

Salton Sea: A Shifting Seascape of Identity and Policies

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It is at best a rather cheerless object, beautiful in a pale, placid way, but the beauty is like that of a mirage, the placidity that of stagnation and death. Charm of color it has, but none of sentiment; mystery, but not romance. Loneliness has its own attraction, and it is a deep one; but this is not so much loneliness as abandonment, not a solitude sacred but a solitude shunned. Even the gulls that drift and flicker over it seem to have a spectral air, like bird-ghosts banished from the wholesome ocean.

“E’en the weariest river

Winds somewhere safe to sea”;

but for the Salton the appointed end is but a slow sinking of its bitter, useless waters, a gradual baring of slimy shores, until it comes once more, and probably for the last time, to extinction in dead, hopeless desert.

J. Smeaton Chase (1919)

Describing the Salton Sea on 30 July, 1911

Once upon a time in a hot and arid land, a strange event occurred. Floodwaters from a grand and faraway river stormed into this desert basin. The water flowed day after day, night after night until a beautiful, large lake appeared. It shimmered in the desert sun. It was an oasis of life and hope in a barren land. Birds of many feathers and fish of many fins made it their home. But, alas, like all good things, it was soon discovered by Man.

The first person was a farmer. “Ah, what a good place to grow my crops, and we need, as we all know, lots and lots of agriculture, for man does not live by meat alone.” Soon many farmers followed.

The next one was a fisherman. “Ah, what a great place to fish! I’ll start a fishery, and soon this place will be populated by fishermen from all over the world, for man does not live by bread alone.” Soon many fishermen followed.

The third one was a bird lover. “Ah, what a wonderful place to bird watch; they need many protective sanctuaries, for how can they or man live without nature?” Soon many nature lovers followed.

The fourth person was a weekend warrior. “Ah, what a great place to swim, water ski, and boat, for man does not live by work alone.” Soon many pleasure-seekers followed.

The last one was an entrepreneur – a wheeler and dealer. “Ah, look at all this land and water. I could buy thousands of acres and sell my water to the thirsty city folks down South, for man does not live without profit and gain.” Soon many wheelers and dealers followed.



recreational area for the weekend warrior? Or is it the answer to the water wars over the rights to the Colorado River? How the Salton Sea is viewed has led to the complex and seemingly contradictory policies that have attempted to restore the Salton Sea. The question remains: restore it to what? All of these different views and issues are important, but each one needs to work together to address a major challenge: if the Salton Sea continues its course of increased salinity and concentration of nutrients and chemicals, while simultaneously decreasing elevation, it will lead to a major health threat to a large California populace. This health threat can literally loom in the air that we breathe if the Salton Sea is allowed to dry up. The “toxic cloud” is not a fable. Therefore, Southern Californians need a policy that will coalesce all of these issues and make them focus on the main environmental issue concerning this fragile ecosystem and its potential lethal nature. We need a policy that will remove the “hazard signs” from this body of water.

In his analysis of the Chesapeake Bay, Howard Ernst (2003) developed a theory of environmental policy. It states that when public demand for action is organized and vocalized, it usually results in little more than token legislation. This can be attributed, Ernst argues, to four factors:

- 1) Economic primacy.
- 2) Fragmentation of American Politics.
- 3) Interest group imbalance.
- 4) The policy cycle.

Token legislation is the reason why the Salton Sea, in spite of national attention of public outcry and attempted environmental policy fixes, still remains a fragile ecosystem,

teetering between “haven and hazard.” Like the Sea itself, shifting in its salinity, the following policies – The Sonny Bono Memorial Salton Sea Reclamation Act of 1998, the Quantification Settlement Agreement and enacting legislation, and the proposed Salton Sea Local Control Act – flow one into the other, watering down the tokenism of the next. These three policies will be viewed and analyzed through the lens of Howard Ernst’s theory. It is the contention of this paper that the Local Control Act, because of its lesser degree of token legislation, will remove the hazard sign. It has the potential to be the flagship legislation that begins the real restoration of Salton Sea’s ecosystem and allows it to be a true haven for man and beast.

## **A SEA OF CONTRADICTIONS**

It is often written that the Salton Sea is a “sea of contradictions” (Gottlieb and FitzSimmons, 1991; Nijhuis, 2000; Cohen, Morrison, and Glenn, 1999; Cohn, 2000); it is both a haven for wildlife as well as hazard for the visiting and resident fish and creatures. It was once touted as the Salton Riviera (deBuys, 1999; Matthews, 2005), a large marine habitat in the middle of what once was called the Valley of the Dead (Reisner, 1986, p. 123). Because it is sustained by agricultural runoff and the New River – the most polluted waterway in the United States – (Patten, McCaskie, and Unitt, 2003, p. 7), the inflows that terminate here are both a blessing and a curse. It is the largest freshwater lake in California, yet the salinity is 25 percent higher than the ocean (Cohen et al., 1999, p. 15). The debate over how best to restore this fragile ecosystem is not new. The discussion of splitting the lake into a northern freshwater lake and a southern brine pond, which is today the Salton Sea Authority’s preferred alternative, received serious attention as early

as 1974 as the smell from the overactive algal blooms and resulting fish die-offs began driving tourists away from the Sea.

