Testimony of Wade Crowfoot, California Secretary for Natural Resources
House Natural Resources Committee Subcommittee on Water, Oceans and Wildlife

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Thank you, Chairman Huffman and members of the Subcommittee for the opportunity to testify today on how the federal government can partner with California to invest resources and efforts to improve and ultimately revitalize conditions at the Salton Sea. I serve as Secretary of the California Natural Resources Agency (CNRA), which is charged with stewarding California's natural, historical, and cultural resources for current and future generations. As part of that work and under the direction of Governor Gavin Newsom, our Agency is advancing projects at the Salton Sea to tackle pressing environmental issues and improve conditions for the people who live near the Salton Sea.

As California's largest body of water, the Salton Sea has served as a critical wildlife habitat for nearly 100 years, providing a key stopover spot for many special species of resident and migratory birds along the Pacific Flyway. Flows into the Salton Sea have declined in recent years, and the result is a shrinking, increasingly saline lake. As the Sea recedes, previously submerged lakebed is being exposed, reducing habitat and creating dust that can be hazardous as it dries and becomes airborne. These dust emissions present air quality issues that exacerbate public health challenges experienced by local communities in the region, which already has some of the highest childhood asthma rates.

As a major landowner at the Salton Sea, the federal government's partnership to conditions at the Salton Sea is essential. CNRA has worked productively with federal, state and local partners on efforts at the Salton Sea, specifically through the Salton Sea Management Program and its Phase 1: 10-year plan which aims to construct 30,000 acres of habitat and dust suppression projects around the Sea. This intergovernmental and stakeholder coordination is key as ongoing challenges at the Sea, including air quality issues magnified by the COVID-19 pandemic, demand that we work in a focused, urgent and strategic manner. California is committed to meeting its commitments at the Salton Sea, and working collaboratively with our federal government.

The needs are great, so we urge the federal government to expand its investments at the Sea and support the State's efforts by expediting permit reviews and approvals for projects to improve conditions at the Sea.

Federal Partnership

The California Natural Resources Agency (CNRA) is encouraged by significant Congressional interest in the Salton Sea's restoration and applauds constructive efforts by U.S. Congressmember Raul Ruiz to bring additional resources to the Salton Sea. The Congressman's recently released discussion draft seeks to streamline funding for projects and improve coordination at all levels of government. This direction reflects the spirit of the August 2016 Memorandum of Understanding

between the CNRA and the U.S. Department of the Interior (MOU) and can revitalize our collective commitments and spur tangible progress on the ground.

The MOU identifies the State of California's acreage restoration goals as a common target to work toward and contemplates federal support for state projects through funding, prioritized permitting and use of federal lands for state projects. It calls on Federal agencies to perform a funding analysis to identify opportunities to coordinate and match existing spending and programs and provide a foundation for discussions on the anticipated financial need to reach acreage goals identified by the State. It further contemplates federal funding of $20 million in operations and maintenance costs and $10 million in monitoring costs for later detailed SSMP projects.

The State of California urges the federal government to build upon these commitments, by bringing a sense of urgency to the review and permitting of SSMP projects and by increasing federal investment in the Salton Sea. As discussed in more detail below, federal support through funding and accelerated permitting and project review is essential to implementing SSMP projects and improving conditions at the Salton Sea. We look forward to working together in coming weeks and months to refine and advance these goals.

Background

The Salton Sea, located in southern Riverside and northern Imperial counties in Southern California, is California's largest lake. Although large seas have cyclically formed and dried over historic time in the basin due to natural flooding from the Colorado River, the current Salton Sea was formed when Colorado River floodwater breached an irrigation canal being constructed in the Imperial Valley in 1905 and flowed into the Salton Sink. The Sea has since been maintained by irrigation runoff in the Imperial and Coachella valleys and local rivers. Because the Sea is a terminal lake, increasingly concentrated salts have resulted in a salinity that is currently approximately twice that of the ocean. The Salton Sea functions both as a sump for agricultural runoff and an important wildlife area.

