



MEMO

TO: Salton Sea Authority Board of Directors and G. Patrick O’Dowd
FROM: Lisa Moore
RE: **Federal Report**
DATE: April 21, 2023

This memo provides Directors with a summary of the Bureau of Reclamation’s (Reclamation) recently released draft Supplemental Environmental Impact Statement (draft SEIS) to “potentially revise” the 2007 operating guidelines Glen Canyon and Hoover Dams, <https://www.usbr.gov/ColoradoRiverBasin/SEIS.html>, and how Reclamation evaluated the impacts to the Salton Sea region in that document. As described below, the document only analyzes impacts to our region where that analysis tends to favor Reclamation’s proposed alternative of an equal cut of 2,083 million acre feet of water in 2024 across California, Arizona and Nevada. Impacts to our region that would clearly show the costly public health and environmental impacts associated with an equal cut scenario that would need to be mitigated are simply not analyzed. Staff recommend preparing comments on the draft SEIS.

Why is Reclamation preparing a SEIS?

The National Environmental Policy Act (NEPA) is a federal law which requires that prior to taking a major federal action significantly affecting environment, the federal agency taking the action must prepare an environmental impact statement evaluating the environmental impacts. Reclamation prepared an EIS on the 2007 interim operating guidelines for Glen Canyon and Hoover. Where an agency is, as in this case, proposing to make substantial changes to an existing EIS like the 2007 document that may impact the environment, or where there are significant new circumstances relevant to environmental concerns that have emerged, the law requires the agency to prepare a Supplemental EIS.

While NEPA does not mandate a particular substantive course of action, the purpose of the law is to surface and evaluate the environmental impacts of different alternatives which would accomplish the agency’s stated objective. The goal is to inform both decision makers and the public of alternatives, identify alternatives that would avoid or minimize environmental impacts, and identify mitigation measures to address unavoidable impacts. If the agency hasn’t surfaced and evaluated the environmental impacts of the different alternatives it could implement, the purpose of NEPA is defeated because decision makers are not acting with a full picture of these impacts, nor a clear picture of mitigating actions which should be adopted to avoid and minimize them.

What does the draft SEIS propose?

The draft SEIS proposes two main substantive alternatives and invites comment on them. One of the two alternatives proposed by Reclamation calls for each of the Lower Basin states to reduce Colorado River water use equally to achieve a savings of 2,083 million acre feet in 2024. The other main alternative proposes achieving this same acre foot savings, but would distribute conservation in accord with the priority system consistent with the proposals California has put forth since Reclamation began this

process. Both alternatives would reduce inflows to and thus impact the Salton Sea — with the equal cut being particularly negative.

Reclamation proposes adopting one of these two alternatives for 2024 and potentially through 2026, when the 2007 guidelines expire. The agency intends to prepare a new EIS for its revisions to the guidelines beyond 2026. Reclamation is taking comment on the draft SEIS before making a final selection. The final selected alternative could adopt elements of both proposed alternatives, or a consensus alternative designed by the Basin States.

Does the draft SEIS consider the environmental/public health impacts of the different alternatives on the Salton Sea region?

No. While the document does include an evaluation of the impacts of the two alternatives on the Salton Sea region, it does so only with respect to impacts that tend to favor the adoption of the equal cut alternative across the Lower Basin states. Notably, the document omits consideration of environmental impacts (air quality most notably, but also species habitat) on our region which would be expected to clearly indicate a different environmental impact between the two main alternatives.

For example, the draft SEIS analyzes the socioeconomic and landscape character impacts of both alternatives on agriculture in the Imperial and Coachella valleys, as well impacts to Arizona agriculture. The draft EIS finds that the equal cut alternative more broadly distributes those impacts across agricultural interests and is presumably preferable.

Similarly, while the draft SEIS includes an environmental justice (EJ) section and includes our region within that analysis, the only impact analyzed to evaluate the different alternatives on EJ communities is whether the alternative results in reducing water supply to zero. The document finds that the equal cut alternative results in no EJ community losing access to Colorado River water supplies, while the priority cut alternative results in EJ communities in Arizona losing access to Colorado River supplies. Again the language of the draft SEIS suggests this makes the equal cut alternative presumably preferable.

With respect to environmental impacts (air quality, habitat, etc.), however, the draft SEIS does not evaluate these environmental impacts of the alternatives on our region. Notably, these are the impacts which would likely show a clear difference between the two alternatives — with California’s EJ communities likely bearing the brunt of those air-related public health impacts.

Instead, the draft SEIS analyzes those impacts by narrowly focusing on the environmental impacts of the proposed alternatives near Lake Mead/Colorado River. For example, with respect how each alternative would affect compliance with Clean Air Act standards, it defines the relevant area for analysis narrowly by Colorado River reach. The document identifies the air quality agencies responsible for assuring the attainment of federal Clean Air Act standards to be the relevant Nevada and Arizona agencies, omitting Imperial County Air Pollution Control District and South Coast Air Quality Management District.