The Sea is an agricultural run-off basin for the Imperial, Coachella, and Mexicali valleys. It has become “the hot potato of California water politics, tossed from agency to agency in a desperate bid to avoid responsibility.” (Cohen, 2003, p. B11). Meanwhile, federal water- related institutions (such as the Army Corps of Engineers, the Bureau of Reclamation, U.S. Environmental Protection Agency, and U.S. Fish and Wildlife Service) have been struggling to redefine their roles in Western water politics (Blomquist, Heikkila, and Schlager, 2004A). This uncertainty has left the Salton Sea a victim to rising salinity, increasing chemical contamination, and diminishing water supply. With a small constituency of concerned bird-watchers, anglers, and local residents, the effort to restore the Salton Sea faces tremendous political barriers as the battle over Colorado River water continues to rage.

## **TOKEN LEGISLATION**

The Salton Sea Reclamation Act began with good intentions and high hopes, but it resulted in little more than a tribute to the late Congressman Sonny Bono. Introduced in the legislature in January 1998 with the intention that it was time to stop talking and time to “move dirt” (deBuys, 1999, p. 251), the bill would authorize \$350 million for an undetermined restoration project. The Sonny Bono Memorial Salton Sea Reclamation Act of 1998 did little more than continue the government’s roll of funding studies and testing pilot programs. Indeed, this law did move dirt, but the version that emerged from the Congress for authorization contained language that would be insufficient to restore

the dying Sea. The increasing pressure of a looming water transfer of 300,000 acre- feet out of Imperial Valley aided the campaign's sense of urgency, while overshadowing the ecological concerns of this fragile and once productive salt water habitat.

Sonny Bono was a successful legislator and an energetic advocate for his congressional district. He spearheaded the campaign to save the Salton Sea by forming the Salton Sea Congressional Task Force in 1997. This added the plight of the Salton Sea to the national policy agenda, and the Task Force began deliberations over billion-dollar engineering solutions, a far stretch from the modest suggestions of the once primary Salton Sea Authority. When the construction project figures were framed in billions of dollars, with hundreds of millions claimed as the potential revenues, several large engineering firms took interest in the once obscure environmental agenda of restoring the Salton Sea. Obviously, it was not interest in environmental issues that motivated them but rather the "industry" of making money. Bono's primary goal was clearly not to rescue the dying fishery or to protect the endangered pelicans and other feathered residents. Rather, Bono's goal was to revive the recreational playground that he frequented as a child. This goal, if realized, would generate revenue that was much needed in the Imperial Valley, which now struggled to replace its once thriving fishing industry. Ironically, Sonny Bono was killed in a recreational skiing accident in the winter of 1997, and the Salton Sea lost its national champion; however, the death of this fallen hero focused the national spotlight on the Salton Sea as a tribute to the memory of Sonny Bono. This event became the window of opportunity. The spotlight became even brighter when his wife stepped into his shoes.

As it became obvious that the agricultural to urban water transfers would

substantially decrease the Salton Sea's sustaining inflows, Congresswoman Mary Bono picked up the torch of her late husband and continued the campaign to revive the economy of the area and the ecosystem of the Sea. This time, the Salton Sea received the attention of several key industries including New York real estate investors, large engineering firms, the gaming industry, geothermal energy, and water marketing would-be profiteers; each group was anxious for another round of California land speculation and economic development. "In July – demonstrating more urgency in the six months after Bono's funeral than in the three years he was a Palm Springs congressman – the House passed a Mary Bono bill that would clean up the mess" (Wilke, 1998 ). H.R. 3267 passed through the House of Representatives by a narrow margin of 221 to 220. However, it was almost entirely rewritten by the Senate, resulting in an \$8 million authorization, a far cry from the original legislation. The Senate was not willing to pass a bill that authorized an unspecified project for \$350 million. The House version also did not allow for congressional authorization of the preferred construction plan, while being funded by the Land and Water Conservation Fund, traditionally not used for reclamation projects. In its original language, the bill would also hold irrigators prematurely exempt from cost sharing responsibilities, placing the burden entirely upon the federal government. In addition, it included broad limitations of liability for the local water agencies and irrigation districts as well as the Salton Sea Authority for any actions taken. The liability for the Salton Sea would be transferred to the federal government entirely. The Sonny Bono Memorial Salton Sea Reclamation Act that did emerge from the Senate, signed into law by President Clinton, provided \$5 million for wildlife studies at the Salton Sea National Wildlife Refuge and \$3 million for experimental wetlands to help

clean up the inflow from the New and Alamo Rivers. Although the bill was “watered down,” it allowed the following policy to be more effective.