At one time, the Sea also supported a robust marine sport fishery that included orangemouth corvina (Cynoscion xanthulus), Gulf croaker (Bairdiella icistia), and sargo (Anisotremus davidsoni). Increasing salinity has eliminated the marine fishery, leaving only the euryhaline tilapia to provide sport fishing. Tilapia and several smaller non-sport fish species, of which only the endangered desert pupfish (Cyprinodon macularius) is native, currently sustain several bird species.

The Quantification Settlement Agreement (QSA) is one of the factors contributing to declining inflows to the Salton Sea. California historically used more than its normal year apportionment of Colorado River water, obtaining the excess from water apportioned to Arizona and Nevada but not used by those states, and by water designated as surplus by the Secretary of the Interior. The amount of unused apportionment previously available to California has diminished, however, and is unlikely to be available in the future. After prolonged negotiations between the federal government and the California water districts that have entitlements to Colorado River water, a series of agreements, collectively known as the QSA, were made among the federal government, State of California, Imperial Irrigation District (IID), Metropolitan Water District of Southern California, San Diego County Water Authority, and Coachella Valley Water District in October

2003. The QSA imposes water conservation measures within the IID service area to allow the transfer of this water elsewhere, which reduces the volume of agricultural runoff that constitutes the Salton Sea's chief source of water supply. IID was required to provide conserved water to the Sea to mitigate the effects of the transfer on salinity until 2017, at which point the mitigation flows ceased.

Fugitive dust emissions from the exposed lakebed will negatively impact the already poor air quality conditions at the Salton Sea and surrounding communities. Dust, or particulate matter, is hazardous to human health even without additional pollutants contained in the Sea's exposed lakebed. Particulate matter measurements at the Salton Sea Air Basin indicate this area met State and federal particulate matter (10 microns or smaller in diameter [PM10]) air quality standards 36 percent of the days in 2018 (California Air Resources Board 2019).

Declining inflows have resulted in increasing salinity that exceed most fish species' tolerance limits and, therefore, have resulted in loss of most of the fisheries. Birds have also declined due to loss of food, and exposure of soils to wind erosion. Continued loss of water in future years will result in the continued degradation of the Salton Sea ecosystem due to increasing salinity and other water quality issues, including temperature extremes, eutrophication (increased nutrient loads), related anoxia (oxygen deficiency) and algal productivity. Further additional lakebed exposure means further dust emissions. Reduction of inflows to the Sea from other factors, such as water recycling in Mexico, is also contributing to increases in salinity and a declining sea elevation.

About the Salton Sea Management Program
California's Salton Sea Management Program (SSMP) has several phases of development to protect air quality and ecosystem values at the Salton Sea. Currently, the SSMP team is actively coordinating with our federal and local partners to accelerate project development and implementation.

Since taking office in January 2019, Governor Newsom has directed the SSMP team to break through years of stalled progress and expedite projects to stabilize conditions at the Sea. While we continue to advance key efforts forward, there is much more to do. At the highest level, the CNRA remains focused on and committed to the following goals:

1. Making significant, visible progress in implementing the SSMP Phase 1: 10-Year Plan, which identifies 30,000 acres of projects to suppress dust from exposed emissive lakebed and create habitat for fish and birds;
2. Establishing a long-term pathway for the Salton Sea beyond the SSMP 10-Year Plan;
3. Building the capacity of SSMP team to significantly improve the State's ability to deliver projects; and
4. Strengthening partnerships with local leaders and communities to facilitate timely project implementation and institutionalize community engagement within and across SSMP projects.

Project Implementation
The SSMP team continues to advance several key projects, including the Species Conservation Habitat (SCH) Project, high priority dust suppression projects and the North Lake Pilot Project. In addition, the State provided funding and is actively engaged in supporting the U.S. Fish and Wildlife Service (Service) and IID to advance implementation of the Red Hill Bay project.

