Appendix RTC-1
Responses to Comments

Comment 1: Pacific Institute, Alianza Coachella Valley, Audubon California, Leadership Counsel for Justice & Accountability, Sierra Club California

	Comment	Response
1.	**Key Recommendations** As we discuss in the following, the draft EA's affected environment is too small and the draft EA inappropriately relies on conditions in 2045 to minimize the potential impacts of the Proposed Action on air quality and on human and environmental health in the intervening 21 years. We recommend that Reclamation revise the EA to incorporate more appropriate and more durable impact avoidance measures, including: 1. set a near-term deadline for completion of the vegetation mapping effort; 2. monitor the drains discharging to the former Red Hill Bay and vegetation supported by those drains; 3. implement an "SCIA Salton Sea Playa Monitoring and Reporting Plan;" 4. expedite the implementation of "Mitigation Measure AQ-7: (1) **Restrict Access**" to playa; 5. expedite the implementation of planned projects to protect and restore emergent vegetation and augment habitat in alternative locations around the Salton Sea; and 6. initiate the process of transferring title to the federal land known as the "Salton Sea Test Base" to Imperial County or to the State of California. Timely implementation of these six, durable impact avoidance measures could enable the SCIA to proceed without the need to resort to a more robust environmental impact statement that recognizes the potential for the Proposed Action to have a significant effect on the human environment. The rapid implementation of all of the recommended impact avoidance measures could obviate the need for a consistent and thorough air quality and public health assessment and should enable Reclamation and IID to proceed with the Proposed Action, protecting those dependent on the Colorado River system as well as those in the Salton Sea region.	The Proposed Action is approval of an agreement for the temporary period of three years for the creation of conserved water that would reduce IID's annual diversion of Colorado River water by up to 300,000 acre-feet per year. The EA incorporates the QSA EIR/EIS by reference for purposes of demonstrating consistency with the analysis of past water conservation and incorporates information and analysis from the QSA EIR/EIS where appropriate. The impacts associated with the water conservation volumes transferred under the QSA are already addressed by the QSA EIR/EIS and the required mitigation is being implemented. The three-year period of the Proposed Action is significantly shorter in duration than the water conservation and reduction in diversions under the QSA. The EA recognizes the Proposed Action may accelerate certain impacts already associated with the water conservation under the QSA. The QSA Mitigation Monitoring and Reporting Program (MMRP), including IID's Salton Sea Air Quality Mitigation Program (SS AQMP), is implemented on an ongoing basis regardless and will address any impacts that occur despite anticipated timing. Additionally, the IID Drain and Salton Sea Vegetation Monitoring and Reporting Plan (Monitoring Plan) sets forth feasible and specific impact avoidance measures that will be implemented by IID in coordination with Reclamation, USFWS and CDFW during the three years of the Proposed Action. Reclamation has committed up to $250 million dollars to support expanded and accelerated SSMP projects at the Salton Sea.

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2.	**Colorado River Agreements** We commend the Department of the Interior, the California Natural Resources Agency (CNRA), IID, and the Coachella Valley Water District for signing the December 2022 *Commitment to Support Salton Sea Management Related to Water Conservation in the Lower Colorado River Basin* (Commitments Agreement) and collectively committing "to addressing, managing, and mitigating impacts to the Salton Sea and surrounding communities associated with additional water conservation activities." We thank Interior for committing $250 million to support Salton Sea-related project implementation and staff capacity at the water agencies and at the Torres-Martinez Desert Cahuilla Tribe as part of the Commitments Agreement and understand that this funding is linked to the Proposed Action. We thank Interior for disbursing more than $70 million of this funding to date, funding CNRA is currently using to expand the Species Conservation Habitat project, and look forward to the disbursement of the remaining funds. (California's recent commitment, in its FY2024/25 budget, of $65.8 million to Salton Sea projects and – importantly – to operations and maintenance costs for such projects also offers hope that the rate of habitat and dust suppression project implementation at the Salton Sea will increase, benefiting public and environmental health.) It is not clear why the EA does not reference the Commitments Agreement and its potential contribution to impact avoidance measures; we urge Reclamation to correct this omission in the final EA.	The following text has been added to Section 1.2 Reclamation Authority, Policy, and Resource Management on pages 3-4 of the EA: "Additionally, in December of 2022, the Department of the Interior, the California Natural Resources Agency (CNRA), IID, and the Coachella Valley Water District signed a *Commitment to Support Salton Sea Management Related to Water Conservation in the Lower Colorado River Basin* to facilitate voluntary conservation in the Lower Colorado River Basin. As part of this agreement, the Department of the Interior committed $250 million in support the implementation of CNRA's Salton Sea Management Program, specifically to support expanded and accelerated projects at the Salton Sea."
3.	As noted in the December 11, 2023, comment letter by Leadership Counsel and Pacific Institute (incorporated by reference and attached here for your convenience) on the October 2023 revised *Draft SEIS for Near-term Colorado River Operations* (draft SEIS), the rate of California's project construction at the Salton Sea (much less completion) remains well below the rate of the Salton Sea's decline (currently about 2,400 acres per year). As noted in the December 2023 comment letter, "Sections 3.8, 3.9, 3.13, 3.16, and 3.17 of the draft SEIS (summarized in Table 2-9) note that the proposed action would adversely affect water quality, air quality, biological resources, socioeconomics, and environmental justice in the Salton Sea region, for a period of 26 years."	The Proposed Action in the EA is fully developed allowing for the analysis to consider specific aspects of the Proposed Action, such as the Monitoring Plan. The EA is consistent with the March 2024 Final SEIS, which provides in pertinent part in Section 3.7 Water Deliveries, Section 3.7.2 Environmental Consequences, under Issue 6, page 3-84: "Therefore, the Proposed Action could result in expedited (but not additional) lakebed exposure compared with the No Action Alternative, due to less possible available agricultural runoff." The analysis in the EA is consistent with the SEIS.

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	The inconsistency of the draft EA and last year's draft SEIS is a significant defect Reclamation should correct.	
4.	**Affected Environment** The EA should explicitly define the affected environment. The affected environment should include the region in which impacts may be felt. The affected environment is much more extensive than the Proposed Action Area (described as the IID Contract Service Area, shown in Fig. 1-1). > The Proposed Action would accelerate the lowering elevation of the Salton Sea, thereby accelerating the exposure of the shoreline. This acceleration in turn would result in the earlier potential for increasing fugitive dust emissions and related HAP emissions and exposure to communities surrounding the Salton Sea. (p. 51) The EA should define the affected environment as the Salton Sea as a whole and communities surrounding the Salton Sea and should note the demographics of these adjacent communities, many of which carry existing burdens of impaired air quality.	The EA focuses on the IID Contract Service Area because the conservation of Colorado River water under the Proposed Action will occur in this area. The EA recognizes the affected environment for each resource topic area may extend beyond the IID Contract Service Area and assesses potential environmental impacts that may result from the Proposed Action as appropriate for the resource topic. The scope of the affected environment depends on the resource being evaluated. For example, Section 3.3 Air Quality analyzes the entire Salton Sea region (e.g. Salton Sea Air Basin, page 40; Regional Air Quality, page 41; IID's SS AQMP, State's Salton Sea Management Program (SSMP) and Dust Suppression Action Plan (DSAP) projects, page 44; hydrogen sulfide and hazardous air pollutants monitoring, page 44).
5.	Similarly, the Affected Environment for Biological Resources should be expanded to include the Salton Sea shoreline as of the publication of the EA, e.g., approximately -240.6' (NGVD 1929), as well as an appropriate buffer (roughly 500 meters) inland from this shoreline, to incorporate potential impacts to species using the shoreline interface. The EA's false equation of the affected environment to the IID Contract Service Area must be corrected.	The EA identifies all impacts to biological resources identified in the QSA EIR/EIS, which includes the entire Salton Sea, and provides a comparison matrix in Appendix BIO-3. The analysis in the EA assumes that these impacts and mitigation strategies would remain applicable, including for impacts to the Salton Sea. The EA focuses on updating the analysis of biological resources that were anticipated to be affected by this Proposed Action.
6.	**Cumulative Projects** The draft EA notes that "Cumulative effects are potential impacts on the environment that result from the incremental impacts of an action when added to other past, present, and reasonably foreseeable future actions" (p. 15). Reclamation's NEPA Handbook notes that "Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time" (p. 8-18) and that, "If appropriate, the EA should also discuss potential cumulative impacts resulting from actions taken by Reclamation, other Federal agencies, and State and local agencies, and how they relate to the action being considered" (p. 6-8). The assertion on p. 15 that "while it is possible that these events may	The EA identifies cumulative projects in Table 1-1. Each impact analysis for each resource area includes an assessment of the "incremental impacts of an action when added to other past, present, and reasonably foreseeable future actions" may collectively result in significant impacts. The cumulative analysis for each resource area takes into account the projects listed in Table 1-1 and finds that the increment of effect of the Proposed Action when added to those projects will not result in an overall increase in effects. The Department of Water Resources (DWR) modeling using the Salton Sea Accounting Model (SSAM) includes these projects in its assumptions and, therefore, accounts for reduced flows.

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	occur earlier, they will still occur without the Proposed Action" ignores expected changes in the magnitude and severity and duration of these events due to the Proposed Action and should be revised accordingly.	
7.	Table 1.1 includes "WRP No. 4 Recycled Water Program" but the EA neglects to quantify how much it would diminish the inflows to the Salton Sea or discuss the potential cumulative impacts of this proposed action.	The CVWD WRP No. 4 Recycled Water Improvement Project at full build-out is intended to provide all recycled water from the plant to meet customer needs, thereby eliminating discharges ultimately reaching the Salton Sea. According to the Notice of Preparation of an Environmental Impact Report and Notice of Scoping Meeting, issued on October 12, 2023, the plant currently treats and discharges an average daily flow of approximately 5.7 million gallons per day (or when converted to acre-feet, approximately 17.49 acre-feet per day and 6,385 acre-feet per year). While this reduction in flows is permanent, it is 0.007% of the total inflows to the Sea calculated by DWR in its hydrology modeling. CVWD intends to construct Phase I of the project within 5 years. Based on timing and volume. There will not be a significant cumulative impact resulting from the combination of the Proposed Action and the WRP No. 4 Recycled Water Improvement Project based on the short-term duration of the Proposed Action and the incremental reduction to inflows of the two projects, which will not occur during the same period of time.
8.	Table 1.1 notes that the status of the QSA Habitat Conservation Plan (HCP) is "Ongoing (Partially in Planning, Construction and Completed)." More than twenty years have passed since IID signed the QSA, yet the HCP has yet to be completed.	The HCP has been deleted from the Cumulative Projects List in Table 1-1.
9.	Table 1.1 ("Cumulative Projects List") should include the Lower Basin post-2026 alternative, in which California proposes to conserve as much as 440,000 acre-feet of water annually as part of the post-2026 Colorado River operations. While intra-state allocation of this reduction has yet to be determined, it is ***reasonably foreseeable*** that IID would continue to participate in actions to protect the Colorado River system at some level, and potentially at a level comparable to the Proposed Action, especially since it is unlikely that the California Colorado River contractors could achieve 440,000 AF of annual reductions absent IID participation at that level. Correcting this omission will dramatically affect the impacts analysis as a whole; it is not clear why this reasonably foreseeable – indeed, expected – action was omitted from the list of cumulative projects	A wide range of alternatives for the multi-year NEPA process for the post-2026 Colorado River operating guidelines are currently being considered and analyzed. Therefore, conservation volumes are speculative and not reasonably foreseeable. For this reason, post-2026 conservation volumes were not included in the Cumulative Projects list. The Proposed Action is approval of an SCIA under Reclamation's Lower Colorado River Basin System Water Conservation and Efficiency Program (LC Conservation Program) with funding allocated from the Inflation Reduction Act of 2022 (Public Law No. 117-169) to support the Near-Term Colorado River Operations evaluated in Reclamation's March 2024 Final SEIS. This

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	and from the impacts analysis. Similarly, p. 18 states, "Colorado River water deliveries to IID would return to pre-Proposed Action volumes beginning in 2027 upon the expiration of the SCIA and conclusion of the water conservation programs provided for by the SCIA." As noted in the EA "Purpose and Need" and Reclamation's on-going efforts to develop management alternatives for the post-2026 period, it is more than reasonably foreseeable that IID will enter into additional conservation agreements for the post-2026 period and that "Colorado River water deliveries to IID ~~would~~ ***will not*** return to pre-Proposed Action volumes." Reclamation should revise the draft EA to correct this significant error.	is a unique program with limited funding for a short-term period until 2026, at which time the SCIA will terminate.
10.	**Monitoring** We commend the development and implementation of the proposed "IID Drain and Salton Sea Vegetation Monitoring and Reporting Plan (Monitoring Plan) for the three years of the Proposed Action, calendar years 2024 through 2026" (p. 20). The EA should set a deadline for completion of this vegetation mapping effort, such as within one month of the certification of the final EA, to ensure that the final map provides a useful baseline for comparison. Presumably, IID's contractor has completed much of this work already, as documented in its annual *Salton Sea Playa Exposure Estimate* memoranda.	The vegetation mapping of existing communities will be conducted in 2024.
11.	Please explain why neither the drains discharging to the vegetated area in the former Red Hill Bay nor the vegetated area itself (circled in orange) have been designated for monitoring, as shown in Figure 2-4b (pasted below).	The area circled in the comment is not appropriate for monitoring because it is not connected to an IID drain. Water is pumped onto the site from a few adjacent lands. The site is also subject to an Abatement Order from the Imperial County Air Pollution Control District.
12.	IID should also implement an "SCIA Salton Sea Playa Monitoring and Reporting Plan," perhaps as part of IID's existing Salton Sea Air Quality Mitigation Program (SS AQMP), to ensure that the Proposed Action will not result in additional dust emissions from exposed lakebed. The SCIA Playa Monitoring Plan should also include triggers that would require action by IID should emissions be observed. The SCIA Playa Monitoring Plan would need a separate funding source, distinct from the existing QSA Joint Powers Authority, since it would monitor and mitigate impacts above and beyond those generated by the QSA itself. Section 2.VI.A.i of the December 2022 *Commitments Agreement* suggests a federal funding source for the SCIA Playa Monitoring Plan; alternatively, the State of	The EA notes on page 15 that the QSA EIR/EIS is incorporated by reference. The implementation of the MMRP, including the SS AQMP, is ongoing and will address any impacts that occur despite anticipated timing. Appendix AQ-2 SS AQMP was added to the EA, which explains the SS AQMP in detail.

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	California and/or IID could contribute to such a plan. (Assuming the SCIA generates 700,000 acre-feet through 2026, of which 100,000 would be generated by OFECP and the remainder from DIP, and accounting for lost water sales and 25% for administrative and environmental costs and lost hydropower generation suggests that IID would net more than $200 million from the SCIA, providing a potential funding source for some portion of the six impact avoidance measures we recommend.)	
13.	The Monitoring Plan described in the draft EA, combined with the proposed SCIA Playa Monitoring Plan, would provide valuable information on the impacts of the Proposed Action. The two monitoring plans will also inform the development of impact avoidance and/or mitigation measures for additional IID water conservation measures contemplated for post-2026 Colorado River operations.	The Monitoring Plan will be implemented in addition to the MMRP and SS AQMP. Additional monitoring and funding sources are outside the scope of this Proposed Action.
14.	**Impact Avoidance Measures** We commend Reclamation for developing robust drain and vegetation impact avoidance measures, though we question whether delivering water to mitigate for the conservation of water may be the most appropriate approach. A complimentary approach, consistent with the purpose and need for the Proposed Action, could be to expedite the implementation of planned projects to protect and restore emergent vegetation and augment habitat in alternative locations around the Salton Sea, such as the proposed Bombay Beach Wetland (BBW) project and potential desert pupfish habitat at the Sonny Bono Salton Sea National Wildlife Refuge. We recommend that IID engage closely with the State to expedite landownership agreements and grant funding agreements to expedite implementation of the BBW project. Additionally, we encourage IID to enhance its collaboration with Reclamation and Audubon regarding public access design to facilitate smooth project progress and community engagement.	The recommendations of the BBW project and habitat at the Refuge are outside the scope of the Proposed Action and the analysis of this EA. Reclamation has been an active partner with the State of California to facilitate restoration projects at the Salton Sea. Reclamation committed to providing $250 million to CNRA under the Commitments Agreement in support of the implementation of CNRA's SSMP, specifically to support expanded and accelerated SSMP projects at the Salton Sea. Reclamation is committed to continuing its close partnership with IID and the State of California to support mitigation and restoration projects at the Salton Sea and pursue additional actions to facilitate those projects.
15.	IID, CNRA, and Reclamation should work with Imperial County to expedite the implementation of "Mitigation Measure AQ-7: (1) **Restrict Access.** Public access, especially off-highway vehicle access, will be limited, to the extent legally and practically feasible, to minimize disturbance of natural crusts and soils surfaces" (p. 50). Expanding and expediting the implementation of the BBW, potential desert pupfish projects, and Measure AQ-7 would provide durable solutions and lasting	Reclamation is committed to working with all the parties at the Salton Sea and to meet the terms of the 2022 Commitments Agreement, including providing up to $250 million to support ongoing restoration efforts.

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	benefits to the region and, if implemented quickly and robustly, could bolster acceptance of the Proposed Action.	
16.	Reclamation should also work with state and local officials to support their efforts to initiate the transfer of the federal land known as the "Salton Sea Test Base" to Imperial County or to the State of California, as described in the attached December 11, 2023, comment letter. In addition to providing land for impact avoidance measures for the Proposed Action, the Test Base would provide space for a much-needed Salton Sea research campus. This transfer would demonstrate state and federal commitments to the Salton Sea (consistent with the December 2022 *Commitments Agreement*) and the value and benefits of partnerships and collaboration.	The recommendation to transfer the Salton Sea Test Base land is outside the scope of the Proposed Action and the analysis of this EA.
17.	**Recreation** Table 3-1 (p. 39) states that "The Proposed Action involves water conservation programs and would not impact recreational facilities. No further assessment is necessary." In fact, the proposed water conservation programs would, as noted on p. 51, "accelerate the lowering elevation of the Salton Sea, thereby accelerating the exposure of the shoreline," which in turn would likely affect recreational facilities such as the Salton Sea State Recreation Area and the historical North Shore Beach and Yacht Club, frequented by local communities as a community center for its programmatic use. Table 2-9 of the Draft SEIS notes that "shoreline recreation on the Salton Sea shoreline could be more adversely affected if IID and CVWD contribute to SEIS conservation" (e.g., the Proposed Action). Reclamation should evaluate impacts on recreational facilities in the EA and follow the impacts analysis in the draft SEIS.	The EA finds that acceleration of the impacts to recreation at the Salton Sea would not be substantially different than already evaluated in the QSA EIR/EIS.
18.	**Air Quality** The assertion on p. 15 that "the temporary impacts associated with the Proposed Action would taper off to projected future baseline levels by the year 2045" raises the question of why the year 2045 is an appropriate basis for evaluation. Similarly, the assertion that "the Proposed Action … would not increase overall emissions when considered with other projects in the Action Area" is inconsistent with Fig. 9 in Appendix C (pasted below for your convenience), which shows 7,800 additional acres	Based on modeling conducted by DWR using SSAM for the implementation of the Salton Sea Management Plan (SSMP) included in Appendix HYDRO-3, the EA finds that the Proposed Action would accelerate the lowering elevation of the Salton Sea. Impacts resulting from lowering Sea elevation would include the same acreage as analyzed in the QSA EIR/EIS (as shown in Figure 9 referenced in the comment), but they would occur earlier, slowing down over time until reaching No Action Alternative conditions by 2045. Implementation of the SS AQMP is ongoing and is designed to

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	of playa exposure in 2027, and additional playa exposure each year through 2044. For the first 10+ years (2025-2035+), the additional playa exposure likely measures in the thousands of acres.	be adaptive and proactively detect, locate, and assess potential dust emissions regardless of timing, rate and extent of the playa exposure. Dust control measures are designed, installed and monitored where needed pursuant to the SS AQMP. With the acceleration of exposed playa, the EA acknowledges the accelerated effects of the Proposed Action and finds that the long-term effects would be those previously identified and mitigated in the QSA EIR/EIS.
19.	The cumulative difference in the annual amount of lakebed exposed by "Drought reduction with fallowing and efficiency" and the baseline from 2024 through 2045, as shown in Figure 9 (below), exceeds 62,000 acres. Unfortunately, the draft EA does not include a table listing incremental annual playa exposure; this is a material issue that needs to be addressed. Since we can expect that each year of additional, incremental playa exposure would likely lead to additional emissions, we expect that the Proposed Action, *especially when considered with relevant, reasonably foreseeable projects such as the Lower Basin post-2026 alternative,* would measurably increase annual ***and*** overall emissions. Please revise the EA to estimate the magnitude and duration of additional emissions due to the fact that "The Proposed Action would accelerate the lowering elevation of the Salton Sea, thereby accelerating the exposure of the shoreline" (p. 51) and "there would be an increase of the potential for fugitive dust emissions and related HAP emissions and exposure to communities surrounding the Salton Sea earlier than would otherwise occur" (p. 49).	The EA notes on page 15 that the QSA EIR/EIS is incorporated by reference. Unmitigated playa emissions account for less than 1% of all emissions in the Salton Sea Air Basin and when currently planned dust control projects are implemented, this number drops to less than 0.5% of the total emissions in the Salton Sea Air Basin. Implementation of the SS AQMP is ongoing and is designed to be adaptive and proactively detect, locate and assess potential dust emissions regardless of timing, rate and extent of the playa exposure. Therefore, the acceleration of impacts will be addressed by the existing mitigation.
20.	The draft EA largely ignores the effects of hydrogen sulfide emissions on air quality. It also misattributes the hydrogen sulfide emissions solely to monsoon winds and does not consider ways that changing water quality may directly impact hydrogen sulfide emissions. The impact of hydrogen sulfide on air quality is noticed by local communities, especially farmworkers who complain about the smell and the health effects subsequent to being exposed to it for prolonged periods of time. The draft EA should consider how additional near-shore monitoring could help inform relevant Impact Avoidance Measures for the Proposed Action or how the lack of current monitoring should compel local and state agencies to expand monitoring efforts. This is also a point outlined in a	The EA notes on page 44 that anaerobic decay on the sea floor can result in the production of hydrogen sulfide that is emitted to the atmosphere when winds turn over water stratifications. Lowering water elevations can worsen this natural dynamic. Since 2013, SCAQMD has operated H2S monitors at two locations in the eastern Coachella Valley: at the SCAQMD Mecca air monitoring station (Saul Martinez Elementary School) and at the station operated by IID (Salton Sea Near Shore, Lincoln Avenue and 73rd Avenue, Mecca). As stated on page 44, California has set a nuisance odor standard for H2S at 30 ppb (0.3 part per million [ppm]); there is no federal standard (SCAQMD 2022a). The conditions described in the comment result in odiferous air quality due to the functions of the Sea