The next major policy to affect the Salton Sea was the finalization of an agreement between the Imperial Irrigation District (IID), Coachella Valley Water District (CVWD), and the San Diego County Water Authority (SDCWA) to transfer 300,000 acre-feet per year of Colorado River water away from Imperial Valley. In the negotiations over how best to reduce California’s reliance on the Colorado River, the Salton Sea was perceived as merely a roadblock on the negotiation table; a body of water to be mitigated around with neither concern for its protection nor enhancement. The Quantification Settlement Agreement (QSA) and enacting legislation of 2003 marked the beginning of large scale water transfers. As water resources become scarcer and population increases, these water transfers will become commonplace in California. The legislation that validated the agreement also placed the liability of the ailing Salton Sea entirely in the hands of the State of California, relinquishing irrigators from responsibility for possible ill-effects from the water transfer.

San Diego wants the water that sustains the Salton Sea, and San Diego has the political capital to ensure that it does. “To reduce the state’s annual draw on the Colorado River from some 5.2 million acre-feet to 4.4 million acre-feet, the state’s basic apportionment, the California parties agreed to implement water conservation measures, initiate agricultural to urban water transfers and develop comprehensive groundwater banking and conjunctive use programs,” (McClurg, 2001). The IID, CVWD, SDCWA, and the Metropolitan Water District (MWD) of Los Angeles, signed the Quantification Settlement Agreement (QSA) in October 2003, and the state of California passed

enacting legislation the following month. This agreement guarantees the Salton Sea will lose nearly one quarter of its sustaining inflows; it cannot prudently lose more than one-quarter because it runs the risk of incurring substantial cost in health issues and environmental mitigations. California's booming population will continue to exert pressure on agricultural water users to conserve and to transfer their "savings" of Colorado River water to urban users.

The Imperial Irrigation District will be fallowing fields or employing other conservation measures in order to transfer 200,000 acre-feet per year to San Diego and another 100,000 per year to Coachella Valley, while creating a mitigation fund that will generate roughly \$300 million for the restoration plan and economic protection for the communities affected. This will hardly be enough to mitigate the environmental as well as economic impact on the valley as engineering plans alone are close to one billion for construction and several million per year for operation and maintenance (Morrison and Cohen, 1999). In addition to the shortcomings of the mitigation effort, some scientists project, "diminished flows may make any proposed engineering project to sustain the present extent of the Salton Sea a financial impossibility" (Molina and Shuford, 2004, p. 9).

## **A CONCEPTUAL MODEL**

In his analysis of the restoration effort at Chesapeake Bay in the Northeastern U.S., Howard Ernst writes, "to come to terms with environmental politics, it is necessary to develop an understanding of the forces that drive environmental public policy and to comprehend how these forces influence each other, as well as the overall policy process."

Toward this goal, he has developed a theoretical framework that reduces the process to a “manageable” conceptual level and outlines four “political factors that compromise the policy context and constrain environmental policy outcomes.” The first factor explains how economic primacy creates a hostile environment for environmental policy. The second one reveals how America’s fragmented political system hampers innovation and policy implementation at all levels of government. The third factor relates how the dynamics of interest group formation favors industry groups over environmental concerns. Finally, a focusing event such as an environmental catastrophe or a charismatic leader’s initiative can “coalesce” to create limited windows of opportunity for environmental innovation (Ernst, 2003, pp. 31, 34).

### **“IT’S THE ECONOMY, STUPID”**

The first factor, economic primacy, is concerned with the difficulty of placing value on the environment other than that which is readily measurable in terms of economics. “Policy makers are acutely aware of the political price of pursuing policies that challenge economic development, even if these policies promise to deliver a desired social or environmental good” (Ernst, 2003, p. 35). Challenging the need for delivering more water to Southern California to accommodate the rapid growth is an absurdity, regardless of the price that will be paid for mitigation. The water that flows into the Salton Sea is viewed by many as wasted water, precisely because of the understanding that its primary purpose is as an agricultural run-off basin. Engineering solutions for the restoration of the Salton Sea are expected to cost hundreds of millions, if not billions, of dollars in construction alone; meanwhile, the value of the water that fills the Salton Sea

has grown tremendously over the past several years. As California population explodes, demand for new sources of water increases. “In addition to creating new demands on supply, the cities have introduced a new factor in the water world – money, and lots of it. With 19 million customers, the Metropolitan Water District of Southern California can support a billion-dollar-a-year construction budget without difficulty. And the ‘Met’ certainly has no problem buying water if it’s available” (Hayes, 2003, p. 146). Financing infrastructure improvements can be a financial difficulty for a federally subsidized irrigation agency with only a couple of hundred thousand customers.<sup>1</sup> For the urban water agencies, however, whose rates to their customers are sometimes 2000 times higher than those of agricultural users, these programs can be very advantageous (Hayes, 2003, p. 147).

