

Felicia Marcus, Board Chair  
State Water Resources Control Board  
1001 I Street, 24th Floor  
Sacramento, CA 95814



Dear Ms. Marcus,

You are going to get tons of legal commentary, so I won't bother with that.

Simply put, the Salton Sea is back on your plate because order WRO 20020013 was a potential death sentence for the ecology of the region.

Compounding that, the California Legislature and the Department of Water Resources have done an inadequate job administering restoration over the past 15 years.

The State's obligation for restoration is clear (Kuehl; Fish and Game 2081.7 c3), but for all intents and purposes, the QSA agreements were breached by the Legislature's unwillingness to act.

In the meantime, at the Salton Sea, numerous CEQUA variables are being trashed—aesthetics; destruction of prime farmland; air quality standards; sensitive and endangered species; riparian habitat; federally protected wetlands; native resident or migratory fish or wildlife and/or wildlife corridors; soil erosion; releases of hazardous materials into the air; degraded water quality; elimination of recreational activities; and cumulative degradation of the environment.

The Federal Endangered Species Act and the Federal Clean Air Act are not being enforced.

The Porter Cologne Water Control Act and the tenor of the people's will are made mockery of.

When the SWRCB's order WRO 20020013 was issued, it said "...the first 15 years of the transfer, this order requires that Salton Sea salinity levels be maintained at levels that would have existed in the absence of the project" Yet, at the Sea, the water elevation is down seven feet. 100 million tons of salt left behind by evaporation have significantly increased its salinity levels.

The Salton Sea Habitat Conservation Strategy to mitigate impacts of the transfer "...by generating water in some fashion to replace water that will no longer flow to the Sea as a result of the proposed transfer" has cost \$40,000,000 thus far, and morphed into as yet unbuilt earthquake prone ponds in an area of serious earthquakes.

The State's action is causing grave harm to "...fish, wildlife, and other instream beneficial uses."(State Water Code §1736) If you doubt this, kindly see the Pacific Institute's Hazard's Toll: The Costs of Inaction at the Salton Sea, 2014.

The simple fact is, if the process is allowed to go forward, the environment will be wrecked in the Imperial, Coachella and Mexicali Valleys by dust storms six times bigger than those at Owens Lake. A quick Google search on "Aral Sea" or "Owens Lake" will provide sobering examples of what to expect.

From the tone of your Notice of Public Workshop it sounds like the Board wants advice on what to do. In my opinion, it's pretty simple. The SWRCB needs to do three things in the short term:

- enjoin water transfers until the State honors its statutory commitments
- work to revise and extend the 15 year water order to deliver restorative water to the Salton Sea until solutions have had a chance to work (à la Mono Lake)
- cap water shipments outside the region until restoration rectifies the problem

Less water transferred out will sustain sea level elevation and moderate increased salinity levels, thereby keeping the fish and the birds who eat them alive till meaningful action can be taken on a long term solution.

The long term solution to the problem is pretty simple.

A tax needs to be placed on every gallon of water that is transferred out of the Imperial Valley to pay for a pipeline to the Sea of Cortez to replace precious fresh water with salt water. Seawater will keep the sea bed covered and the particulates down. It will keep recreational values up. It will protect the Pacific Flyway. It will allow the redistribution of fresh water where it is needed without violating the public trust.

They are doing a similar pipeline at the Dead Sea in Israel now. It has lots of bells and whistles (desalination) but the principle is generally the same.

It's the solution that is most often suggested by stake-holders in the region. Somehow it got discarded by the carpetbaggers from the Division of Water Resources while they were promoting their own "cost effective" alternatives in the EIR, despite the fact that their solutions were "mitigation" instead of the statutorily required "restoration."

George Brown liked the idea of a pipeline. Jim Hanks says he's a "piper," and so am I.

The Salton Sea is not an accident. It is the northern arm of the Colorado River delta. The quickest proof of this is to look at a satellite picture looking north from the Sea of Cortez to Palm Springs. Since the Colorado supported steamboat navigation at the time of statehood, that makes the Board's responsibility in this case a public trust issue.

Precedents exist at Mono and Owens Lake for actions suggested here.

In conclusion, it's an old story: money, economics, growth, the power of urban areas trying to wrest more water for their selfish interests; versus the needs of the environment, the need to preserve the Sea, the need to preserve the wildlife, and quality of life for those many generations who will follow us.

As I see it, the question is: does the Board temporize this time, and have the issue return once again to its desk at some uncertain date in the future? Or does it do the right thing once and for all?

Thanks for this chance to comment.

Sincerely,

A handwritten signature in cursive script that reads "Christopher W. Cockroft".

Christopher W. Cockroft

Sky Valley, California