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	letter sent by Alianza Coachella Valley and its partners in response to the IID SCIA and its draft EA.	as a terminal water body. The EA concludes that hydrogen sulfide emissions would be similar to those estimated in the QSA EIR/EIS but may occur sooner.
21.	**Biological Resources** The Biological Resources section of the draft EA suffers from serious errors. The "affected environment," limited to "the IID Contract Service Area," ignores impacts to the Salton Sea as a whole and to shoreline areas outside the "the IID Contract Service Area."	The EA identifies all impacts to biological resources identified in the QSA EIR/EIS, which includes the entire Salton Sea, and provides a comparison matrix in Appendix BIO-3. The analysis in the EA assumes that these impacts and mitigation strategies would remain applicable, including for impacts to the Salton Sea. The EA focuses on updating the analysis of biological resources that were anticipated to be affected by this Proposed Action.
22.	The vegetation field mapping effort mischaracterizes vegetation type and extent.	With respect to the vegetation mapping along the southern shoreline of the Salton Sea, the comment points out an error in the labeling a large portion of the Red Hill Bay area as Tamarisk-Iodine Bush Thickets/Scrub habitat, but instead is not vegetated and has surface roughening. In response to this comment, Figure 3-3c has been modified to reflect the disturbed area. Also, in response to this comment, the acreage totals provided in Table 3-4 have been updated to reflect this change.
23.	The **Literature and Database Review** cites Reclamation's SEIS but ignores the findings of the SEIS, such as: > Water elevations are predicted to be lower under the Proposed Action for the Salton Sea, exacerbating existing issues of water availability and salinity for migratory birds and terrestrial wildlife. … Based on increased salinity, the Salton Sea will become increasingly less tolerable to even the most saline-tolerant freshwater species such as tilapia and desert pupfish. (pp. 3-194-195 of the draft SEIS) and > According to the updated SSAM and projections of future IID water delivery using Reclamation's CRSS model, the Proposed Action would expedite previously anticipated decreases in water level and corresponding increases in exposed playa at the Salton Sea beginning in 2024, worsening existing issues of water availability and salinity for special status species as compared with the No Action Alternative. (P. 3-219 of the draft SEIS)	The Salton Sea is a terminal inland lake that is continually increasing in salinity over time due to evaporation. The Proposed Action in the EA is fully developed allowing for the analysis to consider specific aspects of the Proposed Action. The analysis in the EA is pursuant to DWR's modeling using SSAM, which is the same modeling completed for the SEIS. The modeling was refined for the Proposed Action in the EA which finds that there would be an acceleration of the increase in salinity by 3 to 4 years and then would reach the same levels as identified in the QSA EIR/EIS. The MMRP will address the accelerated increase in salinity. This analysis is consistent with the SEIS, which recognized that increases in salinity from the Proposed Action would be analyzed in this EA.

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24.	P. 53 states “These conditions, including the current Salton Sea elevation, are materially similar to conditions predicted in the QSA EIR/EIS for the present timeframe.” The figure below, from Formation’s Feb. 2024 Playa Exposure Estimate, shows that “Actual Observed Playa Exposure” is well below the 5th percentile of predicted playa exposure. The current Salton Sea elevation is ***not*** “materially similar to conditions predicted in the QSA EIR/EIS for the present timeframe.”	The statement on page 53 is accurate that the Salton Sea elevation is “materially similar to conditions predicted in the QSA EIR/EIS for the present timeframe.” Less playa exposure is “materially similar conditions.” The IID Technical Memorandum: Salton Sea Playa Exposure Estimate cited by the comment is based on modeling conducted by IID using its SALSA2 modeling. The Technical Memorandum is consistent with and does not change the analysis in the EA.
25.	Figure 3-3c of the EA, below left, labels the majority of the former Red Hill Bay as “Tamarisk-Iodine Bush Thickets/Scrub.” The screenshot of a 7/8/2024 Google Map image of the same area, below right and enlarged below that, shows that IID has applied “surface roughening” to the majority of the area; it is almost completely devoid of vegetation. Unless “Developed” or “Disturbed” in the legends of the four “Vegetation and Land Cover Types” figures in the EA refer to IID or SSMP dust suppression projects (in which case they should note this characterization explicitly), the roughly 5,000 acres of such dust suppression projects around the Salton Sea should be clearly characterized and identified in the figures and the habitat characterization. The EA claims that “The analysis is based on a review of the sources listed above, field visits and vegetation mapping, and a review of agricultural drain flow data” (p. 53). The image above shows the area that the draft EA erroneously characterizes, in Figure 3-3c, as “Tamarisk-Iodine Bush Thickets/Scrub.” It is not dominated by any vegetation at all; it is the site of IID’s Red Hill Bay Dust Control Project. This area is readily accessible via Garst Road and via Red Hill. It is not clear what type of vegetation analysis was actually performed for this area, but the magnitude of the error here undermines the credibility of the vegetation analysis and biological resources impact assessment as a whole. They need to be redone.	Figure 3-3c has been modified to reflect the disturbed area. Also, the acreage totals provided in Table 3-4 have been updated to reflect this change. Comprehensive vegetative mapping will be completed in 2024.
26.	In addition to the drain and vegetation impact avoidance measures described in the EA, we recommend that the Proposed Action proponents expedite the implementation of planned projects to protect and restore emergent vegetation and augment habitat in alternative locations around the Salton Sea, such as the proposed Bombay Beach	The BBW project and desert pupfish habitat at the Refuge are outside of the scope of the Proposed Action and the analysis of this EA. Reclamation has been an active partner with the State of California to facilitate restoration projects at the Salton Sea. Reclamation committed to providing $250 million to CNRA under the

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	Wetland project and potential desert pupfish habitat at the Sonny Bono National Wildlife Refuge. Expanding and expediting the implementation of such projects would provide durable solutions and lasting benefits to the region and, if implemented quickly and robustly, could bolster acceptance of the Proposed Action.	Commitments Agreement in support of the implementation of CNRA's SSMP, specifically to support expanded and accelerated SSMP projects at the Salton Sea.
27.	**Environmental Justice** As noted previously, the improper limitation of the "affected environment" to the IID contract service area inappropriately excludes from analysis other communities adjacent to the Salton Sea that would be affected by the Proposed Action, including communities such as Bombay Beach, Desert Shores, Salton City, Thermal, Oasis, North Shore, and Mecca. The Environmental Justice analysis should be redone to account for potential dust-emission impacts to these areas.	The EA assesses air quality impacts that could affect disadvantaged communities in the entire Salton Sea Air Basin, including the communities listed. The implementation of the MMRP, including the SS AQMP, is ongoing and will address any impacts that occur despite anticipated timing. CNRA is currently implementing the SSMP and the Reclamation's funding to CNRA under the Commitments Agreement is to support and expedite the SSMP projects.
28.	The draft EA makes the following assertions: > If maximum participation were to occur in the DIP, up to 180,000 acres of agricultural land could stop being irrigated for a 45- to 60-day period between the months of June through September for each of the three years of 2024, 2025, and 2026. … the agricultural activities on a field are only interrupted for a short period of time and only during the temporary, short-term span of three years. Consequently, there would be negligible direct or indirect impacts to the businesses within the agricultural industry and no adverse effects on the environment of minority or low-income populations. (pp. 89-90) > If maximum participation were to occur in the FUFP, up to 34,450 acres of agricultural land could be fallowed for 6 months to one year during the two years of 2025 and 2026. … Although some businesses may be directly affected by the reduced farming activity, economic impacts of the FUFP implemented under the Proposed Action would be negligible given the longest possible period of fallowing would be a temporary, short-term period of two years. (p. 90) Please describe the economic analysis behind the assertions that there would be "negligible" impacts due to the Proposed Action. Is this simply a qualitative determination based on the potential duration of the Proposed	The EA acknowledges on page 89 that work opportunities in participating fields would be temporarily disrupted, as a result of the Proposed Action. Participation in the DIP is only for alfalfa, bermuda grass, and klein grass crops, which are perennial crops grown year-round and would be in active agricultural production before and after participation in the DIP. The agricultural activities on a field are only interrupted for a short period of time (45 to 60 days out of 365 days). IID would prioritize the OFECP and DIP over the FUFP. Implementation of the FUFP is unlikely and may only be for a single year. The FUFP would only be implemented if IID was unable to reach conservation targets under the Proposed Action through implementation of the OFECP and DIP. This is not anticipated to occur given current levels of participation in the OFECP under the QSA and interest among potential participants in the DIP. If the FUFP were to be implemented, the conservation volume would be limited to the difference in the target volume and the volume of conservation from the OFECP and DIP, minimizing the impact from the FUFP. As stated in the SEIS, by "avoiding higher levels of modeled shortage through increased system conservation, available water supply for irrigation use would be maintained in a manner that would reduce irrigation impacts for all entities who rely on the Lower Basin water supply for irrigation use, including those located in environmental justice counties in… California (Imperial and Riverside Counties)."

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	Action? Was any quantitative assessment performed to validate this determination? For example, what impact might these reductions have on work hours and compensation for business and labor? What threshold constitutes an adverse impact on minority or low-income populations?	
29.	P. 90 states "The Proposed Action involves the implementation of temporary water conservation programs and would not disproportionately impact disadvantaged communities." This assertion appears to be unfounded. Participating IID landowners could be paid $300 per acre-foot conserved while farmworkers – disproportionately from disadvantaged communities – could temporarily lose employment and wages. The socioeconomic impact on local disadvantaged communities adds to the challenges they already face of poverty, poor physical and mental well-being, access to recreational opportunities, lack of economic upward mobility, and exclusion from decision-making Partnership comments on IID SCIA EA July 24, 2024 p. 12 of 14 processes. This adds to the fact that many farmworkers lack stable and dignified work that includes health and retirement benefits while they contribute immensely to the state agricultural economy of $1.4 billion on the Riverside County side, $2.9 billion on the Imperial Valley side and while the local agricultural industry saw growth in total agricultural production of 14.5% between 2021 and 2022. While crop production continues to grow in the region, investments in our disadvantaged communities do not match that pace to improve quality of life. This appears on its face to be a disproportionate impact. Please clarify this analysis and finding.	Under the Proposed Action, Reclamation will fund conserved water that will remain in Lake Mead for the benefit of the Colorado River System, which benefits all water users within the basin. Per the SEIS, page 3-333, Reclamation only has authority to disburse these funds to the public entity under contract and cannot direct how they are used after that disbursement.
30.	**Human Health** The improper limitation of the "affected environment" to the IID contract service area inappropriately excludes from analysis other communities adjacent to the Salton Sea that would be affected by the Proposed Action. The Human Health analysis should be redone to account for potential dust-emission impacts to these areas.	Section 3.3 Air Quality analyzes the entire Salton Sea region and the human health analysis is based on this analysis. Because the current and anticipated playa exposure is higher in the relatively larger, shallower southern end of the Sea, the analysis in the southern end and the most directly impacted communities from the acceleration of playa exposure is appropriate for Section 3.7 Human Health. The SS AQMP is implemented for the entire Salton Sea and will address any impacts that occur despite anticipated timing and location.
31.	The Human Health section analysis should quantify and describe the impacts of the draft EA's earlier acknowledgement that "There would be an increase of the potential for fugitive dust emissions and related HAP	Until the playa is exposed, the location, frequency and magnitude of future emissions are unknown. The timing and location of playa exposure is a function of the Salton Sea floor bathymetry and the Sea's response to inflows, salt loads, and evaporation rates. The

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	emissions and exposure to communities surrounding the Salton Sea earlier than would otherwise occur" (p. 49).	increase for potential fugitive dust emissions is accurate, but the SS AQMP is ongoing and is designed to be adaptive and proactively detect, locate, and assess potential dust emissions regardless of timing, rate and extent of the playa exposure. Therefore, the acceleration of impacts will be addressed by the existing mitigation.
32.	The assertion that "The exposed Salton Sea acreage is anticipated to occur as a result of the QSA and would be addressed by the IID's SS AQMP" (p. 93) ignores the SS AQMP's funding mechanism – the QSA JPA – and wrongly implies that the SS AQMP would have funding authority to expedite the implementation of dust suppression projects to address the playa exposure due to the Proposed Action. An appropriate impact avoidance measure, as noted above, would be to identify and commit a new funding source to support additional SS AQMP dust suppression projects on the portion of the roughly 7,800 additional acres exposed by the Proposed Action that are found to be emissive. Only with these additional, appropriately funded, impact avoidance measures would it be plausible that "the Proposed Action would not increase adverse effects to human health" (p. 94).	The budgeting and funding of the QSA JPA is outside the scope of the Proposed Action and analysis of the EA. Reclamation committed to providing $250 million to CNRA under the Commitments Agreement in support of the implementation of CNRA's Salton Sea Management Program, specifically to support expanded and accelerated SSMP projects at the Salton Sea.
33.	P. 94 states "Further, given the many factors affecting respiratory conditions in children and adults, there is no data to indicate that the acceleration of the exposed playa could exacerbate those conditions." The suggestion that there is no data linking playa exposure with respiratory impacts is patently false. Farzan 2019, cited on p. 91, states "The disappearance of the Salton Sea will likely have unforeseen public health implications, while children and people with preexisting health conditions, such as asthma, may be more vulnerable to the impacts of such environmental changes." See also Johnston et al., 2019, "The disappearing Salton Sea: A critical reflection on the emerging environmental threat of disappearing saline lakes and potential impacts on children's health," *Science of The Total Environment*; Jones and Fleck, 2020, "Shrinking lakes, air pollution, and human health: Evidence from California's Salton Sea," *Science of The Total Environment*; Miao et al. 2022, "Evaluating health outcome metrics and their connections to air pollution and vulnerability in Southern California's Coachella Valley," *Science of The Total Environment*; Ayres et al., 2022, "Potential impacts of reduced inflows to the Salton Sea: Forecasting non-market damages," *JAWRA*; Biddle et al., 2023, "Aerosolized aqueous dust extracts	Unmitigated playa emissions account for less than 1% of all emissions in the Salton Sea Air Basin and when currently planned dust control projects are implemented, this number drops to less than 0.5% of the total emissions in the Salton Sea Air Basin. As provided in Appendix AQ-2, several studies have been conducted to evaluate the health risk, specifically the elemental composition of playa dust and sediment and whether it is unique from native desert material (Vogl et al. 2002, Xu et al. 2016, Frie et al. 2017, 2019, Biddle et al. 2023, IID SS AQMP). Findings indicate that concentrations of toxic metals were either below the method detection limit, or if above detection limits, were indistinguishable between the playa and desert. The concept that playa dust is exceptionally high in toxic metals is not supported by the current body of research. The current analyses of aerosol and sub-aerial soil samples from the playa and desert surrounding the Salton Sea suggest that until PM contaminant concentrations begin to exceed California EPA reference exposure levels, the principal health concern is and will continue to be the amount of PM being emitted rather than the composition. The dust itself (regardless of composition) is the most important aspect to

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	collected near a drying lake trigger acute neutrophilic pulmonary inflammation reminiscent of microbial innate immune ligands," *Science of The Total Environment*; and Abman et al., 2024, "Water, dust, and environmental justice: The case of agricultural water diversions," *American Journal of Agricultural Economics*, among others.	consider in terms of human health. The SS AQMP will continue to be adaptive and proactively detect, locate and assess potential dust emissions regardless of timing, rate and extent of the playa exposure.
34.	**Consistency with the SSMP** What's the basis for the assertion that "The Proposed Action would be consistent with the SSMP and Long-Range Plan" (p. 94)?	The Proposed Action will not interfere with the SSMP projects and the Long-Range Plan. The language about this project being consistent was removed and language related to Reclamation's commitment of $250 million to assist in the implementation of the projects under the SSMP was added.
35.	**Hydrology Water Quality** The organization of the EA is unusual; water conservation and reduction in inflows drive impacts to other resource areas. The Hydrology/Water Quality section should precede the other sections.	The analysis in the EA is organized alphabetically by resource topic. The sections are cross-referenced when helpful to understand impact analysis.
36.	As noted in our comments on Cumulative Impacts, above, it is ***reasonably foreseeable*** that IID would continue to participate in actions to protect the Colorado River system at a level comparable to the Proposed Action. Such a reasonably foreseeable action would contribute significantly to cumulative hydrology impacts to the IID Contract Service Area and to the Salton Sea and surrounding communities.	A wide range of alternatives for the multi-year NEPA process for the post-2026 Colorado River operating guidelines are currently being considered and analyzed. Therefore, conservation volumes are speculative and not reasonably foreseeable. For this reason, post-2026 conservation volumes were not included in the Cumulative Projects list.
37.	The water conservation measures will impact nutrient concentration and composition due to fertilizer flowing into the Salton Sea. Major nutrients should be assessed both during and past the SCIA period, accounting for changes in fertilizer use after the term of the SCIA. Changes in nutrient loading have the potential to affect algal biomass production in the Salton Sea.	The EA provides an assessment beginning on page 107 that outlines impacts to water quality. The analysis concludes that the temporarily reduced flows under the Proposed Action will reduce nutrient loading into the Salton Sea compared with existing conditions.
38.	The water quality affects the regional air quality (and in certain cases beyond to even areas such as Los Angeles) through hydrogen sulfide production and likely other compounds produced by microalgae and therefore affects human and animal health. This coupled with extreme heat conditions is making life in and around the lake more unbearable. Mounting evidence from researchers and the local community continues to make the case for more resources to be allocated to the Salton Sea and for more impact avoidance measures to be implemented.	Since 2013, SCAQMD has operated H2S monitors at two locations in the eastern Coachella Valley: at the SCAQMD Mecca air monitoring station (Saul Martinez Elementary School) and at the station operated by IID (Salton Sea Near Shore, Lincoln Avenue and 73rd Avenue, Mecca). As stated on page 44, California has set a nuisance odor standard for H2S at 30 ppb (0.3 part per million [ppm]); there is no federal standard (SCAQMD 2022a). The EA notes on page 44 that anaerobic decay on the sea floor can result in the production of hydrogen sulfide that is emitted to the atmosphere when winds turn

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		over water stratifications. The conditions described in the comment result in odiferous air quality due to the functions of the Salton Sea as a terminal lake that is continually increasing in salinity over time due to evaporation. The proposed temporary annual flow reductions are within the range assessed in the QSA EIR/EIS. There would not be an increase in overall emissions of hydrogen sulfide compared with previously assessed conditions in the QSA EIR/EIS. The MMRP, including the SS AQMP, is ongoing and will address any impacts that occur despite anticipated timing.
39.	**Conclusion** As detailed above, the EA's analysis of the current condition as well as the direct, indirect and cumulative impacts of the Proposed Action is inadequate. Reclamation should incorporate more appropriate and more durable impact avoidance measures. Timely implementation of the six durable impact avoidance measures we describe above could enable the SCIA to proceed without the need to resort to a more robust environmental impact statement that recognizes the potential for the Proposed Action to have a significant effect on the human environment.	The EA recognizes the Proposed Action may accelerate certain impacts already associated with the water conservation under the QSA. The MMRP, including SS AQMP, is implemented on an ongoing basis regardless and will address any impacts that occur despite anticipated timing. Additionally, the Monitoring Plan sets forth feasible and specific impact avoidance measures that will be implemented by IID in coordination with Reclamation, USFWS and CDFW during the three years of the Proposed Action. Reclamation has committed up to $250 million dollars to support expanded and accelerated SSMP projects at the Salton Sea.

Comment 2: Alianza Coachella Valley

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40.	While Alianza and our partners recognize IID's efforts to work with other agencies including the California Natural Resources Agency, Department of Interior, and the Coachella Valley Water District (CVWD) on their responsibility to restore the Salton Sea via the December 2022 *Commitment to Support Salton Sea Management Related to Water Conservation in the Lower Colorado River Basin* (Commitments Agreement), it is not clear that this other proposed approval for the SCIA and its EA addresses concerns made by the community and community-based organizations for many years regarding the receding Salton Sea's impact on regional air quality and their health.	The EA assesses air quality impacts that could affect disadvantaged communities in the entire Salton Sea Air Basin. Based on modeling conducted by DWR using SSAM for the implementation of the SSMP included in Appendix HYDRO-3, the EA finds that the Proposed Action would accelerate the lowering elevation of the Salton Sea by approximately 5 to 10 years. That is to say, impacts resulting from lowering Sea elevation would include the same acreage as analyzed in the QSA EIR/EIS, but they would occur earlier, slowing down over time until reaching No Action Alternative conditions by 2045. The implementation of the MMRP, including the SS AQMP, is ongoing and will address any impacts that occur despite anticipated timing or location.

