



# CURE

Citizens United for Resources and the Environment, Inc.

Founded 1997

A Public Non-Profit • Tax ID #95-4830802

*Your Future - Your Choice*

March 19, 2018

BY EMAIL AND HAND DELIVERY

The Honorable Members of the  
State Water Resources Control Board

Re: Update on Salton Sea Issues

Dear Madames and Sirs:

Citizens United for Resources and the Environment, Inc. (“CURE”) previously commented in connection with the September 7 and November 7, 2017 “workshops” on the so-called “10 year plan”. CURE’s position remains that this Board abdicated its responsibility to conduct adjudicatory hearings on the impacts of prematurely terminating IID’s mitigation waters before a genuine restoration plan was adopted and also failed to conduct supplemental environmental review as required by the California Environmental Quality Act (CEQA) based upon evidence to new information and changed circumstances not previously identified in any of the 2003 environmental documents adopted in connection with the Quantification Settlement Agreement (“QSA”).

The 10-year plan is completely inadequate to address QSA impacts now that mitigation water has ceased, and it absolutely will do nothing to mitigate further cumulative impacts resulting from potential storage of waters in Lake Mead pursuant to a Drought Contingency Plan (“DCP”) or other efforts by Imperial landowners to conserve and transfer more water – both of which are being contemplated at this time. And, because this Board merely agreed to an unexecuted stipulation rather than make independent findings, the popular sentiment is that the SWRCB has become a “toothless tiger” on the Colorado River issues and, when push comes to shove, will permit more transfers if politically expedient. That does not bode well for the Salton Sea.

The 10-year plan is nothing more than an unfunded, unenforceable “plan” to achieve the completely undefined goal of a “smaller sustainable sea” for which no clear and enforceable definition exists. The lack of any measurable goal, i.e. sea elevations or salinity levels, is an open invitation for the water agencies and the State of California

to do as little as they can. IID's Colorado River lawyer, Chuck DuMars, in a recent moment of candor, even described the "smaller sustainable sea" as the size of a "duck pond".<sup>1</sup> [http://imperialid.granicus.com/MediaPlayer.php?view\\_id=3&clip\\_id=400](http://imperialid.granicus.com/MediaPlayer.php?view_id=3&clip_id=400) at 1:23:50.

As we witnessed over the past 15 years, the decline of the Salton Sea is far greater than anticipated at the time this Board ordered following in 2003. A simple analogy highlights the problem with how truly meager is the 10-year plan. The Sea is like any of us slowly gaining weight over the years until the situation is out of control. After putting on 50 pounds, we develop a plan to diet. Everyone celebrates because finally we are facing facts. The problem is the plan has to be implemented and, while trying to save the money for a gym membership, the pounds continue to pile on. Beyond the lack of will and financing, there's no stated goal for the diet. Is the Sea going to be a size 6 or 14 or maybe size 20 is ok?



Requiring an annual "weigh in" to determine if progress is being made is a start because, like getting on the scale, it forces everyone to face reality. CURE joins in the County of Imperial's comments letter pointing out that the 10-year plan already is proving to be ineffective. Some tiny progress is being made, however. As this Board may recall, the 10-year plan provided no relief for the four communities known as the West Shores. Subsequent to the November 7 workshop, Chief Council Lauffer worked with CURE, The EcoMedia Compass, AGESS, Sephton Water Tech, Kerry Morrison, Assemblyman Garcia, Asst. Secretary Wilcox, Director Kelly and a team of residents to adopt a community-based program that will restore the West Shores connectivity to the Sea, reduce dust, and provide for habitat in that neglected area. IID next month will be voting to transfer needed land to the West Shores Restoration Project,, and the County of Imperial has waived fees and fast-tracked

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<sup>1</sup> CURE urges that this Board to review IID's Colorado River Symposium from 1:23:50 to 1:50:00. In response to questions as to whether storage of as much as 300,000 afy in Lake Mead will trigger environmental review of Salton Sea Impacts, Director Kelley and IID's counsel, Joanna Smith, indicated that the Basin States have "checked off" the Salton Sea for environmental purposes based upon this Board's adoption of the 10-year plan – a consequence which CURE correctly claimed was motivating the rushed timing of the November workshop. Attorney Smith also acknowledged that the Basin States are attempting to avoid more environmental review by shoe-holing Salton Sea impacts under the 2007 environmental documentation for the Interim Shortage Criteria or the Colorado River Multi Species Conservation Plan – neither of which even mention the Salton Sea. Finally, Attorney Dumars reminded the audience that MWD and other Colorado river users don't even recognize this Board's jurisdiction over federal waters in the first instance. In other words, short of ultra-vigilance by this Board and the remaining interested parties, there will be no genuine public review of future Salton Sea cumulative impacts.



permitting. Though a small start, the impacted communities greatly appreciate the multi-agency effort to help address their localized environmental and economic issues.

Longer-term, the California Resources Agency received several bids on March 9, 2018, for the bi-national canal project — the only true solution for the Salton Sea. The plans are posted at [www.curegroup.org](http://www.curegroup.org). Though an arguably expensive remedy, it is the one solution that would, in fact, restore the Sea to its original svelte figure - fit enough for maintain minimum health standards, support fish and bird life, improve the economy, and free up more water for transfer. CURE applauds the proposers and looks forward to the possibility of implementing a real plan for Salton Sea Restoration rather than a “feel good” resolution to do something - maybe - someday.

Unfortunately, unlike this Board, the Resources Agency has become the “black hole” of environmental protection due to its lack of transparency and public accountability. With the incoming Administration, CURE recommends that review of the Binational Canal proposals be transferred to the SWRCB to ensure that there is meaningful review and analysis of this long-term option with true public input and not selective involvement of a few chosen organizations located far from the Sea. The Resources Agency’s waste of taxpayer’s monies over the past 17 years without a single successful project is unacceptable. As much as we all appreciate Asst. Secretary Wilcox’ recent efforts, the Resources Agency simply has been a failure and there is no evidence that the future portents anything else for the Salton Sea.

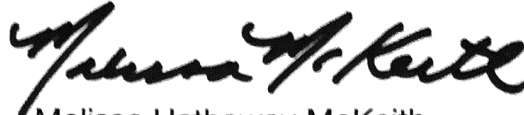


Adopting the QSA before a genuine restoration plan was in place and subsequently permitting termination of mitigation water was a serious mistake that will haunt the region until such time as a real fix is developed. So long as this Board has jurisdiction over

2003 Water Transfer, it can demand a more effective diet. Perhaps when we all attend the 2019 weigh in, the evidence will be even more clear that another alternative must be adopted immediately

or the Salton Sea and surrounding communities will continue to be “the Biggest Loser”.

Very truly yours,

A handwritten signature in black ink, appearing to read "Malissa Hathaway McKeith". The signature is fluid and cursive, with the first name "Malissa" being the most prominent.

Malissa Hathaway McKeith  
President

Cc: The Honorable Eduardo Garcia  
Asst. Secretary Bruce Wilcox  
Kevin Kelley, General Manager, Imperial Irrigation District  
Board of Supervisors, County of Imperial  
Michael Cohen, Pacific Institute  
Kimberly Delfino, Esq. Defenders of Wildlife  
Michael Lauffer, Chief Counsel