



MEMO

TO: Salton Sea Authority Board of Directors and G. Patrick O’Dowd
FROM: Lisa Moore
RE: **Federal Report**
DATE: March 16, 2024

This memo describes our recent visits with the California congressional delegation in Washington, **our recent success in securing a legislative fix to enable us to seek additional funding for our U.S. Army Corps of Engineers Salton Sea feasibility study** (Corps study), our FY25 appropriations request, and next steps to secure additional funding for the Corps study.

I. Congressional Visits

Executive Director O’Dowd visited Washington the week of February 26. We visited with staff members representing the Salton Sea region — Senator Butler (D-Calif.), Senator Padilla (D-Calif.), Congressman Ruiz (D-Calif.), and Congressman Calvert (R-Calif.).

In those meetings, we focused on updating staff on the status of the Corps study and our need for their support to advance the full study (Course of Action 2 — COA2) recommended by the Corps LA District and Corps study local sponsors — the Authority and California Department of Water Resources.

As noted in previous meetings, COA2 has been identified by Corps study sponsors as the preferred course of action because it is the best path to holistically address the challenges at the Salton Sea. In particular, the Corps LA District determined that the other possible courses of action would not comply with Corps policies and Biden administration environmental justice orders. After the study is completed, we will be eligible to seek 65% federal funding to implement it.

To pursue COA 2, however, we described to staff that we need their assistance for 3 priorities:

- legislatively remove a barrier in prior law limiting our ability to increase funding into our study;
- seek bridge FY24 funding and FY25 appropriations for the Corps to undertake COA2; and
- secure a waiver of Corps’ internal policies dictating that studies such as ours be completed within 3 years and for \$3 million.

II. Legislation to Enable Corps Study to Receive Additional Funding Enacted in FY25 Minibus Appropriations Act

As described in past meetings, Corps HQ had interpreted language in a prior law as restricting our ability to seek additional funding for our study. (Other studies were similarly limited; this limit wasn’t targeted at our study.) It was the Corps’ view that this limitation needed to be lifted by Congress in a subsequent law. In order to advance removing this limitation, we briefed our Congressional delegation and submitted a request to them to address the problem in pending legislation.

I am happy to report that the limitation was successfully removed by the California and other affected delegations in the FY2024 Minibus Appropriations Act enacted on March 9, 2024. **Removing this limitation has key importance to our work, as it enables us to move forward a strategy to secure additional funds legislatively and administratively from the Corps for COA2.**

III. Addressing Expanded Study Funding

With the limitation now removed, we have two avenues through which we may pursue funding for the study. The next *legislative* opportunity to add funds to the study will come in the FY25 appropriations season. That season is now beginning. Senator Butler is the first member to solicit such requests and the Authority has submitted a funding request.

Given the timing of the appropriations season (bills are unlikely to be enacted until late 2024 or first quarter 2025), we will need to secure bridge funding to cover Corps' COA2 FY24 costs (\$898,130). This funding could now be directed from the Corps via its FY24 Work Plan. (Alternatively, the State could advance this funding as part of its required study cost-share.)

Securing this bridge funding is critical as it will enable the Corps to keep its project team advancing the study.

IV. Securing a Waiver of the Corps 3x3 Policy

The Corps has an administrative internal policy which dictates that feasibility studies be completed for \$3 million (split 50/50 between the Corps and the local sponsor/s) and within 3 years. At the outset of our study, the Corps advised that in order to undertake a full study, we would need to seek a waiver of this policy. With the funding limitation that had hindered our study now removed, we can pursue this administrative waiver.