



**Working Together to
Protect and Restore the
Salton Sea Ecosystem**

Cabazon Band of Mission Indians

California Waterfowl Association

Center for Biological Diversity

Defenders of the Wildlife

Desert Protective Council

National Audubon Society, California

National Wildlife Federation

Planning and Conservation League

San Diegans for the Salton Sea

Sierra Club

The Pacific Institute

Torres Martinez Desert Cahuilla Indians

United Anglers of Southern California

Western Outdoor News

November 28, 2005

Mr. Ronald J. Enzweiler
Executive Director
Salton Sea Authority
78-401 Highway 111, Suite T
La Quinta, CA 92253-2006

Re: Opposition to Salton Sea Authority's Plan for Salton Sea Restoration and Revitalization

Dear Mr. Enzweiler:

We are writing on behalf of the diverse members of the Salton Sea Coalition to express our opposition to the Salton Sea Authority's Plan for Salton Sea Restoration and Revitalization (SSA Plan). Although the Coalition strongly supports the goal of increasing local economic opportunities, it does not believe the SSA Plan will provide for balanced long-term economic development that is also compatible with a healthy environment. Not only does the SSA Plan fail to meet the environmental and public health requirements for restoration under Quantification Settlement Agreement legislation, it also appears to be inconsistent with basic state and federal environmental statutes.

In the past, the Coalition has worked with the Salton Sea Authority to promote both environmental and economic benefits through restoration. The Authority now appears to have decided to promote development around the Sea, while leaving critical public health, habitat and economic sustainability issues for other entities to address, decades into the future.

In the spirit of our past partnership with the Authority, the Coalition will make every effort to work with the Authority to address our concerns. Until these issues are addressed, however, the Coalition opposes the SSA Plan for the reasons detailed below.

1. The Authority's Alternative Fails to Address Air Quality

The public health threat posed by a smaller Sea is enormous, yet the Authority no longer includes air quality mitigation in its restoration objectives. The decision to defer air quality mitigation to other agencies was explicitly acknowledged in recent Authority presentations to the Salton Sea Advisory Committee and the Imperial Valley Farm Bureau, respectively. The Summary of the SSA Plan also fails to mention air quality as an objective of restoration or a benefit of a revitalized Sea. Instead, the SSA Plan will exacerbate air quality problems by promoting significant new development around the Sea without providing specific measures to minimize the air quality and other environmental impacts of that new development.

Both state and federal law require mitigation of the air quality impacts that would otherwise result from a smaller Salton Sea. State law requires that the Preferred Alternative *eliminate* the air quality impacts of any restoration project (Fish and Game Code §2931(b)). Protection of air quality is also critical to local economic development, to protect public health, maintain agricultural productivity, attract new investment and increase tourism. The Salton Sea Authority's Policy Position (enacted October 27, 2005), is similarly unacceptable to us: it is not appropriate for the Authority to defer air quality mitigation to the State of California, while assuming that the Authority will determine the configuration of the infrastructure at the Sea. Ensuring a zero impact to air quality from the restoration plan and determining the configuration of infrastructure at the Sea are inextricably intertwined and cannot be considered separately.

2. The Authority's Alternative Fails to Protect Habitat.

Both state and federal law require the maximum feasible protection of fish and wildlife and the habitat upon which they depend as part of restoration. The SSA Plan does not attempt to meet, and falls far short of, this requirement. Instead, it focuses exclusively on infrastructure, development and recreation opportunities. The SSA Plan designates only twelve miles of shoreline at the southern end of the Sea as habitat, but provides no specific funding or legal recommendations to ensure that that habitat is permanently protected or managed to maintain the habitat values. Twelve miles of shoreline habitat, particularly without any protection or management specifications, is wholly inadequate to meet the "maximum feasible" standard.

Moreover, state and federal endangered species statutes also require that projects do not jeopardize the continued existence of threatened or endangered species. In particular, there is nothing in the SSA Plan that demonstrates that this project protects the endangered Desert Pupfish. In fact, the Coalition is concerned that this plan will jeopardize pupfish.