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41.	Although there is current funding allocated by the way of the 2022 Commitments Agreement and the SCIA outlined in the Salton Sea Partnership's letter via Michael Cohen (pg. 1) to help conserve water and implement Salton Sea Management Plan (SSMP) projects, the surrounding disadvantaged Salton Sea communities have been left out of funds that would help them mitigate the impacts.	The distribution of funding provided under the 2022 Commitments Agreement is outside the scope of this EA. The funding will help to address impacts from the Proposed Action by supporting expanded and accelerated projects at the Salton Sea that address air quality to protect health and restore habitat.
42.	This letter aims to address the following: • The current EA and SCIA's lack of robust scientific and socioeconomic analysis; • Recommendation for robust scientific, health and socioeconomic data to help understand and mitigate what the impacts of less water to the Salton Sea would have on the region;	Section 3.6 Environmental Justice begins on page 87 and includes the socioeconomic analysis and available data. Additional information has been added to the Environmental Justice Section.
43.	• A fund which would help to mitigate the impacts of the Proposed Action with additional resources and opportunities to the under-resourced communities.	Reclamation only has authority to disburse these funds to the public entity under contract and cannot direct how they are used after that disbursement.
44.	Environmental justice requires that federal actions not disproportionately impact under-resourced communities that are least able to bear the brunt of those impacts. The environmental assessment for IID water conservation program 2024-26 ("Assessment") fails to meet that test. Rather than forthrightly analyzing and mitigating potential impacts from water conservation efforts on under-resourced communities, the assessment dismisses them as insignificant without any credible analysis: With respect to socio-economic impacts, the Assessment concludes: *Therefore, although the IID Contract Service Area includes a higher rate of Hispanic/Latino populations and higher rate of residents below the poverty level when compared to the overall State of California, the Proposed Action would not disproportionately affect the minority and low-income populations in the area because the Proposed Action is not expected to significantly affect local socioeconomic conditions due to the short duration of the reduced farming activities The Proposed Action would temporarily reduce water deliveries to agricultural operations within the IID Contract Service Area for three years. The temporary, short-term water delivery reductions combined with other delivery*	Reclamation recognizes the need to not disproportionately impact environmental justice communities analyzing potential impacts in the SEIS and the EA. As stated in the SEIS, by "avoiding higher levels of modeled shortage through increased system conservation, available water supply for irrigation use would be maintained in a manner that would reduce irrigation impacts for all entities who rely on the Lower Basin water supply for irrigation use, including those located in environmental justice counties in… California (Imperial and Riverside Counties)."

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	reductions would not contribute to permanent reductions in agricultural practices of the region supporting the local economy, which includes a high rate of minority and low-income population households. The Proposed Action involves the implementation of temporary water conservation programs and would not disproportionately impact disadvantaged communities. Thus, the Proposed Action, when considered with relevant past, present, and reasonably foreseeable projects would not contribute to cumulative impacts related to environmental justice issues in the IID Contract Service Area.	
45.	The interim program will be for 2024-2026, and will likely serve as the template for long-term, post 2026, conservation efforts. The "short-term" reductions are significant enough to trigger hundreds of millions of dollars to local farmers to offset the impacts, but impacts to farm workers are dismissed as "insignificant" without analysis.	A wide range of alternatives for the multi-year NEPA process for the post-2026 Colorado River operating guidelines are currently being considered and analyzed. Therefore, conservation volumes are speculative and not reasonably foreseeable. Reclamation is unable to use Inflation Reduction Act funds for economic mitigation, but anticipates the compensation for the conserved water will "offset to some degree the level of economic impacts associated with reduced agricultural production."
46.	The Assessment also dismisses as "insignificant" potential health impacts from an accelerated decline in the Salton Sea: *Proposed Action accelerates the exposure of playa that will already occur under existing conditions and does not result in greater exposed playa over the long term, and therefore will be addressed by IID's SS AQMP and the implementation of dust control measures as determined to be necessary…., it would not contribute to cumulative human health impacts within the IID Contract Service Area.* The assessment dismisses the impact of accelerated decline of the Salton Sea because an equivalent decline would occur by 2045 ("long term") without the project. Twenty years of accelerated decline go unaddressed. It is clear from the assessment that the water level decline will be accelerated in the short term and the EA notes that exposure of the playa and the associated air quality impacts (including both particulate matter and gasses such as hydrogen sulfide) will be accelerated by 5-10 years. Accelerating these impacts will have a quantifiable effect on human health that will not integrate out due to an assumed slowed rate of decline in the future.	This analysis in Section 3.7 Human Health is based on the analysis in Section 3.3 Air Quality. The EA acknowledges the accelerated effects of the Proposed Action and finds that the long-term effects would be those previously identified in the QSA EIR/EIS. The implementation of the MMRP, including the SS AQMP, is ongoing and will address any impacts that occur despite anticipated timing.

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47.	Recent studies (Biddle et al. 2021, 2022, Batterman et al. 2023) indicate a potential nexus between the decline of the Salton Sea and disproportionate health impacts in the vicinity of the Sea.	Unmitigated playa emissions account for less than 1% of all emissions in the Salton Sea Air Basin and when currently planned dust control projects are implemented, this number drops to less than 0.5% of the total emissions in the Salton Sea Air Basin. As provided in Appendix AQ-2, several studies have been conducted to evaluate the health risk, specifically the elemental composition of playa dust and sediment and whether it is unique from native desert material (Vogl et al. 2002, Xu et al. 2016, Frie et al. 2017, 2019, Biddle et al. 2023, IID SS AQMP). Findings indicate that concentrations of toxic metals were either below the method detection limit, or if above detection limits, were indistinguishable between the playa and desert. The concept that playa dust is exceptionally high in toxic metals is not supported by the current body of research. The current analyses of aerosol and sub-aerial soil samples from the playa and desert surrounding the Salton Sea suggest that until PM contaminant concentrations begin to exceed California EPA reference exposure levels, the principal health concern is and will continue to be the amount of PM being emitted rather than the composition. The dust itself (regardless of composition) is the most important aspect to consider in terms of human health. The SS AQMP will continue to be adaptive and proactively detect, locate and assess potential dust emissions regardless of timing, rate and extent of the playa exposure.
48.	**moreover, ecological impacts in many systems depend on the rate of change, not just the magnitude of change. the water level results should be reinterpreted to give a full assessment of the integrated impacts over 20 years.**	The EA identifies all impacts to biological resources identified in the QSA EIR/EIS, which includes the entire Salton Sea, and provides a comparison matrix in Appendix BIO-3. The analysis in the EA assumes that these impacts and mitigation strategies would remain applicable, including for impacts to the Salton Sea. The EA focuses on updating the analysis of biological resources that were anticipated to be affected by this Proposed Action. To ensure there are no ecological impacts, the Monitoring Plan will be implemented in addition to the MMRP.
49.	Overall, the scientific analysis in the EA is inadequate. Throughout the assessment, almost no scientific literature is cited. Instead, the analysis relies on the Salton Sea Restoration Project Environmental Impact Statement from 2000. This does not account for the ways that the Salton Sea has changed in the past two decades due to the impacts of that and	The EA incorporates the QSA EIR/EIS by reference for purposes of demonstrating consistency with the analysis of past water conservation and incorporates information and analysis from the QSA EIR/EIS where appropriate. The EA provides a detailed assessment of potential impacts as a result of the changes in the

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	other projects nor for the ways that understanding of the Sea has changed in the intervening years. A partial bibliography is attached. This severely limits the analysis of the impacts of this specific project in the context of the Salton Sea today. The assessment acknowledges that the Salton Sea water levels and water quality are declining but fails to recognize that it is now a vulnerable ecosystem and that further changes may cause harm to both people living around the Salton Sea and further damage the ecosystem.	conditions since the QSA EIR/EIS was certified, which is supported by the bibliography in Section 5.0 and the Appendices. The EA acknowledges these changed conditions and the Proposed Action includes the Monitoring Plan to protect the ecosystems. The implementation of the MMRP is applicable and appropriate.
50.	The proposed water conservation measures will have an impact on the water level of the Salton Sea. This will have impacts on the exposed shoreline around the entire Salton Sea (not just the IID region), which can cause emissions of harmful dust from the playa, and on the salinity level due to reduced freshwater inflow resulting in concentrating salts. In addition, there are likely impacts on the water quality that remain only vaguely discussed. Water that flows into the Salton Sea from agriculture carries relatively high nutrient loads and this nutrient loading is for the most part currently unmitigated. The water conservation measures may impact **water quality** through changes in the nutrient concentration and composition of the water that does flow into the Salton Sea. Only the salinity and selenium concentration are assessed. This represents a major shortcoming. Increased and changed nutrient loading has the potential to change algal biomass production in the Salton Sea. Moreover, the impacts on water quality may extend past the three-year water conservation period.	The Salton Sea is a terminal inland lake that is continually increasing in salinity over time due to evaporation. The analysis in the EA is pursuant to DWR's modeling using SSAM. Pursuant to the modeling there would be an acceleration of the increase in salinity by 3 to 4 years and then would reach the same levels as identified in the QSA EIR/EIS. The MMRP will address the accelerated increase in salinity. The temporarily reduced flows under the Proposed Action will reduce nutrient loading into the Salton Sea compared with existing conditions.
51.	Commenting on the economic impact of the proposed action the Desert Sun article states that "And third-party vendors like tractor companies and pesticide and fertilizer vendors might feel a temporary pinch, but would likely make it up in extra work rehabilitating the fields once irrigation resumed.". This suggests that there is the potential for increased nutrient loading following the conservation period and should be assessed. Nutrient content has an impact on air quality through its effects on microalgae and anaerobic metabolisms.	The EA recognizes the potential for nutrient loading and that the temporarily reduced flows under the Proposed Action will reduce nutrient loading into the Salton Sea compared with existing conditions.
52.	*Greenhouse gasses*: There is the possibility that the proposed water conservation would contribute to greenhouse gas emissions. This should be discussed. In particular, the declining water levels and shifting nutrient	The EA notes on page 38 that the proposed project would not affect greenhouse gases. The Proposed Action involves fewer agricultural activities as a result of the conservation with implementation of the DIP and FUFP. The OFECP involves the same level of agricultural

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	concentration and composition leads to the possibility of increased anaerobic decay.	activities as the No Action Alternative. No new or additional greenhouse gases would be emitted as a result of the Proposed Action.
53.	This anaerobic decay will likely lead to increased greenhouse gas emissions. While hydrogen sulfide, a product of anaerobic decay, is noted, byproducts of denitrification are not noted. These include NO2, N2O, and N2. N2O is a potent greenhouse gas. N2O sourced from the Salton Sea and the fields that are included in the conservation measures should be discussed.	Regarding the emissions from biological reactions in the Salton Sea, the EA concludes that the Proposed Action would not result in increased overall anaerobic decay, including emissions of hydrogen sulfide and nitrous oxides, compared with previously assessed conditions in the QSA EIR/EIS.
54.	*Hydrogen sulfide*: The consequences of hydrogen sulfide emissions are severely underestimated in this assessment. There is a preponderance of evidence that low level hydrogen sulfide emissions can have a substantial impact on health (Batterman et al. 2023). Moreover, exposure to malodors is an environmental justice issue (Quist and Johnston 2023). Any increase in hydrogen sulfide emissions should be taken very seriously as a community impact. The processes that result in hydrogen sulfide emissions from the Salton Sea are misrepresented in this report. Rather than arising solely due to monsoonal flow events, there is regular outgassing of hydrogen sulfide that is likely not captured with the existing sensor network.	Since 2013, SCAQMD has operated H2S monitors at two locations in the eastern Coachella Valley: at the SCAQMD Mecca air monitoring station (Saul Martinez Elementary School) and at the station operated by IID (Salton Sea Near Shore, Lincoln Avenue and 73rd Avenue, Mecca). As stated on page 44, California has set a nuisance odor standard for H2S at 30 ppb (0.3 part per million [ppm]); there is no federal standard (SCAQMD 2022a). The conditions described in the comment result in odiferous air quality due to the functions of the Salton Sea as a terminal water body. Hydrogen sulfide emissions would be similar to those estimated in the QSA EIR/EIS but may occur sooner.
55.	*Hazardous air pollutants*: Hazardous air pollutants that are specific to this location should be assessed. For example, given the large and persistent microalgal blooms (Reifel et al. 2007; Tiffany et al. 2007) algal particles should be assessed as a health hazard (May et al. 2018; Olson et al. 2020). Given the changing nutrient status that will result from the water conservation, these blooms and their health impacts should be assessed. These overlap with the broad category of VOCs but are not specifically monitored or assessed.	The EA recognizes the potential for nutrient loading and finds that the temporarily reduced flows under the Proposed Action will reduce nutrient loading into the Salton Sea compared with existing conditions.
56.	In addition, there is not mention of gypsum precipitation anywhere in the EA, which can be of concern because it may be linked to human health concerns.	Gypsum precipitation would be raised for the concern that it may potentially carry hazardous metals in airborne dust emissions. As provided in Appendix AQ-2, several studies have been conducted to evaluate the health risk, specifically the elemental composition of playa dust and sediment and whether it is unique from native desert material (Vogl et al. 2002, Xu et al. 2016, Frie et al. 2017, 2019, Biddle et al. 2023, IID SS AQMP). Findings indicate that concentrations of toxic metals were either below the method

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		detection limit, or if above detection limits, were indistinguishable between the playa and desert. The concept that playa dust is exceptionally high in toxic metals is not supported by the current body of research. The MMRP, including IID's SS AQMP, is implemented on an ongoing basis regardless and will address any impacts that occur despite anticipated timing.
57.	While the EA proposes funding schedules for compensating farms for the impact of implementing the SCIA, it does not propose to mitigate the economic and health impacts on communities. **Alianza respectfully requests that under-resourced communities that rely on agricultural production for their livelihoods and communities in proximity to the Salton Sea be fully protected from impacts of water conservation efforts by directing 10% of the total federal payments to IID for the SCIA program to mitigation efforts for these communities to fund research into health impacts of the receding Sea, improve health care for community members that suffer health impacts from deteriorating air quality; and funding alternative employment opportunities.** That would be a small amount in comparison to the hundreds of millions of dollars that are to be paid to a handful of large farmers.	The Proposed Action is approval of an SCIA under Reclamation's LC Conservation Program with funding allocated from the Inflation Reduction Act of 2022 to support the Near-Term Colorado River Operations evaluated in Reclamation's March 2024 Final SEIS. This is a unique program with limited funding for a short-term period until 2026, at which time the SCIA will terminate. Providing funding as requested would be outside Reclamation's authority.
58.	**Funding Research to Measure Health Impacts, Close Research Gaps, and Create a Baseline** Over the years, science done in collaboration with the community has shown there needs to be more air and water quality monitoring in and around the communities located nearest to the Salton Sea and adjacent to agricultural land. The community has asked for more air quality monitors to be placed near communities that would measure particulate matter, hydrogen sulfide, and other pollutants. These places include schools where the majority of farmworkers' children attend, community centers located in Salton Sea unincorporated areas frequented by residents, especially those that are classified as sensitive groups by the EPA, public libraries, and community parks. These monitors should be regulatory grade and used to assess the impacts of Salton Sea water policy. Communities have also asked that there be monitors placed in residential homes to measure impact of air quality on daily life and where people spend the majority of their time, especially during months of extreme heat.	Regulatory air quality monitors compliant with U.S. Environmental Protection Agency guidelines are operated by the Imperial County Air Pollution Control District and the South Coast Air Quality Management District are discussed on page 41 with data compiled from these monitoring stations summarized in Table 3-2 on page 42. This monitoring network is in addition to the air quality monitors operated by IID as part of the SS AQMP to detect, locate, assess and mitigate dust emissions from exposed Salton Sea playa as it occurs.

	Comment	Response
59.	More monitors and funding should assess the health impact of air pollutants in the valley, especially due to three pollutants currently not in attainment. The Coachella Valley is already in serious nonattainment area for PM10 under the federal clean air act (CAA) , severe nonattainment for PM2.5 as of July 19, 2024 and severe nonattainment for Ozone, and has serious issues with hydrogen sulfide outgassing, which is why the SCAQMD has a website specifically for when their regulatory grade monitors measure gas levels that are above the 30 ppb standard set by CARB and will alert people who are subscribed to the alerts.	The Proposed Action is approval of an SCIA under Reclamation's LC Conservation Program with funding allocated from the Inflation Reduction Act of 2022 to support the Near-Term Colorado River Operations evaluated in Reclamation's March 2024 Final SEIS. This is a unique program with limited funding for a short-term period until 2026, at which time the SCIA will terminate. Providing funding as requested would be outside Reclamation's authority.
60.	In addition to the criteria air pollutants already in nonattainment status, the valley requires increased research on hydrogen sulfide (H2S). Currently, only four H2S monitors exist in the northern Salton Sea region, with a notable absence of publicly accessible monitors in Imperial County. Data from existing monitors, including three land based monitors from the South Coast AQMD and one on a platform in the Salton Sea (Alianza), have shown alarming upward trends and exceedances above 100 ppb in recent months. Expanding H2S monitoring is crucial, as the receding shoreline and geothermal activity may contribute to ongoing H2S emissions.	Since 2013, SCAQMD has operated H2S monitors at two locations in the eastern Coachella Valley: at the SCAQMD Mecca air monitoring station (Saul Martinez Elementary School) and at the station operated by IID (Salton Sea Near Shore, Lincoln Avenue and 73rd Avenue, Mecca). As stated on page 44, California has set a nuisance odor standard for H2S at 30 ppb (0.3 part per million [ppm]); there is no federal standard (SCAQMD 2022a). The conditions described in the comment result in odiferous air quality due to the functions of the Salton Sea as a terminal water body. Hydrogen sulfide emissions would be similar to those estimated in the QSA EIR/EIS but may occur sooner. The Proposed Action would not result in increased overall emissions of hydrogen sulfide compared with previously assessed conditions in the QSA EIR/EIS.
61.	Funding should be available to **prioritize public health by conducting comprehensive health studies**. The declining water level at the Salton Sea poses multiple, evolving health threats to our communities. We must **identify the populations most at risk** and **evaluate the specific impacts** of particulate matter, harmful algal blooms, hydrogen sulfide emissions, and several other hazards from a declining water level. To effectively address these issues, we must **integrate field measurements with actual health outcomes**. This requires a coordinated effort to sample air quality in alignment with health responses. **Attribution of health effects is difficult, but a lack of concurrent and collocated sampling further hinders our understanding.**	The Proposed Action is approval of an SCIA under Reclamation's LC Conservation Program with funding allocated from the Inflation Reduction Act of 2022 to support the Near-Term Colorado River Operations evaluated in Reclamation's March 2024 Final SEIS. This is a unique program with limited funding for a short-term period until 2026, at which time the SCIA will terminate. Reclamation only has authority to disburse these funds to the public entity under contract and cannot direct how they are used after that disbursement. Additional information has been added to the Environmental Justice Section.

	Comment	Response
	We propose this funding is used for a **focused longitudinal study** that follows a cohort of individuals over an extended period. This would involve annual or biannual health assessments using self-reported respiratory public health questions during home visits. The assessment should enable comparisons to state-level indicators and estimate asthma prevalence, wheezing, allergies, and other related symptoms. While broader health concerns exist, focusing on respiratory symptoms would streamline the survey and address the community's most pressing concern.	
62.	**Ways In Which to Improve Health Care for Community and Minimize Harm** The community would benefit from a variety of measures to minimize or prevent harmful impacts of air quality resulting from exposed playa due to the receding sea and fallowed agricultural land. Efforts for improving health conditions for the community should include personal protective equipment for the prevention of harmful impacts of air quality to the most vulnerable, disadvantaged and economically burdened communities. Effective gas and N95 masks to prevent the inhalation of particulate matter (particularly PM 10), hydrogen sulfide and other harmful substances must be provided to impacted households. To minimize the impact on residential housing, the community made several suggestions. They range from providing families with in-home instruments to counter air pollution impacts to providing reinforcements in home buildings. One suggestion made was to provide families with air purifiers or filters, particularly in trailer homes where building integrity might not be as resilient to extreme climate or environmental impacts as other buildings. Partners included in this letter recommend a HEPA filter with activated charcoal for odor reduction as well as other benefits. Another suggestion made was to provide kits of natural cleaning products which can be expensive to economically burdened residents as well as provide weatherization for windows and doors, for energy reduction, more efficient cooling, protection against extreme heat and to protect inhabitants from harmful outside air. Additionally, many do not have the financial resources to fix their homes after extreme weather events such as dust or sand storms, heavy rain, and increasing extreme heat conditions, leading to many community leaders asking for an	The EA assesses air quality impacts that could affect disadvantaged communities in the entire Salton Sea Air Basin, including the communities listed. The implementation of the MMRP, including the SS AQMP, is ongoing and will address any impacts that occur despite anticipated timing. CNRA is currently implementing the SSMP and the Reclamation's funding to CNRA under the Commitments Agreement is to support and expedite the SSMP projects.

