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TESTIMONY
SUBCOMMITTEE ON WATER, OCEANS, AND WILDLIFE
HOUSE NATURAL RESOURCES COMMITTEE

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“Salton Sea Projects Improvement Act”

and

“Large Scale Water Recycling Project Investment Act”

I. Introduction

Thank you to the Subcommittee on Water, Oceans, and Wildlife, Chairperson Huffman, Ranking Member Bentz, Subcommittee members, and the participants in today’s hearing for this important opportunity to discuss the Salton Sea and the ongoing water crisis in the West. We are facing another year of historic drought, which is already harming communities, birds, fish, and other natural resources in California and across the West. The combination of drought and heatwaves can push birds to their physiological limits, leading to lethal dehydration. In drought times, birds may also congregate at the remaining dwindling water spots, causing conditions ripe for the spread of disease. We welcome national attention – and congressional leadership – to address the impacts of this ongoing drought. As the climate changes, droughts are projected to become more common throughout the United States. My name is Frank Ruiz and I am the Salton Sea Program Director for the National Audubon Society. I am also a longtime resident of the Coachella Valley, which is located on the north side of the Salton Sea, where we witness first-hand how the Salton Sea is shrinking, the dust clouds are expanding, and the birds are disappearing. I am grateful for this Subcommittee’s continued support to address ongoing water issues in the West, particularly at the Salton Sea.

II. The National Audubon Society Is Deeply Concerned with the Health of the Salton Sea and Its Impact on Local Communities

The National Audubon Society and our members have been engaged at the Salton Sea for decades. Audubon staff and members are invested in on-the-ground efforts at the Sea, dedicating time and resources to science, education, policy, and community engagement. We are regularly the “boots on the ground” at the Sea through our conservation efforts and, over the years, we have been involved with the State of California’s various pieces of legislation and plans related to the Salton Sea, most recently the Salton Sea Management Program (SSMP). At the federal level, Audubon submitted written testimony for the record for this Subcommittee’s hearing on the Salton Sea in September of last year; the first hearing on the issue held in decades. We also

work to support federal legislation and appropriations that address the ongoing environmental and public health crises at the Sea.

As I mentioned in my written testimony submitted for the last hearing, Audubon is an active and engaged member of the Salton Sea Partnership, and we work with stakeholders from communities around the Sea, the state, and the country to implement productive solutions for the Salton Sea. There is strong alignment among all involved to quickly build projects that control dust, provide habitat, improve community access, and contribute to the health, quality of life, and economies of the local communities. However, for our joint efforts to be successful, the federal government must be an active and leading force for success at the Salton Sea. With the ongoing dual crises of drought and heat, striking now throughout the West and exacerbated by climate change, the time to act is now.

Last month, Audubon California co-hosted a round table discussion on the Salton Sea, featuring Wade Crowfoot, California Natural Resources Secretary, Assemblymember Eduardo García, (D-Coachella), Joaquín Esquivel, California State Water Resources Control Board chair, and Adriana Torres, local youth advocate. The discussion included ways for state and local officials to work together to find solutions for the environment and nearby communities suffering from environmental injustice and public health issues.

In an opinion piece for the Desert Sun, I recently [wrote](#) that “we are on the brink of a major [ecological] collapse” at the Salton Sea. Salinity levels are increasing and toxic microcystins threaten the health of people and animals, both in the water and in the air. While I remain cautiously optimistic that we can help the birds, people, and ecosystems surrounding the Salton Sea, efforts will fail without full and expedient engagement from the federal government.

III. The Federal Government Plays a Critical Role in Restoring the Salton Sea for Birds and Communities, and to Balance Water Supplies on the Colorado River

While the State of California has lately been leading Salton Sea restoration efforts, the federal government plays a large role and must begin to fulfill its statutory and moral duty to act at the Sea. The federal government is a significant landowner at the Sea; the Bureau of Land Management (BLM), Bureau of Indian Affairs (BIA), Bureau of Reclamation (Reclamation), and Fish and Wildlife Service (FWS) all own land submerged by or surrounding the Sea. Moreover, the “checkerboard” nature of land ownership around and under the Salton Sea requires deep and persistent engagement from all landowners to work in partnership to efficiently implement the State of California’s SSMP. Since 2003, more than 8,000 acres of federal land have been exposed due to declining water levels and even more land will be exposed as the Sea continues to shrink, increasing the federal government’s responsibilities and liabilities for communities and wildlife habitat near the Sea.

