Congress of the United States
House of Representatives
Washington, DC 20515

May 28, 1997

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P.O. Box 62
Imperial, California 92251

Tom Levy
General Manager
Coachella Valley Water District
P.O. Box 1058
Coachella, California 92236

Dear Don and Tom:

As you know, for the last three years we and the members of the Inland Empire Congressional Delegation have been united in our strong support for the work of the Salton Sea Authority, which includes the Imperial Irrigation District (IID) and Coachella Valley Water District (CVWD). With your help, we have been able to secure federal funding for the Salton Sea Authority through the Bureau of Reclamation since FY 1996.

Recent bird and fish die-offs have accentuated the need for strong federal support for addressing the problems of the Salton Sea. We recently convened two meetings with Inland Empire Congressional Delegation members to determine how we in Congress can continue to best support long-term, comprehensive solutions to the Salton Sea's problems. One proposal we have discussed is described in the enclosed white paper report prepared by Congressman George Brown's office.

We believe that as members of the Salton Sea Authority, CVWD and IID can provide constructive insight into the feasibility of this proposal. We request that your respective experts review the enclosed proposal and provide any feedback they may have on this or other options in our meeting with you on June 12.

Together we hope to make a revitalized Salton Sea a reality that will benefit the entire region. We look forward to working with you on this issue.

Sincerely,

SONNY BONO
Member of Congress

DUNCAN HUNTER
Member of Congress

05/28/97

Fact Sheet:
The Salton Sea: A Valuable Natural Resource in Crisis

Background

- The Salton Sea: California's Largest Lake--Critical Link in Pacific Migration Flyway.
- Crash of Ecosystem is Underway; Half as Many Bird and Fish Deaths as from the Exxon Valdez Oil Spill.
- Complications: Colorado River Allocations, Polluted Mexican River Waters, Agricultural Water Use and Conservation; Increasing Urban Water Needs.

Current Situation

- Slow Pace of Cleanup of Mexican Rivers, Unacceptable Cross-Border Sewage Releases.
- Pending Sales and Transfer of Conserved Agricultural Water to Urban Water Users.
- Potential Severe Reduction in Dilution Waters to the Salton Sea.
- Accelerating Pace of Bird Deaths this Year; Increasing, Broadening Concern.

Solution Plan

1. Formation of a Collaborative Authority Linking Salton Sea Authority with Local, Regional, State, and National Stakeholders. Similar, but not identical, to CALFED Bay-Delta solution process. Includes regional university expertise for data, technical, support.
2. Funding Plan: Remediation and Maintenance of the Sea Funded by Share of Proceeds from Sales of Conserved Agricultural Water Exported from Region. State and Federal Cost-share.
3. Technical Plan Selected by Steering Committee of Collaborative, Subject to Peer-review, Competitive RFP Process and Overall Consensus. Initial physical characteristics of Plan include transfer of Sea of Cortez water through New River to the Salton Sea, and transfer of Salton Sea brines to Laguna Salada.

Legislative Plan

1. Recognize Priority of Local Stakeholder and Community Interests in Legislation.
2. Maximize State's Participation in Technical and Legislative Contribution.
3. Provide Implementing Federal Legislation Aimed at Supporting and Enhancing Local and State Efforts. Similar, but not Identical, to Central Valley Project Improvement Act Legislation.

Stakeholders

Local: Salton Sea Authority and Member Agencies; Local Government Offices; Regional Universities, and other non-governmental organizations.

State: California Water Agencies and Environmental Agencies; State Offices.

Federal: Interior (Fish & Wildlife Service and Bureau of Reclamation) EPA, State Department (International Boundary and Water Commission) Bono, Calvert, Brown, Hunter and Lewis Congressional Offices. Boxer and Feinstein Senate Offices.

Tentative Schedule

Data Collection: 1996-99; Congressional Field Hearings: Summer 1997; Collaboration Formation: Summer 1997; Draft Legislation: During 105th Congress. Solution Formulation and Selection: 1998-99; Engineering, Impact Studies and Groundbreaking: 1999-2000.

The Salton Sea: A Valuable Natural Resource in Crisis

SUMMARY

The Salton Sea is California's largest lake, located 30 to 60 miles (50 to 100 km) north of the U.S./Mexico border. The Sea encompasses 378 square miles of area and 7.5 million acre-feet of volume. The Sea was formed in 1907 by an 18 month accidental diversion of the Colorado River, and has since been predominately maintained by agricultural run-off from the Imperial Valley combined with flow from the New and Alamo Rivers. Since its creation, the Sea has served as a valuable economic and environmental resource, attracting waterfront development and supporting extensive fish and waterfowl ecosystems. The Sea is now a critical way-station on the Pacific Flyway linking Canada and the U.S to Mexico and Central America.

