

105TH CONGRESS
2D SESSION

S. 1716

To direct the Secretary of the Interior, acting through the Commissioner of Reclamation, to develop an action plan to restore the Salton Sea in California and to conduct wildlife resource studies of the Salton Sea, to authorize the Secretary to carry out a project to restore the Salton Sea, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 5, 1998

Mrs. BOXER (for herself and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To direct the Secretary of the Interior, acting through the Commissioner of Reclamation, to develop an action plan to restore the Salton Sea in California and to conduct wildlife resource studies of the Salton Sea, to authorize the Secretary to carry out a project to restore the Salton Sea, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Sonny Bono Memorial
5 Salton Sea Restoration Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) the Salton Sea, located in Imperial County
4 and Riverside County, California, is an economic
5 and environmental resource of national importance;

6 (2) the Salton Sea is a critical component of
7 the Pacific flyway;

8 (3) the concentration of salinity or pollutants in
9 the Salton Sea has contributed to the recent deaths
10 of migratory waterfowl;

11 (4) the Salton Sea is critical as a reservoir for
12 irrigation and municipal and stormwater drainage;

13 (5) the Salton Sea provides benefits to sur-
14 rounding communities and nearby irrigation and
15 municipal water users;

16 (6) remediating the Salton Sea will provide na-
17 tional and international benefits; and

18 (7) Federal, State, and local governments have
19 a shared responsibility to assist in remediating the
20 Salton Sea.

21 **SEC. 3. DEFINITIONS.**

22 In this Act:

23 (1) **SALTON SEA AUTHORITY.**—The term
24 “Salton Sea Authority” means the Joint Powers Au-
25 thority established under the laws of the State of

1 California by a Joint Power Agreement signed on
2 June 2, 1993.

3 (2) SECRETARY.—The term “Secretary” means
4 the Secretary of the Interior, acting through the
5 Commissioner of Reclamation.

6 **SEC. 4. SALTON SEA RESTORATION ACTION PLAN.**

7 (a) IN GENERAL.—As soon as practicable after the
8 date of enactment of this Act, the Secretary, in accordance
9 with the memorandum of understanding entered into
10 under subsection (f), shall prepare an action plan for re-
11 storing the Salton Sea in California.

12 (b) CONTENTS.—The action plan shall consist of—

13 (1) a study of the feasibility of various alter-
14 natives for remediating the Salton Sea;

15 (2) the selection of 1 or more practicable and
16 cost-effective options for remediating the Salton Sea;
17 and

18 (3) the development of a remediation plan that
19 will implement the options.

20 (c) OBJECTIVES.—In preparing the action plan, the
21 Secretary shall evaluate options that will—

22 (1) reduce and stabilize the overall salinity of
23 the Salton Sea to a level between 35 and 40 parts
24 per thousand;

1 (2) stabilize the surface elevation of the Salton
2 Sea to a level that is between 240 feet below sea
3 level and 230 feet below sea level;

4 (3) restore habitat and reclaim water quality
5 over the long term to promote healthy fish and wild-
6 life resources and their habitats in the Salton Sea;

7 (4) enhance the potential for recreational uses
8 and economic development of the Salton Sea; and

9 (5) ensure the continued use of the Salton Sea
10 as a reservoir for irrigation and municipal and
11 stormwater drainage.

12 (d) OPTIONS.—In evaluating options under the action
13 plan, the Secretary shall—

14 (1) consider—

15 (A) using impoundments to segregate a
16 portion of the waters of the Salton Sea in 1 or
17 more evaporation ponds located in the Salton
18 Sea basin;

19 (B) pumping water out of the Salton Sea;

20 (C) augmenting the flow of water into the
21 Salton Sea;

22 (D) improving the quality of wastewater
23 discharges from Mexico (including discharges
24 from the Alamo River, the Whitewater River,

1 and the New River) and from other water users
2 in the Salton Sea basin;

3 (E) implementing any other economically
4 feasible remediation options; and

5 (F) implementing any combination of the
6 actions described in subparagraphs (A) through
7 (E); and

8 (2) limit the options to economically feasible
9 and proven technologies.

10 (e) FACTORS.—In evaluating the feasibility of options
11 under the action plan, the Secretary shall consider—

12 (1) the ability of Federal, tribal, State, and
13 local government sources and private entities to fund
14 capital construction costs and annual operation,
15 maintenance, energy, and replacement costs; and

16 (2) how and where to dispose, permanently and
17 safely, of water pumped out of the Salton Sea and
18 any salts that may be condensed and accumulated in
19 implementing the option.

20 (f) MEMORANDUM OF UNDERSTANDING.—

21 (1) IN GENERAL.—The Secretary shall carry
22 out the action plan under this section in accordance
23 with a memorandum of understanding entered into
24 with the Salton Sea Authority, the Governor of the

1 State of California, and such other tribal or local en-
 2 tities as the Secretary considers appropriate.

3 (2) CRITERIA.—The memorandum of under-
 4 standing shall, at a minimum, establish criteria for
 5 the evaluation and selection of options under this
 6 section, including criteria for determining the mag-
 7 nitude and practicability of costs of construction, op-
 8 eration, and maintenance of each evaluated option.

9 (g) RELATIONSHIP TO OTHER LAWS.—

10 (1) RECLAMATION LAWS.—

11 (A) IN GENERAL.—An option rec-
 12 ommended by the action plan shall not be sub-
 13 ject to the Act of June 17, 1902, and Acts
 14 amendatory thereof or supplementary thereto
 15 (32 Stat. 388, chapter 1093; 43 U.S.C. 371 et
 16 seq.) (including regulations adopted under those
 17 Acts).

18 (B) NONREIMBURSABLE AND NONRETURN-
 19 ABLE.—Funds provided to carry out the option
 20 shall be considered nonreimbursable and non-
 21 returnable.