	Comment	Response
	emergency extreme climate fund that would mitigate those effects. This leads to other community requests community leaders know would help their communities.	
63.	A community mitigation fund could go towards several efforts on a community level. For many communities, the energy power grids in the eastern Coachella Valley are susceptible to wind and extreme heat events. The community is asking for a community power generator or a community windmill farm for people that are particularly isolated or distanced (North Shore and Oasis) from emergency services and are far from grocery stores. Many also request an emergency alert system for extreme heat or wind in the same fashion that communities are alerted for flooding threats. These emergency alerts should transcend broadband challenges that communities in rural areas experience and therefore communication should be direct and reliable. To tackle the issue of bringing more resources into the affected areas, communities expressed their desire for more parks with shading and greening as nature-based solutions to the worsening air quality in the region. For public transit, many would like to see more shading at stops and to remove economic barriers, complimentary bus passes for residents to get to places such as doctor's appointments, school, and commercial businesses. These actions would improve the public health of under-resourced communities as well as access to more clinical services, particularly in more rural communities such as North Shore. Alianza requests these actions knowing that the affected communities would also suffer from socioeconomic impacts in terms of employment from the proposed action, which leads to a discussion of funding alternative employment opportunities.	The Proposed Action is approval of an SCIA under Reclamation's LC Conservation Program with funding allocated from the Inflation Reduction Act of 2022 to support the Near-Term Colorado River Operations evaluated in Reclamation's March 2024 Final SEIS. This is a unique program with limited funding for a short-term period until 2026, at which time the SCIA will terminate. Reclamation only has authority to disburse these funds to the public entity under contract and cannot direct how they are used after that disbursement. Additional information has been added to the Environmental Justice Section.
64.	**Workforce Training and Alternative Employment Opportunities** Implementing the Proposed Action will impact the socio-economic structure of Salton Sea communities, particularly affecting field workers. While the overall impact on employment will depend on the conversation actions chosen by farmers, the EA indicates that 80% or more of the conversation will be achieved through the Farm Unit Fallowing Program and Deficit Irrigation Program (page 19). Both of these programs result in	The Proposed Action is approval of an SCIA under Reclamation's LC Conservation Program with funding allocated from the Inflation Reduction Act of 2022 to support the Near-Term Colorado River Operations evaluated in Reclamation's March 2024 Final SEIS. This is a unique program with limited funding for a short-term period until 2026, at which time the SCIA will terminate. Reclamation only has authority to disburse these funds to the public entity under contract and cannot direct how they are used after that disbursement.

	Comment	Response
	the direct and indirect loss of employment during the three-year agreement period. To mitigate the real-world effects of the agreement, it is imperative to provide training with stipends and alternative employment opportunities to impacted workers. The training programs should be aligned with key contract dates, include transportation to training facilities, and offer opportunities for upskilling to enable workers to advance in their current career paths or transition to other careers not as reliant on a diminishing resource. Alternative employment opportunities should be readily available to workers earning salaries below the federal poverty line. These jobs should provide experiences that lead to certified occupations, pre-apprenticeships, and apprenticeship opportunities. Construction is one potential alternative, and the High-Road Training Partnership, which is examining the workforce needs in Lithium Valley, projects that between 75% and 85% of potential high-road jobs in the Lithium Valley are likely to also be in apprenticeship occupations. **Other areas of employment and training include entry-level technicians for the environmental monitoring envisioned in the Proposed Action.** As the delivery of Colorado River water is reduced to accommodate other water users to the north, and given the potential ongoing drought conditions related to climate change, it is crucial to assist field workers and their communities in transitioning to the new circumstances. **Establishing a fund for workforce training with stipends and alternative employment would be an effective and equitable strategy.**	Additional information has been added to the Environmental Justice Section.

Comment 3: General Public

	Comment	Response
65.	I beseech you to avoid the increasing health hazard of the drying playa. Please add water to the Sea, e.g., ocean importation.	Thank you for your comment.

	Comment	Response
66.	I am a long time Salton City resident. I came here years ago because it was safer than the city for my children and grandchildren. It had a beautiful view of the sea, decent schools and relatively low crime. I'm also a retired Police Dispatcher, partially disabled and I'm in my forever home... with no plans to move. I found my little patch of paradise; I like it here. I take a walk every day for exercise but really it's to see the birds and the rabbits run around. Even the lizards can be fun to watch. The point is, there is so much life here, human and otherwise. PLEASE DON'T TAKE OUR PARADISE AWAY.... I support Emergency Habitat Creation and Community Health Support.	Thank you for your comment.
67.	We need to make an efforts to solve this critical environment situation for a future generation can live under normal circumstances!	Thank you for your comment.
68.	I'm a concerned citizen of Coachella Valley. In the case of the Salton Sea, there are many adverse effects, such as a shrinking lake, exposing more playa, more toxic fine dust which blows across the valley, increased salinity, loss of wildlife habitat, and danger to community health and amenities. These considerations need to be made, and emergency habitat created if more conservation is to take place.	Thank you for your comment.
69.	SOS: Save Our Sea ... NOW! Ignoring the Salton Sea has gone on for DECADES! There is NO BETTER TIME then to make the Sea a PRIORITY! HOLD the lithium craze ACCOUNTABLE! Don't let them POLLUTE the environment! Make sure WILDLIFE is included in the SOLUTION! Whatever it take ... SAVE OUR SEA!	Thank you for your comment.

	Comment	Response
70.	While we support water conservation efforts, the situation at Salton Sea presents significant challenges that may overshadow the benefits. State mitigation and habitat initiatives are severely delayed, resulting in the loss of millions of animals and exposing communities to harmful dust storms. The hay bales currently used are ineffective and cannot be considered a proper habitat solution. If this program proceeds, we urge immediate funding for habitat and mitigation projects near populated areas, such as West Shores. Additionally, we should better utilize the existing agricultural water flows to create beneficial environments through the use of berms and zigzags, which would also help prevent dust by keeping the ground wet. A pilot program involving local farmers and their equipment could expedite these efforts, as the state response has been insufficient thus far. The Salton Sea Habitat Conservation (SCH) project has only managed to flood less than 200 acres, far short of the 4,000 acres promised. Where is the accountability? Action is urgently needed to assist both the residents and the remaining wildlife. We strongly endorse the Desert Shores restoration project, the expansion of opportunities in West Shores, and the rapid development of North Lake, as well as the completion of Audubon and SCH projects. Furthermore, it seems the state and federal agencies have overlooked the impending water shortage crisis in the Southwest without new sources. We remind you of the 15 sustainable water import proposals and the 4,000 signatures that were submitted to the state: https://www.ecomediacompass.org/long-term-restoration. We are also aware of the substantial funds that will be available from conservation efforts. We urge you to allocate these resources to support the local communities, who have yet to see tangible benefits, despite holding the potential for significant improvements.	Reclamation is committed to working with all the parties at the Salton Sea and to meet the terms of the 2022 Commitments Agreement, including providing up to $250 million to support ongoing restoration efforts.
71.	The following comments are based on my personal experiences and observations at the Salton Sea over three decades. The people residing in the Salton Sea region and beyond take the increasing water conservation demands by the Federal Government very seriously. The Draft EA grossly underestimates the devastating and cumulative effects of further reducing water deliveries to the Salton Sea region.	The Proposed Action is the result of a proposal submitted by IID to create conserved water for compensation pursuant to a SCIA under Reclamation's LC Conservation Program with funding allocated from the Inflation Reduction Act of 2022 to support the Near-Term Colorado River Operations evaluated in Reclamation's March 2024 Final SEIS. Participation in the LC Conservation Program is on a purely voluntary basis. The conservation programs to be implemented by IID under the Proposed Action will also be on a purely voluntary basis. The LC Conservation Program is a unique

	Comment	Response
	The failure of the State of California to preserve, protect and restore the ecosystem values at the Salton Sea in response to the Quantification Settlement Agreement water transfers has proven utterly detrimental to the health of the public and wildlife. Now the Federal Government is requiring yet even more conservation in order to protect the main Colorado River reservoirs. I find this to be an excessive and unreasonable ask. The real crisis on the Colorado River began when dams prevented the full flow of the River from reaching the Gulf of California in Mexico, eventually drying up millions of acres of delta wetland, estuarine and riparian habitat, followed by decades of inadequate management of the Colorado River system. The underserved communities of the Imperial Valley are in essence being asked to sacrifice the Salton Sea region to save Lake Mead - conserve more and more water or 14 million people who rely on the River will go without drinking water and power. Yet, it is not and must not be a responsibility of a disenfranchised region, already overburdened with social and environmental injustices, to fix the shortages on the Colorado River, while State and Federal agencies hide behind the argument of climate change and so-called temporary reductions. The Salton Sea is an invaluable resource for people and wildlife. In order to protect public, economic and environmental health, the lake must not be allowed to dry up from increased conservation measures. I urge the Federal Government not to place any further water reduction demands on the impoverished Salton Sea region.	program with limited funding for a short-term period until 2026, at which time the SCIA will terminate.

Comment 4: Kelly Morrison, The EcoMedia Compass

	Comment	Response
72.	We applaud the intention of water savings, but with Salton Sea; the adverse side effects could easily outweigh the benefits. State mitigation and habitat efforts are woefully behind schedule, and we have lost literally millions of animals as communities suffer from dust storms. The hay bale's do not work well and calling them habitat is ridiculous. If this program is to go through, we call for immediate funding, freed up for additional habitat and mitigation creation efforts near where people live. West Shores is a prime example. Also, we are not well taking advantage of the agricultural flows that will remain in place, moving water flows to spread over the player, creating berms and zigzags would be wonderful things for habitat; and wet ground doesn't blow. This can be done quite easily. You could do a pilot and pay farmers to use their tractors (the state obviously cannot act fast enough). SCH has only flooded less than 200 acres (NOT 4k). Where's the Arc? JUST DO SOMETHING TO QUICKLY HELP these people and remaining animals. We strongly support the Desert Shores, restoration project, additional opportunities in West Shores, as well as a rapid build out of North Lake, Audubon and SCH completion. Also, it seems like the state and feds forgot that they're going to run out of water either way without an additional source for the Southwest. Here's a reminder of the 15 or so sustainable water import proposals and 4k signatures that were presented to the state: https://www.ecomediacompass.org/long-term-restoration We are also sure you are aware of the incredible amount of money that will be freed up from this conservation. Please, please do something for those that live there. We haven't seen it yet, and you hold the key.	The Proposed Action is approval of an SCIA under Reclamation's LC Conservation Program with funding allocated from the Inflation Reduction Act of 2022 to support the Near-Term Colorado River Operations evaluated in Reclamation's March 2024 Final SEIS. This is a unique program with limited funding for a short-term period until 2026, at which time the SCIA will terminate. Reclamation only has authority to disburse these funds to the public entity under contract and cannot direct how they are used after that disbursement. However, Reclamation committed to providing $250 million to CNRA under the Commitments Agreement in support of the implementation of CNRA's SSMP, specifically to support expanded and accelerated SSMP projects at the Salton Sea.

Comment 5: Eric Montoya Reyes, Los Amigos de la Comunidad, Inc.

	Comment	Response
73.	**Comments and Concerns:** Our organization, Los Amigos de la Comunidad, Inc. submit this public comment letter to oppose IID's Draft Environmental Assessment (Draft EA) and offer recommended changes to the "Proposed Action" based on the following points of contention: **1. Inadequate Environmental Review:** • We believe the Draft EA is insufficient and flawed, failing to meet the requirements of the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA). • We request a comprehensive environmental review, rather than a short-term assessment, to ensure the protection of the predominantly Latino (85%) residents of our community, which is already disadvantaged, environmentally impacted and facing detrimental environmental and air quality issues.	The EA provides a comprehensive environmental analysis of the Proposed Action, including analysis of air quality (Section 3.3 starting on page 40), environmental justice (Section 3.6 starting on page 87) and human health (Section 3.7 starting on page 93).
74.	**2. Impacts on Disadvantaged Communities:** • The Draft EA fails to quantify the transfer of up to 900,000 acre-feet of water over the next three years (up to 300,000 acre feet per year) and its environmental impacts on disadvantaged communities. The 900,000 acre feet over the three years are new water transfers that would otherwise end up in the Salton Sea, on top of the existing 500,000 acre feet per year being transferred to various water districts already. This will surely accelerate the receding of the Salton Sea.	The EA acknowledges the playa exposure will be accelerated. Implementation of the SS AQMP is ongoing and is designed to be adaptive and proactively detect, locate, and assess potential dust emissions regardless of timing, rate, and extent of the playa exposure. Dust control measures are designed, installed, and monitored where needed pursuant to the SS AQMP. With the acceleration of exposed playa, the EA acknowledges the accelerated effects of the Proposed Action and finds that the long-term effects would be those previously identified and mitigated in the QSA EIR/EIS. Additional information has been added to the Environmental Justice Section.
75.	• The Draft EA does not adequately address the potential increase in air pollution from the drying Salton Sea shoreline nor the resulting health impacts on a community already suffering from high asthma rates and economic distress. The Draft EA does not offer any proper methods of quantifying this assumption, which is concerning because our local air basin is already out of compliance in Particulate Matter (PM) 10.5 and 2.5. • In the article Water, dust, and environmental justice: The case of agricultural water diversions Ryan Abman, Eric C. Edwards, Danae	Based on modeling conducted by DWR using SSAM for the implementation of the Salton Sea Management Plan (SSMP) included in Appendix HYDRO-3, the EA finds that the Proposed Action would accelerate the lowering elevation of the Salton Sea. Impacts resulting from lowering Sea elevation would include the same acreage as analyzed in the QSA EIR/EIS (as shown in Figure 9 referenced in the comment), but they would occur earlier, slowing down over time until reaching No Action Alternative conditions by

	Comment	Response
	Hernandez-Cortes First published: 29 May 2024 https://doi.org/10.1111/ajae.12472 in the American Journal of Agricultural Economics details the impacts of water diversions of saline lakes around the world where; “Exposed lakebed surfaces are major sources of dust emissions that may exacerbate existing environmental inequities. This paper studies the effects of water diversions and their impacts on particulate pollution arising from reduced inflows to the Salton Sea in California via a spatially explicit particle transport model and changing lakebed exposure. We demonstrate that lakebed dust emissions increased ambient PM10 and PM2.5 concentrations and worsened environmental inequalities, with historically disadvantaged communities receiving a disproportionate increase in pollution. Water diversion decisions are often determined by political processes; our findings demonstrate the need for distributional analysis of such decisions to ensure equitable compensation.” This is further proof of the inadequacy of the short environmental assessment for a major decision impacting a disadvantaged community.	2045. Implementation of the SS AQMP is ongoing and is designed to be adaptive and proactively detect, locate, and assess potential dust emissions regardless of timing, rate, and extent of the playa exposure. Dust control measures are designed, installed, and monitored where needed pursuant to the SS AQMP. With the acceleration of exposed playa, the EA acknowledges the accelerated effects of the Proposed Action and finds that the long-term effects would be those previously identified and mitigated in the QSA EIR/EIS.
76.	• The Salton Sea offers a unique setting to study this question due to changes in playa exposure due to policies transferring water from the Imperial Irrigation District to San Diego County. As a result of the transfer program, dust-related air pollutants such as PM10 and PM2.5 increased, especially after key changes in the methods and amount of transfer starting in 2012 (Ge et al., 2023). Other studies have also found increases in pollution and health impacts linked to the Salton Sea (Jones et al., 2022; Jones & Fleck, 2020). The increase in dust pollution is similar to that resulting from water transfers and agricultural diversions in Owens Lake and Great Salt Lake, as well as Lake Urmia in Iran and the Aral Sea. Given the history of academic literature highlighting regional concerns about Salton Sea related air pollution driven by exposed playa and its environmental justice (EJ) consequences, community groups have sought to raise awareness of the issue and local and state officials have designed conservation programs to reduce impacts. With this journal publication the negative environmental declaration runs hollow to the disadvantaged community suffering the consequences of the continued assault on their community.	Appendix AQ-2 SS AQMP Overview was added to the EA, which summarizes the SS AQMP. The objective and structure of the SS AQMP is specifically designed to be adaptive and proactively detect, locate, assess and identify options to mitigate dust emissions from exposed Salton Sea playa as it occurs, regardless of timing, rate, and extent of playa exposure. As provided in Appendix AQ-2, several studies have been conducted to evaluate the health risk, specifically the elemental composition of playa dust and sediment and whether it is unique from native desert material (Vogl et al. 2002, Xu et al. 2016, Frie et al. 2017, 2019, Biddle et al. 2023, IID SS AQMP). Findings indicate that concentrations of toxic metals were either below the method detection limit, or if above detection limits, were indistinguishable between the playa and desert. The concept that playa dust is exceptionally high in toxic metals is not supported by the current body of research. The SS AQMP continuously considers scientific findings and actively characterizes the elemental composition of PM samples collected from playa surfaces as environmental settings evolve.

	Comment	Response
77.	**3. Endangered Species and Habitat Protection:** • To further demonstrate the inadequacy of the Draft EA for this major decision, the assessment lays out safeguards for species protection in an extensive proposed monitoring of IID drain channels and habitat where the endangered desert pupfish and Yuma Ridgeway's rail bird have been documented. If levels of water approach zero or vegetation becomes too dry, emergency water would be trucked in, in coordination with state and federal wildlife agencies. Emergency measures such as trucking in water do not provide a sustainable solution for endangered species and their habitats and this is acknowledged as possibilities while declaring no negative environmental impacts.	Drain monitoring and vegetation monitoring would be ongoing during the three years of the Proposed Action. The existing drain flow is variable and dynamic, affected by the existing water conservation under the QSA, and ongoing farming practices and operations. The Monitoring Plan provides feasible and responsive actions for the three years of the Proposed Action. The impact avoidance measures are based on existing conditions and changes to those conditions requiring a response to ensure there will not be an adverse effect to species. The short-term impact avoidance measure is unlikely to be needed, but available if drain flows are reduced beyond existing conditions.
78.	**4. Environmental Justice:** • The Draft EA's assertion that no major environmental justice impacts are anticipated is unsubstantiated, given the potential for increased air pollution and health disparities while stating in the same assessment the impacts will not be mitigated until 2045. This contradiction demands a full environmental review and assessment in the already damaged air basin.	As provided in the SEIS, by "avoiding higher levels of modeled shortage through increased system conservation, available water supply for irrigation use would be maintained in a manner that would reduce irrigation impacts for all entities who rely on the Lower Basin water supply for irrigation use, including those located in environmental justice counties in… California (Imperial and Riverside Counties)." Existing mitigation efforts under the MMRP, including the SS AQMP, is implemented on an ongoing basis and will address any impacts that occur despite the anticipated timing.
79.	• The reliance on the Salton Sea Air Quality Management Plan (SSMP) to mitigate short-term exposure is misplaced, given the plan's poor track record in timely project completion. The SSMP is already 12 years behind agreed to timelines in the Quantification Settlement Agreement (QSA) which has further degraded the air basin in the interim.	The EA does not rely solely on the SSMP to mitigate impacts. The EA recognizes the Proposed Action may accelerate certain impacts already associated with the water conservation under the QSA. The MMRP, including SS AQMP, is implemented on an ongoing basis regardless and will address any impacts that occur despite anticipated timing.
80.	**5. Financial and Environmental Costs:** • The Draft EA financial allocation of $250 million for restoration projects is inadequate compared to the estimated billions of dollars required for environmental mitigation of the Salton Sea and the decades of non-investment to mitigate the impacts already in place. • The long-term drought prognosis and continuous water demand from urban areas necessitate a more cautious and comprehensive approach that incorporates long term mitigation and modeling of	The funding for environmental mitigation impacts for the past decades is outside the scope of the Proposed Action and the analysis of the EA. The Proposed Action is approval of an SCIA under Reclamation's LC Conservation Program with funding allocated from the Inflation Reduction Act of 2022 to support the Near-Term Colorado River Operations evaluated in Reclamation's March 2024 Final SEIS. This is a unique program with limited funding for a short-term period until 2026, at which time the SCIA will terminate.

	Comment	Response
	impacts to ensure an equitable plan for the disadvantaged community in and around the Salton Sea reflective of the true cost of mitigation.	
81.	**Recommendations:** **1. Full Environmental Review:** We urge the Bureau of Reclamation and the IID Board to commission a full environmental review that complies with NEPA and CEQA, ensuring all potential impacts are properly identified and mitigated.	The EA was prepared in compliance with NEPA and CEQA requirements.
82.	Additional due diligence by the USEPA is necessary for full disclosure of health and environmental impacts when considering the ongoing drought, the overdrafting of Colorado River water in the original compact of the seven basin states, and the ongoing negotiations for a new Colorado River Compact that will change distribution of the allotted water.	The ongoing drought, "overdrafting" of Colorado River water, and "ongoing negotiations for a new Colorado River Compact" are beyond the scope of the Proposed Action and analysis in the EA. There are no negotiations for a new "Colorado River Compact." On June 16, 2023, Reclamation initiated the NEPA process for Post-2026 Operational Guidelines and Strategies for Lake Powell and Lake Mead. The post-2026 operational guidelines would replace the 2007 Colorado River Interim Guidelines for Lower Basin Shortages and the Coordinated Operations for Lake Powell and Lake Mead upon its expiration.
83.	**2. Conservation Strategies:** • The acceptance of fallowing as a conservation strategy is environmentally and economically detrimental. Alternative strategies such as system improvements and equipment investments should be prioritized over fallowing or taking land out of production and letting it sit idle. • If fallowing is absolutely necessary, minimal seasonal deficit fallowing should be employed, with a focus on sustainable practices without taking any land out of production for over 60 days maximum to minimize environmental and economic impacts.	The EA acknowledges on page 90 that work opportunities in participating fields would be temporarily interrupted, as a result of the Proposed Action. Participation in the DIP is only for alfalfa, bermuda grass, and klein grass crops, which are perennial crops grown year-round and would be in active agricultural production before and after participation in the DIP. The agricultural activities on a field are only interrupted for a short period of time (45 to 60 days out of 365 days). IID would prioritize the OFECP and DIP over the FUFP. Implementation of the FUFP is unlikely and may only be for a single year. The FUFP would only be implemented if IID was unable to reach conservation targets under the Proposed Action through implementation of the OFECP and DIP. This is not anticipated to occur given current levels of participation in the OFECP under the QSA and interest among potential participants in the DIP. If the FUFP were to be implemented, the conservation volume would be limited to the difference in the target volume and the volume of conservation from the OFECP and DIP, minimizing the impact from the FUFP.

