



IMPERIAL IRRIGATION DISTRICT RESOLUTION NO. 3-2011

Salton Sea Restoration

WHEREAS, the continued viability of the 2003 Quantification Settlement Agreement and the nation's largest agricultural-to-urban water transfer it authorized is influenced by certain commitments the state of California assumed for itself in allocating environmental mitigation responsibility among the participating water agencies and taking on sole responsibility for the selection, funding and implementation of a restoration plan for the Salton Sea, and,

WHEREAS, the state identified a preferred restoration alternative for the Salton Sea in 2007 that failed to include the requisite funding plan and carried a nearly \$9-billion price tag, heightening expectations to an unrealistic level and setting unachievable goals that are inconsistent with meeting the basic objectives of restoration, as defined by state law, and,

WHEREAS, the future of the QSA, which enables California to live within its legal entitlement to the Colorado River of 4.4 million acre-feet a year, and the sustainability of the sea have suffered as a result of the state's reluctance to address the uncertainty that has attached to the Salton Sea restoration question, and,

WHEREAS, the state Department of Fish & Game, in consultation with the Imperial Irrigation District, has developed a species conservation habitat project that emphasizes the primary importance of an early-start approach to ecosystem preservation and assists in the ongoing efforts to mitigate impacts of the QSA conserved-water transfers on the Salton Sea, which thereby lessens the state's contingent obligation to pay for such mitigation if costs exceed the legislative caps on the participating water agencies' collective mitigation liability, while also preserving and allowing for access to known renewable energy resources located within the same, currently submerged, area, and,

WHEREAS, the preferred Salton Sea restoration alternative, in its present form, is neither credible, feasible nor financially realistic and impedes the process of both securing a sustainable future for this troubled body of water and its surrounding communities and insulating the QSA from avoidable and unnecessary mitigation costs.

NOW THEREFORE BE IT RESOLVED that the Imperial Irrigation District Board of Directors calls on the state of California to fulfill its responsibility under the provisions of state law to adopt, appropriate funds for and implement a technically feasible and financially sound restoration alternative for the Salton Sea that makes plain the mitigation of air impacts and preservation of habitat as the most critical components of that plan.

PASSED AND ADOPTED this 1st day of February, 2011.



IMPERIAL IRRIGATION DISTRICT

Stella Mendez

President

Gloria A. Rivera

Secretary



IMPERIAL IRRIGATION DISTRICT

RESOLUTION NO. 27-2011

Petition to Amend SWRCB Revised Order WRO 2002-13

WHEREAS, the Imperial Irrigation District Board of Directors approved Resolution 3-2011 on February 1, 2011, which called on the state of California to fulfill its responsibility under the provisions of state law to adopt, appropriate funds for and implement a technically feasible and financially sound restoration alternative for the Salton Sea that emphasizes the mitigation of air impacts and preservation of habitat; and,

WHEREAS, the Secretary for Natural Resources submitted in 2007 a preferred alternative for Salton Sea restoration to the California Legislature that failed to include a financing plan as required by that body and had an estimated implementation cost of \$8.9 billion. Since the secretary's submittal of that preferred alternative, the Legislature has taken no action to accept or reject the preferred alternative and, in its present form, the secretary's preferred alternative is not credible, feasible or financially realistic and the state's failure to act has impeded the process of securing a restoration plan that focuses on the mitigation of air impacts and the preservation of wildlife habitat; and,

WHEREAS, in 2008, the California Legislative Analyst's Office issued a report that recommended that air quality and wildlife habitat should be the highest priorities for Salton Sea restoration and the Legislature adopt a comprehensive restoration plan that includes a financing plan from the outset. Since the submittal of that report, the Legislature has taken no action to adopt a comprehensive and realistic restoration plan that includes a financing component or that focuses on the mitigation of air impacts and the preservation of habitat; and,

WHEREAS, the State Water Resources Control Board, via its Revised Order WRO 2002-0013, as amended, approved IID's conserved water transfers pursuant to the Quantification Settlement Agreement on condition that IID fully mitigate the environmental impacts of those transfers on the Salton Sea for the term of the QSA, but that, until 2017, the form of that mitigation would be the delivery of environmental mitigation water to the Salton Sea from some source through 2017; and,

WHEREAS, Revised Order WRO 2002-0013, as amended, expressly provided that it would be unreasonable to continue to mitigate QSA impacts on the Salton Sea by

delivering environmental mitigation water through 2017 if "restoration planning either ultimately produces a plan that will restore the Salton Sea without requiring continued mitigation by the parties to the transfer or reveals that restoration is infeasible." The SWRCB directly determined that "15 years will allow the Secretary of Interior, Salton Sea Authority, Secretary of Resources and the Governor of California sufficient time to study the feasibility of restoration of the Salton Sea and begin implementation of any identified feasible restoration measures." As of this date, there is no basis to believe that the preferred alternative for Salton Sea restoration submitted to the California Legislature in 2007 is feasible or will begin implementation before 2017. The SWRCB concluded as follows:

"It would be unreasonable to require the continued mitigation of the impact of the transfer on the Salton Sea if the decline of the Sea continues to the point where restoration is no longer feasible, or if it becomes clear that no implementation plan will ever be developed. At the point when it becomes unreasonable to require continued mitigation of impacts on the Salton Sea, because there is no longer any hope for saving the Sea, the public interest in avoiding inappropriate burdens on this important transfer outweighs any harm to instream beneficial uses of the Sea."

WHEREAS, in August 2011, the United States Army Corp of Engineers and the California Resources Agency, through its Department of Fish & Game and Department of Water Resources, released a draft environmental impact statement/environmental impact report to evaluate the impacts of alternative methods of implementing the Salton Sea Species Conservation Habitat Project. The SCH project is intended to demonstrate the beneficial effects of restoring shallow water habitat to support fish and wildlife dependent upon the Salton Sea, which habitat is being lost due to salinity increases and elevation declines not caused by the QSA or the conserved water transfers pursuant to the QSA; and,

WHEREAS, based upon information in the SCH project draft EIS/EIR and information developed in IID's mitigation activities, it appears that the SCH project is a realistic and feasible approach to Salton Sea restoration, and that similar species conservation habitat-focused projects developed and utilized as QSA transfer impact environmental mitigation can provide larger amounts of better and more durable wildlife habitat on a faster schedule that will help preserve the existing species, than would the delivery of 480,000 acre-feet of environmental mitigation water to the Salton Sea between 2014 and 2017. In addition, opportunities for renewable energy development on exposed Salton Sea shoreline and mitigation for air quality impacts of some of the emissive Salton Sea shoreline during the years 2014-2017 could also be pursued; and,

WHEREAS, it appears that if the SCH project and similar species conservation habitat-focused projects developed and utilized as QSA transfer impact environmental mitigation are jointly designed, constructed and operated, that the total costs to the state of California and the QSA transfer parties will be reduced. At the same time, the schedule for durable habitat development and the extent of the developed habitat will be accelerated; and,

WHEREAS, if by January 1, 2014, a comprehensive Salton Sea restoration alternative has not been adopted by the Legislature, and supported by fully appropriated financing that will fund all anticipated costs of such restoration by the state of California, while honoring the limitations on contributions to Salton Sea restoration under existing law as to parties other than the state, it appears that it will be physically and financially impossible for the state to implement any meaningful Salton Sea restoration plan by 2017, the last year of IID's mitigation water requirement; and,

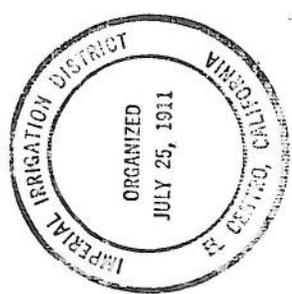
WHEREAS, in order to seek a modification to the Salton Sea mitigation requirements for 2014 to 2017 under the Revised Order WRO 2002-0013, as amended, a petition must be filed and environmental review conducted under CEQA and NEPA, all of which may take until 2013 to complete; and,

WHEREAS, any cap placed on IID's annual entitlement from the Colorado River will come with the understanding that the use of this water, including its storage for use in future years, will be the sole responsibility—and at the complete discretion—of the district.

NOW THEREFORE BE IT RESOLVED that the Imperial Irrigation District Board of Directors authorizes the general manager, through appropriate staff and counsel, to:

1. File and prosecute to completion a petition and other appropriate submittals with the State Water Resources Control Board requesting the modification of its Revised Order WRO 2002-0013 so as to authorize, if duly supported by proper environmental review, the elimination of the requirement that mitigation water be delivered to the Salton Sea between 2014 and 2017, and that instead habitat creation and air mitigation projects of superior environmental benefit be substituted.
2. Include in such petition a request to the State Water Resources Control Board to:
 - (a) approve other changes to the QSA conserved water transfer mitigation requirements, as supported by environmental review; and
 - (b) approve the delivery to the Salton Sea, prior to 2014, of non-conserved Colorado River water, when available, for QSA water transfer mitigation purposes.

PASSED AND ADOPTED this 13th day of September, 2011.



IMPERIAL IRRIGATION DISTRICT

Stella Altomirano

President

Yona A. Rivera

Secretary