Historically, the federal government was more involved in taking action at the Sea. In 1930, the federal government established a refuge – now known as the Sonny Bono Salton Sea National Wildlife Refuge – at the southern end of the Sea. In 1997, Congress enacted the Salton Sea Reclamation Act, which directed the Secretary of the Interior, acting through the Reclamation Commissioner, to complete a feasibility study on the restoration of the Salton Sea

by January 1, 2000. From 2006-2010, Reclamation and the U.S. Geological Survey (USGS) operated and maintained a four-cell, 100-acre shallow-water saline habitat project near the Alamo River, documenting more than 200 species of birds and notable breeding success. And, until 2018, the USGS operated a Salton Sea Science Office, which contributed scientific data on water conditions and wildlife at the Salton Sea; unfortunately, staffing gaps have not been backfilled in the past three years.

The federal government formally recognized its responsibilities and liabilities at the Salton Sea in a Memorandum of Understanding (MOU) executed with the State of California in 2015 and amended in January 2016. In the MOU, President Obama's administration promised to improve federal agency coordination, partnership with the state, and investment of federal resources. Federal officials have also recognized that the federal government has a considerable moral and legal responsibility to act at the Salton Sea, especially as the shoreline continues to recede, exposing playa, and generating dust that poses grave health risks to the people of the Coachella and Imperial Valleys, many of whom live in disadvantaged communities already suffering greatly from environmental health hazards.

While the State of California has had the responsibility of leading efforts at the Salton Sea since the 2003 Quantification Settlement Agreement, federal partnership has always been a necessary part of success. The State of California has dedicated over \$360 million in public funds to build projects at the Salton Sea and made recent progress in adding technical capacity at state agencies to build momentum to implement the SSMP, which relies on projects and investments from federal partners.

The State's progress has been slowed due to a lack of engagement and other delays on the part of federal agencies. For example, since 2015, the FWS staff at the Sonny Bono Salton Sea National Wildlife Refuge have worked hard to complete the Red Hill Bay restoration project, but they are chronically short of the necessary funding and capacity, and recent technical feasibility and political challenges with the Imperial Irrigation District (IID) have stalled the project, threatening to end it. The Sony Bono Salton Sea National Wildlife Refuge includes a variety of habitat types along the shoreline and is an important public access point. The current refuge manager recently retired, which further diminishes FWS' ability to complete the Red Hill Bay project and engage productively with local stakeholders. Moreover, the refuge lacks the staff and dedicated resources for the continued operation and maintenance of the Red Hill Bay project once it is completed.

Until recently, the Army Corps has been slow to review permitting and jurisdictional questions, delaying some state efforts to advance the SSMP. Moreover, the loss of leading staff at the USGS Salton Sea Science Office has diminished the federal government's scientific and technical contributions. Finally, while regional Reclamation staff are excellent partners and contributors, renewed engagement from Reclamation leadership is critical to moving forward. There are significant opportunities for other agencies, including the Environmental Protection Agency and the BIA to contribute expertise and resources. Overall, the lack of meaningful engagement by leadership at key federal agencies undermines and does a disservice to the hard

work of federal agency staff that work at the Salton Sea, and it contravenes the federal government's commitments and interest in ensuring the crisis at the Sea is adequately addressed.

Achieving water supply sustainability on the Colorado River is impossible without addressing the Salton Sea. The Colorado River is in crisis. Reclamation is expected to impose a tier-one shortage in 2022, Lake Mead storage is at 35%, 2021 system inflows are only 31% of the 30-year average, and climate change projections suggest these conditions are among the best we will see in the next century. All parties are needed to address this crisis, and IID, which uses more Colorado River water than any other entity (close to 20% of the average supply over the past 20 years), is badly needed at the negotiating table as the seven basin states sort out how to manage the declining supply. Yet it is difficult to imagine the IID accepting Colorado River management terms that increase the public health and environmental challenges at the Salton Sea. IID has made it clear that the shrinking Sea – and its public health and financial liabilities – restrict the district's ability to participate in certain proposed sustainability solutions. If the federal government wants to encourage IID to help solve the Colorado River crisis, it would be well-advised to help ensure that today's Salton Sea challenges are mitigated and clear solutions exist for additional mitigation in the future.

