

SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



FROM: Supervisor Roy Wilson

SUBMITTAL DATE: April 12, 2005

SUBJECT: SENATE BILL 1081, SALTON SEA LOCAL CONTROL ACT

**RECOMMENDED MOTION:** That the Board of Supervisors approve in concept SB 1081, the Salton Sea Local Control Act (Ducheny).

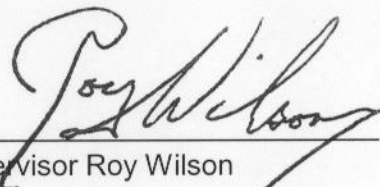
**BACKGROUND:** Senate Bill 1801, the Salton Sea Local Control Act (Ducheny) is a key piece of legislation for the future of the Salton Sea and its restoration.

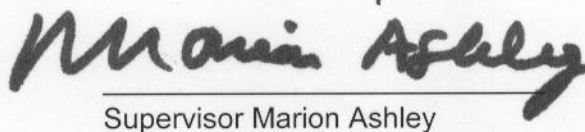
On March 24, 2005 the bill was approved for circulation to the member agencies of the Salton Sea Authority, including Riverside County.

SB 1081 will allow the attainment of several important objectives for the long-term benefit of the Salton Sea, including: 1) Stabilizing and controlling the salinity of the Salton Sea, 2) Conserving the long term fish and wildlife values of the Salton Sea, 3) Enhancing the opportunities for recreation and economic development as well as other worthy benefits.

It is our recommendation that the Board of Supervisors support SB 1081 in concept and that our legislative advocates be authorized to support its progress through the legislature.

Board of Supervisors consideration and approval of this request is appreciated.

  
Supervisor Roy Wilson

  
Supervisor Marion Ashley

**DRAFT 3/28/05**

**(as revised by the Salton Sea Authority Board on 3/24/05 and approved for circulation to SSA Member Agencies for their consideration)**

**Senate Bill 1081****Salton Sea Local Control Act****Senator Ducheny**

(1) The "Salton Sea Restoration Project" means a project selected pursuant to this legislation and other applicable state and federal law to (a) protect the continued use of the Salton Sea as an irrigation drainage sump for Imperial Valley and Coachella Valley agriculture; (b) stabilize and control the overall salinity of the Salton Sea; (c) improve and stabilize the quality of the inflows to the Salton Sea; (d) stabilize the surface elevation of a portion of the Salton Sea; (e) conserve, in the long term, ecosystem and fish and wildlife values of the Salton Sea; and (f) enhance the opportunity for recreational uses and economic development of the Salton Sea.

(2) This legislation shall not interfere with, injure or affect in any way the ability of the Torrez Martinez Desert Cahuilla Tribe, Imperial Irrigation District or Coachella Valley Water District to use, conserve or transfer water to which those entities have valid, existing water rights, including as applicable, the right to prevent, recapture or reuse irrigation drain flows. Neither shall this legislation affect in any way the rights, benefits and protections afforded to the Imperial Irrigation District, Coachella Valley Water District, San Diego County Water Authority or The Metropolitan Water District of Southern California by the Quantification Settlement Agreement and Related Agreements, and SB277, SB317 and SB654, enacted into law in 2003

(3) Upon completion of the programmatic study to be undertaken by the State pursuant to Fish & Game §2081.7(e), the Salton Sea Authority will be designated as the implementing agency for the Salton Sea Restoration Project, provided that the Salton Sea Authority can demonstrate the ability to identify adequate funding for implementation of the initial elements of Salton Sea Restoration Project.

(4) Prior to being designated as the implementing agency for the Salton Sea Restoration Project, the Salton Sea Authority and the Resources Agency will negotiate a three-way memorandum of understanding with the U.S. Department of Interior that identifies each party's role and responsibilities for Salton Sea mitigation and restoration actions consistent with existing laws, contracts and regulatory requirements. With respect to any Salton Sea Restoration Project implementation undertaken by the Authority pursuant to this Act, the debts, liabilities and obligations of the Salton Sea Authority shall be the debts, liabilities, and obligations of the Authority alone, and no member agency of the Authority shall incur any indebtedness or obligation as a result of being a member agency, notwithstanding any other provision of law.