22 (2) LAW OF THE RIVER.—An option rec-
 23 ommended by the action plan—

1 (A) shall not supersede or otherwise affect
2 any treaty, law, or agreement governing use of
3 water from the Colorado River; and

4 (B) shall be carried out in a manner that
5 is consistent with rights and obligation of per-
6 sons under all such treaties, laws, and agree-
7 ments.

8 (h) REPORTS.—

9 (1) INTERIM REPORT.—Not later than 1 year
10 after the date of enactment of this Act, the Sec-
11 retary shall submit to Congress an interim report on
12 the findings and recommendations of the action
13 plan, including—

14 (A) a summary of options considered for
15 remediating the Salton Sea; and

16 (B) a recommendation of a preferred op-
17 tion for remediating the Salton Sea.

18 (2) FINAL REPORT.—Not later than 18 months
19 after the date of enactment of this Act, the Sec-
20 retary shall submit to Congress a final report on the
21 findings and recommendations of the action plan, in-
22 cluding—

23 (A) a plan to implement the preferred op-
24 tion;

1 (B) a recommendation for sharing costs to
2 carry out the preferred option, with (at the op-
3 tion of the Secretary) a different cost-sharing
4 formula for capital construction costs than is
5 applied to annual operation, maintenance, en-
6 ergy, and replacement costs; and

7 (C) the completion of all environmental
8 compliance and permitting activities required
9 for any construction activity under the pre-
10 ferred option.

11 (i) **AUTHORIZATION OF APPROPRIATIONS.**—There is
12 authorized to be appropriated to carry out this section
13 \$30,000,000.

14 **SEC. 5. SALTON SEA RESTORATION PROJECT.**

15 (a) **IN GENERAL.**—Not later than 30 legislative days
16 after the Secretary submits the final report required under
17 section 4(h)(2), the Secretary shall have the authority to
18 carry out a project for remediating the Salton Sea that
19 is based on the preferred option recommended in the final
20 report, unless otherwise directed by Congress.

21 (b) **LEGISLATIVE DAY.**—In subsection (a), the term
22 “legislative day” means any day on which either House
23 of Congress is in session.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to carry out this section
3 \$300,000,000.

4 **SEC. 6. SALTON SEA WILDLIFE RESOURCES STUDIES.**

5 (a) IN GENERAL.—Concurrently with the action plan
6 carried out under section 4, the Secretary shall enter into
7 contracts, grants, and cooperative agreements with Fed-
8 eral and non-Federal entities to conduct studies rec-
9 ommended by the Salton Sea Research Management Com-
10 mittee under subsection (b)(1), including studies of hy-
11 drology, wildlife pathology, and toxicology relating to the
12 wildlife resources of the Salton Sea.

13 (b) SALTON SEA RESEARCH MANAGEMENT COMMIT-
14 TEE.—

15 (1) IN GENERAL.—The Secretary shall establish
16 a committee, to be known as the “Salton Sea Re-
17 search Management Committee”, to make rec-
18 ommendations to the Secretary on the selection of
19 topics for studies under this section and manage-
20 ment of the studies.

21 (2) MEMBERSHIP.—The Committee shall be
22 composed of 4 members, of which—

23 (A) 1 member shall be appointed by the
24 Secretary;

1 (B) 1 member shall be appointed by the
2 Governor of the State of California;

3 (C) 1 member shall be appointed by the
4 Torres Martinez Desert Cahuilla Tribal Govern-
5 ment; and

6 (D) 1 member shall be appointed by the
7 Salton Sea Authority.

8 (e) COORDINATION.—The Secretary shall ensure that
9 studies under this section are conducted in coordination
10 with appropriate international bodies, Federal agencies,
11 and California State agencies, including—

12 (1) the International Boundary and Water
13 Commission;

14 (2) the United States Fish and Wildlife Service;

15 (3) the Environmental Protection Agency;

16 (4) the California Department of Water Re-
17 sources;

18 (5) the California Department of Fish and
19 Game;

20 (6) the California Resources Agency;

21 (7) the California Environmental Protection
22 Agency;

23 (8) the California Regional Water Quality
24 Board; and

25 (9) California State Parks.

1 (d) PEER REVIEW.—The Secretary shall require that
 2 studies conducted under this section be subject to peer re-
 3 view.

4 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
 5 authorized to be appropriated to carry out this section
 6 \$7,000,000.

7 **SEC. 7. REDESIGNATION OF SALTON SEA NATIONAL WILD-**
 8 **LIFE REFUGE RENAMED AS THE SONNY**
 9 **BONO SALTON SEA NATIONAL WILDLIFE REF-**
 10 **UGE.**

11 (a) IN GENERAL.—The Salton Sea National Wildlife
 12 Refuge, in Imperial County, California, shall be known
 13 and designated as the “Sonny Bono Salton Sea National
 14 Wildlife Refuge”.

15 (b) REFERENCES.—Any reference in a law, map, reg-
 16 ulation, document, record, or other paper of the United
 17 States to the Refuge referred to in subsection (a) shall
 18 be deemed to be a reference to the “Sonny Bono Salton
 19 Sea National Wildlife Refuge”.

20 **SEC. 8. EMERGENCY ACTION TO STABILIZE SALTON SEA SA-**
 21 **LINITY.**

22 If, during the conduct of studies authorized by this
 23 Act, the Secretary determines that environmental condi-
 24 tions at the Salton Sea warrant immediate emergency ac-
 25 tion to stabilize the salinity of the Salton Sea, the Sec-

1 retary shall immediately submit a report to Congress doc-
2 umenting the conditions and making recommendations for
3 their remediation, together with specific recommendations
4 for actions to be required and the cost of the actions.

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