Species Conservation Habitat Project: Since securing the final land access agreement with IID in May 2019, the SSMP team has moved at full steam to implement the 3,770-acre SCH project located at the southern end of the Sea along both sides of the New River. The project, which anchors the 10-Year Plan, will create habitat and suppress dust to prevent further degradation of air quality. The SSMP team finalized a design-build contract with Kiewit Infrastructure West Co. last month, and onsite activity is scheduled to begin in late September or early October 2020. Construction will be completed in December 2023.

Dust Suppression Projects: The SSMP released a Dust Suppression Action Plan (DSAP) in late July to guide expedited implementation of dust suppression and associated habitat projects around the sea. The DSAP is a flexible working plan that outlines the actions the SSMP proposes to take to develop and implement dust suppression projects across nine project areas around the perimeter of the Salton Sea, to be constructed between 2020 and 2022. The DSAP identifies and prioritizes a planning area of approximately 9,800 acres based on the best available scientific data, proximity to populated areas, ease of securing landowner access and environmental permitting, sites with potential availability of short- and long-term water supplies, and information obtained through public input.

The SSMP team will begin implementation of several thousand acres of physical dust suppression projects at various locations to add to the 112-acre project completed earlier this year. We expect these projects to mitigate risks to public health and respond to the COVID-19 emergency by improving air quality in the region. The following is a project delivery timeline and acreage goals through the end of 2021 and is dependent upon timely execution of land access agreements with landowners and issuance of permits by regulatory agencies.

- December 2020 - Complete 1,500 – 2,000 additional acres
- March 2021 - Complete 2,000 – 2,500 additional acres
- December 2021 - Complete 2,500 – 3,000 additional acres

North Lake Pilot Project: The North Lake Pilot Project will be implemented in partnership between the SSMP and the Salton Sea Authority (SSA). This project proposes to construct an approximately 156-acre demonstration pilot habitat project, providing aquatic habitat running along one mile of shoreline. While this project will stand alone, it may be linked to a larger North Lake Project in the future, as funding becomes available. The larger North Lake Project would be implemented as part of the SSMP and would cover approximately 3,700 acres, providing habitat and recreational opportunities as well as dust suppression for local communities.

Red Hill Bay Project: The Red Hill Bay Project will create approximately 530 acres of dust suppression and habitat by turning the dry lakebed into wetland on the southeastern shore of the Salton Sea. Water will be pumped from the nearby Alamo River and blended with water pumped

from the Salton Sea to create shallow-water habitat for migratory shorebirds. This project will also suppress dust by covering emissive lakebed. The project is led by the Service and IID. The State of California provided $3,663,000 in funding through the California Department of Water Resources (DWR), and the Wildlife Conservation Board to fund over half of the total cost of the project.

Collaboration with Federal, Local and Tribal Partners

As noted above, the SSMP is poised to implement significant efforts to improve the conditions at the Salton Sea, however it cannot do so without the support of federal, local, and tribal partners. The SSMP team is actively coordinating with federal and local governments to meet regulatory requirements, obtain necessary permits and negotiate land access agreements.

As part of the state-federal cooperation and coordination of SSMP implementation, the MOU highlights the need for prioritized dedicated coordination between the federal and state governments to facilitate prompt and informed decision-making regarding the natural and economic resources of the Salton Sea. The federal and state agencies are working to facilitate specific, incremental and sequential projects in a timely manner that improve upon air and water quality, existing obligations to Native American communities, fish and wildlife habitat, water security, resource management processes and decision-making, and collaboration of scientific research efforts. Our intent is to coordinate limited resources to achieve common goals that address the natural resources and regional interests associated with the Salton Sea. Since the State of California is not a landowner or water right holder in the SSMP project area, our success depends on active collaboration with federal and local partners, including tribes. As the Sea recedes, more lakebed, including federal lands, will be exposed, potentially contributing to negative air quality and ecosystem decline. It is imperative that federal and state agencies work together to remediate these conditions and the state looks forward to continued collaboration with the federal government to achieve this goal.

The following are examples of collaboration efforts with federal, local and tribal partners, which we encourage for future project planning.