During the Reagan Administration, the President signed Executive Order 12291, calling for an extensive economic review of all major regulatory actions, including environmental regulations. According to the administration, American business had become over regulated and, in order to spur economic growth, the policies that would prove successful would need to pass a cost-benefit analysis. These analyses looked at the most basic, and perhaps most incomplete, measurement of the value of the environment, its instrumental value; the value of natural resources as a human resource to be consumed

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<sup>1</sup>Sandra Postel, director of the Global Water Policy Project based in Amherst, MA, is the author of several articles on agricultural subsidies and water scarcity. Her book “Last Oasis: Facing Water Scarcity” provides an in-depth analysis of the issue, while offering suggestions for American agricultural reform. See also, Pimentel, David et al., 2004. “Water Resources: Agricultural and Environmental Issues,” Bioscience, Vol. 54, Issue 10, p. 909.

or from which to be profited. This is most often the only type of value considered in a traditional cost-benefit analysis. Inherent and intrinsic values were not considered in the economic analysis of environmental policies and can be explained in that, “the balance between environmental concerns and economic interest is not a balance at all, economic factors take precedent” (Ernst, 2003).

The Sonny Bono Memorial Salton Sea Reclamation Act of 1998 was enacted as Public Law 103-572, accomplishing little more than authorizing the continued study of the Sea’s basic problems – salinity and elevation. The reasons that economic primacy watered down the intentions of this bill are as follows: Congress would not authorize the spending of \$350 million for an undetermined engineering solution to a complex problem, even though the urgency of the situation was apparent. Secondly, there was more instrumental value in the water that fills the Salton Sea as urban supply; therefore, the transfer of water to San Diego was inevitable. This situation is reflected in the words of second-generation farmer, Bob Hull, spoken to journalist, Mark Henry: “Either we find ways to allow water transfers economically, or the courts are going to find a way to take water from us” (2001). Because of this reality, the Salton Sea Reclamation Act was virtually paving the way for the water transfer agreement that had received serious attention in the earlier part of the year. All transfer parties had signed a memorandum of understanding, but had yet to finalize the negotiations due in part to the liability issues regarding the Salton Sea’s decreased inflow, which presented health and ecological hazards. Finally, the restoration effort at the time was focused on recreational and other economic values rather than ecological values. “...the legal mandate for the [Salton Sea] Authority focuses on continued agriculture in the region and recreational and economic

development, and excludes any mention of ecological restoration” (Cohen et al., 1999, p. 28). While attempting to protect the Salton Sea indirectly, the legislation ultimately failed to create protection for the Sea throughout the water transfer negotiations.

SB 277 of the Quantification Settlement Agreement (QSA), titled the Salton Sea Restoration Act, created the Salton Sea Restoration Fund and generated \$300 million in revenue to be used by the Salton Sea Authority towards implementing a restoration project. This money was generated by the artificial mark-ups to the cost of water from the federally subsidized irrigation district to the Department of Water Resources (DWR) and finally to the SDCWA. It also transferred the liability of the Salton Sea from the federal government to the State of California. By doing this, the transfer parties (IID, SDCWA, MWD, and CVWD) were not liable for the damage caused by reducing the inflows to the Salton Sea; meanwhile, the DWR could collect administrative fees from the Restoration Fund. In addition, the transfer parties were to contribute \$130 million to the Salton Sea Restoration Fund for environmental and economic mitigation to be used to counteract the negative impacts of the transfer in the region. The legislation did not include the allocation of any government financial support other than a percentage of the profits generated by the transfer of water from the agricultural sector to the urban users.

Another provision of the Salton Sea Restoration Act was the manner in which water would be conserved for the transfer to San Diego. Initially, the farming interests did not want to allow for the fallowing (idling fields) of their land because of its impact on the regional economy. This was a heavy point of contention in early QSA negotiations, for the Imperial Valley already suffered from the highest unemployment

rate in the state. Legislation authorized the fallowing of a portion of the IID's lands to generate conserved water because the benefit outweighed the cost to the region.