	Comment	Response
84.	**3. Financial Plan** • The water transfer revenue created by this proposed water deal must include a community benefit that is vetted publicly and grounded on making the community whole. Environmental and economic impacts must be mitigated from this revenue. Unlike the QSA, this revenue will be able to create mitigation projects to offset impacts as the QSA earmarked one third of the revenue for the community benefit of subsidizing the cost of acre feet of water to stay at $20 per acre foot. This leaves one third of the revenue available for community benefits that address and mitigate the impacts from this deal. That is an estimated $55 million per year depending on final price agreed to and volume created for conservation.	The Proposed Action is approval of an SCIA under Reclamation's LC Conservation Program with funding allocated from the Inflation Reduction Act of 2022 to support the Near-Term Colorado River Operations evaluated in Reclamation's March 2024 Final SEIS. This is a unique program with limited funding for a short-term period until 2026, at which time the SCIA will terminate. Reclamation only has authority to disburse these funds to the public entity under contract and cannot direct how they are used after that disbursement. However, Reclamation committed to providing $250 million to CNRA under the Commitments Agreement in support of the implementation of CNRA's SSMP, specifically to support expanded and accelerated SSMP projects at the Salton Sea.

Comment 6: Justin Garewal, R.S. Garewal and Sons, Inc.

	Comment	Response
85.	In Section 3.6.2.2, paragraph 4, the Draft Environmental Assessment states, "Therefore, despite the DIP being a fallowing-based conservation program, the agricultural activities on a field are only interrupted for a short period of time and only during the temporary, short-term span of three years. Consequently, there would be negligible direct or indirect impacts to the businesses within the agricultural industry and no adverse effects on the environment of minority or low-income populations." In paragraph 6 of the same section, the document states, "…the Proposed Action would not disproportionately affect the minority and low-income populations in the area because the Proposed Action is not expected to significantly affect local socioeconomic conditions due to the short duration of the reduced farming activities." We believe both of these assessments to be demonstrably false. For the DIP, the target enrollment period of June, July, August and September accounts for nearly 75% of the annual hay harvest in the Imperial Valley. While a 60-day window may seem minimal, it accounts for no fewer than 2 harvests during this busiest time of the year. To local farm service providers, the loss of two harvests is a significant burden, but to our employees, who are primarily Hispanic and Latino, it is much more.	The EA acknowledges on page 90 that work opportunities in participating fields would be temporarily disrupted, as a result of the Proposed Action. Participation in the DIP is only for alfalfa, bermuda grass, and klein grass crops, which are perennial crops grown year-round and would be in active agricultural production before and after participation in the DIP. The agricultural activities on a field are only interrupted for a short period of time (45 to 60 days out of 365 days). Additional information has been added to the Environmental Justice Section.

	Comment	Response
86.	Enrollment of 180,000 acres in DIP for 60 days will result in nearly $30 million in direct gross losses to local farm service providers. This calculation takes into account an estimated breakdown of approximately 97,000 acres of alfalfa, 59,000 acres of bermuda grass and 23,000 acres of klein grass, based upon an estimated crop breakdown provided in a public meeting on July 16 by Imperial Irrigation District. The harvesting of each of these crops requires between 4 and 6 individual activities provided by either custom harvest companies contracted to harvest a grower's field, or by the grower's employees directly. The retail cost of providing these services ranges from approximately $64 per acre for alfalfa, to $118 per acre for klein grass. Of these costs, approximately 25% is paid directly to employees as wages. This means that for each harvest missed as a result of the Proposed Action, whether the harvest would have been conducted by a custom harvest company or directly by a grower's employees, between $16 and $30 per acre in direct income to a farmworker is lost. Multiplied by the proposed 180,000 acres and an anticipated 2 harvests for a 60-day enrollment, more than $7 million in direct income to more than 500 farmworkers, most of whom are Hispanic or Latino, will be lost. The vast majority of these workers are employed by custom harvest companies who, as third-party service providers, will receive no benefit at all from the Proposed Action. This leaves us with very few options to continue employing our workers through this period. While these workers can apply for unemployment during this period, the loss in income during their highest-earning period will necessarily reduce their level of benefit eligibility, further reducing their overall income. This will equate to a loss of thousands of dollars in income to each worker, which will be directly attributable to the Proposed Action. In many cases, this will be the difference between comfortably supporting their families, and living below the poverty line. The wages they bring in during the summer harvest are crucial to their overall income. The impact of this program is potentially disastrous to these hardworking men and women. Keep in mind that the impact quantified here is based only on the direct impact to custom harvest companies and our employees, as that is my	Under the Proposed Action, Reclamation will fund conserved water that will remain in Lake Mead for the benefit of the Colorado River System, which benefits all water users within the basin. This is a unique program with limited funding for a short-term period until 2026, at which time the SCIA will terminate. Reclamation only has authority to disburse these funds to the public entity under contract and cannot direct how they are used after that disbursement, but anticipates the compensation for the conserved water will "offset to some degree the level of economic impacts associated with reduced agricultural production." Unemployment would be an additional offset. Additional information has been added to the Environmental Justice Section.

	Comment	Response
	area of expertise. The overall direct and indirect impact will extend well beyond this industry, of course, as there are other services that are typically provided to these fields that will not be provided to fields enrolled in DIP. These services include irrigation, fertilizer application, pest management, hay processing and distribution, equipment maintenance, and many more products and services. While we agree that the Proposed Action is an important step toward alleviating a very challenging problem, we respectfully request that the Draft Environmental Assessment be revised to reflect this very real and very significant environmental impact due to its impact on local socioeconomic conditions, and identify a plan to mitigate this impact.	

Comment 7: Comite Civico del Valle and the Lithium Valley Equity Technical Advisory Group

	Comment	Response
87.	**Section 1.1 Proposed Federal Action:** First, how appropriate is an environmental assessment (EA) for this action? A number of factors argue against an EA being appropriate as "*a proposed action is not likely to have significant effects*" (p 1). First, the Bureau notes the historic severity of drought conditions in section 1.2. This action could affect up to 180,000 acres of farmland that would not receive irrigation during the hottest time of the year if the program receives full participation, which could make wildlife in the region vulnerable	The EA provides a thorough assessment of the Proposed Action. The analysis of the reduction of drain flows resulting from the Proposed Action as compared to existing conditions begins on page 100. The EA concludes that the temporary period of reduced drain flows could result in some areas of the southern shoreline of the Salton Sea receiving less water from the drains than under existing conditions that could potentially affect habitats and sensitive species. The Monitoring Plan as part of the Proposed Action ensures that there would be no adverse effects to habitats and sensitive species.
88.	and aggravate air pollution conditions (p. 112).	The EA assesses air quality impacts that could affect disadvantaged communities in the entire Salton Sea Air Basin. Based on modeling conducted by DWR using SSAM for the implementation of the SSMP included in Appendix HYDRO-3, the EA finds that the Proposed Action would accelerate the lowering elevation of the Salton Sea by approximately 5 to 10 years. That is to say, impacts resulting from lowering Sea elevation would include the same acreage as analyzed in the QSA EIR/EIS, but they would occur earlier, slowing down over time until reaching No Action Alternative conditions by 2045. The implementation of the MMRP, including the SS AQMP, is ongoing and will address any impacts that occur despite anticipated timing.

	Comment	Response
89. 90.	Second, there is the premise built into this entire analysis that water use from the Colorado River is inter-connected throughout the Colorado Basin.	Comment noted.
91.	Third, issues of community equity are important, but have yet to be effectively addressed. The "*proposed action would accelerate the exposure of the Salton Sea playa currently inundated*" (p. 113) which will exacerbate a primary source of air pollution and environmental inequity in the area. Given these significant effects, an EA is inadequate and an EIS should be prepared.	The EA assesses air quality impacts that could affect disadvantaged communities in the entire Salton Sea Air Basin. The implementation of the MMRP, including the SS AQMP, is ongoing and will address any impacts that occur despite anticipated timing. CNRA is currently implementing the SSMP and Reclamation's funding to CNRA under the Commitments Agreement is to support and expedite the SSMP projects.
92.	**Section 1.2: Reclamation Authority, Policy, and Resource Management:** This section also operates under assumptions that need explanation. Why are entitlement holders and other existing Colorado River water users being paid for agreeing not to use water and why are they paid more for lengthier agreements? Through these sorts of actions, the Bureau continues to bestow benefits from the allocation system by reinforcing those who are existing beneficiaries and ignoring environmental justice concerns associated with water distribution. The Bureau should not simply rely upon similar past actions and ignore issues associated with allocation that perpetuate inequities.	The Proposed Action is approval of an SCIA under Reclamation's LC Conservation Program, the purpose of which is explained on Reclamation's website. Funding under the SCIA is from the Inflation Reduction Act of 2022 (Public Law No. 117-169), which can be found at https://www.congress.gov/117/plaws/publ169/PLAW-117publ169.pdf, and provides certain parameters for the funding to support the Near-Term Colorado River Operations evaluated in Reclamation's SEIS. This is a unique program with limited funding for a short-term period until 2026, at which time the SCIA will terminate.
93.	**Section 1.3: Purpose and Need:** Objectives focus mainly on ensuring that agricultural water users will not be negatively impacted. There is very little mention of the rest of the surrounding community or wildlife, and no attention to environmental health, in these objectives. Maintaining environmental health for the region and its residents should be an objective. According to the EA (page 4), "*[p]articipation in the LC Conservation Program fulfills the following objectives for IID:* • *Promotes voluntary participation of Imperial Valley agricultural water users, including landowners and tenants, so that on-farm efficiency conservation measures can be implemented.* • *Implements voluntary water conservation programs to benefit the Colorado River system, Imperial Valley's sole water supply, without impairing or affecting IID's historic senior-priority water rights in a manner consistent with state and federal law.* • *Maintains economic viability and vitality of Imperial Valley's agricultural economy and the surrounding community."*	The objectives reflect IID's role as an irrigation district and the limited activity of the Proposed Action for the conservation of water for three years to remain in Lake Mead in response to Reclamation's LC Conservation Program.

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94.	However, the EA fails to provide data or sufficient analysis of the Imperial Valley agricultural economy, including farmgate, number and profile of workers, supply chain, and direct and indirect economic impact of agriculture on the overall Imperial County economy. These data and analyses are needed to make a reasonable assessment and determination to ensure that: • The Proposed Action has no measurable impact on the agricultural economy and the surrounding community. • The LC Program, the principal mitigation to the impact of the Proposed Action, fulfills IID's objective of maintaining the economic viability and vitality of Imperial Valley's agricultural economy and surrounding community. • The impacts of the Proposed Action have been mitigated.	Section 3.6 Environmental Justice begins on page 87 and includes the socioeconomic analysis and available data.
95.	This assessment failed to obtain sufficient data, failed to consider certain impacts, and failed to fully consider the weight of the impacts reviewed on the Proposed Action's impact on workers and communities. It raises the following questions: Is the voluntariness of participation within IID more important than the "*economic viability and vitality of Imperial Valley's agricultural economy and the surrounding community*" that are being advanced by options designed to benefit a few influential landowners? How does voluntary participation in one of the three potential conservation programs that the Bureau has proposed help the majority of the population from communities of Imperial County? Community members who depend on farm work will be influenced by voluntary participation of land owners, which may negatively impact the "*economic viability and vitality*" of Valley residents working on the farms.	The EA acknowledges on page 90 that work opportunities in participating fields would be temporarily interrupted, as a result of the Proposed Action. Participation in the DIP is only for alfalfa, bermuda grass, and klein grass crops, which are perennial crops grown year-round and would be in active agricultural production before and after participation in the DIP. The agricultural activities on a field are only interrupted for a short period of time (45 to 60 days out of 365 days). IID would prioritize the OFECP and DIP over the FUFP. Implementation of the FUFP is unlikely and may only be for a single year. The FUFP would only be implemented if IID was unable to reach conservation targets under the Proposed Action through implementation of the OFECP and DIP. This is not anticipated to occur given current levels of participation in the OFECP under the QSA and interest among potential participants in the DIP. If the FUFP were to be implemented, the conservation volume would be limited to the difference in the target volume and the volume of conservation from the OFECP and DIP, minimizing the impact from the FUFP. As stated in the SEIS, by "avoiding higher levels of modeled shortage through increased system conservation, available water supply for irrigation use would be maintained in a manner that would reduce irrigation impacts for all entities who rely on the Lower Basin water supply for irrigation use, including those located in environmental justice counties in… California (Imperial and Riverside Counties)."

	Comment	Response
96.	**Section 1.4: Background:** The EA also notes the significance of the agricultural industry to Imperial County. On page 5, it states that "*Irrigated agriculture is the primary economic enterprise within IID's Contract Service Area...Approximately 96 to 97% of Colorado River water deliveries is used for agriculture purposes, and less than 4 percent is delivered to non-agricultural water users*." However, there is no further follow-up with detailed economy-related data, analysis, or modeling, such as an industry profile, labor market analysis on the industry's significant contribution to the regional economy, or projected impacts based on various Proposed Action implementation scenarios.	Section 3.6 Environmental Justice begins on page 87 and includes the socioeconomic analysis and available data.
97.	Why is the IID Contract Service Area taken as the Proposed Action Area without full consideration for Imperial County's planning areas and other areas of significance for the state? This gap in planning may present challenges for other ongoing planning initiatives.	The EA focuses on the IID Contract Service Area because the conservation of Colorado River water under the Proposed Action will occur in this area. The EA recognizes the affected environment for each resource topic area may extend beyond the IID Contract Service Area and assesses potential environmental impacts that may result from the Proposed Action as appropriate for the resource topic. The scope of the affected environment depends on the resource being evaluated. For example, Section 3.3 Air Quality analyzes the entire Salton Sea region (e.g. Salton Sea Air Basin, page 40; Regional Air Quality, page 41; IID's SS AQMP, State's Salton Sea Management Program (SSMP) and Dust Suppression Action Plan (DSAP) projects, page 44; hydrogen sulfide and hazardous air pollutants monitoring, pages 44 and 45).
98.	Also, why are the figures for non-agricultural deliveries "*less than 4 percent*" (p. 5)? This figure is different from other figures used by IID as well as those figures used in county planning documents and other current analyses of water use distribution in the valley.	If 96-97% of Colorado River water deliveries are used for agricultural purposes, then 3-4% (100% - 96-97% = 3-4%) are used for non-agricultural purposes. The statement simplified this by saying less than 4%. This data is received from IID and cited to the *2022 Water and QSA Implementation Report*. Viewed online at: https://www.iid.com/home/showpublisheddocument/21639/638428311439700000. Different data from other agencies is outside the scope of the EA.
99.	**Section 1.5: Prior Environmental Analysis:** The EA needs additional documentation to clarify and justify the extent to which it relies on prior environmental analysis (page 18). The 2002 certified Final Environmental Impact Report/Environmental Impact Statement (2002 EIR/EIS) assessed the IID Water Conservation and Transfer Project and Habitat	The EA incorporates the QSA EIR/EIS by reference for purposes of demonstrating consistency with the analysis of past water conservation and incorporates information and analysis from the QSA EIR/EIS where appropriate. The impacts associated with the water conservation volumes transferred under the QSA are already

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	Conservation Plan, specifically addressing the conservation and transfer of up to 300,000 AFY of Colorado River water to the SDCWA for a designated period of up to 75 years. However, this analysis may have limited relevance to the Proposed Action without demonstrating the analytical approach taken to assess its current relevance and areas where supplemental data and research were required. Therefore, the EA needs to explicitly state the extent to which it relies on the 2002 EIR/EIS and the 2003 Addendum. Since 2002, the science behind and the measurable impacts of climate change, especially those related to severe weather patterns, have increased. For example, the occurrences and intensities of droughts, increased temperatures, and flash floods have increased and changed in ways that were not reasonably anticipated. In 2023, the Imperial Valley experienced its first tropical storm. In fact, due to cold sea surface temperatures and the typical track of most Pacific hurricanes, there has only been one recorded landfall of a tropical storm in California, a storm in 1939 that hit Los Angeles. If the main motivation behind this Proposed Action is to adapt to climate change, then more current research attuned to global warming needs to inform the environmental analysis.	addressed by the QSA EIR/EIS and the required mitigation is being implemented. The EA recognizes the Proposed Action may accelerate certain impacts already associated with the water conservation under the QSA and additional analysis is provided in the EA. Because the SEIS considers effects of potential reduced flows in the Lower Colorado River Basin resulting from system conservation agreements, the EA does not specifically analyze the potential effects on the mainstem of the Colorado River. The EA incorporates the SEIS by reference for purposes of demonstrating consistency with the near-term Colorado River operations.
100.	**Section 1.6: Cumulative Project List:** The cumulative project list includes several non-agricultural projects and plans underway, including the Lithium Valley Specific Plan (estimated to use approximately 100,000 AFY according to the county's initial study) and various lithium and geothermal developments. However, these are not mentioned throughout the rest of the document. It is unclear how the water reductions will impact the viability of these projects, if their water needs will be prioritized, and/or if additional water will be made available for future non-agricultural industrial projects. Other non-agricultural industrial projects, including geothermal energy development outside the Lithium Valley study area, should also be listed for cumulative impact analysis. Table 1.1 only lists projects that will potentially reduce water flows or have conservation potential. Cumulative projects should also include projects that have similar environmental impacts, such as fugitive dust emissions.	The Proposed Action is for a three-year period, after which the conservation under the Proposed Action will cease. There will not be long-term water reductions under the Proposed Action. Each impact analysis for each resource area includes an assessment of the "incremental impacts of an action when added to other past, present, and reasonably foreseeable future actions" may collectively result in significant impacts. The cumulative analysis for each resource area takes into account the projects listed in Table 1-1 and finds that the increment of effect of the Proposed Action when added to those projects will not result in a substantial increase in environmental effects, including but not limited to effects resulting from reduced flows.
101.	**Section 2.2.3: Farm Unit Fallowing Program (FUPP):** The Bureau has noted the potential for dust emission from fallowed lands (p. 20), yet the impacts of its proposed conservation programs on hydrogeologic relationships have not been addressed. These programs will reduce	The EA assesses air quality impacts in the entire Salton Sea Air Basin, including the potential for increased dust emissions and hydrogen sulfide. Based on modeling conducted by DWR using SSAM for the implementation of the SSMP included in Appendix

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	recharge to groundwater as well as inflow to the Salton Sea. And relatedly, air quality associated with continued drying of the Salton Sea, especially increased dust (PM2.5 and PM10) and hydrogen sulfide, should be addressed in much greater detail. Without attention to the impact of conservation on relationships between groundwater and surface water, air quality may decline as playa dust, already a significant local environmental hazard, increases.	HYDRO-3, the EA finds that impacts resulting from lowering Sea elevation would include the same acreage as analyzed in the QSA EIR/EIS, but they would occur earlier, slowing down over time until reaching No Action Alternative conditions by 2045. With this acceleration, the EA acknowledges the accelerated effects of the Proposed Action and finds that the long-term effects would be those previously identified in the QSA EIR/EIS. The implementation of the MMRP, including the SS AQMP, is ongoing and will address any impacts that occur despite anticipated timing.
102.	**Section 2.2.4: IID Drain and Salton Sea Vegetation Monitoring and Reporting Plan:** Impact avoidance measures are critical to the success of this Proposed Action. However, this section raises many questions, suggesting that there is a need for a more robust monitoring plan, clearer action triggers, and more coordination on restoration and dust suppression projects more generally. • Why are no actual threshold levels established that would prompt immediate actions in terms of monitoring data for drains associated with the desert pupfish and Yuma Ridgway's rail? Similarly, why are no actual threshold levels established for sensitive vegetation areas? How is the zero-flow threshold derived? Is there not a more-than-zero flow rate that could still have adverse effects on the desert pupfish and other fauna and flora at drain sites? Decreased flows to the Salton Sea would be a problem even if that decrease was a result of no more than average zero-flow days in a certain period, but less-than average flows overall.	Drain monitoring and vegetation monitoring would be ongoing during the three years of the Proposed Action. The existing drain flow variability is explained and analyzed in Section 3.8 Hydrology/Water Quality, specifically beginning on page 100. The drain flow is dynamic, affected by the existing water conservation under the QSA, and ongoing farming practices and operations. Analysis regarding the drain flow variability and species such as the desert pupfish and Yuma Ridgway's rails is in Section 3.4 Biological Resources. The Monitoring Plan provides feasible and responsive actions for the three years of the Proposed Action. The impact avoidance measures are based on existing conditions and changes to those conditions requiring a response to ensure there will not be an adverse effect to species.
103.	• Footnote 5 on page 35 notes that alerts caused by maintenance are not triggers for implementing impact avoidance measures because they are occurrences that exist under current conditions and not a result of the Proposed Action, but is it possible that the Proposed Action might create conditions that could lead to the need for repair? How can one be sure that the Proposed Action is or is not the cause? Implementation of impact avoidance measures is needed when a threshold is reached that would otherwise be designated as deserving a mitigation response.	The maintenance and repair of IID drains is currently underway pursuant to normal operations and maintenance practices. There would not be a situation under which the Proposed Action would trigger the need for maintenance and repair activities.

