

- **Board of Directors**
Water Planning and Stewardship Committee

January 9, 2007 Board Meeting

9-4

Subject

Review of Salton Sea Ecosystem Restoration Program Draft PEIR

Description

On October 19, 2006 the California Secretary for Resources released the Draft Programmatic Environmental Impact Report (PEIR) for the Salton Sea Ecosystem Restoration Program. The public review period closes on January 16, 2007. The Draft PEIR was prepared pursuant to state legislation approved in 2003 to facilitate implementation of the Quantification Settlement Agreement. The legislation provided that the state of California would undertake the restoration of the Salton Sea ecosystem and the permanent protection of the wildlife dependent on that ecosystem. As a first step, the legislation directed the Secretary to undertake a restoration study to determine a preferred alternative for the restoration of the Salton Sea ecosystem. As requested by the Board, this letter presents key highlights of interest to Metropolitan from staff review of the Draft PEIR.

Action Alternatives

The Draft PEIR includes the evaluation of eight action alternatives with construction costs ranging from \$2.3 billion to \$5.9 billion and maximum annual operation and maintenance costs over the 75-year life of the project ranging from \$20 million to \$149 million. Construction would not commence until 2014 and, depending on the alternative, would extend to 2029. This schedule is based on the following assumptions:

- Approval of the project and a funding plan by the Legislature in 2007;
- Completion of project specific environmental documentation by 2010; and
- Completion of designs and acquisition of all necessary approvals and permits by 2013.

Of the eight action alternatives, Alternative 4 was proposed by an organization of landowners in the Imperial Valley known as the “Imperial Group”, Alternative 7 was proposed by the Salton Sea Authority, and the remaining six alternatives were developed by the Department of Water Resources. Alternative 3, known as the “Concentric Rings Alternative”, is identified in the PEIR as the “Environmentally Superior Alternative”; however, at this time there is no identified preferred alternative. The Secretary has indicated that his recommendation on the preferred alternative will be incorporated into the Final PEIR following review of input received from the public and consultation with the Salton Sea Advisory Committee. Executive Policy Advisor Peter Silva represents Metropolitan on the Advisory Committee.

No Action Alternatives

The “No Action” alternative represents the condition under which the Legislature does not take action to authorize a Salton Sea Ecosystem Restoration Program. Under this condition, the PEIR documents the actions that would be taken pursuant to the mitigation requirements associated with the QSA water transfer from Imperial Irrigation District (IID) to San Diego County Water Authority (SDCWA) and Coachella Valley Water District (CVWD). In an agreement related to the QSA, a joint powers authority was formed among IID, SDCWA, CVWD, and the Department of Fish and Game, which is responsible for implementing mitigation measures associated with the IID transfers including mitigation of impacts to Salton Sea resources. This agreement, which was entered into pursuant to state legislation to facilitate implementation of the QSA, provides that the aggregate mitigation cost

responsibility of IID, SDCWA, and CVWD, shall not be greater than \$133 million. Mitigation costs that exceed this amount shall be borne by the Department of Fish and Game. Salton Sea related mitigation activities consist primarily of (i) measures to manage sediments exposed by the receding Sea in order to prevent them from becoming a source of air pollution in the region and (ii) measures to protect the endangered desert pupfish. Construction costs for these measures are estimated to total \$0.8 billion with annual operation and maintenance costs reaching \$48 million.

Potential Impact to Metropolitan

With the exception of Alternative 7, none of the alternatives would have an impact on the water supplies available to Metropolitan. The alternatives are designed to manage the drainage waters to the Salton Sea and do not rely on an increased dependence on the Colorado River. Alternative 7, as proposed by the Salton Sea Authority, includes a 250,000 acre-foot freshwater reservoir for use by IID. The volume of Colorado River water that would be diverted by IID to fill the reservoir and to meet its approximately 60,000 acre-foot evaporative demand could potentially be met from water that would otherwise be left unused by IID and made available to Metropolitan pursuant to the QSA.

The 2003 QSA legislation provided for the potential transfer to Metropolitan of a total of up to 1.6 million acre-feet of additional volumes of IID conserved water that may be implemented as part of a restoration project. The Draft PEIR does not identify such transfers as part of any of the action or no action alternatives.

Written Response to the Draft PEIR

Attachment 1 summarizes Metropolitan's draft comments in response to the Draft PEIR, which focus on the following concerns:

- Description of the rights to water flowing to the Salton Sea, and
- Potential impact to Metropolitan that would be due to the proposed IID freshwater reservoir.

Policy

By Minute Item 45517, dated Sept. 23, 2003, the Board approved the QSA and related agreements and authorized the Chief Executive Officer to execute the finalized QSA and related agreements.

Fiscal Impact

None


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 for Stephen N. Arakawa
 Manager, Water Resource Management

12/19/2006
Date


 Jeffrey Kightlinger
 General Manager

12/19/2006
Date

Attachment 1 – Metropolitan's Draft Comments on the Salton Sea Ecosystem Restoration Program Draft Programmatic Environmental Impact Report

**Metropolitan's Draft Comments
on the Salton Sea Ecosystem Restoration Program
Draft Programmatic Environmental Impact Report**

1. Discussion of Water Rights

The discussion of “water rights” on pages 5-1 through 5-2 of the Draft PEIR is limited to the identification of water rights records for the several streams tributary to the Salton Sea including Metropolitan’s applications filed with the State Water Resources Control Board to appropriate water from the Alamo River and the New River. However, there is no discussion of the matter of in-stream flow entitlements of these tributaries for the Salton Sea itself. As stated on page 12 of House of Representatives Report No. 105-621 dated July 14, 1998, the Committee on Resources found that,

“Drainage and seepage waters that sustain the Sea are simply the incidental result of beneficial uses of water which are governed by existing laws, including the Law of the River.”

Metropolitan participated in the development of the Draft PEIR’s inflow assumptions and is comfortable that the projected inflows reflect this finding of the House Committee on Resources. However, Metropolitan believes it would be appropriate for the water rights discussion in Chapter 5 of the Draft PEIR to incorporate the above language cited from House of Representatives Report No. 105-621. For a more detailed discussion of Colorado River water rights, the Final PEIR could include a reference to Section 1.3.3 of the June 2002 *Final Environmental Impact Report: Implementation of the Colorado River Quantification Settlement Agreement* (State Clearinghouse No. 2000061034).

2. Proposed Imperial Irrigation District Reservoir incorporated into Alternative 7

The Draft PEIR does not address the potential impact to Metropolitan’s water supplies that could result from operation of the Imperial Irrigation District (IID) Reservoir incorporated into Alternative 7. As described in the Draft PEIR, the proposed 250,000 acre-foot reservoir would cover 11,000 acres and would be owned and operated (and presumably funded) by IID for storage of Colorado River flows. Under the QSA, any Colorado River water available for use within the IID service area in a given year that is not needed to meet the demands of its customers, including the associated conveyance and distribution system losses, becomes available to Metropolitan’s lower priority entitlement. The storage of this unused water in the proposed reservoir would deprive Metropolitan of water it would otherwise receive and divert to its service area on the Southern California coastal plain.

The Final PEIR should be expanded to describe the purpose and need of the proposed reservoir and to evaluate the impacts of the reduced water supply to Metropolitan.