



August 15, 2023

The Honorable Deb Haaland
Secretary of the Interior
U.S. Department of the Interior
1849 C Street, NW
Washington, DC 20240

The Honorable Camille Touton
Commissioner
Bureau of Reclamation
1849 C Street, NW
Washington, DC 20240

RE: Notice of Intent to Prepare an Environmental Impact Statement and Notice to Solicit Public Comments and Hold Public Scoping Meetings on the Development of Post-2026 Operational Guidelines and Strategies for Lake Powell and Lake Mead, Fed. Reg. Vol. 88, No. 116, Friday, June 16, 2023; submitted by email to crbpost2026@usbr.gov

Dear Secretary Haaland and Commissioner Touton:

We greatly and sincerely appreciate your recent acknowledgement that the Salton Sea requires mitigation to address the negative impacts of Bureau of Reclamation (Reclamation) Colorado River management decisions to reduce water deliveries to the Imperial and Coachella Valleys.¹ The attached comments describe the specific air quality, environmental justice, tribal, water quality and habitat Salton Sea impacts that are squarely within the scope of the above referenced Environmental Impact Statement (EIS).

We respectfully urge you to evaluate these impacts and provide federally funded mitigation to address them within the EIS as provided for by Reclamation National Environmental Policy Act (NEPA) guidelines and regulations, as well as other federal environmental laws. The public health and environmental costs of the impacts of Colorado River water conservation measures must not be externalized to the Salton Sea region's disadvantaged, tribal, and agricultural communities.

It is important to note at the outset that these Salton Sea impacts have not been evaluated by Reclamation or any other entity in any prior formal, public, and legally reviewable process. Accordingly, Reclamation cannot rely on prior assessments to avoid such an evaluation in the post-2026 EIS.

In particular, the 2007 Colorado River Interim Guidelines Reclamation aims to revise through this new process notably failed to federally evaluate, to consider or to

¹ Department of the Interior, *Commitment to Support Salton Sea Management Related to Water Conservation in the Lower Colorado River Basin* (Interior Commitment Agreement) (November 29, 2022) (emphasis added). <https://www.iid.com/home/showpublisheddocument/20856>.

mitigate the public health and environmental impacts of Colorado River water conservation on the Salton Sea. Subsequent actions to refine the guidelines such as the 2019 Drought Contingency Plan (DCP) and the 2022 Interior Commitments Agreement similarly lacked an assessment of impacts needed to rigorously guide Salton Sea mitigation and adaptive management. And Reclamation's 2023 Draft Supplemental Environmental Impact Statement (draft SEIS), now under reconsideration, also failed to evaluate and propose federal mitigation for near-term Colorado River water conservation impacts on Salton Sea region air quality, habitat, environmental justice, tribal and other environmental resources.²

The Salton Sea Authority (Authority) has worked for decades to secure state and federal resources to cooperatively evaluate and mitigate the impacts of these Colorado River water conservation measures. The Authority is a joint powers entity established under California law to promote the revitalization of the Salton Sea and surrounding region. The Authority is directed by a board of locally elected leaders from the Torres Martinez Desert Cahuilla Indians (Torres Martinez), Imperial and Riverside Counties, Imperial Irrigation District (IID) and Coachella Valley Water District (CVWD) to advance state and federal policies and projects to support this mission.

For example, the Authority's advocacy with the California State Legislature and Governor has resulted in the commitment of \$582.5 million to address the significant Salton Sea public health and environmental impacts of the 2003 Quantification Settlement Agreement (QSA), which provided for largest agricultural-to-urban water transfer in U.S. history to benefit the stability of the Colorado River system.