(5) The Salton Sea Authority will only be empowered to undertake a Salton Sea Restoration Project that satisfies all of the following criteria:

(a) Protection and preservation of the use of the Salton Sea as an irrigation drainage sump for Imperial Valley and Coachella Valley agriculture, including protecting the use as a sump for drainage with a large seasonal and year to year variability in the volume of drainage, and without affecting the rights of the Imperial Irrigation District and Coachella Valley Water District to cause variations in drainage volumes consistent with their state, federal and contractual water rights.

(b) A finding by the California Department of Fish & Game, in consultation with the u.s. Department of the Interior, that the Salton Sea Restoration Project achieves the same ecosystem and wildlife protection benefits identified for the preferred alternative selected by the State as part of the programmatic study undertaken pursuant to Fish & Game Code §2081.7(e).

(c) A demonstration that the project advances:

(i) air quality objectives for the area;

(ii) protection of water quality in the Salton Sea and surrounding tributaries;

(iii) protection of recreational opportunities;

(iv) protection of existing economic conditions and improvement of future local economic conditions; and

(v) protection of existing cultural resources and creation of a monitoring system for protection of unidentified cultural resources.

(d) Analysis in appropriate project-level documents prepared in accordance with the California Environmental Quality Act.

(e) A demonstration that the moneys and resources necessary to accomplish the proposed Salton Sea Restoration Project are or will be made available.

(6) In the event that the State of California fails to complete and submit a study identifying a specific preferred alternative to the Legislature by December 31, 2006, as required by Fish & Game Code 2081.7(e), notwithstanding section 5(b) of this Act, the provisions of this legislation shall take effect, and the Salton Sea Authority shall implement the Salton Sea Restoration Project, provided that the Salton Sea Authority is able to identify adequate funding for implementation of the initial elements of Salton Sea Restoration Project.

*(7) [Senator Ducheny to add language requiring repayment of the Chapter 9 Proposition 50 funds expended by the Wildlife Conservation Board for the Travis land purchase in Blythe and language requiring the Department of Water Resources to present and comply with a budget for the department's expenditure of the Chapter 9 Propositions 50 funds made available to it pursuant to Chapter 613, section 2(b) for undertaking the restoration study pursuant to Fish & Game Code §2081.7(e).]*

(8) To further the advancement of the Salton Sea Restoration Project, upon the completion of the programmatic study to be undertaken by the State, and the designation of the Salton Sea Authority as the implementing agency for the Salton Sea Restoration Project, the Salton Sea Authority shall be given control over any moneys remaining in the Salton Sea Restoration Fund established by Section 2932 and these funds shall be used for the implementation of the Salton Sea Restoration Project. Funds remaining from the funds allocated by the Legislature from the funds available pursuant to Proposition 50 shall also be transferred to the Salton Sea Authority as implementing agency for use in implementation of the Salton Sea Restoration Project.

(9) The Salton Sea Restoration Project to be implemented by the Salton Sea Authority may utilize any flows in the New and Alamo Rivers in the ecosystem areas surrounding the Salton Sea, subject to the water rights of the Imperial Irrigation District. Neither the Salton Sea Authority, the State nor any person or entity other than the Imperial Irrigation District shall take any action to appropriate these flows. The Salton Sea Restoration Project may also utilize any flows in the Whitewater River in the ecosystem areas surrounding the Salton Sea, subject to the water rights of the Coachella Valley Water District. Neither the Salton Sea Authority, the State nor any person or entity other than the Coachella Valley Water District shall take any action to appropriate these flows. Nothing in this legislation shall prevent the Imperial Irrigation District or the Coachella Valley Water District from entering into a consensual contractual relationship with the Salton Sea Authority for purposes of establishing by agreement certain irrigation drain flow assurances. *[Additional Language will be added stating the primacy of any water rights held by the Torrez Martinez over any use of water for the Salton Sea Restoration Project.]*

(10) This Act shall not be construed to alter any provisions of existing law, any contracts entered into in connection with the Quantification Settlement Agreement and Related Agreements or to create any rights, duties, obligations or restrictions for any individual Salton Sea Authority member agency.