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104.	There is much discussion about the methods to use in collecting data and analyzing it, but the action triggers are “squishy,” weighted heavily for uncertainty, for both water flows and vegetation. Clear and meaningful action triggers are important. This is particularly important when there is little incentive for IID to deliver additional water via a truck, given the goal of conserving water through this program and the expenses involved.	The Monitoring Plan provides feasible and responsive actions for the three years of the Proposed Action. The impact avoidance measures are based on existing conditions and changes to those conditions requiring a response to ensure there will not be an adverse effect to species. Compliance with federal and state laws and IID permits and approvals, as well as ongoing coordination with Reclamation, USFWS, and CDFW to ensure compliance are sufficient reasons to ensure the Monitoring Plan will be implemented.
105.	**Section 3.1: Resources Not Discussed in Detail:** Several resources merit more detailed comparative analysis, including: Agriculture/Forestry Resources (agriculture is directly impacted); Energy (the Proposed Action may pose a new constraint to energy development at Lithium Valley); Geology/Soils (soil will be impacted with less water on fallowed land, especially if not covered); Utilities/Service Systems (water resources are directly impacted).	The EA notes the areas not discussed further on pages 38 and 39. Agricultural land use zoning or future use would not be changed as a result of the Proposed Action and, therefore, there are no direct impacts. Energy projects are included in the Cumulative Impacts analyses and there is no identifiable constraint to energy development given the three-year term of the Proposed Action. Soils will not be significantly impacted by the conservation programs, and the requirements to address dust emissions and comply with the Imperial County Air Pollution Control District regulations are part of the Proposed Action. Water resources and potential impacts of the Proposed Action are analyzed in Section 3.8 Hydrology/Water Quality and, therefore, another utility/service systems section would be redundant.
106.	**Section 3.3.2: Air Quality: Environmental Consequences:** More explanation is needed regarding best management practices for dust suppression from fallowed fields, as well as how this dust from fallowed fields may compound problems of increased dust pollution due to playa exposure from the receding Salton Sea.	The Best Management Practices (“BMPs”) recommended by the U.S. Department of Agriculture Natural Resources Conservation Service, including those listed on page 20, are self-explanatory. These would be implemented by participants of the DIP or FUFP during any fallowing or deficit irrigation period. Additionally, regardless of the BMPs, agricultural land is subject to the Imperial County Air Pollution Control District regulations.
107.	The Deficit Irrigation Program (DIP), as described, involves fallowing crops for 45 to 60 days so that agricultural activity is only temporarily interrupted. While this reduces air quality impacts from fields, it still accelerates exposed Salton Sea acreage, specifically during the time period from 2025-2035 (Figure 3-1). The plan claims that because the Proposed Action eventually tapers off, this is inconsequential. However, 10 years of potentially increased dust emissions from exposed Salton	Based on modeling conducted by DWR using SSAM for the implementation of the Salton Sea Management Plan (SSMP) included in Appendix HYDRO-3, the EA finds that the Proposed Action would accelerate the lowering elevation of the Salton Sea. Impacts resulting from lowering Sea elevation would include the same acreage as analyzed in the QSA EIR/EIS (as shown in Figure 9 referenced in the comment), but they would occur earlier, slowing down over time until reaching No Action Alternative conditions by

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	Sea playa could be very consequential to those living in the area during that time period.	2045. Implementation of the SS AQMP is ongoing and is designed to be adaptive and proactively detect, locate, and assess potential dust emissions regardless of timing, rate and extent of the playa exposure. Dust control measures are designed, installed, and monitored where needed pursuant to the SS AQMP. With the acceleration of exposed playa, the EA acknowledges the accelerated effects of the Proposed Action and finds that the long-term effects would be those previously identified and mitigated in the QSA EIR/EIS.
108.	Furthermore, how does this projected tapering off of the Salton Sea level account for the prolonged drought accelerated by climate change that is expected to have significantly longer term impacts?	The modeling and analysis of the exposure of the Salton Sea shoreline are included in the EA, with the evidence and explanation of the modeling in Appendix HYDRO-3. The DWR modeling using SSAM is consistent with the modeling completed for the Long-Range Plan, which takes into a number of assumptions for inflows to the Salton Sea.
109.	It is stated here and multiple times throughout the document, that the Proposed Action simply will not increase dust emissions or that the exposure of the shoreline will still occur without the Proposed Action. The public is expected to take this claim as fact, but this assertion is not supported by evidence. Studies have shown that agricultural water diversions are exacerbating dust pollution with serious environmental health consequences.	The modeling and analysis of the exposure of the Salton Sea shoreline are included in the EA, with the evidence and explanation of the modeling in Appendix HYDRO-3. Unmitigated playa emissions account for less than 1% of all emissions in the Salton Sea Air Basin and when currently planned dust control projects are implemented, this number drops to less than 0.5% of the total emissions in the Salton Sea Air Basin. As provided in Appendix AQ-2, several studies have been conducted to evaluate the health risk, specifically the elemental composition of playa dust and sediment and whether it is unique from native desert material (Vogl et al. 2002, Xu et al. 2016, Frie et al. 2017, 2019, Biddle et al. 2023, IID SS AQMP). Findings indicate that concentrations of toxic metals were either below the method detection limit, or if above detection limits, were indistinguishable between the playa and desert. The concept that playa dust is exceptionally high in toxic metals is not supported by the current body of research. The current analyses of aerosol and sub-aerial soil samples from the playa and desert surrounding the Salton Sea suggest that until PM contaminant concentrations begin to exceed California EPA reference exposure levels, the principal health concern is and will continue to be the amount of PM being emitted rather than the composition. The dust itself (regardless of composition) is the most important aspect to consider in terms of

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		human health. The SS AQMP will continue to be adaptive and proactively detect, locate and assess potential dust emissions regardless of timing, rate and extent of the playa exposure
110.	It is also unclear how the accelerated exposed playa might interact with Lithium Valley Specific Plan and other associated lithium and geothermal development plans. Assuming this high water-consuming development project occurs, how would it be possible for impacts to taper off again to baseline levels by 2045? Further analysis is required to support this claim in relation to the increased exposure of communities to dust pollution over time.	The modeling and analysis of the exposure of the Salton Sea shoreline are included in the EA, with the evidence and explanation of the modeling in Appendix HYDRO-3. The EA analyzes the Cumulative Impacts of the Proposed Action with the projects identified on the Cumulative Projects List in Table 1-1. However, this analysis can only use the data and information currently available and many projects, including the Lithium Valley Specific Plan, are still in the planning phase with limited or no information available regarding water consumption. The EA cannot use speculative or unknown information for its analysis.
111.	Furthermore, the EA states that the project "*does not result in greater exposed playa over the long term*" (EA at 94). However, exposure of playa will be greater in a 20-year time span up to 2045, which should still be considered a long-term significant impact that requires further analysis and mitigation in an EIS.	Implementation of the SS AQMP is ongoing and is designed to be adaptive and proactively detect, locate, and assess potential dust emissions regardless of timing, rate, and extent of the playa exposure. Dust control measures are designed, installed, and monitored where needed pursuant to the SS AQMP. With the acceleration of exposed playa, the EA acknowledges the accelerated effects of the Proposed Action and finds that the long-term effects would be those previously identified and mitigated in the QSA EIR/EIS.
112.	**Section 3.4.2 Biological Resources: Environmental Consequences:** This section requires further analysis of cumulative impacts in relation to other projects, including restoration and industrial uses. Again, how will it be possible for salinity or selenium levels affecting desert pupfish to taper off to baseline levels by 2045 with full consideration of cumulative impacts, including the Lithium Valley Specific Plan?	The Cumulative Impacts for Biological Resources are analyzed in Section 3.4.2.3 on page 78. This analysis includes consideration of the Cumulative Projects listed in Table 1-1 using currently available data and information for those projects. The EA acknowledges the accelerated effects of the Proposed Action and finds that the long-term effects would be those previously identified and mitigated in the QSA EIR/EIS.
113.	**Section 3.5: Cultural Resources:** This section is lacking significant detail. Here, the All American Canal is identified as a historic property, but this section ignores the Southeast Lake Cahuilla Active Volcanic Cultural District (SELCAVCD) despite the California Energy Commission's recent confirmation that it should be considered a significant tribal cultural resource. How might the Proposed Action affect the viewshed of this sacred site? CEQA analysis requires going beyond archaeological sites to consider this broader cultural landscape.	The Proposed Action does not include any excavation or construction within viewsheds that would impact tribal resources. Therefore, there is no impact to the Lake Cahuilla Active Volcanic Cultural District.

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114.	**Section 3.6: Environmental Justice:** Again, here it is claimed several times that the Proposed Action will not adversely affect EJ communities, but without much to back up this claim, given that the Proposed Action accelerates exposed Salton Sea acreage as noted above. Economic impacts due to temporary fallowing would be negligible for whom? It may not affect farmers who receive incentives to fallow, but farmworkers stand to lose jobs and income without fair compensation. Note also that Bombay Beach is omitted from census data analysis despite its close proximity to the Salton Sea and well known concerns about playa exposure. Again, IID failed to obtain sufficient data, failed to consider certain impacts, and failed to fully consider the weight of the impacts reviewed on the Proposed Action's impact on workers and communities. Further data and analysis is clearly warranted based on the Climate and Economic Justice Screening Tool developed by the Council on Environmental Quality that found (page 86) that "*the majority of census tracts within the IID Contract Service Area, with the exception of two within the City of El Centro, are considered disadvantaged because they meet one or more burden threshold and the associated socioeconomic threshold*."	Additional information has been added to the Environmental Justice Section.
115.	Modeling is essential as the range of impacts varies considerably based on which water conservation measures farmers choose to reach the target goal of 250,000 AF, up to a maximum of 300,000 AF. While IID states that it intends to prioritize the On-Farm Efficiency Conservation Program (OFECP) and Deficit Irrigation Program (DIP) water conservation programs (page 89), the analysis is insufficient to demonstrate how this prioritization, possible scenario one, will impact the local economy and workers. Based on information on the application of the water conservation programs (page 19), the OFECP and Simplified OFECP measures are expected to meet a maximum of 50,000 acre-feet per year. This is only 16.6% to 20% of the water use reduction goal, meaning that 80% or more of the Proposed Action will be achieved through Farm Unit Fallowing Program (FUFP) and DIP. At least two scenarios should be provided, including model assumptions and disclosure of data, using different uptake of the FUFP and DIP due to the significant differences in impacts on employment and the overall economy.	The modeling and analysis of the exposure of the Salton Sea shoreline are included in the EA, with the evidence and explanation of the modeling in Appendix HYDRO-3. Two scenarios were analyzed in the hydrological modeling, but the results were similar and, therefore, the same analysis applies. The range of potential impacts are addressed in the EA.

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	The following conclusionary statements are insufficiently supported by data and analysis. Key data is also missing.	
116.	**Environmental Consequences page 90 -** "*Although some businesses may be directly affected by the reduced farming activity, economic impacts of the FUFP implemented under the Proposed Action would be negligible given the longest possible period of fallowing would be a temporary, short-term period of two years*." Further data, analysis, and documentation is necessary to understand what "businesses" were considered in this analysis. What metric and standard were used to establish a baseline and change over time to determine "negligible" impact?	Additional information has been added to the Environmental Justice Section.
117.	**Environmental Justice Cumulative Impacts page 90 -** "*The Proposed Action would temporarily reduce water deliveries to agricultural operations within the IID Contract Service Area for three years. The temporary, short-term water delivery reductions combined with other delivery reductions would not contribute to permanent reductions in agricultural practices of the region supporting the local economy, which includes a high rate of minority and low-income population households. The Proposed Action involves the implementation of temporary water conservation programs and would not disproportionately impact disadvantaged communities. Thus, the Proposed Action, when considered with relevant past, present, and reasonably foreseeable projects would not contribute to cumulative impacts related to environmental justice issues in the IID Contract Service Area*." Further data, analysis, and documentation are necessary to understand the definitions, metrics, and standards used to develop the model to determine that there is no cumulative impact of the Proposed Action on the local economy and disadvantaged population in the IID Contract Service Area. Economic and employment data is readily available and could be used to analyze and determine the impact of the Proposed Action on the economy and workers in Imperial County. For example, the June 2024 unemployment rate for Imperial County is 16.4%,compared to an unadjusted unemployment rate of 5.3% for California and 4.3% for the nation during the same period.3 Data for unemployment, combined with labor participation rates, are an indicator of the capacity of displaced	Additional information has been added to the Environmental Justice Section.

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	workers to find other employment. Given that the annual average wage for on-farm work is $30,000, even 45-60 days of unemployment could significantly impact households. In June 2024, there were 10,600 on-farm workers and 12,600 workers in the Trade, Transportation, and Utilities sector. Employment on farms in April 2024 was 9,100 as compared to 10,600 reported for June 2024. Other data available and modeling that should be included potential impacts on sales and other taxes paid by individuals and businesses, including field workers, farm suppliers, and retail impacted by a reduction in farm activity. These are the types of available data, but seemingly not used here, to make modeling assumptions and determinations about the impact of the Proposed Action.	
118.	The strong need and desire for jobs and economic development in Imperial Valley are clear, and mitigation measures for this project could alleviate rather than perpetuate burdens. Stronger mitigations for environmental justice impacts might include: • Impact fees tied explicitly to Proposed Action impacts, • Annual reviews through development agreements and Community Advisory Committees, and • Community Benefit Agreements to ensure promises of sustainability and public benefits are enforceable.	Reclamation only has authority to disburse these funds to the public entity under contract and cannot direct how they are used after that disbursement. The recommendations of the impact fees, development agreements, Community Advisory Committees, and Community Benefit Agreements are outside the scope of the Proposed Action and the analysis of this EA.
119.	Money received from this program should not only subsidize programs for water conservation through fallowing, but also go toward mitigating impacts on farmworkers and environmental justice communities.	Under the Proposed Action, Reclamation will fund conserved water that will remain in Lake Mead for the benefit of the Colorado River System, which benefits all water users within the basin. Reclamation only has authority to disburse these funds to the public entity under contract and cannot direct how they are used after that disbursement.
120.	Cumulative impacts to air quality and dust emissions should also be considered. The program will operate alongside the development and construction of many utility scale solar projects in the region and an analysis of fugitive emissions from dust during planned solar farm construction and the periods of fallowing would be appropriate to explore whether these impacts are significant or not. This would require updating the cumulative projects list in Table 1.1 with utility scale solar projects as mentioned above.	The EA includes analysis of the Cumulative Projects listed in Table 1-1 using currently available data and information for those projects. All known relevant past, present, and reasonably foreseeable projects are listed in Table 1-1 and considered in the cumulative impacts analyses throughout the EA.

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121.	**Section 3.7 Human Health:** It is asserted that the Proposed Action is consistent with California Natural Resource Agency (CNRA)'s Salton Sea Management Program (SSMP), but no evidence is provided to support this claim, and it remains unclear how reduced inflows to the Salton Sea would align with the SSMP's goals of dust suppression through increased vegetation. It appears that more coordination is needed to ensure that the SSMP's goals are not impeded by this Proposed Action.	The Proposed Action will not interfere with the SSMP projects and the Long-Range Plan. The language about this Proposed Action being consistent was removed and language related to Reclamation's commitment of $250 million to assist in the implementation of the projects under the SSMP was added.
122.	**Section 3.8 Hydrology/Water Quality:** Regarding water quality, this section only reviews a few common parameters found in Colorado River water. It does not provide any mitigation strategies or suggest how to protect stakeholders, especially underrepresented communities, from the negative impacts of significant water quality deterioration resulting from long-term drought in the basin. If the Proposed Action is expected to conserve a maximum cumulative volume of 900,000 AF, then that is nearly the equivalent of one year's worth of runoff that would usually reach the Salton Sea (921,000 AFY) from the IID's drainage system. Again, it remains unclear how preventing nearly a year's supply of water from the Salton Sea would avoid significant impacts on air quality and human health due to dust pollution. Tapering off to baseline levels would seem to require just as much water for restoration, which flies in the face of accelerating drought due to climate change.	The water quality impacts and analysis are within the range assessed in the QSA EIR/EIS. Therefore, the EA concludes that the Proposed Action would not result in increased overall water quality impacts compared with previously assessed conditions in the QSA EIR/EIS and, therefore, are the same as the No Action Alternative.
123.	**Section 4.2 Distribution List:** There are several Tribes that are not included in this distribution list that should have been consulted, such as the Torres Martinez Desert Cahuilla Indian Tribe. It is also important to describe the distribution and engagement process in more detail, including requests for consultation and responses.	Section 4.1 Persons/Agencies Consulted has been updated. Reclamation representatives appeared before the Torres-Martinez Desert Cahuilla Indians Tribal Council to get their feedback on the Proposed Action on July 24, 2024. Reclamation continues to maintain dialogue with those Tribal partners who have expressed interest in the Proposed Action.

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124.	The Proposed Action Alternative will have profound and long-lasting impacts on the Salton Sea, the wildlife that depend on it, and the communities adjacent to it. By inappropriately limiting the impact area analyzed in any detail by the Draft EA to the irrigation water delivery area of the Imperial Irrigation District (IID), the Draft EA ignores some of the most environmentally significant impacts of the Proposed Action Alternative. The majority of the Salton Sea is outside the IID Contract Service Area, but the Salton Sea is deeply impacted by changes in IID drain water delivery to the Salton Sea through the New and Alamo River, the roughly 30 IID drains that until recently or still flow directly to the Salton Sea across the expanding lakebed. Inflows to the Salton Sea outside the IID Contract Service Area account for only about 20% of total inflow through the smaller number of Coachella Valley drains and stormwater channels and very limited stream flows from Salt Creek and several dry washes that only flow during heavy rain events. Reduced water inflow from the IID system will impact the entire Salton Sea and surrounding communities and wildlife habitat, yet the very limited actions proposed by the Draft EA to mitigate the broad impacts of reduced drain flows to the Salton Sea will have only limited benefits within the IID Contract Service Area with no mitigation whatsoever for profound impacts outside that area.	The EA incorporates the QSA EIR/EIS by reference for purposes of demonstrating consistency with the analysis of past water conservation and incorporates information and analysis from the QSA EIR/EIS where appropriate. The impacts associated with the water conservation volumes transferred under the QSA are already addressed by the QSA EIR/EIS, including the entirety of the Salton Sea, and the required mitigation is being implemented. The EA acknowledges the accelerated effects of the Proposed Action and finds that the long-term effects would be those previously identified in the QSA EIR/EIS. The implementation of the MMRP, including IID's SS AQMP is implemented on an ongoing basis regardless and will address any impacts that occur despite anticipated timing. The Monitoring Plan sets forth feasible and specific impact avoidance measures that will be implemented by IID in coordination with Reclamation, USFWS and CDFW during the three years of the Proposed Action.
125.	To Illustrate some of the profound and long-lasting impacts on the Salton Sea that will be caused by the Proposed Action Alternative an independent Salton Sea hydrology and salinity analysis was made using the same originally Reclamation sourced Salton Sea Accounting Model that was used by Tetra Tech in late 2023 for the California Department of Water Resources to do the Salton Sea modelling presented in Appendix HYDRO-3 SSAM of the Draft EA. The calculation methods are similar, but not identical, for example the reduction in evaporation rate due to increased salinity in the Salton Sea is based on data from evaporating and concentrating Salton Sea water in place of a regression formula. Nonetheless the impact result numbers are similar to the Draft EA, but presented in a way that makes the impact easy to see on the charts produced in place of the obfuscated Salton Sea impacts illustrated on page 108 of the Draft EA. The Salton Sea inflows modelled in these	The explanation of the modeling completed by DWR, and used in the EA for analysis, is included in the Appendix HYDRO-3, which is the same modeling approach used for the SSMP and Long-Range Plan.

