



## **COMMITMENT TO SUPPORT SALTON SEA MANAGEMENT RELATED TO WATER CONSERVATION IN THE LOWER COLORADO RIVER BASIN**

Preserving the Colorado River Basin, including water supplies in Lake Mead and Lake Powell, is essential to providing water to communities and economic activity across the American Southwest. Forty million Americans receive at least a portion of their water supplies from the reservoirs of the Colorado River Basin. Operating this critical water supply system relies on maintaining adequate lake elevations in both reservoirs to allow for continued water across the region and to Mexico.

Over the last twenty-three years, and accelerating over the past three years, the Colorado River system has experienced worsening drought and low run-off conditions that demonstrate the significant impacts of warming temperatures and climate change. Consequently, water levels in Lake Mead and Lake Powell are critically low. Without immediate action, water supply delivery and hydroelectric energy production could be severely impacted or even eliminated.

Water users, the seven Basin states, Tribal Nations, Mexico, and federal agencies are continuing to work together to stabilize the water supply system in the Colorado River Basin. This effort includes the development of voluntary agreements to conserve water in Lake Mead and Powell to protect critical elevations consistent with the Law of the River, including all compacts, agreements, laws, regulations, and policies that govern the Colorado River system.

Water users in the Imperial and Coachella Valleys of California are working with partners across the region to establish agreements to conserve water in Lake Mead. In conjunction, there may be additional impacts to the Salton Sea and its surrounding communities, including tribal nations. The Salton Sea is California's largest inland body of water, but continues to shrink due to reduced inflows into the lake as a result of evaporation, climate change, and agricultural to urban water transfers including the 2003 Quantification Settlement Agreement (QSA), which annually conserves and transfers Colorado River water from the Imperial Irrigation District (IID) to Southern California's Coastal Plain. This reduction of inflows into the Sea has resulted in exposed lakebed, called playa, which worsens air quality in the region when particles become airborne and has degraded the aquatic habitat upon which fish and bird species rely. The QSA limits the funding for mitigation related to those water conservation and transfer activities, as well as Salton Sea restoration, for certain QSA parties (IID, the San Diego County Water Authority, and Coachella Valley Water District) to \$163 million in 2003 dollars, adjusted for inflation.

Combined reduced water usage in the Imperial and Coachella Valleys associated with increased system conservation activities is expected to accelerate the exposure of lakebed and increase the salinity of the Salton Sea. State and federal agencies and local water agencies have estimated that up to 6,000 to 8,000 acres of lakebed may be exposed six to eight years sooner than had this reduction in water usage not occurred. Salinity concentrations are expected to increase by 6.2 to 9.0 parts per thousand by the year 2027. These increases in lakebed

exposure and salinity will accelerate the environmental impacts already occurring at the Salton Sea related to air quality, water quality, and habitat.

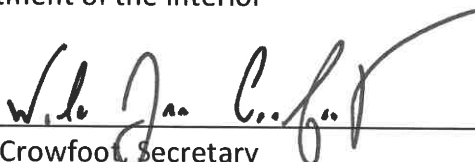
State government, Federal agencies, tribes, and water users around the Salton Sea are collectively committed to addressing, managing, and mitigating impacts to the Salton Sea and surrounding communities associated with additional water conservation activities. This collective commitment involves expanding and expediting physical projects that inundate portions of lakebed that would otherwise be exposed to protect human health by limiting dust emissions on dry playa and providing aquatic habitat for wildlife. At the same time, including through the work of state and local efforts to advance geothermal and lithium opportunities at the Salton Sea, the undersigned and other federal, state, tribal and local leaders are committed to bolstering additional local economic opportunities as well as developing secure long-term funding sources for the ongoing management of lands surrounding the Salton Sea.

Recognizing CNRA's lead role in Salton Sea restoration and management, the undersigned parties, pursuant to this document, commit to a set of concrete actions, listed in the attached document, to accelerate implementation of the Salton Sea Management Program 10-Year Plan (SSMP or Plan). This Plan is the focused effort, managed by the State of California, that has been established to address the shrinking lake to protect public health and preserve environmental habitat in the near term, while a long-term restoration solution is developed.