The Authority has also been the leading advocate for federal legislation to ensure the federal government meets its own legal responsibilities at the Salton Sea. The Authority has worked closely with our Congressional delegation to secure U.S. Army Corps of Engineers Salton Sea Feasibility Study and funding to determine and ultimately fund a long-range plan to address the decline of the Salton Sea, one of only three such

² While the draft SEIS now under revision included the Salton Sea region within the affected environment, it did not evaluate the proposed Colorado River water conservation alternatives on the region's air quality, endangered species, or water quality. Similarly, Reclamation's draft SEIS environmental justice and tribal analyses excluded a consideration of these environmental impacts on these already overburdened communities. Instead, Reclamation's draft SEIS focused on the single question of how its proposed alternatives would affect water supply accessibility for California and Arizona environmental justice communities. NEPA does not permit Reclamation to ignore significant and well-recognized environmental impacts in this manner. Moreover, the Clean Air Act imposes substantive mandates on Reclamation which were also not addressed in the draft SEIS. Finally, while 96 Tribes were consulted by Reclamation in the draft SEIS process, the Torres Martinez were not among them, in contravention of Executive Orders and Interior policy to consult with Tribes affected by Colorado River water supply decisions.

The Honorable Deb Haaland
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Page 3 of 3

studies approved by Congress in 2020; to secure 2018 Farm Bill legislation to broadly empower the U.S. Department of Agriculture (USDA) to implement mitigation actions on exposed Salton Sea playa and to increase investment in infrastructure to improve water use efficiency; and to establish the \$4 billion Inflation Reduction Act (IRA) fund to mitigate the impacts of Reclamation's Colorado River decisions on the Salton Sea. PL 117-169.

Finally, key to the Authority's mission is ensuring that federal public health and environmental legal protections for our region are followed and implemented by our federal partners.

In 2019, the Authority, IID, and our Congressional delegation worked to defeat legislation to void Reclamation's NEPA, Clean Air Act and other federal environmental statutory duties to consider and bear the costs to mitigate the environmental and public health impacts of its Colorado River actions on the Salton Sea. Instead of voiding federal public health and environmental protections for Salton Sea region's disadvantaged and tribal communities, Congress instead provided Reclamation with the flexible \$4 billion IRA fund to address these concerns.

We sincerely appreciate the seriousness of the Colorado River water supply issue and wish to work in a cooperative way to use the federal funding tools the Authority has helped to create to address it. A truly durable solution to the Colorado River crisis cannot be accomplished by imposing unanalyzed and unmitigated water cuts on California tribal and disadvantaged communities. We are confident that a solution to the Colorado River and Salton Sea crises can be found by working together to understand and equitably address both concerns.

Thank you for consideration of our views. We look forward to working with you as this critical multi-year EIS process unfolds.

Sincerely,



Altrena Santillanes
President



Castulo Estrada
Vice President

Salton Sea Authority Post-2026 Colorado River Scoping Comments

a. Legal Context

NEPA requires Federal agencies to provide a detailed statement on proposals for major Federal actions significantly affecting the quality of the human environment. 40 CFR §1500.1. The purpose of the environmental impact statement is to “ensure agencies consider the environmental impacts of their actions in decision making” by providing a “full and fair discussion of significant environmental impacts and shall inform decision makers and the public of reasonable alternatives that would avoid or minimize adverse impacts or enhance the quality of the human environment.” 40 CFR § 1502.2.

The law further provides that “[e]nvironmental impact statements shall serve as the means of assessing the environmental impact of proposed agency actions, rather than justifying decisions already made,” 40 CFR § 1502.2(g), and must consider the cumulative impacts of the proposed action. Cumulative impacts are “the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.” 40 CFR § 1508.7

According to Reclamation’s own NEPA policy, Reclamation’s NEPA review “requires full disclosure of the potential effects of major actions proposed by federal agencies and accompanying alternatives, impacts, and possible mitigation.” Reclamation NEPA Handbook (Handbook) at 2-2.³ Reclamation policy further states that it will “obtain the information necessary to fully evaluate all reasonably foreseeable, significant adverse impacts” and that the agency should not use the NEPA review to “justify a predetermined action” and must be used in an “impartial manner.” Handbook at 2-2. While NEPA does not mandate Reclamation choose a particular course of action or mandate mitigation, it does require that “impacts and potential mitigation be disclosed before decision making.” Handbook at 2-3. Reclamation states that it will “obtain the information necessary to fully evaluate all reasonably foreseeable, significant adverse impacts.” Handbook 3-15.