The SSA Plan also fails to provide habitat protection or restoration plans for the North Sea. A deep sea, in the absence of specific habitat protection and restoration measures, will not provide the habitat required by law. The existing habitat values would be significantly degraded or lost to shoreline development, unrestricted access for recreational fishing and boating, and increasing selenium.

The SSA Plan and recent Authority presentations also propose to delay habitat restoration projects for 15 to 20 years, which is neither legally nor scientifically defensible. The next 15 to 20 years are critical to reversing the ecosystem's decline and to preventing additional species dependent on the ecosystem from becoming threatened or endangered. Habitat restoration and preservation should begin as soon as possible after selection of the Preferred Alternative, not 15 to 20 years from now when much of the Sea may have become uninhabitable or dangerous for wildlife and the SSA Plan has compounded those impacts by promoting significant additional development adjacent to the Sea.

Furthermore, the Authority's Policy Position of October 27 defers habitat acquisition and creation to the State, while claiming for capital projects most or all of the presently identified funds currently available to the State. It is completely unacceptable to us that the Authority expects the State to pay a 25% cost-share of the Authority's capital costs for design, permitting, and construction of the water infrastructure and water quality improvements in the Authority's plan – a share that could exceed the State's entire budget for Salton Sea restoration – and then expect the State to assume the responsibility for air quality mitigation and habitat creation and acquisition. Ultimately, this amounts to a massive state subsidy for private development, with limited or no benefit for fish or wildlife.

3. The SSA Plan is Not Economically Defensible.

Although the Coalition strongly supports local economic development, that development should be sustainable over the long-term as well as consistent with the air quality, water quality and habitat goals of the restoration legislation. The SSA Plan does not contain any standards for water, energy consumption, density, air quality, traffic, agricultural preservation or other elements that would ensure that it's environmentally sound and economically sustainable. We encourage the Authority to support more environmentally sustainable development that would provide much more lasting economic opportunities for the local economy.

The Authority's proposed funding mechanisms for restoration also rely on questionable or faulty assumptions that make the SSA Plan unlikely to succeed. First, according to the restoration funding plan that you presented to the Salton Sea Advisory Committee on November 1, the Authority is relying on approximately \$300 million in state funding, even though that funding is intended for environmental mitigation and restoration and the SSA Plan no longer contains those elements. Second, the Authority's funding plan relies on passage of local financing bonds despite the fact that neither the Authority nor

other proponents have conducted any polling to gauge the likelihood of passing those bonds. Moreover, there is some question about whether the Salton Sea Authority has the jurisdiction to create an infrastructure finance district (IFD) that goes beyond the Authority's clear jurisdictional boundaries which run down the middle of Highways 111 and 86. The proposed IFD goes well beyond the Authority's jurisdictional boundaries as set forth in the Memorandum of Understanding through which the Authority was created.

Finally, the Authority's own estimates of the costs of the SSA Plan (as presented at the recent Technical Advisory Committee meeting) suggest that the Plan's costs will exceed projected revenues by at least \$274 million. At a time of limited state and federal revenues, it is unclear how this deficit will be surmounted. Other estimates project much higher costs for the construction of the SSA Plan, meaning that the deficit could be even larger. Even if the Authority is able to secure the funding sources it identifies in the SSA Plan, they would fall far short of the likely costs of the SSA Plan, making it unlikely that the SSA Plan could ever be implemented.

For all of these reasons, the Salton Sea Coalition opposes the SSA Plan. As stated above, the Coalition would welcome the opportunity to work with the Authority to develop an alternative that meets the habitat, air quality and other environmental objectives of restoration, as well as providing long-term economic opportunity for the region. Unfortunately, the current SSA Plan falls far short of these goals.

Sincerely,

Salton Sea Coalition Members

cc:

The Honorable Mary Bono

The Honorable Ken Calvert

The Honorable Denise Ducheny

The Honorable Bob Filner

The Honorable Duncan Hunter

The Honorable Sheila Kuehl

The Honorable Michael Machado

Members of the Salton Sea Authority Board

Members of the Salton Sea Advisory Committee

Ryan Brodderick, Director, California Department of Fish & Game

Celeste Cantu, Executive Director, California State Water Resources Control Board

Mike Chrisman, Secretary, California Resources Agency

Lester Snow, Director, California Department of Water Resources