Signed by:

  
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Tommy Beaudreau, Deputy Secretary  
Department of the Interior

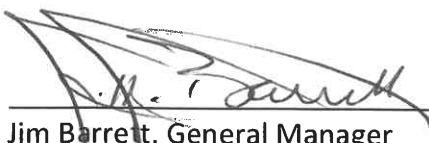
Date December 16, 2022

  
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Wade Crowfoot, Secretary  
California Natural Resources Agency

Date December 9, 2022

  
\_\_\_\_\_  
James C. Hanks, Board President  
Imperial Irrigation District

Date Dec. 1, 2022

  
\_\_\_\_\_  
Jim Barrett, General Manager  
Coachella Valley Water District

Date DEC 05, 2022

## Commitments

Through this collective commitment (Commitment) to the Salton Sea and surrounding communities, and in order to facilitate additional voluntary conservation measures in the Lower Colorado River Basin, the parties commit to the following:

### Section 1.

#### **I. Staffing Project Implementation and Science Support**

- A. The United States Department of the Interior (Department) agrees to support Salton Sea Management Program implementation as follows:
  - i. Provide \$20 Million over four years to the State to support project implementation at the Salton Sea, contingent on appropriations and allotment of funds.
  - ii. The Department, in coordination with CNRA, agrees to support the advancement of scientific knowledge at the Sea through both direct expertise and through additional grant funding to support Salton Sea management.
  - iii. The Department agrees to provide up to \$2 Million over five years to support at minimum two Torres Martinez Desert Cahuilla Indian tribal positions to support SSMP project implementation.
- B. CNRA will pursue increasing the staffing capacity of the SSMP on top of the 65% increase in staffing for Salton Sea work since 2019.

#### **II. Land Access to Complete Projects**

- A. The Department and CNRA agree to secure expedited land access for SSMP on federal lands at the Sea by completing a programmatic land access agreement within 3 months of the completion of the United States Army Corps of Engineers Environmental Assessment for Salton Sea Management Program (SSMP) 10-Year Plan Projects (estimated to be completed by March 1, 2023) to enable land access for completion of projects on Department-managed lands.
- B. CNRA and IID agree to secure expedited land access for SSMP projects on IID lands at the Sea by completing a programmatic land access agreement within 3 months of the completion of the United States Army Corps of Engineers Environmental Assessment for Salton Sea Management Program (SSMP) 10-Year Plan Projects (estimated to be completed by March 1, 2023) to enable land access for completion of SSMP projects on approximately 25,000 acres of IID owned land. CNRA will coordinate with IID to maintain IID access corridors to future exposed playa to implement projects, maintain access to drains, and avoid disruption to IID's operations and maintenance. CNRA shall provide IID with indemnification, defense

and hold harmless protections related to project implementation for these SSMP projects.

- C. CNRA and CVWD agree to expedited programmatic land access for SSMP projects on CVWD lands at the Sea by completing a programmatic land access agreement within 3 months of the completion of the United States Army Corps of Engineers Environmental Assessment for Salton Sea Management Program (SSMP) 10-Year Plan Projects (estimated to be completed by March 1, 2023) to enable land access for completion of mitigation projects on approximately 1,000 acres of CVWD owned land. CNRA and the Department will coordinate with CVWD to maintain access to drains and avoid disruption to CVWD's operations and maintenance. CNRA shall provide CVWD with indemnification, defense and hold harmless protections related to project implementation for these SSMP projects.
- D. CNRA will consider use of its full authority to acquire the necessary property rights to accelerate project implementation consistent with this Agreement and subsequent agreements.

### **III. Securing Water Supply for SSMP Projects**

- A. The Department agrees to provide administrative and technical resources to help secure any additional water supplies necessary for SSMP implementation.
- B. IID agrees to provide on mutually acceptable terms an additional diversion water supply pursuant to IID's pre-1914 appropriative water rights, subject to availability of flows in the New River at mutually agreeable locations, to the California Department of Water Resources (DWR) in an amount up to 100 KAFY for air quality and habitat projects.
- C. When sufficient stormwater flows and agricultural drainage is available through a combination of 1) drains located on the east side of the Coachella Valley Stormwater Channel (CVSWC) and, 2) the CVSWC, CVWD agrees to not hinder the use of 24 KAFY, as needed, by DWR to implement a 1,600-acre North Lake Project and a 160-acre North Lake Pilot Demonstration Project at the North end of the Salton Sea.

