

Proposed Amendment to SB 187 (Ducheny)

SEC. 1 (f) is amended to read:

- (1) As part of the Quantification Settlement Agreement and associated legislation, the State of California has been engaged in a programmatic level EIR to identify a preferred alternative for restoration of the Salton Sea in accordance with the requirements in Section 2931 of the Fish and Game Code. The Secretary of the Resources Agency presented a preferred alternative to the Legislature in May 2007.
- (2) The Legislature authorizes the Resources Agency to proceed with a project level EIR, pilot and demonstration projects, to implement the preferred alternative presented by the Resources Agency, subject to the following requirements:
 - (a) the final preferred alternative will be designed and constructed in phases to ensure that the shallow saline habitat complex and air quality mitigation measures are built and implemented first;
 - (b) the final preferred alternative ensures that funding and water are used first to satisfy habitat and air quality needs;
 - (c) the project level EIR is developed in an open and public manner similar to the process used to develop the programmatic level EIR; and
 - (d) construction of a marine lake (or lakes) is subject to the additional conditions precedent:
 - (1) 90 percent of its cost is borne by local entities, either public or private or some combination of the two;
 - (2) the source and transport of construction materials comply with all requirements of state and federal wildlife and environmental protection laws;
 - (3) all land transfers required to construct shallow saline habitat complex have been completed prior to commencement of construction of the marine lake(s);
 - (4) sufficient water is allocated for wildlife and air quality needs and the size of the marine lake(s) will not encroach on the water needs for wildlife and air quality;
 - (5) a marine lake at the northern end of the Sea is supplied by the Whitewater River without additional pumping from the New and Alamo Rivers; and
 - (6) air quality impacts from construction do not exceed state and federal requirements.