Fallowing fields would mean a significant decrease of inflow to the Salton Sea. This measure was more than the on-farm conservation intended because the run-off to the Sea became non-existent, rather than minimized. The cost benefit analysis of the fallowing program did not consider the harmful side-effects to the Salton Sea, its inherent and intrinsic value. In May of 2004, the IID purchased 41,700 acres for \$77 million<sup>2</sup>.

According to Peter Quinn, Director of Corporate Services for Australian water utility Goulbourne Valley Water, IID became the largest landowner in its own district in order to "underwrite its conservation and fallowing programs by having the flexibility to fallow some of its own land" (2004, p. 29). "It's ironic that something that was originally

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<sup>2</sup>The land purchased by the Imperial Irrigation District (IID) was originally conglomerated by the Bass brothers, oil billionaires from Texas, who in 1994 began buying up smaller farms throughout Imperial Valley. They attempted to strike a water transfer deal with the Metropolitan Water District (MWD) until it was determined that landowners cannot sell water rights in California but must have authorization from the irrigation agency, who holds these rights in trust. The Bass brothers allegedly paid as little as \$50 million for the 42,000 acres and eventually sold Western Farms (their farming business) to U.S. Filter Corp. for \$250 million in stock, as well as a position on the Board of Advisors of U.S. Filter Corp.. They continued negotiations, secretly, with MWD and then SDCWA for the sale of water, having placed the new General Manager (a former consultant to Western Farms, Michael Clinton) in the IID, a move that the Imperial County Grand Jury found "seriously flawed," and in the Imperial Valley Press, top management at MWD called the IID a water "cartel" controlled by the Bass brothers (deBuys, 1999, pp. 166, 279; Perry, 1995, p.A3; Erie, 1996, p. M6; Perry, 1999, p. A3; Lubove, 2002, p. 44; Postel, 2000, p. 32).

bought one piece at a time and amassed to create an adverse situation has now been purchased by the agency that fought to keep that from happening,” admits Bruce Kuhn, president of the IID Board of Directors (Jenkins, 2004, p. 23).

### **FRAGMENTATION “THE GOOD, THE BAD, AND THE UGLY”**

The second political factor that has left the Salton Sea with nothing more than several decades of scientific research and merely token legislation is how America’s fragmented political system fosters competitive forces that hamper environmental innovation and policy implementation at all levels of government. Characteristic of American politics, fragmentation deprives government of adequate authority to make policy decisions without interference or reprisal from powerful interest groups (Feldman, 1991, p. 4). The very system of checks and balances that was built into American government to protect citizens from abuses of power has led to a complexity of government that creates difficulty in achieving environmental policy development and implementation. The process of enacting environmentally sound legislation is difficult because of the various realms of government that it must pass through on its way to becoming law. In addition, communities’ or entities’ “agency shopping” can manipulate the process for the best deal, “exploiting differences in implementation rules and regulations” (Stakhiv, 2003, p. 153).

Fragmentation of authority at the state level, caused by competing systems of water law, discourages public participation in the policy process and efficient use of water or its conservation, while promoting litigation (Feldman, 1991, p. 4). Western

water rights are determined by the *doctrine of prior appropriation*, stating that claims to use of Colorado River water are determined by the “beneficial use” principal. Water rights to the Colorado River are prioritized according to beneficial use established by date. Therefore, water agencies, such as the IID, must use as much water from the Colorado River as they possibly can, up to their entitlement, or they risk losing the rights to that water. In a time of scarce fresh water resources, this rule is an ineffective way to encourage irrigation districts to conserve water. At the same time, farm subsidies encourage the inefficient use of water by enabling farmers to grow crops in an environment that can barely sustain them.

In Southern California, hundreds of water agencies hold *in trust* the water rights for the landowners they serve<sup>3</sup>. Inconsistencies of policies across regions make cooperation and conservation efforts nearly impossible without intensive negotiations and governmental involvement. Eugene Stakhiv of the U.S. Army Corps of Engineers writes that in order to manage water effectively, there must be a centralized vision; otherwise, policies are “simple administrative substitutes for marginal tinkering with the status quo” (2003, p. 151). However, federal agencies in the United States cannot implement this kind of water policy because they lack the ability to propose top-down institutional changes as part of their water resources planning. Stakhiv further argues that federal

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<sup>3</sup> For a comprehensive discussion of the *Law of the River*, see Glennon, Robert J., and Peter W. Culp, 2002. “The Last Green Lagoon: How and Why the Bush Administration Should Save the Colorado River Delta,” and Reisner, Marc, and Sarah Bates, 1990. “Overtapped Oasis: Reform or Revolution for Western Water.”

programs become nothing more than “plumbing patches” to an outdated system (2003, p. 151). This federal-state-local fragmentation makes it difficult for environmental policy advocates to determine the most effective route to enacting legislation and leaves it up to the legislators to respond to citizen activism. “California has not approached water management as a state government function. Consistent with the states’ political tradition of supporting local governments and home rule, the California state government has operated mainly to support local water management” (Blomquist et al., 2004, p. 62).