### **IV. Improving Permitting and Contracting to Effectively Implement Water Conservation, Mitigation Projects and SSMP Projects**

- A. With respect to voluntary water conservation actions proposed by IID and CVWD to assist with addressing drought conditions in the Colorado River basin and the elevation of Lake Mead, CNRA agrees to expedite its determination of whether such actions are eligible to be conducted under the emergency suspension of the California Environmental Quality Act provided for in paragraph 9 of Executive Order N-7-22.

- B. CNRA agrees to use its full contracting authority to accelerate project implementation, and as necessary to consider pursuing extraordinary authority to facilitate accelerated project implementation.
- C. CNRA agrees, for SSMP projects, IID's QSA mitigation projects, and any voluntary water conservation actions, as permitted under applicable law, to accelerate permitting and contracting and to pursue new and utilize existing tools to expedite permitting and to consider using emergency permitting and permitting exemptions whenever possible and appropriate on a case-by-case basis in light of the public health and environmental crisis at the Salton Sea.
- D. The Department agrees, for SSMP projects, IID's QSA mitigation projects and any voluntary water conservation actions, as permitted under applicable law, to accelerate permitting and contracting and to pursue new and utilize existing tools to expedite permitting and to consider using emergency permitting and permitting exemptions whenever possible, and appropriate on a case-by-case basis in light of the public health and environmental crisis at the Salton Sea.
- E. Expedited permitting under this section shall be protective of the environment. CNRA agrees to utilize due diligence to identify and reasonably address impacts at the time of permitting and subsequently, including through adaptive management.

**V. Ongoing Coordination and Local Outreach and Engagement**

- A. CNRA, IID, CVWD, and the Department agree to establish a Salton Sea Coordination Committee, at the principal level, to provide policy-level coordination and support for Salton Sea management. CNRA will lead the Coordination Committee and convene meetings as frequently as necessary for the orderly implementation of projects under this and subsequent agreements, but at least quarterly.
- B. CNRA will lead and engage with local tribal and community leaders as appropriate, with support from IID, CVWD, and DOI, as the SSMP projects are implemented.
- C. CNRA and the Department will coordinate with IID efforts to implement QSA mitigation projects, including the completion of drain connections to the Salton Sea.
- D. The Department and CNRA shall coordinate with the United States Department of Agriculture and the United States Army Corps of Engineers to seek additional financial resources to the Sea and its surrounding agricultural communities as available and appropriate.

**Section 2.**

Through this Commitment, and in consideration of the IID's and the CVWD's proposal to implement voluntary water conservation actions, on mutually acceptable terms, to address the critical drought situation on the Colorado River, the parties agree to the following:

## **VI. Funding to expedite the 10-year plan for the Salton Sea**

The expenditure or advance of any money or the performance of any obligation of the United States under this commitment are contingent on appropriations or allotment of funds.

- A. The Department through the Bureau of Reclamation (Reclamation) will provide the following funding in support of the SSMP:
  - i. Up to \$225 Million to support expanded and accelerated projects at the Salton Sea that address air quality to protect public health and restore habitat.
  - ii. Up to \$2 Million to fund at minimum two staff or technical consultant positions for five years for the IID to support accelerated project implementation. IID will provide dedicated additional staffing to accelerate project implementation and to support project monitoring.
  - iii. Up to \$1 Million to fund at minimum one staff position for five years for the CVWD to support accelerated project implementation. CVWD agrees to provide dedicated additional staffing to accelerate project implementation and to support project monitoring.
- B. In addition to the specific commitments described above, the Department will continue to pursue additional funding or provide technical assistance as necessary.
- C. In addition to the \$582.6 Million that it has already expended or secured in its implementation of the SSMP, CNRA will continue to pursue additional funding as necessary to fulfill its obligations under the QSA and the related State Water Resources Control Board Orders WRO 2002-2013 (Revised) and WR 2017-0134.
- D. CNRA shall provide IID and CVWD with indemnification, defense and hold harmless protections for impacts to the Salton Sea arising from voluntary water conservation programs undertaken pursuant to this section to address the critical drought situation on the Colorado River. In addition, CNRA agrees to work with IID and CVWD to develop the mechanism(s) to receive further liability and other protections such as indemnification for these voluntary water conservation programs.