Finally, in addition to informing the public, another reason behind NEPA’s requirements to surface environmental concerns is so that Reclamation may incorporate “environmental commitments” in the final NEPA document to address those concerns. These are defined by Reclamation as “written statements of intent made by Reclamation to monitor and mitigate for potential adverse environmental impacts of an action ... to reduce or avoid impacts, restore or enhance environmental quality.” These

³ https://www.usbr.gov/nepa/docs/NEPA_Handbook2012.pdf

commitments, when included in the final NEPA document, obliges Reclamation “to fulfill and appropriately fund all monitoring and mitigation measures” Handbook at 3-16.

Further, these “commitments may state how Reclamation will comply with applicable statutes, regulations and other obligations including: the Clean Water Act, Clean Air Act, Endangered Species Act, National Historic Preservation Act, Executive orders, Tribal, State and local laws, rules and regulations.” Handbook 3-16.

Further, reclamation is bound under other federal environmental laws to evaluate the specific Salton Sea impacts of its proposed post-2026 Colorado River water conservation measures. For example, the Clean Air Act requires Reclamation to analyze the air quality impacts of its post-2026 Colorado River water conservation measures which would reduce Salton Sea inflows 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. 42 USC § 7506(b).

In addition, the Endangered Species Act requires Reclamation to consult with the Fish and Wildlife Service (FWS) to ensure that Reclamation’s proposed action is not likely to jeopardize the continued existence of threatened and endangered species in the Salton Sea region. 16 USC § 1536(a)(2). The Clean Water Act provides for water quality standards that are applicable for eutrophic lakes like the Salton Sea. 33 USC § 1251(a).⁴

Finally, Biden administration environmental justice and tribal policies -- which protect the Salton Sea region’s disadvantaged and tribal communities -- similarly require cumulative impact analyses, direct agencies to avoid imposing environmental and public health harms on these communities, and provide for mitigation of environmental and public health harms.⁵ These commitments also provide that Tribes be afforded enhanced consultation in recognition of Interior’s tribal trust responsibilities to protect tribal lands, assets, and resources.⁶

b. Salton Sea Region Affected Environment

⁴ Clean Water Act (CWA) section 303(d) requires states to identify waters that are impaired by pollution and requires states to establish a total maximum daily load (TMDL) to ensure water quality standards may be met. The State of California Regional Water Quality Control Board Colorado River Basin Region is currently formulating a TMDL for dissolved oxygen and nutrient impairments in the Salton Sea. https://www.waterboards.ca.gov/coloradoriver/water_issues/programs/salton_sea/

⁵ Exec. Order 14096, 88 Fed. Reg. 80 (2023) (Revitalizing Our Nation’s Commitment to Environmental Justice for All) (Biden Environmental Justice Exec. Order); Exec. Order 12898, 59 Fed. Reg. 7629 (1994) (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations); Exec. Order 14008, 86 Fed. Reg. 19 (2021) (Tackling the Climate Crisis at Home and Abroad).

⁶ Exec. Order 13175 November 6, 2000 (Consultation and Coordination with Indian Tribal Governments) and Presidential Memorandum of January 26, 2021 (Tribal Consultation and Strengthening of Nation-to-Nation relationships); Presidential Memorandum of November 30, 2022 (Uniform Standards for Tribal Consultation).

The Salton Sea spans 370 square miles in Imperial and Riverside Counties and is California's largest lake. The Sea provides habitat to over 400 species of birds, including state and federal threatened and endangered species such as the desert pupfish, Yuma clapper rail, California black rail, southwestern willow flycatcher, and California brown pelican.⁷ The Sea is sustained by agricultural discharges from IID and CVWD. Since the early 2000s, inflows to the Sea have been reduced by significant water conservation efforts of area irrigation districts, particularly IID,⁸ to provide water supply security in the Colorado River system.