Water politics in Southern California have always been politics of growth, of heating up the local economy by finding strategies to subsidize an increased and reallocated supply of a necessary natural resource so that, no matter how rainfall might fluctuate from year to year, economic growth would anticipate no checks and no limits. Out of this agenda has grown a remarkable complex of powerful and hidden institutions, institutions that continue to be driven by this old program of uncontrolled and unmanaged growth... (Gottlieb and FitzSimmons, 1991, p. xvi).

Many years of local studies and local interest finally led to national attention and resulted in the Salton Sea Reclamation Act. Congress required the Secretary of the Interior, acting through the Bureau of Reclamation, to conduct a feasibility study in consultation with the Salton Sea Authority. This law effectively transferred the focus from the local studies and the local organization to the federal government. It placed the

burden of financing the restoration effort onto the shoulders of the federal taxpayers. Combined with the fact that it has traditionally been difficult to overcome the “negative connotation society attaches to artificial features that serve as wildlife habitat” (Molina and Shuford, 2004, p. 9), local control in the restoration of the Salton Sea was effectively usurped.

### **“SHOW ME THE MONEY”**

Ernst’s third barrier to successful environmental policy development is the dynamic of interest group formation and maintenance which tends to favor industry and corporate groups over even broad-based environmental groups. He argues that as specific environmental issues focus attention on a problem, they also narrow support and limit a group’s appeal to a wide audience. Farming interests, for example, are significantly more influential in the policy arena than the ecological concerns of the dying Salton Sea. The only policies that will be able to overcome this obstacle will be those that are acceptable by the most powerful of interest groups. This interest group imbalance is characteristic of American politics, where money usually dominates the legislative process. “When issues are less visible and contentious, the same groups may have an inordinate influence on environmental policy because of their easy access to key policy makers and their valued expertise” (Kraft, 2001, p. 71). Advocates for the restoration of the Salton Sea have not generated enough public interest to implement policies strong enough to resist the water profiteers’ or agricultural interests’ agendas. As a result, environmental policies in the past look to the Salton Sea not as a treasure, but as

an obstacle to economic growth.

The development of a water market in California presents interesting challenges for environmentalists and for the Salton Sea in particular. The difficulty of environmental mitigation through the inevitability of the QSA is magnified by the simple fact that it touches on three of the four barriers of Ernst's theory: economic primacy, fragmentation of American politics, and interest group imbalance. "Selling Imperial Valley Water on a profit margin of more than 2,000 percent wouldn't be so hard if it weren't for culture, tradition, and the ever present fear that Imperial Valley will become the next dried-up Owens Valley of 'Chinatown' fame" (Hayes, 2003, p.147). Regardless of the fears involved, the water will go; it is just a matter of how soon and for how much.<sup>4</sup> Mitigation of environmental degradation becomes the negotiating platform, and the stakes are high. "Today, all the traditional interest groups remain in place and are ready to pounce upon each other more ferociously and with greater desperation than before as the Colorado dwindles" (Blomquist et al., 2004, p. 150).

A dramatic shift in the power hierarchy of special interest groups throughout California politics has occurred in the last several years. California agriculture has lost its stronghold on politicians that was once so influential in the development of water resources policy. The Quantification Settlement Agreement represents a realignment in

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<sup>4</sup>Brent M. Haddad, Associate Professor of Environmental Studies at the University of California at Santa Cruz is the author of "Rivers of Gold," and promotes the conservation of water through agricultural to urban transfers. See also Howitt, Richard, and Kristiana Hansen, 2005. "The Evolving Western Water Markets," Choices, Vol 20:1, pp. 59-63.

the balance of power among the users of the Colorado River, “from the traditional trinity of agribusiness, irrigation districts, and hydropower to municipalities, and thus from farms to cities...” (Glennon and Culp, 2002, p. 945). This shift represents an enormous transfer of power in California politics, once heavily weighted by the agricultural interests. For most of California's history, water went to the farmers, and “at the height of this special relationship (of local, statewide, and federal interests), these local water agencies designed billion-dollar public-works projects, structured politics that would affect millions of people and bring millions of acres under irrigation. They enlisted federal, state, and local politicians and bureaucrats to support these efforts” (Gottlieb and FitzSimmons, 1991, p. 4). These projects created what became known as the “Iron Triangle,” the relationship between Congress, the water agencies themselves, and local water industry groups (Gottlieb, 1988, p. 46).

