



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

January 28, 2003

The Honorable Duncan Hunter
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Hunter:

Thank you for your December 19, 2002, letter regarding the Department's involvement with the Quantification Settlement Agreement and our obligations under the Salton Sea Reclamation Act of 1998 (P.L. 105-372). Secretary Norton has asked me to respond on her behalf.

Regarding your concerns related to carrying out the provisions of the Act, all reporting requirements of the Act were met on January 27, 2000, when then Secretary Babbitt forwarded to Congress a draft Environmental Impact Statement/Environmental Impact Report, a Strategic Science Plan, a Draft Alternatives Appraisal Report and an Overview and Summary Report. Since the transmission in January of 2000, we have been continually refining and analyzing various alternatives to restoring the sea with a particular emphasis on engineering feasibility and cost estimates. During that time we have also been encouraged by Members of Congress and others to assess partial restoration alternatives.

We are pleased to provide you with the attached Salton Sea Study Status Report. This Status report contains the most up-to-date information available on various proposals for full or partial restoration of the Salton Sea. The Status Report builds on the information developed and transmitted to Congress in January of 2000. The development and transmittal of the Status Report is not required by law.

Although this Report is not required by the Salton Sea Restoration Act, the Department has continued to use the criteria from the Salton Sea Reclamation Act of 1998 as the basis for the Report. Accordingly, this report assumes that inflows to the Sea will diminish over time to as low as 800,000 acre feet annually, and focuses on the elements defined in the Act. The Report also recognizes the long-standing position of the Department that the Salton Sea is not recognized as a beneficial use of water under applicable law and contracts. In this regard, it is also important to recognize that it is virtually impossible to guarantee a particular level of flows into the Salton Sea in light of the ability of the Republic of Mexico to affect flows in the New River, and the potential for reductions in diversions of water for agricultural purposes in the Imperial Valley for economic or other reasons.

Although it is possible to model and predict Sea elevation and salinity levels, given the complexity of an ecosystem of this size and the potential for other factors to inhibit or prevent the ultimate restoration of the Sea, this Report does not make any recommendations or reach any conclusions with respect to whether an investment of \$1 Billion would be prudent in light of other national priorities.

Finally, we respectfully disagree with the assertion that the federal government has not made a positive contribution to the efforts by California entities to meet the deadlines that they previously accepted as a condition for California having access to surplus water from the Colorado River. Interior, through Reclamation and the Fish and Wildlife Service, developed two Environmental Impact Statements and completed ESA section 7 consultation on the effects to listed species from changing the points of diversion for Colorado River water. In addition, when it became apparent that Endangered Species Act Section 10 negotiations for development of a habitat conservation plan between the Fish and Wildlife Service and the California Water Agencies would not be completed by year-end, Reclamation initiated Section 7 consultation with the Fish and Wildlife Service on voluntary conservation measures that would have provided very substantial assurances regarding incidental take concerns under the ESA. This approach was welcomed and supported by the California Water Agencies and the State of California. Were it not for this effort by Interior, the California Water Agencies would not have had the ability to satisfy concerns of the California Department of Fish and Game under State law, and on December 31st there would have been no hope that the California Water Agencies could execute the agreements required under the federal Interim Surplus Criteria. Although the QSA was not executed, it was not due to a failure to provide an appropriate vehicle to the California Water Agencies under the ESA for incidental take coverage for federally listed species in the Salton Sea area.

We look forward to working closely with all of the Members of Congress from California and the other Colorado River Basin States on this important issue.

Sincerely,



Bennett W. Raley
Assistant Secretary for Water and Science

Identical letters to:

The Honorable Ken Calvert
The Honorable Randy Cunningham
The Honorable Dana Rohrabacher
The Honorable Richard Pombo
The Honorable Bob Filner
The Honorable Susan A. Davis
The Honorable David Dreier
The Honorable Darrell Issa
The Honorable George Radanovich
The Honorable Gary G. Miller
The Honorable Jerry Lewis
The Honorable Wally Herger
The Honorable Edward P. Royce
The Honorable Elton Gallegly
The Honorable John T. Doolittle
The Honorable Diane E. Watson
The Honorable Mary Bono
The Honorable Adam B. Schiff
The Honorable Jane Harman
The Honorable Doug Ose
The Honorable Howard P. McKeon