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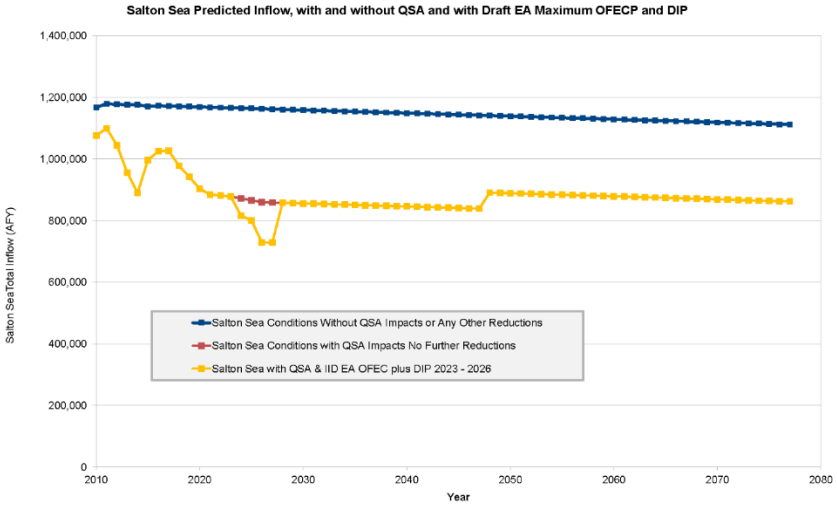
	comments are based on full implementation of the On-Farm Efficiency Conservation Program (OFECP) at 50,000 AFY plus full implementation of the Deficit Irrigation Program (DIP) at 226,000 AFY in the years 2025 and 2026 with half implementation in 2024 since half the year has passed. The same fallowing impact of Salton Sea inflow/conservation of 0.357 is used as in the Draft EA and the 56,111 AF conservation in 2023 is included. The baseline data are The Salton Sea inflows if the QSA had not been implemented (in blue) and the past and future inflows under the QSA (in red) from 2010 through 2077, to the end of the current QSA agreement. The complete calculations and input data are attached as spreadsheets with the results shown here.  *Figure 1. Salton Sea inflows absent QSA (blue), with QSA (red), and with Draft EA Proposed Action Alternative (yellow)* Figure 1 shows the inflows expected under the two baseline conditions and the Draft EA including full implementation of OFEC and DIP in 2025 and 2026 and lesser conservation in 2023 (by efficiency and QSA delivery modifications) and in 2024 (by half implementation of OPEC and DIP). Year-round fallowing is highly unpopular in the Imperial Valley farm community and not politically favored by the IID Board, therefore major	

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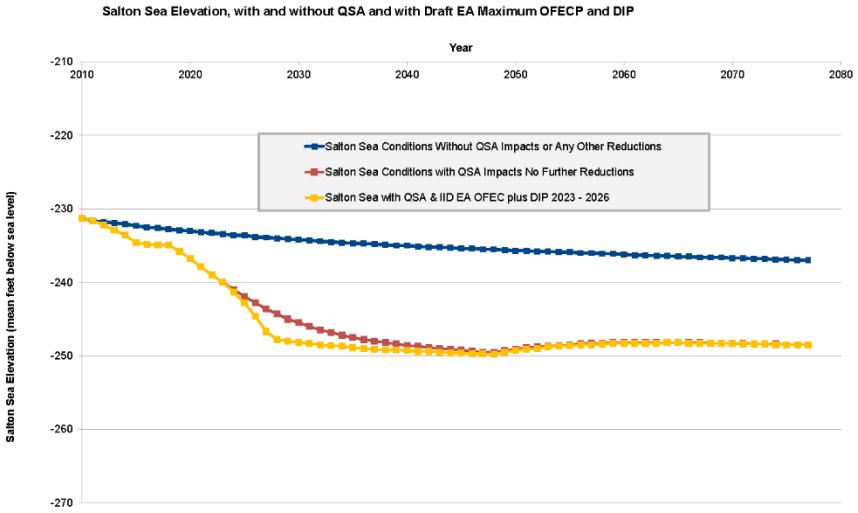
	contributions from the Farm Unit Fallowing Program (FUFP) are not included in the model. The impact of the Proposed Action Alternative versus the two baseline conditions is shown in Figure 2. An accelerated elevation drop of more than five feet in the surface of the Salton Sea is predicted through 2026. This reduced elevation will continue to decline more gradually over the next two decades.  *Figure 2. Salton Sea elevation absent QSA (blue), with QSA (red), and with Draft EA Proposed Action Alternative (yellow)*	

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	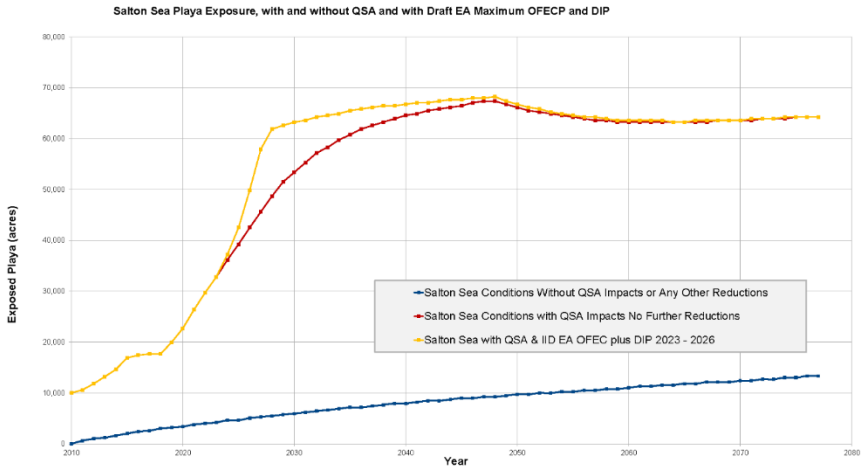 *Figure 3. Salton Sea playa exposure absent QSA (blue), with QSA (red), with Draft EA Proposed Action Alternative (yellow)*	
126.	One direct impact of reduced Salton Sea elevation is exposure of fine sediment lakebed (aka playa), a substantial portion of which is a likely source of PM10 dust emission and also holds deposits of various heavy metals, selenium, industrial organic chemicals, and legacy pesticides including DDT and harmful DDT breakdown products like DDE. Figure 3 shows the increased exposure of Salton Sea playa due to the Draft EA Proposed Action Alternative versus the baseline conditions. Roughly 13,000 acres will be exposed by 2026 in excess of the acres exposed by QSA impacts alone. High winds that prevail in the Spring and also occur from all directions in other months are likely to carry PM10 dust from the fine sediment of the exposed lakebed to the communities immediately adjacent to the Salton Sea including Oasis, North Shore, Bombay Beach, Salton City, Vista del Mar, Salton Sea Beach, and Desert Shores.	The EA assesses air quality impacts that could affect disadvantaged communities in the entire Salton Sea Air Basin, including the communities listed. Section 3.3 Air Quality analyzes the entire Salton Sea region. The human health analysis is based on the analysis in Section 3.3 Air Quality. Current and anticipated playa exposure is higher in the relatively larger, shallower southern end of the Sea. The analysis in the southern end and the most directly impacted communities from the acceleration of playa exposure is appropriate for Section 3.7 Human Health. The SS AQMP is implemented for the entire Salton Sea and will address any impacts that occur despite anticipated timing and location.

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	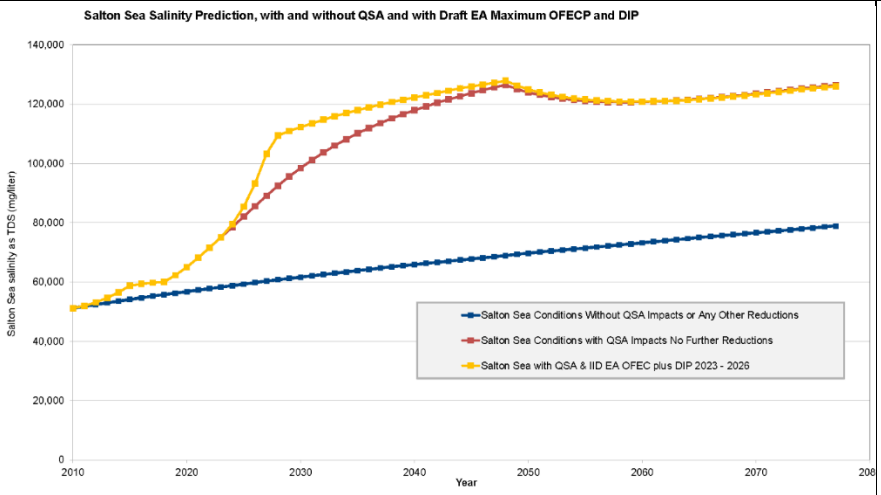 *Figure 4. Salton Sea salinity absent QSA (blue), with QSA (red), with Draft EA Proposed Action Alternative (yellow)*	
127.	These shoreline communities have already seen the recession of their Salton Sea shoreline by hundreds to thousands of feet with concurrent loss of shoreline amenities including recreational areas, boat launches, beach clubs, tourist attractions, and loss of property value, business opportunities, and jobs for residents. All of these shoreline communities are defined by State standards as disadvantaged or severely disadvantaged and all will be impacted by the Draft EA Proposed Action Alternative in both economic impact, quality of life, and public health. Yet none of these shoreline communities are included in the Draft EA analysis of economic impacts nor public health impacts because they are all outside of the IID Contract Service Area. This is a profound deficiency in the Draft EA.	The EA finds that acceleration of the impacts to recreation at the Salton Sea would not be substantially different than already evaluated in the QSA EIR/EIS. The implementation of the QSA MMRP, including mitigation for recreation, will address any impacts that occur despite anticipated timing.
128.	Another highly significant impact of the Proposed Action Alternative in the Draft EA is the accelerated salinity rise in the Salton Sea illustrated in the hydrology and salinity modelling shown in Figure 4. By the end of 2026 the Salinity of the Salton Sea will rise from less than 90 g/Liter total dissolved solids (TDS) to roughly 110 g/Liter TDS.	The Salton Sea is a terminal inland lake that is continually increasing in salinity over time due to evaporation. The analysis in the EA is pursuant to DWR's modeling using SSAM. Pursuant to the modeling there would be an acceleration of the increase in salinity by 3 to 4 years and then would reach the same levels as identified in the QSA EIR/EIS and, therefore, the same as the No Action Alternative. The

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		MMRP will address the accelerated increase in salinity. The temporarily reduced flows under the Proposed Action will reduce nutrient loading into the Salton Sea compared with existing conditions.
129.	The Draft EA analysis repeatedly takes the position that the impacts of the Proposed Action Alternative including exposure of 13,000 acres of Salton Sea lakebed and the accelerated increase in Salton Sea salinity would not be a significant impact because around 2045 the QSA only impacts would become close to the same level. This presumes that more than 20 years of increased impact is insignificant. The family of a person living in a disadvantaged shoreline community who is exposed to high levels of PM10 dust 20 years earlier than would otherwise happen, contracts lung cancer at age 40 and dies at age 45, will be missed by family for all of the 20 years of earlier PM10 dust exposure. This may be seen as an insignificant impact to water agency officials, but the deprived family will not see it that way.	Unmitigated playa emissions account for less than 1% of all emissions in the Salton Sea Air Basin and when currently planned dust control projects are implemented, this number drops to less than 0.5% of the total emissions in the Salton Sea Air Basin. As provided in Appendix AQ-2, several studies have been conducted to evaluate the health risk, specifically the elemental composition of playa dust and sediment and whether it is unique from native desert material (Vogl et al. 2002, Xu et al. 2016, Frie et al. 2017, 2019, Biddle et al. 2023, IID SS AQMP). Findings indicate that concentrations of toxic metals were either below the method detection limit, or if above detection limits, were indistinguishable between the playa and desert. The concept that playa dust is exceptionally high in toxic metals is not supported by the current body of research. The current analyses of aerosol and sub-aerial soil samples from the playa and desert surrounding the Salton Sea suggest that until PM contaminant concentrations begin to exceed California EPA reference exposure levels, the principal health concern is and will continue to be the amount of PM being emitted rather than the composition. The dust itself (regardless of composition) is the most important aspect to consider in terms of human health. The SS AQMP will continue to be adaptive and proactively detect, locate, and assess potential dust emissions regardless of timing, rate, and extent of the playa exposure.
130.	Likewise a decision to drive up the salinity of the Salton Sea from under 90 g/Liter TDS to 110 g/Liter TDS 20 years ahead of when the QSA would accomplish the same damage and that results in the early extirpation of an endangered species like the desert pupfish from the Salton Sea before any significant amount of alternative habitat can be created seems like a highly irresponsible policy in light of the Endangered Species Act.	The EA identifies all impacts to biological resources identified in the QSA EIR/EIS, which includes the entire Salton Sea, and provides a comparison matrix in Appendix BIO-3. The analysis in the EA assumes that these impacts and mitigation strategies would remain applicable, including for impacts to the Salton Sea. The EA focuses on updating the analysis of biological resources that were anticipated to be affected by this Proposed Action. To ensure there are no ecological impacts, the Monitoring Plan will be implemented in addition to the MMRP.

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131.	This is significant because it will push the salinity of the Salton Sea above the maximum tolerance level of all fish that have used the Salton Sea as a habitat including the endangered desert pupfish. Until the last few years, the Salton Sea supported millions of fish that in turn supported thousands of piscivorous birds. Some fish remain although stressed due to rising salinity and oxygen deficiency. For example, the fish pictured in Figure 5 was a distressed member of a more healthy population of small fish living in a rocky area on the east shore of the Salton Sea several miles from the nearest drain or other inflow in October of 2023. The rest of the population would dart from rock to rock when there was no movement outside the water, apparently a behavior effective in avoiding predation by the egrets perched nearby.  *Figure 5. Salton Sea fish from eastern shore area October 2023 photo by (Tom Sephton)*	The Salton Sea is a terminal inland lake that is continually increasing in salinity over time due to evaporation. The analysis in the EA is pursuant to DWR's modeling using SSAM. Pursuant to the modeling there would be an acceleration of the increase in salinity by 3 to 4 years and then would reach the same levels as identified in the QSA EIR/EIS. The MMRP will address the accelerated increase in salinity. To ensure there are no ecological impacts, the Monitoring Plan will be implemented in addition to the MMRP.

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	The Proposed Action Alternative in the Draft EA will by 2026 push the salinity of the Salton Sea above the level where any fish can survive in the water. For example surveys of desert pupfish in shoreline pools of the Salton Sea found the maximum salinity tolerance level to be roughly 90 g/Liter TDS (Barlow, George, UCLA 1958, "Daily Movements of Desert Pupfish, Cyprinodon Macularius, in Shore Pools of the Salton Sea, California"). The euryhaline desert pupfish have long been known to use the shoreline areas of the Salton Sea to move between irrigation drains and other lower salinity habitat areas when predation by larger fish limited their use of the Salton Sea as primary habitat. Before the QSA impacts, the Salton Sea was well within the salinity tolerance of desert pupfish and larger tilapia and intentionally introduced marine species. Some pupfish would get trapped in shoreline pools formed by wind and waves, where evaporation would cause salinity in the pool to rise to the tolerance limit of desert pupfish. Desert pupfish populations surviving in drains use the near shore areas of the Salton Sea to move from drain to drain to breed. This maintains genetic diversity in the regional population of desert pupfish. That genetic diversity is now threatened by disconnection of drains to the Salton Sea as the Sea recedes rapidly and by salinity rise that will quickly make the Salton Sea passage deadly to even the highly salt tolerant desert pupfish if the Proposed Action Alternative in the Draft EA goes into effect in the next three years.	
132.	A drain interconnection plan for desert pupfish was part of a proposed Habitat Conservation Plan years ago, but it was never implemented.	The HCP has been deleted from the Cumulative Projects List in Table 1-1.
133.	The mitigation measures proposed by the Draft EA are not designed to benefit the wildlife living in the Salton Sea. These mitigation measures are only intended to benefit endangered species within the IID Contract Service Area and even there the benefits are questionable. For example, on Page 36 under the section "Impact Avoidance Measures" the Draft EA states: "*If there is no ponded water within or at the terminus of the drain that can be seen from the habitat monitoring location, within no more than 18 hours following the site visual check, IID staff will deliver water to the affected drain via water truck at a location that can be safely accessed by the water truck downstream of the last structure on the drain; and 4) IID will deliver water to the affected*	It will not take 8 days to implement impact avoidance measures on a drain that does not have an automatic sensor. While drain flow data is collected weekly by the hand-held current meters for drains in which conditions do not allow the installation of an automatic sensor, the impact avoidance measures are not triggered by the weekly data collection. Drains that do not have an automatic sensor will be monitored daily based on irrigation deliveries, which is described in Section 2.2.4.4 Action Triggers. The Monitoring Plan provides feasible and responsive actions for the three years of the Proposed Action. The impact avoidance measures are based on existing conditions and changes to those conditions requiring a response to ensure there will not be an adverse effect to species.

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	drain via water truck each following day until the automatic sensor indicates flows have returned to the affected drain or irrigation deliveries have resumed to fields draining into the affected drain." In the case of a drain monitored once per week by an IIID employee with a hand-held water current meter, the response to a dry drain could take as much as 8 days, enough time for a population of desert pupfish to be extirpated from the drain. More drains would have automatic monitoring with a faster response time. However, the benefit of the Impact Avoidance Measure is questionable because there is no requirement that normal low in the drain must be restored within any particular time period. Water delivery trucks in the region typically carry between 2,000 gallons and 4,000 gallons. This is nowhere close to the amount of water that flows through most IID drains in a day. If the water delivery were one truckload per day as might be implied by ambiguous text in the Draft EA as quoted above, then it could be months before anything close to normal flow in the drain is restored. That could have a devastating impact on wildlife using that drain. At a minimum, the Draft EA should be revised to guarantee restoration of normal minimum flow in any IID drain that supports critical habitat and runs dry due to the Proposed Action Alternative. It is not surprising that IID may be reluctant to commit to such mitigation at an adequate scale because delivery by water truck is hugely expensive and because it will draw from the same Colorado River water that is supposed to be conserved.	
134.	The Draft EA repeats over and over the contention that impacts made 20 years ahead of the QSA reaching the same level of impact are of no significance. For example, on page 50 the Draft EA states: "*The IID would continue to implement its SS AQMP, including the implementation of dust control measures pursuant to the annual PDCP, as required in the Mitigation, Monitoring and Reporting Program (MMRP) of the QSA EIR/EIS for the IID Water Conservation and Transfer Project (see Section 3.3.2.4 for a discussion of the SS AQMP). The SS AQMP would continue to be implemented, in the same manner as under existing conditions. Therefore, because the Proposed Action would not increase overall acreage of exposed playa compared with future baseline*	Unmitigated playa emissions account for less than 1% of all emissions in the Salton Sea Air Basin and when currently planned dust control projects are implemented, this number drops to less than 0.5% of the total emissions in the Salton Sea Air Basin. As provided in Appendix AQ-2, several studies have been conducted to evaluate the health risk, specifically the elemental composition of playa dust and sediment and whether it is unique from native desert material (Vogl et al. 2002, Xu et al. 2016, Frie et al. 2017, 2019, Biddle et al. 2023, IID SS AQMP). Findings indicate that concentrations of toxic metals were either below the method detection limit, or if above detection limits, were indistinguishable between the playa and desert. The concept that playa dust is exceptionally high in toxic metals is not supported by the current body of research. The current analyses

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	projections, it also would not result in disproportionately high and adverse effects on air quality." The Draft EA's Proposed Action Alternative will increase the overall acreage of exposed playa by 13,000 acres in less than three years above and beyond playa exposure caused by the QSA twenty years ahead of when that additional playa exposure would otherwise occur. The combined efforts of the State's Salton Sea Management Program and IID are years behind meeting their playa dust mitigation acreage targets for QSA impact alone. Any expectation that either or both agencies will suddenly catch up and complete in less than three years what they have failed to keep up with in 20 years defies credulity. Pages 93 and 94 of the Draft EA repeat the same fantasy that accelerated impacts imposed 20 years ahead of when the QSA might cause similar impacts are of no significance to human health. Try to explain that to the families of those who die before their time due to those accelerated impacts and the 20 years of failure by the State and IID to adequately mitigate those impacts since implementation of the QSA began in 2003. "*The Proposed Action involves the conservation of water within the IID Contract Service Area, reducing water diversions from the Colorado River. Implementation of the Proposed Action would result in the acceleration of the lowering of elevation of the Salton Sea when compared to the No Action Alternative. As shown in Figure 3-1, Exposed Salton Sea Acreage, the Proposed Action would accelerate the anticipated exposure of the playa, but the acceleration would taper off to baseline projection levels by 2045 based on the trajectory predicted by hydrologic models developed by DWR. (See Appendix HYDRO-3.) As provided in Section 3.3 Air Quality, no net increase in the exposure of the playa results in no increase of overall potential dust emissions through 2045. The exposed Salton Sea acreage is anticipated to occur as a result of the QSA and would be addressed by the IID's SS AQMP. During the three-year period of the Proposed Action, the acceleration of the exposed playa may increase the potential for dust emissions. However, the implementation of the SS AQMP would address the potential dust emissions because implementation of the SS AQMP*	of aerosol and sub-aerial soil samples from the playa and desert surrounding the Salton Sea suggest that until PM contaminant concentrations begin to exceed California EPA reference exposure levels, the principal health concern is and will continue to be the amount of PM being emitted rather than the composition. The dust itself (regardless of composition) is the most important aspect to consider in terms of human health. The SS AQMP will continue to be adaptive and proactively detect, locate and assess potential dust emissions regardless of timing, rate and extent of the playa exposure.

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	would be required for those same acres absent the Proposed Action. Further, given the many factors affecting respiratory conditions in children and adults, there is no data to indicate that the acceleration of the exposed playa could exacerbate those conditions. Data shows that dust emissions are occurring from other sources within and adjacent to Imperial County, including the desert region to the west of the IID Contract Service Area and Mexico to the south (see Section 3.3 Air Quality). Emissions inventories, assessments, dust control measures, and other activities under the SS AQMP would continue to be implemented, in the same manner as under existing conditions (see Section 3.3 Air Quality). Therefore, the Proposed Action would not increase adverse effects to human health." The claim that the Salton Sea Air Quality Management Program (SS AQMP) can be accelerated over the next three years to mitigate playa exposure impacts that were expected 20 years from now is completely unsupported by the facts on the ground. At this time, thousands of acres of fine sediment on Salton Sea playa lie exposed by the QSA inflow reductions and are still unmitigated. Health complaints in shoreline communities, from nosebleeds in children to asthma and other respiratory inflammation, have increased in recent years. The causes of these health impacts are still under investigation. The SS AQMP has no plan to mitigate some of the newly observed health impacts. Any claim that: *"…the Proposed Action would not increase adverse effects to human health…."* Is not backed up by evidence.	
135.	The southern shoreline of the Salton Sea is within the IID Contract Service Area, but the biological impacts on the part of that area within the Salton Sea itself are ignored. Page 74 of the Draft EA brushes off that issue: "*The QSA EIR/EIS identified 11 impacts (BR-41-51) to biological resources (see Appendix BIO-3) along the Salton Sea. Some of these impacts (BR-41-45 and BR-47-51) were identified as less than significant or as having no impact to biological resources. These include effects to adjacent wetland vegetation resulting from reduced rain flow and Salton Sea elevation, increased salinity and selenium concentrations, a reduction in invertebrate resources for*	The Salton Sea is a terminal inland lake that is continually increasing in salinity over time due to evaporation. The analysis in the EA is pursuant to DWR's modeling using SSAM. Pursuant to the modeling there would be an acceleration of the increase in salinity and selenium by 3 to 4 years and then would reach the same levels as identified in the QSA EIR/EIS. The MMRP will address the accelerated increase in salinity and selenium. To ensure there are no ecological impacts, the Monitoring Plan will be implemented in addition to the MMRP.