These measures, however, have decreased agricultural return flows to the Sea, which has declined 11 feet since 2003, and will expose roughly 30,000 of dry lakebed. The Sea is now twice as salty as the ocean, causing major declines in fish and bird populations along a major stopover on the Pacific Flyway. It has been estimated that the playa will become exposed at a rate of 5,500 acres year and that by 2045 there will be a total increase of 105,000 acres of Salton Sea playa exposed relative to 2003.⁹ These estimates do not factor in the Salton Sea playa impacts that will result from additional near-term and long-term Colorado River water conservation measures under consideration in this post-2026 EIS process and the draft near-term SEIS process.

The Torres Martinez aboriginal homeland is comprised of 24,000 acres in and around the Salton Sea. Roughly 700 Cahuilla people live on tribal lands near the Sea. In the first half of the 20th Century, the Sea supplied the Torres Martinez with fish, wildlife and economic benefits tied to tourism. But as the Sea declined as a result as water conservation demands to support the Colorado River system, fish and birds started to die off and air pollution from exposed Salton Sea playa increased asthma and other respiratory diseases among the Cahuilla people.

The Salton Sea region is also home to disadvantaged communities which also bear a heavy burden of public health and environmental hazards. Imperial County, for

⁷ California Natural Resources Agency, *State and Federally Listed Endangered and Threatened Animals of California* (April 2023); nom.dfg.ca.gov

⁸ IID has conserved approximately 7.2-million-acre feet of water to benefit Colorado River water supply security, by far the largest conservation effort of any Colorado River water user.

⁹ Evan, A. (2019). Downslope Winds and Dust Storms in the Salton Basin. *Monthly Weather Review*, 147(7). [https://journals.ametsoc.org/configurable/content/journals\\$002fmwre\\$002f147\\$002f7\\$002fmwr-d-18-0357.1.xml?t:ac=journals%24002fmwre%24002f147%24002f7%24002fmwr-d-18-0357.1.xml](https://journals.ametsoc.org/configurable/content/journals$002fmwre$002f147$002f7$002fmwr-d-18-0357.1.xml?t:ac=journals%24002fmwre%24002f147%24002f7%24002fmwr-d-18-0357.1.xml). See also IID and San Diego Water Authority Memorandum of Points and Authorities in Support of Petitioner IID and Intervenor County of Imperial and Imperial County Air Pollution Control District for the State Water Resources Control Board to Conduct an Evidentiary Hearing for Modification of Revised Water Rights Order 2002-0013. <https://www.iid.com/home/showpublisheddocument/14275/636252537779170000> (noting that the expiration of the QSA requirement that IID provide mitigation water to the Salton Sea would dramatically accelerate Salton Sea playa exposure, with IID estimating an average exposure of an additional 3,300 to 5,600 acres of playa each year for the subsequent decade, with total playa exposure reaching roughly 50,000 acres by 2028).

example, is 85% minority population and experiences very high rates of poverty – with 21.4% of the population living below the poverty line. This population is among the most vulnerable to pollution in California as measured by health and socioeconomic indicators.¹⁰ Riverside County is 50.6% minority population with a low-income population of 30.4 percent.

One in five Salton Sea region residents has been diagnosed with asthma, and pediatric emergency room visits to treat respiratory distress are two to three times more prevalent in our region than in the rest of California.¹¹ A cross border study comparing asthma incidence in Imperial Valley cities with communities across the border in Mexico found the incidence of asthma in Imperial to be 4 times higher.¹² In addition, a recent study found Salton Sea playa dust to be “uniquely toxic” and study authors postulate that distinct characteristics of playa dust are especially pro-inflammatory and dangerous to the lungs.¹³