The congressional committees anchoring environmental subgovernments also have a strong vested interest in perpetuating their jurisdictions over specific agencies and programs. The committees are likely to resist vigorously any effort to reorganize environmental agencies, the congressional committee structure, or the environmental laws over which they exercise oversight when such change threatens to diminish committee influence over the agencies involved. This perpetuates the multitude of committees and fragmented authority over environmental

affairs in Congress and erects almost insurmountable obstacles to major reorganization of agencies and programs when fundamental change may be essential to better regulation (Rosenbaum, 2002, p. 102).

The Salton Sea has faced many opponents in its 100 year existence. Ironically, it relies on the chemically contaminated agricultural run-off for its survival, as well as the terribly polluted New River, which flows northward across the border from Mexico. Originally, the interests of the Salton Sea faced the stronger political power of the farmers who did not want to be held liable for the pollution and sustenance of the Sea. Today, the interests of the cities and the farmers contradict the best interests of the Salton Sea as the sea inevitably loses one- quarter of its inflows to the QSA.

### **“IT’S NOW OR NEVER”**

The policy cycle or the focusing event is a very important aspect of environmental policy development, and it is Ernst's fourth factor which hinders successful implementation. “Since the mid-1960’s various ways to reduce salinity, stabilize surface elevation, and maintain agricultural, environmental, and recreational values have been suggested. However, for years the lack of political clout and money relegated the Salton Sea to the periphery. It was not until the mid-1990’s, through the efforts of the late Sonny Bono, the Coachella Valley Audubon Society, and other concerned parties, that restoring the health of the Salton Sea ecosystem finally became a priority” (Patten et al., 2003, p.

10). This media attention also served to polarize public opinion, as many believed that the Salton Sea should be allowed to dry up, and the water that feeds the Sea to “be redirected to the more deserving ‘natural’ wetland habitats of the Colorado River Delta” (Molina and Shuford, 2004, p. 8). However, “regardless of whether people considered the Salton Sea a natural ecosystem or an artificial one...but serving as *de facto* mitigation for extensive wetland loss and degradation in the region, there soon developed widespread support for managing this ecosystem...” (Shuford and Molina, 2004, p. 153).

In 1996, the loss of over 15,000 pelicans and other waterbirds, which was attributed to avian botulism, led to intense mass media interest that predicted the imminent collapse of the Sea’s ecosystem (Molina and Shuford, 2004, p. 8). Birds dying in large numbers, as well as tilapia and croaker die-offs in the millions, was not a new phenomenon at the Salton Sea. None the less, as large numbers of pelicans were dying, people sympathetically paid attention. “The die -off of 1996 differed from those of 1992 and 1994 in many ways: the greater human effort made in response to it, the rescue and rehabilitation of sick birds, the greater understanding of causes. Greatest of all, however, was the public response” (deBuys, 1999, p. 241).

At the end of the QSA negotiations, local citizens felt betrayed; local environmental groups were confused, and the Imperial Irrigation District itself was still divided over the transfer. “Ironically, the peril posed by the water transfers helped stiffen the resolve among environmental groups to protect a body of water they had once ignored as 'artificial' and unworthy of saving” (Jacobson, 2004, pp. 177-178). Tom Kirk, former Executive Director of the Salton Sea Authority, observed, “It was both a nail in the coffin

of the Salton Sea, and an opportunity to reach out to broader constituencies.... It took an external threat before people said, ‘Hey, this is an awfully important place’” (Jacobson, 2004, p. 178). Not only is this an important place because of the above reasons, but it is also important because of its potential danger. This danger is expressed by the following statement by Anthony Downs (1972); “Ironically, the case of ecologists would therefore benefit from an environmental disaster like ‘killer smog’ that would choke thousands to death in a few days.”

#### **THE SALTON SEA LOCAL CONTROL ACT – NOT JUST A TOKEN**

The Salton Sea Local Control Act is designed to recognize all of the factors that have led to ineffective policies being implemented to restore the Sea. It deals with the economic primacy barrier by creating a self- financing mechanism: \$500 million in municipal revenue bonds issued by the Salton Sea Authority through an Infrastructure Financing District that was established in legislation passed in 1999 (Hearing at Senate Committee on Natural Resources and Water, 2005). This funding is to be used in conjunction with the \$300 million from the Salton Sea Restoration Fund created through the QSA. The Local Control Act also requires the Department of Water Resources and the Salton Sea Authority to enter into a memorandum of agreement with specified federal agencies to establish a state and federal coordinated restoration plan. "This bill reflects a certain level of unease about the progress on Salton Sea restoration since the passage of the QSA. Residents of the area, joined by an environmental coalition, are not convinced that the ongoing state-sponsored restoration study at the Department of Water Resources

will reflect local concerns" (Senate Committee, 2005). Local groups supporting this legislation are Defenders of Wildlife, Desert Protective Council, Planning and Conservation League, Sierra Club, Western Outdoor News, and the Cabazon Band of Mission Indians.<sup>5</sup>

