



May 1, 2020

*Via email to [QFR@epw.senate.gov](mailto:QFR@epw.senate.gov)*

The Honorable John Barrasso  
Chairman  
Senate Committee on Environment and Public Works  
410 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Thomas R. Carper  
Ranking Member  
Senate Committee on Environment and Public Works  
456 Dirksen Senate Office Building  
Washington, DC 20510


*Re: America's Water Infrastructure Act of 2020: Proposed Clarification of Authorizations for the Salton Sea*

Dear Chairman Barrasso and Ranking Member Carper:

Thank you for your leadership and for the opportunity to comment on your draft legislation, *America's Water Infrastructure Act of 2020*. I am submitting comments on behalf of the Salton Sea Authority (SSA), which request a provision in the legislation to clarify prior Salton Sea WRDA feasibility study authorizations. SSA is a Joint Powers Authority comprised of the Torres Martinez Tribe, Riverside and Imperial Counties, Imperial Irrigation District and Coachella Valley Water District.

The Salton Sea, California's largest lake, occupies approximately 370 square miles in Imperial and Riverside counties in southeastern California. It provides habitat for over 400 species of birds and is a critical stop on the Pacific Flyway. Since the early 2000s, inflows to the Salton Sea have been decreasing due to drought, agricultural water conservation measures to benefit regional water supply security, and other causes. Decreasing inflows to the sea have resulted in the exposure of emissive lakebed, diminishing habitat values and negatively impacting area air quality. The region is in severe non-attainment with federal air quality standards, and has the highest rate of childhood asthma and respiratory illness in California.

In 2007, the state of California finalized the Salton Sea Ecosystem Restoration Program Preferred Alternative Report (Preferred Alternative) which identified the construction of a Perimeter Lake at the Salton Sea to facilitate the construction of habitat complexes at the sea's north and south ends as the preferred course of action. WRDA of 2007 authorized the Secretary to review California's Preferred Alternative to determine the feasibility of projects to be

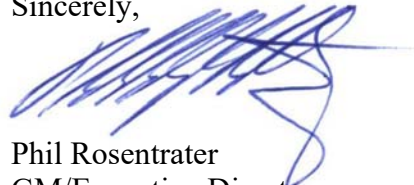
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undertaken under the program, to cost share in the construction of projects under the program, and authorized \$30 million for such work. PL 110-114 § 2032. This authority was enhanced in the WIIN Act of 2016. PL 114-322 § 1181.

Since these original studies and authorizations, much work has been undertaken to advance Salton Sea restoration at the state and local level, including significant planning efforts and the provision of nearly \$300 million in state of California Salton Sea funding. SSA is currently evaluating the feasibility of the Perimeter Lake. The purpose of the attached language is to ensure that the completed study of a Perimeter Lake would satisfy the requirements of 33 U.S.C. § 2231 which provides that a non-federal sponsor may undertake and submit a feasibility study for the Secretary's approval, providing that the study has been authorized by Congress. It is not anticipated that Corps of Engineers funding for a feasibility study will be sought, as a Corps-led study would duplicate the significant state and local planning resources already dedicated to this effort.

Thank you for your efforts on this critical piece of legislation, and for your consideration of these comments.

Sincerely,



Phil Rosentrater  
GM/Executive Director

Attachment: Salton Sea Authority Proposed Language and Explanatory Text

cc: Senator Diane Feinstein  
Senator Kamala Harris  
Representative Juan Vargas  
Representative Raul Ruiz



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For America's Water Infrastructure Act of 2020

A non-federal sponsor may undertake a feasibility study and submit that study for the Secretary's approval, providing that the study has been authorized by Congress. 33 U.S.C § 2231. The language below clarifies two prior WRDA authorizations for a Corps of Engineers feasibility study relating to the Salton Sea in the Imperial and Riverside counties, California. The language would ensure that a contemplated Salton Sea non-federal sponsor feasibility study meets the congressional authorization requirements of 33. U.S.C. § 2231.

Two prior WRDA's authorized the Corps to conduct a feasibility study of Salton Sea management projects and to partner in those projects at the Salton Sea. WRDA of 2007 authorized the Secretary to review the state of California's Salton Sea Ecosystem Restoration Program Preferred Alternative Report (Preferred Alternative) to determine the feasibility of projects to be undertaken under that program to restore the Salton Sea, to cost share in the construction of projects under that program, and authorized \$30 million for such work. PL 110-114 § 2032. The state of California's Preferred Alternative identified the construction of a Perimeter Lake at the Salton Sea to facilitate the construction of habitat complexes at the sea's north and south ends. This authority was enhanced in the WIIN Act of 2016, which directed that the Secretary "shall carry out a program to implement projects to restore the Salton Sea," and specified that the Secretary could partner with the Salton Sea Authority in undertaking this work. PL 114-322 § 1181.

The state of California and the Salton Sea Authority have further refined the Perimeter Lake project described in the Preferred Alternative, which will be anchored by the Species Conservation Habitat project at the Salton Sea's south end, and by the North Lake at the north end. The language below clarifies the prior congressional authorization for a feasibility study of the Preferred Alternative with more specificity as a Perimeter Lake. It is contemplated that a non-federal feasibility study may be performed for the Perimeter Lake, and this statutory clarification is sought to ensure that such study could be submitted for consideration as a feasibility study under 33 U.S.C. § 2231.

**Proposed Water Resources Development Act Language:**

Section 1181 of the WIIN Act of 2016 (114-322) is amended to authorize the feasibility study of "the project for a Perimeter Lake, or a northern or southern subset thereof, for the Salton Sea, California."