Accordingly, air quality is a significant concern in the Salton Sea region. Imperial County was declared in nonattainment for PM₁₀ in 2004 and has worked over the course of the intervening decades with Imperial County Air Pollution Control District (ICAPCD), the California Air Resources Board and the Environmental Protection Agency (EPA) to come into compliance with this Clean Air Act standard. Riverside County faces very similar PM₁₀ and other air quality compliance challenges.¹⁴

The future impact of federal Colorado River conservation measures on the Salton Sea region’s ability to attain and maintain Clean Air Act compliance has been expressly recognized as a challenge by EPA. For example, in EPA’s recent rulemaking approving Imperial County’s re-designation to attainment and its maintenance plan, EPA noted that “the Salton Sea will continue to recede, exposing an increasing amount of lakebed. EPA agrees that this creates the potential for increases in airborne particulate matter

¹⁰ See CalEPA Environmental Justice Task Force Report. https://calepa.ca.gov/wp-content/uploads/sites/6/2019/10/Imperial_County_EJ_Initiative.a.sw_.hp_.pdf

¹¹ <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40>

¹² Johnson, et al. (2019). The Disappearing Salton Sea: A critical reflection on the emerging environmental threat disappearing saline lakes and potential impacts on children’s health. *Sci Total Environ*, 663, 804-817. <https://pubmed.ncbi.nlm.nih.gov/30738261/>. See also CalEPA Environmental Justice Task Force (2019). Imperial County Initiative Report. https://calepa.ca.gov/wp-content/uploads/sites/6/2019/10/Imperial_County_EJ_Initiative.a.sw_.hp_.pdf

¹³ Trevor, et al. (2023). Aerosolized aqueous dust extracts collected near a drying lake trigger acute neutrophilic pulmonary inflammation reminiscent of microbial innate immune ligands. *Science of the Total Environment*, 858(3), 159882. <https://www.sciencedirect.com/science/article/pii/S0048969722069820?via%3Dihub>

¹⁴ See https://www3.epa.gov/airquality/greenbook/anayo_ca.html; <https://www.aqmd.gov/home/air-quality/clean-air-plans/coachella-valley-pm10-plan>; <https://www.federalregister.gov/documents/2023/03/08/2023-04736/designation-of-areas-for-air-quality-planning-purposes-california-coachella-valley-ozone>

from the lakebed that can potentially have adverse impacts on human health and the environment.”¹⁵

EPA moved forward with the attainment re-designation in part based on the assumption that future water transfers such as those likely to be proposed by Reclamation in the near-term draft SEIS and post-2026 EIS would be conditioned upon air quality mitigation.

In addition, as described in more detail below, Reclamation has also acknowledged its own significant air quality compliance concerns associated with the management of its Salton Sea lands. Interior and Reclamation own roughly 40% of the lands in and surrounding the Salton Sea. The Torres Martinez reservation occupies roughly 24,000 acres at the Salton Sea’s north end, while the Sonny Bono National Wildlife Refuge occupies 35,000 acres at the Sea’s south end. Reclamation has explicitly acknowledged its obligation to manage these lands in compliance with the Clean Air Act,¹⁶ and recognized that the agency will have very significant future Clean Air Act compliance costs associated with its own exposed Salton Sea playa lands.¹⁷

It is also important to recognize that Salton Sea region disadvantaged communities suffer from significant additional environmental and public health hazards, including cross-border air pollution and New River raw sewage inflows from Mexico.¹⁸ The weight of these existing burdens underscores the critical importance of ensuring that Reclamation’s scoping for the post-2026 EIS focuses on undertaking a cumulative impacts analysis that NEPA and the President’s environmental justice orders mandate.

c. Federal Government Recognizes the Salton Sea as Within the Affected Environment and Scope of Reclamation’s Post-2026 Colorado River Guidelines and Strategies

While neither Interior nor Reclamation have formally assessed the Salton Sea impacts of its Colorado River water conservation efforts, they have explicitly and repeatedly recognized that federal Colorado River water conservation decisions impact

¹⁵ Environmental Protection Agency, PM₁₀ Maintenance Plan and Redesignation Request; Imperial Valley Planning Area; California, 85 Fed. Reg. 182 at 58288 (2020).