During the past 20 years, rising levels of salt and contaminants have threatened water quality at the Sea. Endangered bird species from the US, Canada, and Mexico are threatened. The economic value and environmental health of the Salton Sea is entering a critical phase.

Over 175,000 birds, and probably millions of fish, have died at the Sea over the last four years. An ecological disaster approaching half the impact of the Exxon Valdez oil spill is underway.

Rising concern over this worsening situation has prompted increased interest in maintaining a stable water level, removing salt, and removing contaminants from the Sea. Local economic impacts, environmental impacts, and water availability will need to be addressed in order to implement any mitigation effort. Any proposed plan will necessarily involve the coordinated interaction of a large number of informed participant organizations, specifically the membership of the Salton Sea Authority. The U.S. Environmental Protection Agency, the U.S. Bureau of Reclamation and U.S. Fish and Wildlife Service of the Department of Interior, as well as California Department of Fish and Game and Department of Water Resources are also stakeholders. Local development interests; agricultural interest; environmental imperatives; local, regional, national and international politics; and competing demands for Colorado River water, have converged to create a situation of major importance.

Conserved Water Transfers Offer Funding Options

Allocation of Colorado River water defines the amount and quality of water available to the Sea. The Imperial Irrigation District (IID) is presently negotiating with the Coachella Valley Irrigation District (CVID) to provide CVID with a permanent allocation of water. In turn, IID and San Diego County Water Authority (SDCWA) have announced plans to transfer water from IID to SDCWA via infrastructure maintained by the Metropolitan Water

Sea would extensively shrink, with resulting sharp (barring intervention) increases in salinity and contaminant concentrations. The likelihood, costs, and impacts of these possible scenarios will also need to be characterized.

A promising technical solution involves transfers of water from the Sea of Cortez, through Mexico, to the New River in Mexico, to the Salton Sea. The Sea of Cortez is the most economical source of water available for this purpose. This scenario is based on the assumption that New River flows in Mexico will be diverted from the U.S. south to the Colorado river delta. The newly-created capacity in the New River would then be utilized as a channel for Sea of Cortez water entering the United States at the border. An added benefit is the creation of a bi-national riparian corridor using this new channel. In order to address salt loading of the Salton Sea, the Plan includes the building of a second, closed, conduit to transfer saltier Salton Sea water to the Laguna Salada salt flats in Mexico. This technical solution has several critical advantages. First, the Salton Sea is stabilized in elevation, salinity, and in the management of contaminants. Second, the pumping energy requirements for such a scenario are lowest; it is possible that this system will actually be an energy producer. Third, the solution is compatible with both economic development at the Salton Sea as well as the ecological restoration of the entire Lower Colorado River Basin and Colorado River Delta.

It is technically feasible to remediate the Salton Sea. In the process, it can be transformed into an enduring, productive ecological and economic asset for all of Southern California. Predicted transfers of water outside the region will inevitably cause the Sea to contract to about one-half to two-thirds its current size. As its volume is re-stabilized, its salt content can concurrently be restored to a permanent level similar to that of the ocean. In the meantime, its viability as an ecosystem and economic asset will further collapse, as the present large fish and bird kill attests.

Over the time required for the Sea to be recreated, commercial and recreational developments dependent on it will need to be re-planned and re-developed. In the process, water use and allocation of water in the Lower Colorado River Basin will require review. If environmental and third party economic impacts are to be properly addressed, then trustees representing the owners of the water (all of the citizens of the U.S.) must be permitted to act as stakeholders in water transfer contracts to insure equity in the economic benefits of transactions.

It is expected that the current system of market-mediated transfers of Lower Colorado River water will continue to develop until a stable balance in the allocation between agricultural and urban users is achieved. The needs of urban water consumers for water, and the economic pressures on farmers, are expected to create an irresistible force which will guarantee this scenario. The ultimate result will be stable inflows to the Salton Sea from combined agricultural freshwater sources and Sea of Cortez salt-water sources.

DRAFT - 5/19/97

A BILL

To authorize the establishment in the Treasury of a trust fund to provide matching Federal grants for local programs to restore and enhance the Salton Sea/Lower Colorado River Ecosystem

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled

SALTON SEA/LOWER COLORADO RIVER ECOSYSTEM RESTORATION ACT OF 1997

SECTION 1. SHORT TITLE.