Bureau of Land Management: The SSMP team completed a 112-acre dust suppression project on Bureau of Land Management (BLM) administered lands in January and will begin implementation of the SCH, partially located on BLM lands, this fall. The SSMP team proposes to locate several additional dust suppression and restoration projects on BLM administered lands. These projects were designed to avoid significant environmental impacts, such as impacts to listed species or jurisdictional Waters of the United States, with the goal of qualifying for accelerated review under the NEPA process.

The SSMP team is working with BLM to determine the appropriate path forward for environmental compliance on these projects and to obtain the land access agreements necessary for expedited project implementation. However, even with the minimal impact approach proposed by the SSMP, this process is estimated to take a minimum of six months. The State of California urges BLM and other federal agencies to bring a since of urgency to land access agreements needed for these projects, which will improve conditions that the federal agencies would otherwise be responsible for correcting and restore habitat on these federal lands.

Bureau of Reclamation: The SSMP team is advancing implementation of approximately 2,800 acres of priority dust suppression projects on Bureau of Reclamation (BOR) administered lands. The SSMP team is currently working with BOR to obtain land access agreements for these projects using the accelerated approach identified above for BLM lands.

BOR has also awarded a $695,000 grant to the SSMP to proactively research, identify and implement options to mitigate dust emissions from exposed Salton Sea lakebed. These projects are in furtherance of meeting the SSMP's acreage targets under its 10-year plan. The grant may be amended to increase the funding award and includes a state cost share, providing a model framework for how state and federal funds can be leveraged to provide additional public health and environmental benefits at the sea.

U.S. Army Corps of Engineers: The U.S. Army Corps of Engineers (USACE) and DWR entered into a Water Resources Development Act agreement in 2019 to facilitate and expedite review of priority dust suppression projects and federal permitting and National Environmental Policy Act (NEPA) compliance for the SSMP 10-Year Plan. The SSMP team is working with the USACE, which will serve as the federal lead agency under NEPA to develop an anticipated Environmental Assessment (EA) for the SSMP Phase 1: 10-Year Plan. The EA is intended to provide comprehensive NEPA compliance for all 10-Year Plan projects. The draft Project Description will cover the habitat and dust suppression projects identified in the 10-Year Plan, including but not limited to the expansion of the SCH project, creation of habitat ponds at the Alamo River, the North Lake Project, and dust suppression projects that have a federal nexus. With the completion of this NEPA process, the SSMP team will be able to obtain federal permits and implement projects on federal lands, without having to undergo an individual NEPA compliance process for each project.

Importantly, this will also increase opportunities for federal partnership since federal agencies will be able to supply funding to these SSMP projects or partner with the SSMP to accelerate implementation of these projects without completing additional NEPA compliance. The EA is scheduled to be completed by the summer of 2021. Upon completion, this comprehensive NEPA compliance process will enable the SSMP to proceed with full implementation of 10-Year Plan projects in an expedited manner.

U.S. Department of Agriculture's Natural Resources Conservation Service: The Natural Resources Conservation Service (NRCS) has extended a cooperative agreement to provide assistance to the SSMP for the Salton Sea Watershed Plan under the NRCS Watershed Flood Prevention Operations Program. This agreement will fund development of a watershed plan that will address air quality impacts caused by exposed shoreline at the Salton Sea. Public scoping for the watershed plan is expected to begin in early 2021, with a goal of completing the final plan no later than December 2022. Once the plan is complete, the SSMP hopes to enter an agreement with NRCS to secure funding to fully implement the plan, if enough funds are appropriated for that purpose.
The SSMP also applied for 2018 Farm Bill funding for the SCH project through the NRCS Regional Conservation Partnership Program but was unsuccessful. Because they are located on exposed lakebed instead of agricultural lands, SSMP projects are not eligible for many of the conservation programs funded through the Farm Bill. However, the SSMP is reaching out to local partners to determine whether agricultural producers may be interested in seeking funding for

conservation projects on their own lands through these programs. Just as the implementation of SSMP projects will benefit agricultural lands and communities surrounding the exposed lakebed by providing dust suppression and restoring the Salton Sea ecosystem, implementing conservation projects on the surrounding agricultural lands may benefit the Salton Sea by improving water quality and providing avian habitat. The SSMP is committed to seeking additional opportunities for federal funding partnership, both for itself and for its local partners.