¹⁶ See *Memorandum of Understanding Addendum By and Between the United States Department of the Interior and the State of California Regarding Coordination of Activities to Manage the Salton Sea* (2016), which provided: “the Parties will comply with all applicable requirements of the Federal Clean Air Act and all implementing rules and regulations in connection with Salton Sea playa lands owned or managed by the Parties that are exposed as a result of decline in elevation of the Salton Sea.” https://www.doi.gov/sites/doi.gov/files/uploads/signed_addendum_connor_salton_sea.pdf

¹⁷ See Reclamation’s FY 2021 Official Budget Justification. <https://saltonseaaauthority.org/wp-content/uploads/2020/09/BOR-FY-2021-Budget-Justification-Salton-Sea-c1.pdf>

¹⁸ https://www.waterboards.ca.gov/coloradoriver/water_issues/programs/salton_sea/salton-sea-watershed-staff-report.html; see also <https://www.desertsun.com/in-depth/news/environment/border-pollution/poisoned-cities/2018/12/05/toxic-new-river-long-neglect-mexico-border-calexico-mexicali/1381599002/>

the Sea and have made rough estimates of the possible costs of addressing such impacts.

For example, Reclamation's 2007 Salton Sea Summary Report Executive Summary estimated the costs of air quality mitigation needed because of Colorado River water transfers impacting the Salton Sea at \$1.4 billion with annual operations and maintenance costs of \$164 million under 2007 parameters.

In particular, in the report Reclamation predicted that water transfers out of the Salton Sea region to benefit Colorado River conservation would impact the Sea, stating that: "Salton Sea salinity will increase dramatically as inflows to the Sea are reduced due to the implementation of existing water transfer agreements," and estimated that as much as 140 square miles of Salton Sea playa could be exposed as result which "could significantly increase fugitive dust emissions." Reclamation went on to recognize that "[p]articles with a diameter of less than 10 microns (PM10) are of primary concern. Imperial Valley already suffers from the highest childhood asthma rate in the State."¹⁹

Reclamation has also more recently explicitly recognized that Colorado River water conservation efforts diminish inflows to the Salton Sea and negatively impact the public health and environment of the Salton Sea region.

For example, in its FY21 official budget justification, Reclamation acknowledged that water conservation agreements like the QSA (similar to water conservation measures now contemplated by the draft SEIS and post-2026 EIS) led to a "dramatic and predictable change" to the Salton Sea that was "accelerating the Sea's decline" which in turn was "adversely impacting wildlife habitat, human health, economic opportunities, and recreational values of the Sea and surrounding region."²⁰ Reclamation further recognized that reduced Colorado River inflows to the Salton Sea "has resulted in the collapse of the existing (tilapia) fishery and associated ecosystem, as well as exposed playa that may contribute to dust emissions and public health concerns related to declining air quality."²¹

In addition, Interior and Reclamation have explicitly recognized that its current federal effort to require near-term additional water conservation from the Salton Sea region to benefit the Colorado River system will have negative public health and environmental impacts on our region.

¹⁹ Bureau of Reclamation, Restoration of the Salton Sea Summary Report (2007) at 1-10-11. <https://www.usbr.gov/lc/region/saltsea/FinalSummaryRpt.pdf>

²⁰ See *supra* footnote 17. In this document, the agency states: "Reclamation estimates that approximately 8.75 square miles of Reclamation-owned lands will be emergent from the Sea as it recedes over the next 10 years. Even using extremely conservative estimates related to the costs at Owens Lake, Reclamation may still have significant air quality mitigation costs related to any applicable Clean Air Act requirements as the Sea recedes." In the same document, Reclamation estimates those costs to be at least \$330 million with an annual operations and maintenance cost of \$4.5 million.

²¹ See *supra* footnote 17.

