

116TH CONGRESS
2D SESSION

H. R. 8775

To require the Secretary of the Interior to take certain measures with respect to protecting the Salton Sea, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 18, 2020

Mr. RUIZ (for himself and Mr. VARGAS) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require the Secretary of the Interior to take certain measures with respect to protecting 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 “Salton Sea Public
5 Health and Environmental Protection Act of 2020”.

1 **SEC. 2. FEDERAL SALTON SEA MANAGEMENT ACRES.**

2 Title XI of the Reclamation Projects Authorization
3 and Adjustment Act of 1992 (Public Law 102–575) is
4 amended by adding at the end the following:

5 **“SEC. 1102. RESTORATION PROGRAM.**

6 “(a) RESTORATION PROGRAM.—The Secretary of the
7 Interior, acting through the Bureau of Reclamation, shall
8 provide for a program within the Bureau’s Salton Sea
9 Program Office to improve water quality, provide for dust
10 mitigation, protect the public’s health, and provide for en-
11 vironmental and habitat restoration at the Salton Sea in
12 California.

13 “(b) FEDERAL SALTON SEA MANAGEMENT
14 ACRES.—

15 “(1) IN GENERAL.—The Secretary of the Inte-
16 rior shall provide for such measures as such Sec-
17 retary determines appropriate for dust control and
18 habitat conservation, consistent with State and local
19 requirements, with respect to an acreage within the
20 Salton Sea of the same size as the acreage for which
21 the State of California provides for dust control and
22 habitat conservation under the Salton Sea Manage-
23 ment Program and the State Water Board Order.
24 Such Secretary shall, to the maximum extent pos-
25 sible when carrying out this requirement, provide

1 such measures for an equivalent number of acres of
2 dust control and of habitat conservation.

3 “(2) CALCULATION.—The Secretary of the In-
4 terior may calculate the satisfaction of the Federal
5 Salton Sea Management Acres obligation described
6 in paragraph (1) in three-year increments to account
7 for variability in acres available and appropriate for
8 management.

9 “(3) COORDINATION WITH THE STATE OF CALI-
10 FORNIA.—

11 “(A) MEMORANDUM OF UNDER-
12 STANDING.—Not later than 180 days after the
13 date of enactment of this section, the Secretary
14 of the Interior shall seek to conclude a memo-
15 randum of understanding with the State of
16 California and the Salton Sea Authority to co-
17 ordinate Federal and State activities relating to
18 the construction, operation, and maintenance of
19 Federal Salton Sea Management Acres and
20 Salton Sea Management Program activities.
21 Such memorandum of understanding shall in-
22 clude a schedule delineating the timeframe for
23 the accomplishment of the establishment of
24 Salton Sea Management Acres and consider-
25 ation of the effects of such memorandum of un-

1 derstanding on affected disadvantaged commu-
2 nities.

3 “(B) ACCESS.—The Secretary of the Inte-
4 rior shall make Federal lands within the Salton
5 Sea available to the State of California for ac-
6 tivities under the Salton Sea Management Pro-
7 gram and the State Water Board Order and
8 shall give priority to such activities.

9 “(4) STATE RESPONSIBILITIES.—Nothing in
10 this section shall modify the State of California’s re-
11 sponsibilities or associated timelines under the State
12 Water Board Order.

13 “(5) SUPPORT FROM THE SECRETARY OF AGRI-
14 CULTURE.—The Secretary of Agriculture shall, in
15 issuing funding or other types of support under such
16 authority as is available to such Secretary, prioritize
17 support and funding to assist the Secretary of the
18 Interior in fulfilling the responsibilities described in
19 this subsection.

20 “(6) DELEGATION TO THE STATE OF CALI-
21 FORNIA.—

22 “(A) IN GENERAL.—The Secretary of the
23 Interior may delegate such Secretary’s respon-
24 sibilities under this subsection to the State of
25 California through a cooperative agreement or

1 other contractual agreement only upon the pro-
2 vision by such Secretary to the State of ade-
3 quate Federal funding to assure the require-
4 ments of this section are met, including funding
5 for operations and maintenance of Federal
6 Salton Sea Management Acres. Such Secretary
7 may award grants to the State for completion
8 of this responsibility.

