



MEMO

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

Reclamation is currently engaged in two National Environmental Policy Act (NEPA) reviews related to Colorado River operations and management that will affect the Salton Sea region. The first NEPA review — a Supplemental Environmental Impact Statement (SEIS) on Near-Term Operations (2024-2026) — was paused at the end of May to evaluate an additional alternative proposed by California, Arizona and Nevada. The Authority prepared detailed comments on the draft SEIS as it proposed water conservation measures which would have had significant public health and environmental impacts on the Salton Sea region. There is no new information concerning that process to report, except that it is ongoing.

The second NEPA review — a full Environmental Impact Statement (EIS) to consider post-2026 long-term operations and management — has begun the public scoping process. Reclamation held webinars relating to this new EIS process this past week to assist the public and stakeholders prepare comments which are due August 15, 2023. 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.

Public Scoping/EIS Process

Unlike the draft SEIS, which presents specific water conservation alternatives for the short-term and aims to assess the environmental impacts of those alternatives, the new EIS process will be more exhaustive. Reclamation presented its expectations for the public scoping process and allowed the public and stakeholders to ask questions at its July 17 webinar. Reclamation stated that the development of the EIS will be a multi-year process, with a full draft prepared for public comment by mid-2024 and to conclude with a NEPA Record of Decision (ROD) in mid-2026. Reclamation also indicated it is creating a new stakeholder engagement process for the EIS that it intends to roll out in the near future.

The first formal step in this process is NEPA scoping which by law directs Reclamation “to engage State, local, and tribal governments and the public in the early identification of concerns, potential impacts, relevant effects of past actions and possible alternative actions.” 43 CFR § 46.235. The scoping process will help set the stage for the issues the EIS will ultimately evaluate, including the development of alternatives to better manage Colorado River water supplies into the foreseeable future.

Framing Authority Comments

Unlike the draft SEIS, there are not yet specific alternatives to comment on yet in this process. Rather, Reclamation is seeking comments by August 15 on the scope of the issues that should be evaluated in the EIS, including: the duration of the new guidelines; Colorado River management improvements; ways to better provide predictability to water users; additional mechanisms to increase flexibility; and any other issues that should be considered. Comments will inform the way Reclamation determines the scope of the environmental impact analysis, including the affected area and geographic scope of assessing the environmental impacts of the ultimate water conservation alternatives it frames and evaluates in the EIS.

Reclamation will be required to publicly respond to scoping comments.

While this process differs from the SEIS process, the draft SEIS does provide some insights into comments the Authority may wish to make on the EIS. In particular, while the draft SEIS did include the Salton Sea region as part of the affected environment, it only considered the water supply and socioeconomic/agricultural impacts of the different proposed alternatives on our region. Reclamation did not consider the air quality, water quality or habitat impacts of its different alternatives on the Salton Sea region. Its environmental justice and tribal impact analyses did not consider the impacts of the proposed draft SEIS alternatives on these Salton Sea region communities.

Reclamation also did not perform a Clean Air Act conformity analysis in the draft SEIS. The Clean Air Act requires Reclamation to analyze the air quality impacts of its proposed action and alternatives to determine whether they will cause or contribute to new violations, worsen existing violations, or delay attainment with Clean Air Act standards in the Salton Sea region. The purpose of the Clean Air Act conformity rule is to ensure that federal actions do not cause local violations of Clean Air Act standards, and to ensure federal mitigation to avoid such violations, rather than placing that compliance burden on local governments. Notably in EPA's 2020 re-designation of Imperial County as in attainment with Clean Air Act particulate matter standards, the agency premised its decision on the assumption that any future water transfers from the Salton Sea region would include air quality mitigation measures.