In particular, on November 29, 2022, Interior signed an agreement with the State of California, IID and CVWD to improve Salton Sea project coordination, land access and provide up to \$225 million in federal funding to address near-term Salton Sea impacts associated with Reclamation's short-term effort to up to 250,000 acre feet (AF) of water conservation from our region to stabilize Lake Mead. In that agreement, Interior acknowledged that "[c]ombined reduced water usage in the Imperial and Coachella Valleys associated with increased system conservation activities is expected to accelerate the exposure of lakebed and increase the salinity of the Salton Sea. These increases in lakebed exposure and salinity will accelerate the environmental impacts already occurring at the Salton Sea *related to air quality, water quality, and habitat.*"²²

While this agreement is laudable for its recognition of impacts and initial funding commitment, it is not a substitute for publicly reviewable NEPA analyses of the impacts of Reclamation's Colorado River water conservation measures and determination of necessary federally funded mitigation. Undertaking these NEPA analyses in the post-2026 EIS process as required by law would help to ensure that federal funding commitments are sufficient to address the impacts of Reclamation's proposed action, allow the public to review these commitments, and provide greater assurances that funding and implementation occurs.

These measures all demonstrate a clear federal recognition that the Salton Sea air quality, water quality, habitat, tribal and environmental justice impacts are squarely within the scope of the post-2026 Colorado River EIS and must be evaluated.

d. Specific Salton Sea Issues to be Considered the Scope in Post-2026 EIS

Given that it is well established that Colorado River water management decisions impact the Salton Sea and no prior NEPA or other similar environmental review has fully assessed these impacts, the post-2026 EIS must:

- evaluate whether Reclamation's proposed action and alternatives may be accomplished in compliance with Reclamation's obligations under other federal environmental laws, including its obligations to manage its own federal lands in compliance with these laws (*i.e.*, Clean Air Act, Clean Water Act and Endangered Species Act); and, if not, what federally funded mitigation is needed to ensure such compliance;
- analyze air quality impacts to determine whether Reclamation's proposed action and alternatives will cause or contribute to new violations, worsen existing violations, or delay attainment with Clean Air Act standards in the Salton Sea

²² See *supra* footnote 1 (emphasis added).

region, as required by the Clean Air Act, 42 USC § 7506(b); and, if not, what federally funded mitigation is needed to ensure such compliance;

- consult with the Torres Martinez as required by numerous Presidential Executive Orders and Memoranda and evaluate the impact of Reclamation's proposed action and alternatives on Interior's trust obligation to protect the lands, assets, and resources of the Torres Martinez;²³
- meet the requirements of President Biden's environmental justice orders, including the President's most recent command to agencies like Reclamation to "fully protect"²⁴ the disadvantaged communities in the Salton Sea region from the cumulative environmental and public health impacts of Reclamation's proposed action;
- consult with the FWS concerning the likelihood that Reclamation's proposed action and alternatives will jeopardize the continued existence of Salton Sea region threatened and endangered species;²⁵
- evaluate the impact of Reclamation's proposed action on meeting Clean Water Act requirements in the Salton Sea region;
- propose federally funded mitigation measures and firm "environmental commitments" to be included to address any unavoidable impacts to the Salton Sea region from Reclamation's proposed action.

²³ See *supra* footnote 6.

²⁴ See *supra* footnote 5.

²⁵ If an action is likely to jeopardize a listed species, FWS will recommend reasonable and prudent alternatives to minimize harm to the species from the proposed agency action. 16 USC §1536(b)(4). In the context of the QSA Colorado River water transfer, Reclamation formally consulted with the FWS. FWS prepared Biological Opinion finding that water transfers may result in an incidental take of these threatened and endangered species in the Salton Sea region. That in turn resulted in a Species Conservation Program and HCP which included measures to mitigate those impacts. See *Conservation Agreement Among Bureau of Reclamation, Imperial Irrigation District, Coachella Valley Water District and San Diego County Water Authority* (October 10, 2003) <https://www.usbr.gov/lc/region/g4000/QSA/conservationagmt.pdf>