9 “(B) AGREEMENT PENDING FUNDING NOT
10 RESTRICTED.—Subparagrah (A) shall not be
11 construed to prohibit the Secretary of the Inte-
12 rior from entering such an agreement prior to
13 the provision of such adequate Federal funding.

14 “(7) NOT A SPECIAL AQUATIC SITE.—For the
15 purposes of the construction, operation, and mainte-
16 nance of Federal Salton Sea Management Acres and
17 Salton Sea Management Program activities, lakebed
18 exposed as the Salton Sea recedes shall not be con-
19 sidered a Special Aquatic Site for the purposes of
20 determining jurisdiction under section 404 of the
21 Clean Water Act (33 U.S.C. 1344).

22 “(8) REPORT TO CONGRESS.—The Secretary of
23 the Interior shall report to Congress annually identi-
24 fying—

1 “(A) the total number of acres under man-
2 agement by such Secretary or funding provided
3 to the State of California under paragraph (6);

4 “(B) the type of management applied to
5 Federal Salton Sea Management Acres, and
6 whether such management is dust suppression
7 or habitat restoration;

8 “(C) if such Secretary has not met such
9 Secretary’s responsibility under paragraph (1)
10 over the current three-year period under para-
11 graph (2), a plan for coming into compliance;
12 and

13 “(D) additional funding needed to meet
14 such obligation.

15 “(c) DEFINITIONS.—In this section, the following
16 terms have the meaning given to such terms in section
17 5 of the Salton Sea Public Health and Environmental Pro-
18 tection Act of 2020:

19 “(1) ‘Federal Salton Sea Management Acres’.

20 “(2) ‘Salton Sea Authority’.

21 “(3) ‘Salton Sea Management Program’.

22 “(4) ‘State Water Board Order.’”.

23 **SEC. 3. SALTON SEA MANAGEMENT COUNCIL.**

24 (a) ESTABLISHMENT OF FEDERAL SALTON SEA
25 COUNCIL.—Not later than 90 days after the date of enact-

1 ment of this Act, the Secretary of the Interior shall estab-
2 lish a Salton Sea Council with the goal of coordinating
3 interagency Salton Sea projects, expediting permits, co-
4 ordinating environmental review, streamlining funding of
5 projects associated with the Salton Sea Management Pro-
6 gram and Federal Salton Sea Management Acres, and co-
7 ordinating such goals with the State of California and the
8 Salton Sea Authority.

9 (b) MEMBERSHIP.—Council shall consist of the fol-
10 lowing and shall be chaired by the Secretary of the Inte-
11 rior:

12 (1) The Secretary of Agriculture, or a rep-
13 resentative of such Secretary.

14 (2) The Secretary of the Army or a representa-
15 tive of such Secretary.

16 (3) The Administrator of the Environmental
17 Protection Agency or a representative of such Ad-
18 ministrator.

19 (4) The Commissioner of the Bureau of Rec-
20 lamation or a representative of such Commissioner.

21 (5) The Director of the United States Fish and
22 Wildlife Service or a representative of such Director.

23 (6) The Director of the United States Geologi-
24 cal Survey or a representative of such Director.

25 (c) DUTIES.—The Council shall—

1 (1) convene and establish a process for collabo-
2 ration among the members of the Council, the State
3 of California, the Salton Sea Authority, local com-
4 munities, Tribal governments, the South Coast Air
5 Quality Management District, the Imperial County
6 Air Pollution Control District, and other persons, in-
7 cluding holding at least one annual public meeting
8 at the Salton Sea to receive feedback from local
9 stakeholders;

10 (2) develop a Federal funding plan across Fed-
11 eral agencies with jurisdiction at the Salton Sea to
12 assist the Secretary in meeting the Salton Sea Man-
13 agement Acres obligation and associated operations
14 and maintenance costs; and

15 (3) identify and implement measures to expedite and streamline Federal permitting of Salton Sea management undertaken by the State of California's Salton Sea Management Program.