This Act shall be known as the Salton Sea/Lower Colorado River Ecosystem Restoration Act of 1997.

SECTION 2. CONGRESSIONAL FINDINGS, CONCLUSION AND POLICY DECLARATION.

A. The Congress finds that:

(1) The United States has had a leadership role in modifying the ecosystem of the Lower Colorado River pursuant to Federal Reclamation law including the 1902 Reclamation Act (43 USC 391), the Colorado River Front Work and Levee System Program (44 Stat. 1010), the Boulder Canyon Project Act (43 USC 617), and the Colorado River Basin Salinity Control Act of 1974 (43 USC 1571). Collateral modifications to that ecosystem have occurred through programs implemented pursuant to the Leavitt Act and other statutes which authorized construction of irrigation facilities on Indian Reservations which lie adjacent to the Colorado River.

(2) The United States has had a leadership role in reserving land for and creating the Salton Sea in Imperial and Riverside Counties, California, for the primary purpose of providing a reservoir to receive stormwater and irrigation drainage flows from lands in the Imperial and Coachella Valleys of California and from the Mexicali Valley of Baja California, Mexico.

(3) Recreational activities, including fishing, boating, birding, water sports and eco-tourism have developed as a result of the water body created by the drainage reservoir designated by the United States. These conditions have resulted in the development of land and commercial

(11) The Salton Sea Authority and the Lower Colorado River Multi-Species Habitat Management Steering Committee are developing projects and programs of Federal and International significance which are essential to maintaining and enhancing the integrity of the Pacific Flyway. These projects and programs need Federal support to proceed.

B. Accordingly, the Congress finds and concludes that management and enhancement of existing wetland and water resources in and around the Salton Sea and along the Lower Colorado River between Hoover Dam and the Southerly International Boundary is essential to the "long-term" health and survival of this regional ecosystem which is an essential component of the Pacific Flyway.

C. Congress hereby declares such management and enhancement actions are, in part, a National responsibility to meet this Nation's obligations under various environmental statutes including the Migratory Bird Treaty Act.

D. The Congress further finds and declares Federal sharing of the cost of the constuction and operation of local non-Federal projects and programs is the best way to assure local support and coordination.

E. Therefore, the Congress hereby establishes the policy that Federal financial investments and incentives, cost shared with local non-Federal interests, shall be provided to assure that such projects and programs achieve the greater potential that is promised through such cooperative action.

SECTION 3. PURPOSE.

The Congress hereby declares that the purpose of this Act is to provide for Federal financial participation and assistance in the construction, operations and maintenance of non-Federally developed programs and projects which protect and enhance the Pacific migrating bird flyway and congruent economic and recreational benefits by restoring and enhancing ecosystem values of the Salton Sea area, including salinity and elevation control, as well as the area along and adjacent to the Lower Colorado River between Hoover Dam and the Southerly International Boundary.

SECTION 4. ESTABLISHMENT OF TRUST FUND.

There is hereby established in the Treasury of the United States the George E. Brown Salton Sea/Lower Colorado River Ecosystem Restoration Trust Fund, hereinafter referred to as the "Trust Fund." The initial corpus of such Trust Fund is hereby created by transfer of $_____ from the Reclamation Fund created by the 1902 Reclamation Act (43 USC 391). Such Trust Fund shall accrue interest from the date of enactment of this measure at a rate of return

made concurrently with actual contributions of non-Federal matching moneys and services.

SECTION 7. RELATIONSHIP TO OTHER STATUTORY AUTHORITIES.

This Act is amendatory and supplementary to Reclamation Law. Notwithstanding other provisions of law, the Secretary, in accomplishing the purpose of this Act, is authorized to cooperate with non-Federal governmental agencies by:

A. Making Federal lands and rights of way available under provisions of the Federal Land Management and Policy Act (cite);

B. Allowing Salton Sea brine to be transported to the Sea of Cortez, using the rights-of-way of the Bypass Drain which was constructed pursuant to Title I of the Colorado River Basin Salinity Control Act (43 USC 1571, Section 101 (b)(1)(3) of P.L. 93-320); and

C. Deferring to state and local authorities for all permitting and environmental compliance activities, except where inconsistent with Federal law.

SECTION 8. RULES AND REGULATIONS.

Within 120 calendar days following enactment of this measure, the Secretary of the Interior, in concert with the Secretary of the Treasury, shall promulgate such rules and regulations as are found necessary to achieve the purpose of this Act.