U.S. Fish and Wildlife Service: In addition to collaborating on the Red Hill Bay project, the SSMP has been coordinating with the Service to conduct avian and fish surveys to assess population status and trends at the Salton Sea. The SSMP is also working closely with the Service to conserve and manage fish and wildlife dependent on the Salton Sea ecosystem, including the federally endangered desert pupfish among other special status species.

The SSMP is in the process of developing a Salton Sea Management Program Monitoring and Adaptive Management Implementation Plan ("Implementation Plan") that will prioritize and phase in implementation of the 2013 USGS Salton Sea Ecosystem Monitoring and Assessment Plan (U.S. Geological Survey Open-File Report 2013-1133) at the Salton Sea. The Implementation Plan will provide an integrated science program that will prioritize, coordinate and oversee monitoring, data collection, data analysis, and an adaptive management strategy to support restoration actions at the Salton Sea. Variables to be monitored will include biological resources (avian, fish, plankton and macroinvertebrate), hydrology and water-quality, geography and geology, air-quality, and socioeconomics. The success of restoration actions at the Salton Sea to provide or create conditions suitable to support sustainable fish and bird populations will depend on current and reliable information collected in partnership with the Service and other federal agencies and local partners.

Tribal Partners: The SSMP contacted 25 Tribal Nations to seek input on its DSAP and will continue to provide opportunities for government to government consultation as the DSAP is updated. The SSMP has also included a portion of Torres-Martinez Desert Cahuilla Indian Tribe lands in the planning area for its SSMP 10-Year Plan and will coordinate and consult with the Tribe to determine whether such a projects would meet the Tribe's needs and to ensure protection of cultural resources and natural resources of interest to the Tribe. The SSMP previously provided funding to the Tribe through DWR for the Torres Martinez Wetland Project to create freshwater wetland habitat on tribal lands.

Salton Sea Authority: The SSMP is also working in close cooperation with multiple local partners including the Salton Sea Authority (SSA). CNRA and the SSA have entered a Memorandum of Understanding outlining how the parties will coordinate and consult to support the broader goals of Salton Sea restoration and the SSMP. The memorandum contemplates continued close coordination between SSA and the SSMP to ensure prompt communication of local priorities to the SSMP through the SSA, as outlined in the memorandum, and to seek out federal funding opportunities for projects that will help restore the Sea.

Additionally, SSA is leading a project that will rehabilitate the North Shore Beach and Yacht Club Harbor and restore access to the Salton Sea. The SSA has secured a total of $1.6 million from the Coachella Valley Mountain Conservancy and BOR for the project, and the State of California will

provide the remaining $500,000 to fully fund the project. The project will provide much-needed access by State scientists and other researchers to the Salton Sea and facilitate continued monitoring and data collections activities to inform data gaps, management, and planning efforts. In addition, the project will enhance connectivity between the Salton Sea and the harbor for fish species, such as the state and federally listed desert pupfish. Moreover, as a result of enhanced connectivity, the project will maintain water elevations in the harbor, thereby, minimizing the amount of lakebed that will be exposed as the Sea continues to recede.

Imperial County Air Pollution Control District: The SSMP and Imperial County Air Pollution Control District (ICAPCD) have developed a Memorandum of Understanding outlining how the parties will coordinate and collaborate on the approximately 30-acre Desert Shores Channel Restoration Project. This project proposes to use water from the Salton Sea to refill channels located between residences on the Salton Sea shoreline in the disadvantaged community of Desert Shores. ICAPCD will lead efforts to plan the project and will act as the project manager. It will also lead outreach and communication efforts, in coordination with the SSMP. Under the memorandum, the SSMP will analyze and document the project's public benefits as part of the EA for the 10-Year Plan and as required for funding under the SSMP.

