

Memorandum

To: Salton Sea Authority Board of Directors
From: G. Patrick O'Dowd, Executive Director/GM
Date: June 22, 2023
Re: **Colorado River Environmental Impacts**

The attached memo from Ms. Lisa Moore of Cultivating Conservation provides background concerning the Bureau of Reclamation's draft SEIS for Near-Term (2024-2026) Mead/Powell Operations and Reclamation's more recently published (June 16, 2023) [notice of intent to prepare an Environmental Impact Statement \(EIS\) on post-2026 Mead/Powell Operations](#). It discusses issues with the earlier SEIS effort and concerns about this new filing.

Recommendation:

Direct staff to prepare comments in response to this recent notice in view of the potential that this new EIS process may otherwise fail to consider the environmental justice, tribal, clean air, clean water and habitat impacts on the Salton Sea region.

Respectfully submitted,



G. Patrick O'Dowd
Executive Director/GM



MEMO

TO: Salton Sea Authority Board of Directors and G. Patrick O’Dowd
FROM: Lisa Moore
RE: **Federal Report**
DATE: June 20, 2023

Summary: This memo provides Directors with background concerning the Bureau of Reclamation’s draft SEIS for Near-Term (2024-2026) Mead/Powell Operations and Reclamation’s more recently published (June 16, 2023) notice of intent to prepare an Environmental Impact Statement (EIS) on post-2026 Mead/Powell Operations.

Whereas the draft SEIS proposes to govern water conservation and other operational features of Colorado River management for 3 years, the proposed new EIS and the guidelines it will create will govern operations well into the future. As a result, this EIS process is critically important to the Salton Sea region.

The June 16 notice for post-2026 operations establishes 3 public scoping meetings in July and requests that the “public submit comments concerning the scope of specific operational guidelines, strategies, and another issues that should be considered” by a **deadline of August 15, 2023**. The notice particularly solicits comment on the nature of the “affected environment” Reclamation should consider in evaluating the impacts of proposed water conservation and related measures in the new EIS.

Action Item: Directors may wish to direct staff to prepare comments in response to this recent notice in view of the potential that this new EIS process may otherwise fail to consider the environmental justice, tribal, clean air, clean water and habitat impacts on the Salton Sea region. The section directly below briefly describes the draft SEIS and the defects in that document because these defects are likely to be repeated in the post-2026 EIS absent robust engagement.

Background:

As you will recall, this past spring Reclamation released a draft SEIS to evaluate the public health and environmental impacts of two proposed alternatives to conserve water in the short-term (2024-2026) to stabilize the Colorado River system — one according to the Law of the River and California’s senior priority and the other an across the board cut to water deliveries which would have significantly and negatively affected our region.

In view of that proposal, Directors directed staff to prepare comments on the draft SEIS. After noting Interior and Reclamation’s recognition that its Colorado River water conservation measures would negatively impact the public health and environment of the Salton Sea region, the comments found that Reclamation’s draft SEIS nonetheless failed to consider those impacts in the environmental justice and tribal analyses as required by numerous Biden administration orders; failed to perform the required Clean Air Act conformity analysis (required to ensure that Reclamation’s water conservation mandates do not

result in Salton Sea local governments failing to comply with Clean Air Act air quality standards and propose federal mitigation to assure such compliance); and failed to consider impacts to water quality and endangered species in our region.

Shortly before the comment period was set to close in late May, Reclamation withdrew the draft SEIS and indicated it would re-propose a new draft SEIS to consider a consensus proposal developed by the Lower Basin States. Reclamation has since indicated that it will publish this new draft for public review and comment and finalize the SEIS for these near-term measures by the end of the year.

The new June 16 notice for a new EIS would look beyond near-term management and propose long-term water conservation and management measures for the Colorado River system. Reclamation manages Lake Mead and Lake Powell operations pursuant to the 2007 Interim Guidelines for Lower Basin Shortages and Coordinated Operations for Lake Powell and Lake Mead (2007 Interim Guidelines), the 2019 Drought Contingency Plan, and Minute 323 between the U.S. and Mexico. These guidelines and the 2019 DCP expire in 2026.

As a result, Reclamation is undertaking this new EIS to adopt new guidelines for the long-term operation of Mead and Powell. The 2007 Interim Guidelines were subject to National Environmental Policy Act (NEPA) review and resulted in an EIS. That EIS did not consider the environmental impacts of Reclamation's proposed guidelines on the Salton Sea region.