benefits of alternative plans, including equal consideration of air quality and public health benefits and benefits of alternatives that would be constructed on federal lands or provide benefits to federal lands. Provided further, the Secretary and Chief of Engineers are authorized to recommend a project that includes construction on federal lands, or that provides and is justified by comprehensive benefits, including to air quality, public health and directly or indirectly on or to federal lands.