Imperial Irrigation District: The SSMP and the IID have been working closely to collaborate on a broad range of Salton Sea management priorities, including the SCH Project, dust suppression projects, environmental surveys and monitoring, data collection and management strategies, and natural resource management activities. In May 2019, the State entered into an easement agreement with IID to secure access to the SCH Project site. The State also entered into a water use agreement with IID that will cover the projected needs of the SCH Project. These collaborative agreements will serve as templates for future land access and water use agreements that will help expedite project delivery.

California's Funding Investments

Since the execution of the Quantification Settlement Agreement in 2003, the California Legislature has appropriated approximately $345.3 million in funding for Salton Sea-related activities through various funding sources, primarily voter-approved general obligation bond measures. This funding has allowed the State to complete environmental documents, acquire permits, develop plans and agreements, conduct surveys and studies, increase organizational capacity and allocate funds for several projects, such as the SCH Project, North Lake Pilot Project, Priority Dust Suppression Projects, and Red Hill Bay Project.

As noted above, in January 2020, the SSMP team completed the first project using Proposition 1 funds, the 112-acre Bruchard Road Dust Suppression Project. Approximately $20 million of existing bond funds will be used to implement up to 9,800 acres of priority dust suppression projects on exposed emissive lakebed areas. In August 2020, the SSMP team awarded a design-build contract to Kiewit Infrastructure West Co. to implement the SCH, for which the state has committed roughly $200 million.

The final 2020-2021 state budget adopted by the Legislature and signed by Governor Newsom includes $19.3 million in Proposition 68 funding to support the implementation of the North Lake Pilot Project. This project will be implemented in partnership between the SSMP team and the

SSA. The SSA and SSMP team have started discussions to prepare an agreement between the State and the SSA with execution of the agreement expected in the coming weeks. The North Lake Pilot Project will be analyzed under the SSMP's EA for the 10-Year Plan.

Notably, the final budget also authorized 10 new positions for the SSMP, including six located at a local Salton Sea office and two at the California Department of Fish and Wildlife (CDFW) Bermuda Dunes office. The positions will be within DWR, CDFW and the CNRA. In addition, the budget included $28 million in funding for the New River Improvement Project, which aims to address pollution exposure challenges, create public health benefits and enhance access to green, healthy spaces for Calexico residents. The funding includes $18 million in one-time General Fund and $10 million from Proposition 68.

The SSMP team anticipates these existing funding sources will provide roughly one-third of the funding needed to meet commitments identified in the 10-Year Plan. Accordingly, the SSMP team continues to develop a broader strategy for federal funding and partnership opportunities to assist with implementation of the SSMP. We look forward to continued collaboration to this end.

Conclusion

The challenges within the local community surrounding the Salton Sea require focused and sustained partnership among state, local, tribal, and federal partners to address the health of the region and Sea. As noted above, collaboration is critical to our collective success. California looks forward to continuing to work with the federal government to streamline project implementation and increase federal investment at the Salton Sea.

The need is great at the Salton Sea, and California needs the partnership and investments from the federal government to improve conditions at the Sea for local communities and the environment. As a major landowner at the Salton Sea, the federal government's investments in the Sea can help ameliorate the continued challenges experienced in the area, as a result of lakebed exposure on federal land as the Sea continues to decline, contributing to further public health and ecosystem risks. Without effective action and investment, the ongoing changes to the Salton Sea could will likely contribute to air quality challenges and further reduce habitat for fish and wildlife in the region.

Improving air quality and conditions for local residents and creating habitat at the Salton Sea remain key priorities for Governor Newsom and the Natural Resources Agency, made only more urgent by the COVID-19 pandemic. The SSMP team is proceeding on various design, permitting and field activities at full tilt to accomplish our goals.

California applauds this Subcommittee's oversight of this issue and calls upon Congress to augment needed federal resources and help expedite regulatory processes to meet the public health and environmental needs at the Salton Sea. I appreciate the opportunity to provide these comments today on behalf of the California Natural Resources Agency, and Our Agency and California remain eager to work together to improve conditions for communities around the Sea as well as for the environment.