As noted above, the federal government is a significant landowner in and around the Salton Sea and that ownership is becoming more evident as the shoreline continues receding, exposing more federally-owned land. To meet the moral and legal obligations at the Sea, and to facilitate the progress of talks on the Colorado River, federal land-owning agencies should:

- 1) Collaborate with state and local entities to transfer land, establish easements, or secure access to land needed for restoration or dust management projects, and
- 2) Invest in the staff and budgets for key agencies, especially the FWS staff at the Sonny Bono Salton Sea NWR, Reclamation's Southwest Office, and the USGS.

IV. The Salton Sea Projects Improvement Act Will Help Reclamation Build on Current Momentum for the Salton Sea

This bill provides Reclamation with additional authorities to partner with the State of California, local counties and Tribal governments, the Salton Sea Authority, and nonprofits on projects to address the public and environmental health crisis at the Salton Sea. The *Salton Sea Projects Improvement Act* would expand the eligible entities able to partner with Reclamation and would authorize \$250 million for Reclamation funding (up from \$10 million). Reclamation's FY21 spend plan allocates \$2.5 million for activities at the Sea, of which \$300,000 is for research, and the remainder is for "habitat improvement, dust suppression, water quality, and system development." This is a slight increase over the FY20 level (\$2.3 million). The additional authorized funding under the Act would help Reclamation accelerate projects and partnerships to address needs at the Sea. Audubon fully supports these changes that would allow Reclamation to more fully participate in restoration activities at the Sea.

V. The Large Scale Water Recycling Project Investment Act Provides a Useful Tool for Water Conservation When Combined with Other Actions

The National Audubon Society supports the Large Scale Water Recycling Project Investment Act. Reducing consumptive water use is one of the most cost-effective actions that can positively affect water supply stability. Optimizing and reducing demand is critical to ensuring that limited water supplies can equitably meet the needs of people and ecosystems. Water conservation needs to continue to be aggressively pursued in conjunction with other actions, such as water re-use and recycling, including capture and aquifer recharge of storm water, where such actions do not harm downstream water uses or natural flows. New funding is needed for water use efficiency projects in urban areas, including for water recycling projects, where appropriate. Reuse and recycling projects should be constructed and implemented in ways that avoid or offset loss of water volume within a particular system in order to prevent impairment to fish, wildlife, or ecosystem functions where water is removed from a system for reuse or recycling. With the ongoing western drought, it is essential that creative water conservation solutions are pursued.

VI. Conclusion

While I continue to remain cautiously optimistic that coordinated collaboration of the various agencies responsible for the rapid shrinking Salton Sea can achieve a lot, delaying a deep response from the federal government will be *nefastus*. This is the time for Congress and President Biden's administration to step up and match the efforts and funding allocated by the State of California—the time to act in now. The Salton Sea is a critical junction and urgent action is needed from the federal government to provide adequate funding, support science and monitoring, and coordinate with other governmental authorities, local communities, and other stakeholders to catalyze dust suppression, habitat creation, and overall restoration of the Sea. The federal government owns approximately 40 percent of the Salton Sea lakebed likely to be exposed in the next 20 years and bears responsibility as a key partner in solving the crisis at the Salton Sea. We support federal agency staff capacity and expertise to match state efforts for successful implementation of the SSMP.

We urge Congress to support the Salton Sea Projects Improvement Act and the Large Scale Water Recycling Project Investment Act as solutions to help address the threats to our precious water resources in the West. As we know, birds are good indicators of the environment. When they leave because they can no longer survive in an environment, we know we could be next. It is essential that we all prepare for a drier future in the West with sound water policies and coordinated management as millions of people and hundreds of bird species rely on these essential water resources.