Senate Bill 1081 (California Senate Bill 1081, 2005) in the California Legislature was authored by state Senator Denise Ducheny, democrat from San Diego. SB 1081 is the first piece of the Local Control Act to see legislative debate as of this paper's writing, passing Assembly Committee on Appropriations by a vote of thirteen to zero on July 13, 2005. The purpose of the legislation is to ensure that the remaining funds from Proposition 50 that were earmarked for the Salton Sea will be spent "exclusively for the purpose of restoration of the Salton Sea" (SB 1081, 2005). This bill has enough local support that special interest lobbying will not be able to hinder its progress. Ernst's fourth political factor that affects environmental policy is the limited window of efficiency opened by a focusing event. The dissatisfaction with the environmental and socio-economic mitigation provided in the QSA legislation ultimately led to a broad coalition generating public support to take over the restoration process.

It is unclear whether or not Senator Ducheny will support the Salton Sea Local Control Act in its entirety; she has still not committed to that. However, what is clear is that the Salton Sea Authority will not sit back and continue waiting for the scraps of

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<sup>5</sup>Groups in support of the Salton Sea Local Control Act are supporting the Salton Sea Authority's campaign to gain control over the restoration effort. The Infrastructure Financing District was created at the Salton Sea in 1999 by SB 223, authored by Senator Kelley. It was the first of its kind in the country.

government funding to be appropriated their way. They have hired the famed San Francisco liberal and former mayor Willie Brown as a \$10,000 per month consultant, who encouraged the Authority to unite behind a single vision for the Sea. “The Authority hopes Brown, one of the most powerful and charismatic figures in California politics, will help to assert control over hundreds of millions of dollars and billions of gallons of water flowing in to the sea” (Spillman, 2005). The Authority has selected their preferred restoration alternative, called the Integrated Water Management Plan, also known as the “North Lake Plan”. Unified under this restoration goal, the Authority is pursuing the Local Control Act because it is believed that the State’s process is “weighted in favor of picking the cheapest plan possible...” (Spillman, 2005).

The Salton Sea Local Control Act promises to provide a solution to what Representative Mary Bono calls the Sea’s biggest problem – funding of the restoration effort. By creating the Infrastructure Financing District (IFD), the local agencies will contribute a portion of their property tax revenue to be used by the Salton Sea Authority. At the same time, it legitimizes the Salton Sea Authority’s position as the lead government agency. Taking the burden of financing a restoration effort off of the state of California, while creating a revenue-generating system, the problem of political fragmentation is minimized. In support of the Local Control Act, a coalition of several local environmental and development- based organizations stand with community support and strong legislative representation. As the economic development through the restoration of the Sea’s ecosystem is its primary goal, the Local Control Act has been able to generate broad support, which suggests a promising campaign. These aspects

point to more than “token legislation” towards the restoration effort. Grounded in local economic development, a cornerstone of California politics, the innovation and local initiative of the Salton Sea Local Control Act is making history while protecting California’s history.

## **CONCLUSION**

Driving through the Imperial Valley, one cannot help but be awed by the sight of a large body of water reflecting the desert sky. Like a primeval sea, it reaches out seemingly to reclaim its ancient kingdom; however, the sea is not of nature but of man and therein lies its fate. Hidden in its prism of muted colors is also the color of contradictions and complexities, which is the nature of man and, therefore, his policies. With the passage of the Salton Sea Local Control Act, hopefully, the farmer, the nature lover, the recreationist, the sportsman, and the entrepreneur will realize that while pointing fingers at each other, three other fingers are aimed back at themselves. In this realization, policies will maintain their focus in restoring the Salton Sea not only to its highest economical, instrumental value, but also to its environmental, intrinsic value.

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The Salton Sea was once a popular southern California tourist attraction, but the lake was abandoned as waters grow increasingly toxic. The California drought has diminished much of the state's lakes, rivers and streams, but the rise and demise of the Salton Sea occurred on a different timeline. Though the man-made lake was once one of California's most popular water resorts, the sea is now dried up, abandoned and nearly forgotten. Here's what happened. Source: Weird World Facts. The Salton Sea was created by accident in 1905, when water from the Colorado river spilled out of a poorly-constructed California Development Company irrigation system. The lake grew over the next two years, until workers were able to staunch the mass