19 (d) PRODUCTION OF REPORT.—Not later than 1 year
20 after the date of enactment of this Act, the Council shall
21 submit to the Committee on Natural Resources of the
22 House of Representatives a report that—

23 (1) identifies Federal and State funding sources
24 and previous funding for projects and studies related

1 to potentially benefitting or impacting the Salton
2 Sea;

3 (2) analyzes how Federal and State funding
4 sources can be matched or paired to reach acreage
5 goals; and

6 (3) identifies additional Federal resources in-
7 cluding resources for technical assistance and project
8 permitting assistance that could be applied to the
9 management of the Salton Sea.

10 **SEC. 4. PUBLIC HEALTH REPORTING REQUIREMENT.**

11 (a) IN GENERAL.—The Secretary of the Interior, in
12 consultation with the Administrator of the Environmental
13 Protection Agency, shall publish an annual report on air
14 quality surrounding the Salton Sea, including an analysis
15 of the presence of pollutants, salinity levels, and agricul-
16 tural chemicals present in the exposed lakebed on Federal
17 lands. Such report shall include—

18 (1) the change in number of acres of Federal
19 land that is exposed lakebed and land with respect
20 to which such Secretary has taken corrective action,
21 either through habitat restoration or dust suppres-
22 sion; and

23 (2) any associated health risks with particulate
24 matter pollution and any chemicals present.

1 (b) POPULATION HEALTH STUDY.—The Secretary of
2 Interior may partner with a university or research institu-
3 tion to conduct a long-term population health study on
4 individuals with extended exposure to the Salton Sea.

5 (c) ADDITIONAL AIR MONITORS.—The Administrator
6 of the Environmental Protection Agency shall take such
7 measures as the Administrator determines necessary to
8 monitor the air quality in population centers near the
9 Salton Sea.

10 **SEC. 5. DEFINITIONS.**

11 In this Act:

12 (1) FEDERAL SALTON SEA MANAGEMENT
13 ACRES.—The term “Federal Salton Sea Manage-
14 ment Acres” means the Salton Sea exposed lakebed
15 acres required to be managed by the Secretary of
16 the Interior for dust control or habitat in consulta-
17 tion with the State of California and Salton Sea Au-
18 thority.

19 (2) SALTON SEA AUTHORITY.—The term
20 “Salton Sea Authority” means a Joint Powers Au-
21 thority composed of member agencies including the
22 Torres Martinez Desert Cahuilla Tribe, County of
23 Imperial, the County of Riverside, the Coachella Val-
24 ley Water District, and the Imperial Irrigation Dis-
25 trict, established to work in coordination with the

1 State of California to oversee the comprehensive res-
2 toration of the Salton Sea.

3 (3) SALTON SEA MANAGEMENT PROGRAM.—The
4 term “Salton Sea Management Program” means the
5 program created by the State of California to ad-
6 dress air quality and ecological threats at the Salton
7 Sea.

8 (4) SALTON SEA 10-YEAR PLAN.—The term
9 “Salton Sea 10-Year Plan” means the State of Cali-
10 fornia’s Salton Sea Management Program Phase 1:
11 10-year plan to provide for the construction of
12 30,000 acres of air quality and habitat projects at
13 the Salton Sea.

14 (5) STATE WATER BOARD ORDER.—The term
15 “State Water Board Order” means California State
16 Water Board Order 2017–0134 entitled “ORDER
17 ACCEPTING AND REVISING STATE WATER
18 BOARD REVISED ORDER WRO 2002–0013”
19 issued on November 7, 2017, establishing Salton Sea
20 management acre milestones for the State of Cali-
21 fornia.

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