

STATE OF CALIFORNIA
CALIFORNIA NATURAL RESOURCES AGENCY

CALIFORNIA WATER COMMISSION

RESOLUTION NUMBER: 2025-02

RESOLUTION OF NECESSITY
TO ACQUIRE CERTAIN REAL PROPERTY BY EMINENT DOMAIN
DWR PARCEL NO. SCH-007
APN: 019-080-007

WHEREAS, The Center and West Pond Expansion Project at the Salton Sea seeks to develop aquatic habitat and contribute to the SSMP Phase 1: 10-Year Plan's cumulative habitat creation efforts. Due to the Salton Sea's increasing salinity and its receding shoreline, suitable aquatic habitat for piscivorous birds has been lost. To restore aquatic habitat for these species, the Center and West Pond Expansion Project would add ponds around the existing Species Conservation Habitat (SCH) Project area. The SCH Expansion Project, as described here, builds upon an initial concept that was included and analyzed in the U.S. Army Corps of Engineers (USACE) Final EA for the SSMP Phase 1: 10-year Plan (USACE 2024). That initial concept, the "New River Expansion Project," was one of multiple restoration opportunity areas at the Salton Sea and included up to 10,000 acres of aquatic habitat. The proposed Center and West Pond Expansion Project would construct up to 5,000 acres of habitat within the New River Expansion area;

WHEREAS, Pursuant to the 2003 Quantification Settlement Agreement the Project is required under the State Water Resources Control Board's Order WR 2017-0134 ("Order"). The Order states that "[a]n immediate, continued, and focused effort to manage a smaller but sustainable Salton Sea is necessary to protect public health and the environment." The Order references the Salton Sea Restoration Act, California Fish & Game Code section 2931, which directs that the State "undertake the restoration of the Salton Sea ecosystem and the permanent protection of the wildlife dependent on the ecosystem." Additionally, the Order referenced the State was to assume the lead role in restoring the Salton Sea, and the importance of Salton Sea restoration as a critical component of plans for maintaining California's long-term water supply reliability;

WHEREAS, the Project is designed to restore habitats, improve water quality, and mitigate dust emissions in the Salton Sea;

WHEREAS, on August 5, 2013, the California Natural Resources Agency (CNRA) certified the Salton Sea Species Conservation Habitat Project Environmental Impact Statement/Environmental Impact Report and filed a Notice of Determination (SCH# 2010061062) in compliance with the California Environmental Quality Act. USACE issued the Record of Decision on November 22, 2013, in compliance with the National Environmental Policy Act; On November 27, 2017, the CNRA certified the addendum updating the Salton Sea Species Conservation Habitat Project FEIS/ERI to include the State's Salton Sea Management Program-Phase I: 10-Year Plan; the USACE issued a

Decision Document on November 12, 2024 on the Final EA for the State of California's Salton Sea Management Program Phase 1: 10 Year Plan which includes the expansion of the SCH Project;

WHEREAS, the real property which is the subject of this Resolution is an entire parcel of privately owned land which is currently inundated by the waters of the Salton Sea, and is to be included within the above-referenced project;

WHEREAS, the California Eminent Domain Law (the Law) {Title 7 of Part 3 of the Code of Civil Procedure) provides procedures through which public entities may acquire property through the exercise of the power of eminent domain;

WHEREAS, the Law provides that prior to a public entity commencing an eminent domain proceeding to condemn property, the public entity's governing body (i) must adopt a resolution of necessity that meets the requirements of Article 2 of Chapter 4 of the Law; and (ii) provide notice to the property owner of the intent to adopt a resolution of necessity;

WHEREAS, the Law specifies the Commission is the governing body for adopting Resolutions of Necessity for the Department of Water Resources (Code of Civil Procedure Section 1245.210(h));

WHEREAS, pursuant to the Commission's Procedures for Resolutions of Necessity and Eminent Domain (Procedures), Revised February 20, 2013 and May 17, 2023, the Department submitted a notice to the Commission of the Department's intent to request a Resolution of Necessity for this property;

NOW, THEREFORE, BE IT RESOLVED, that the Commission, after notice and hearing, pursuant to Code of Civil Procedure Section 1245.235, finds and determines and declares that:

The described real property is necessary for State water storage and conservation, promotion of general public health and welfare as a result of preservation of fish and wildlife, and to carry out and make effective the principal purpose of the subject project, including but not limited to the need to protect and/or preserve the attractiveness, safety, and usefulness of the subject project, pursuant to Water Code Sections 250, 253, 11900, 11903, 11905 and Code of Civil Procedure Sections 1240.120(a) and 1245.230(a); and Code of Civil Procedure section 1240.510 in that the purpose for which the property is being acquired is compatible with any existing public use of the property;

1. The public interest and necessity require the proposed public project. (Code of Civil Procedure Section 1245.230(c)(1));
2. The proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury (Code of Civil Procedure Section 1245.230(c)(2));
3. The property sought to be acquired and described by this resolution is necessary for the proposed public project (Code of Civil Procedure Section 1245.230(c)(3));
4. The offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record (Code of Civil Procedure Section 1245.230(c)(4));

5. To the extent the subject property is currently appropriated to a public use, the proposed project is compatible with the existing public use (Code of Civil Procedure section 1245.510); and

6. That timely notice was sent to the owners and reasonable opportunity to appear and be heard on these matters was provided (Code of Civil Procedure Section 1245.235).

BE IT FURTHER RESOLVED by this Commission that the Department of Water Resources is hereby authorized and empowered;

To acquire, in the name of the People of the State of California, fee simple title over the said hereinafter described real property, by condemnation proceeding or proceedings in accordance with the above-referenced and other provisions of the Water Code, Code of Civil Procedure, Government Code and of the Constitution of California relating to eminent domain;

The real property or interests in real property, which the Department of Water Resources is authorized to acquire by this resolution, is situated in the County of Imperial, State of California, and described as follows (Code of Civil Procedures Section 1245.230(b)):

DWR Parcel No.: SCH-007

BE IT FURTHER RESOLVED that this Commission hereby adopts and declares this to be its Resolution of Necessity for purposes of the Law.

This resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by vote of the Commission this 21st day of May, 2025.

Signed:

Fern Steiner, Chair
California Water Commission

Date

Attest:

Laura Jensen, Executive Officer
California Water Commission

Date