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	shorebirds, effects to colonial nest/roost sites, a reduction in available mudflat and shallow water habitat, and an increase in avian disease outbreaks. QSA impacts requiring mitigation included effects to piscivorous birds due to reduced fish abundance and the isolation of desert pupfish populations from increased salinity."	
	Not only do the QSA salinity impacts on piscivorous birds and on isolation of desert pupfish populations need to be mitigated, the accelerated salinity rise caused by the Draft EA Proposed Action Alternative will have 20 years of differential impact and also needs to be mitigated. Yet, the Draft EA proposes no mitigation whatsoever.	
	On page 107 the Draft EA repeats the falsehood that impacts on salinity imposed 20 years earlier than when the QSA alone would impose those same impacts are of no significance.	
	"*The SSAM model was used to estimate the impacts to salinity that may occur due to the Proposed Action. As shown in* ***Figure 3-8, Comparison of Baseline Trends with Proposed Action Increment of Effect*** *the Proposed Action may accelerate the salinity increase in the Sea for a period of 3 to 4 years. An accelerated increase in salinity over a period of 3 to 4 years would be within the bounds of what was anticipated and what is to be mitigated pursuant to the QSA EIR/EIS. Because of the temporary short-term period of three years for the Proposed Action, there is no effect over the long-term. Existing conditions resume upon the conclusion of the Proposed Action. Therefore, the Proposed Action would not increase overall salinity of the Sea. In addition, the Proposed Action would reduce loading of salts and metals into the Sea compared with existing conditions. Due to the temporary short-term nature of the proposed reductions, selenium concentrations would not increase substantially from the projected future baseline condition that could result in accumulated increases of selenium concentrations or increase the potential for hazardous conditions to ecosystems and the public.*"	
	It is patently false to claim that: "*Because of the temporary short-term period of three years for the Proposed Action, there is no effect over the long-term."* Figures 2 thorough 4 of these comments clearly show what	

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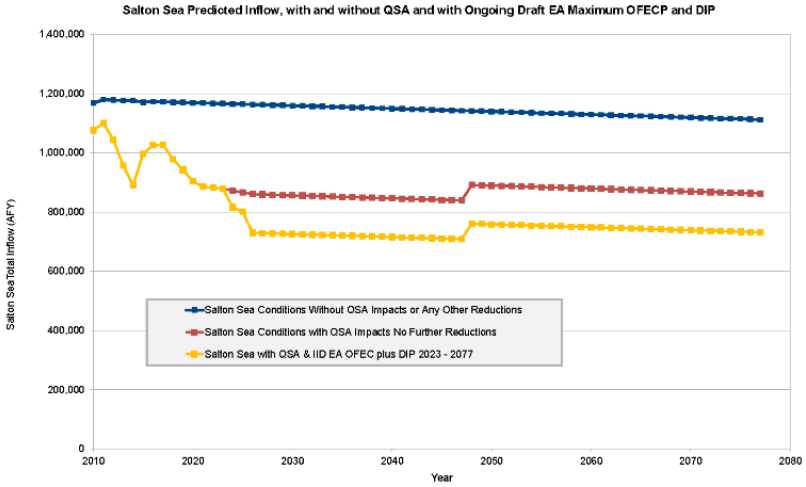
	the Tetra Tech charts drawn for DWR on page 108 of the Draft EA try to obfuscate with nearly the same numbers, that there are over 20 years of increased impact on salinity, lake elevation, and playa exposure. It is completely false to state that: "*Existing conditions resume upon the conclusion of the Proposed Action"*. The salinity of the Salton Sea stays high at a level well above what any fish in the region can tolerate and it continues to rise. Selenium concentrations will also stay elevated and rise in the Salton Sea after 2026. The experience of 20 years since the QSA EIR/EIS have shown that mitigation for QSA impacts have been completely inadequate and that mitigation for accelerated impacts are likely to also be inadequate.	
136.	The Colorado River system is challenged by long-term drought on top of a systemic supply demand imbalance dating back as far as the 1922 Colorado River Compact. The need to conserve water to sustain the system is not likely to go away in 2027. A new Colorado River management plan will take effect then, but the need for conservation is highly likely to continue. The assumption in the Draft EA that all demands for conservation in the IID system over and above QSA conservation will go away after 2026 is unlikely to be realistic. If demands for conservation by IID continue into 2027 and indefinitely at levels similar to the demands in the Draft EA, then the impacts on the Salton Sea will be devastating. The long-term impacts of ongoing water conservation in the IID system including 2027 through 2077 at the same amounts as modelled for the Draft EA conservation are estimated in Figures 6 through 8 below. A continuation of on-farm efficiency measures at the same (OFECP) level of 50,000 AFY is assumed, although it is likely that more conservation would be achieved by on-farm efficiency with a 1:1 impact on Salton Sea inflows, meaning even greater impact on the Salton Sea. A continuation of conservation by deficit irrigation similar to the DIP is also assumed with the same 226,000 AFY water saving and a 35.7% impact on Salton Sea inflows. The total reduction of inflows would be 130,682 AFY modelled for 55 years from 2027 through 2077. Salton Sea playa in excess of 100,000 acres would be exposed by 2045 with impacts to human health and wildlife habitat far greater than any mitigation plans currently envisioned by local, State, and Federal agencies can manage. The Salton Sea would recede from the current	A wide range of alternatives for the multi-year NEPA process for the post-2026 Colorado River operating guidelines are currently being considered and analyzed. Therefore, conservation volumes are speculative and not reasonably foreseeable. For this reason, post-2026 conservation volumes were not included in the Cumulative Projects list.

	Comment	Response
	shoreline by miles converting all present shoreline communities to dusty desert town if they survive at all. The Salinity of the Salton Sea would exceed 250 g/Liter TDS by 2040. The aquatic ecosystem would consist of halophytic bacteria and algae and possibly brine shrimp. Any and all fish and most other multicellular organisms would be indefinitely extirpated.  *Figure 6. Salton Sea Inflow absent QSA (blue), with QSA (red), with Ongoing Draft EA Proposed Action Alternative (yellow)*	

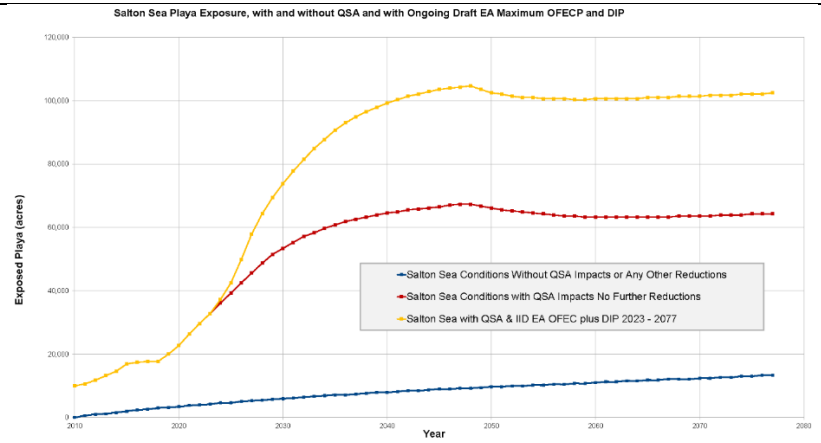


Figure 7. Salton Sea Playa Exposure absent QSA (blue), with QSA (red), with Ongoing Draft EA Proposed Action (yellow)

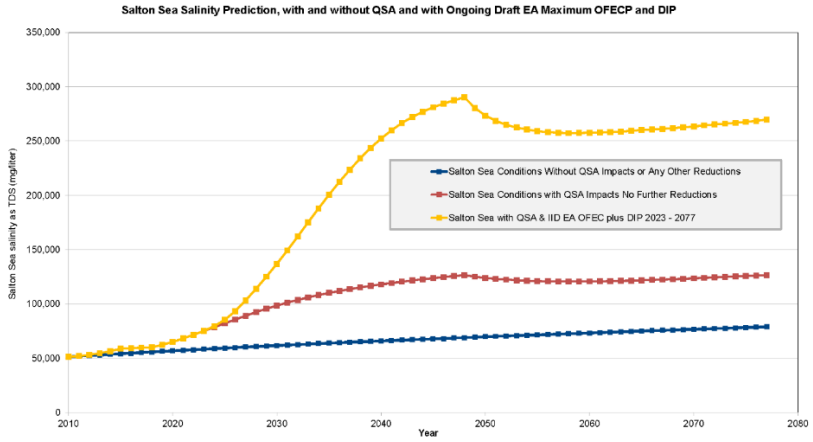


Figure 8. Salton Sea Salinity absent QSA (blue), with QSA (red), with Ongoing Draft EA Proposed Action (yellow)

With the Colorado River Management Plan for 2027 and beyond not yet public, the devastating impacts shown in Figures 6 through 8 are hypothetical, but the point is that water supply demands on an overallocated Colorado River will continue, therefore once conservation measures are implemented, there will be a call for them to continue with very significant long-term impacts on the Salton Sea.

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137.	Reclamation's proposed federal action (Proposed Action), will foreseeably result in significant harmful impacts on the Salton Sea, its ecosystem,[1] fish and wildlife reliant on the Salton Sea ecosystem including but not limited to endangered and threatened species, the regional environment, the climate, and people throughout the surrounding area, including Tribes and other environmental justice communities. (When the foregoing impacts are hereinafter referred to collectively, the phrase "Salton Sea Impacts" will be used for brevity.)	The analysis in the EA addresses impacts to the Salton Sea, its ecosystem, fish and wildlife, or the regional environment and surrounding communities. The EA incorporates the QSA EIR/EIS by reference for purposes of demonstrating consistency with the analysis of past water conservation and incorporates information and analysis from the QSA EIR/EIS where appropriate. The impacts associated with the water conservation volumes transferred under the QSA are already addressed by the QSA EIR/EIS and the required mitigation is being implemented. The three-year period of the Proposed Action is significantly shorter in duration than the water conservation and reduction in diversions under the QSA. The EA recognizes the Proposed Action may accelerate certain impacts already associated with the water conservation under the QSA. The implementation of the MMRP, including the SS AQMP, is ongoing and will address any impacts that occur despite anticipated timing.
138.	In addition, it is foreseeable that the proposed monitoring program and associated mitigation measures presented in the Draft EA will not be adequate to prevent or sufficiently ameliorate the injurious effects that the Proposed Action is likely to cause.	The analysis of the EA establishes that the Monitoring Plan and the ongoing mitigation from the MMRP, including the SS AQMP, will prevent adverse effects under the Proposed Action. The U.S. Fish and Wildlife Service has concurred with this determination.
139.	Furthermore, many of the adverse impacts that could result from the Proposed Action will be irreversible. Particularly given the context in which the Proposed Action would unfold—involving more than two decades of failures by responsible government agencies to restore the Salton Sea as statutorily mandated, or even to mitigate the harmful consequences of ongoing water transfers as also legally required—it is clear Reclamation should not implement the Proposed Action. Based on the information and analysis Reclamation has presented in the Draft EA, along with other pertinent facts and science, for the agency to proceed with the Proposed Action would be an abuse of discretion that would violate applicable law, endanger the health of more than half a million people, contravene environmental justice, damage the climate, and	The responsibility of government agencies to restore the Salton Sea is outside of the scope of the Proposed Action and the analysis of the EA. The EA identifies cumulative projects in Table 1-1. Each impact analysis for each resource area includes an assessment of the "incremental impacts of an action when added to other past, present, and reasonably foreseeable future actions" that may collectively result in significant impacts. The cumulative analysis for each resource area takes into account the projects listed in Table 1-1 and finds that the increment of effect of the Proposed Action when added to those projects will not result in an overall increase in effects.

[1] The Salton Sea ecosystem includes the lake and its lakebed, tributary streams and agricultural drains, associated riparian areas and wetlands, and farm fields in the IID service area. (See California Fish & Game Code Section 2931(d).)

	Comment	Response
	jeopardize the survival of fish and wildlife, including species that are already imperiled.[2]	
140.	I suggest that a modified version of the Proposed Action could accomplish substantial water conservation to help sustain the Colorado River while not causing disproportionate and unreasonable negative effects, if— and only if—Reclamation ensures the water cutbacks are limited and carefully managed temporally and spatially, and their adverse impacts throughout the Salton Sea region are prudently minimized and entirely mitigated in a timely way.	A modified version of the Proposed Action would not meet the purpose and need of the Proposed Action outlined on page 4 of the EA. The EA does not include a second Action Alternative because no other methods of water conservation were within IID's proposal for participation in the LC Conservation Program. Only the conservation programs described in the EA are feasible to meet the objectives. The implementation of the MMRP, including the SS AQMP, is ongoing and will mitigate any impacts that may occur despite anticipated timing.
141.	**Crucial context: The Salton Sea crisis and the failure to remedy it** It is not possible to analyze appropriately the significance of the Proposed Action's environmental impacts, or the efficacy of suggested measures to mitigate those negative effects, without fully accounting for the context in which the Proposed Action will occur. Most importantly, a proper analysis of the Salton Sea Impacts that will result from the additional proposed water conservation measures must consider the nature and severity of the environmental, ecological, and public-health effects of previous and ongoing water reductions, the additive impacts of the new decreases, and the potential synergistically harmful interactions of the additional cutbacks with the existing ones. The Draft EA has not properly accounted for these issues, and therefore Reclamation's analysis of adverse impacts presented in the Draft EA is inadequate and, in many ways, misguided and insupportable.	The EA provides an overview of the existing conditions at the Salton Sea for each resource evaluated in Chapter 3. Each impact analysis for each resource area includes an assessment of the "incremental impacts of an action when added to other past, present, and reasonably foreseeable future actions" may collectively result in significant impacts. The cumulative analysis for each resource area takes into account the projects listed in Table 1-1 and finds that the increment of effect of the Proposed Action when added to those projects will not result in a substantial increase in environmental effects, including but not limited to effects resulting from reduced flows.
142.	A fundamental misconception about the Salton Sea that insidiously affects much discussion of the lake's future is the widespread but erroneous belief that the lake is unnatural. This notion that the Salton	Comment noted.

[2] Three sets of public comments regarding the Colorado River and the Salton Sea that I previously submitted to Reclamation contain important information that is directly relevant to these comments concerning the Draft EA: https://www.academia.edu/102314523/Comments_on_the_Draft_SEIS_for_Near_Term_Colorado_River_Operations_Jenny_E_Ross, https://www.academia.edu/112641667/Comments_on_the_Revised_Draft_Supplemental_Environmental_Impact_Statement_for_Near_Term_Colorado_River_Operations, https://www.academia.edu/106768974/Comments_on_Development_of_Post_2026_Colorado_River_Management_Strategies.

To avoid redundancy in these comments, I incorporate by reference the entirety of those previous public comments. Please see those submissions for additional details concerning many of the key issues discussed herein.

	Comment	Response
	Sea is a man-made body of water created accidentally at the beginning of the 20th century is both factually and scientifically wrong. Furthermore, the lake does not owe its existence to 20th-century Colorado River infrastructure, even though it is now dependent upon Colorado River wastewater. As I explained in a peer- reviewed scientific study published in 2020,[3] when the Colorado River flooded into the Salton Basin in 1905-1907, enhancing the size of a lake containing Colorado River water that already existed there,[4] the river was simply behaving in the same manner it had for millions of years. Geologic evidence establishes that the northern Salton Trough, containing the Salton Basin in which the Salton Sea lies, became a natural part of the Colorado River's hydrologic system about five million years ago when the river first arrived at the Gulf of California.[5] As the river meandered throughout its delta region, which gradually became uniquely bifurcated into northern and southern lobes as the result of tectonic processes,[6] its waters flowed into the Salton Basin and sustained vast estuarine, deltaic, lacustrine, and other wetland ecosystems. That important hydrologic connection between the Colorado River and the Salton Basin continued to exist for millions of years until the river was intentionally prevented from flowing into the Salton Basin anymore in the 20th century.	

[3] Ross, J.E. (2020). Formation of California's Salton Sea in 1905-07 was not "accidental." In: Miller, D.M. (Ed.), *Proceedings of the 2020 Desert Research Symposium*, Desert Symposium, Inc., pp. 217-230. (Available online at: https://www.researchgate.net/publication/340038533_Formation_of_California's_Salton_Sea_in_1905-07_was_not_accidental.)

[4] See, e.g., Bailey, G. E. (1902). *The Saline Deposits of California*. California State Mining Bureau Bulletin No. 24. 187 pages. The frontispiece relief map of this 1902 book depicts the large lake that was present in the Salton Basin prior to the 1905-1907 flooding. The text on pages 122-124 discusses that lake and the salt harvesting operations adjacent to it, and a photograph at the top of page 123 shows the lake in the distance and the salt deposits in the foreground. Note that the lake was already known as the "Salton Sea" prior to the 1905-1907 flooding. A large body of evidence (some of which is summarized in Ross, 2020 supra) contradicts the common but misguided notion that the 1905-1907 floodwaters flowed into a dry basin that had not held a lake since "ancient" times.

[5] Crow, R.S. et al. (2021). Redefining the age of the lower Colorado River, southwestern United States. *Geology* 49(6):635- 640. https://doi.org/10.1130/G48080.1. See also: Dorsey, R.J., B. O'Connell, K. McDougall, and M.B. Homana (2018).

Punctuated Sediment Discharge during Early Pliocene Birth of the Colorado River: Evidence from Regional Stratigraphy, Sedimentology, and Paleontology. *Sedimentary Geology* 363:1-33. https://doi.org/10.1016/j.sedgeo.2017.09.018.

[6] Tectonic processes occurring at the boundary of the Pacific and North American plates, primarily manifested by movement along faults in the San Andreas fault system, caused the Colorado River's delta region to gradually transform from a typical fan shape into two hydrologically connected lobes that are now located to the north and south of the U.S.- Mexico border. The northern delta lobe in the northern Salton Trough contains the below-sea-level Salton Basin and Salton Sea, as well as the Imperial Valley; the southern delta lobe contains the Mexicali Valley and the subaerial delta region typically referred to as "the Colorado River delta," as well as the subaqueous delta at the head of the Gulf of California. See, e.g., Winker, C.D., and Kidwell, S.M., 1986. Paleocurrent evidence for lateral displacement of the Pliocene Colorado River delta by the San Andreas fault system, southeastern California. *Geology* 14:788-791.

	Comment	Response
143.	The Colorado River's natural hydrologic regime across its delta region, and the rich aquatic ecosystems in the Salton Basin—including enormous lakes—that the river created and supported, were abruptly altered forever when the river's route into the northern Salton Trough was deliberately and permanently blocked. Preventing the Colorado River from flowing naturally into the Salton Basin as it had done for millions of years—and as it continued to do on an ongoing basis through the early 20th century—was a primary motivating factor for the Boulder Canyon Project Act and the construction of Hoover Dam and other key infrastructure on the river.[7] That 20th-century water-management infrastructure enabled the Colorado River Basin states to develop in the manner they have during the past one-hundred years. But fully controlling the Colorado River, permanently severing its natural connection with the Salton Basin, and exhaustively exploiting the river's water also sealed the fate of the Salton Sea; the demise of the lake and the collapse of its ecosystem were assured without additional human intervention.	Comment noted.
144.	Ever since full control of the Colorado River was attained using Reclamation's infrastructure, the Salton Sea and its essential ecosystem have been reliant on very large quantities of Colorado River wastewater flowing into the central Salton Basin as a result of the use of the river's water by the Imperial Irrigation District (IID or the District), the Coachella Valley Water District (CVWD), and Mexico. Because IID's Colorado River water entitlement is by far the largest as a result of the District's very senior water rights, IID's use of the river's water is crucial for sustaining the Salton Sea. Approximately 85% of the Salton Sea's inflow currently derives from IID's use of Colorado River water.[8]	Comment noted.
145.	Despite banishment of the Colorado River from its natural course into the Salton Basin, ongoing inflow of Colorado River wastewater throughout the 20th century and during the first portion of the 21st century enabled the Salton Sea to continue supporting millions of migratory and resident birds and hundreds of millions of fish, including threatened and endangered species. The Salton Sea is situated in a critical location for avian migration, at the juncture of the Pacific Flyway and the	Comment noted.

[7] See, e.g., LaRue, E.C. (1925). *Water, Power and Flood Control of Colorado River below Green River, Utah*. Washington: Government Printing Office. 171 pages.

[8] California Natural Resources Agency (2024). Salton Sea Management Program 2024 Annual Report, p. 61.

	Comment	Response
	Intermountain West. Accordingly, more than 400 species of birds rely on the Salton Sea ecosystem—many of them the same species that have used lakes and wetlands in the Salton Basin for millions of years, as the fossil record shows. Moreover, as inland aquatic ecosystems across the western United States have withered since the 19th century, and many have vanished, the Salton Sea has transitioned from being ecologically important to being indispensable for the continued survival of numerous species.	
146.	As relentlessly expanding development in the lower Colorado River basin states increasingly tightened water supplies by the turn of the 21st century, California was pushed to adopt the multiparty 2003 Quantification Settlement Agreement (QSA) to ensure that the Golden State would not exceed its total annual allotment of 4.4 million acre-feet of Colorado River water. Pursuant to the requirements of the QSA and related water transfer agreements, and in accordance with the 2007 Colorado River Interim Operating Guidelines, during the past two decades IID has conserved over 7.767 million acre-feet of Colorado River water that the District would otherwise have been legally entitled to use.[9] As mandated, IID will continue to transfer about 500,000 acre-feet of water annually to Southern California urban areas for decades to come. IID has implemented various permanent water conservation measures (including, but not limited to, concrete lining of canals), and approximately 70% of irrigated farmland in IID's service area is actively participating in the District's ongoing on-farm water-efficiency program designed to substantially decrease the amount of water applied to agricultural fields in Imperial County in order to conserve the volume required for the QSA water transfers.[10]	Comment noted.
147.	As the amount of Colorado River wastewater flowing into the central Salton Basin shrinks, so does the Salton Sea. Thus, because of the major reductions in IID's use of Colorado River water mandated by the QSA, the Salton Sea is shriveling, its salinity is rapidly rising, the ecosystem is collapsing, and increasingly vast expanses of desiccated lakebed are polluting the air with hazardous dust containing toxic and carcinogenic components. Consequently, serious harm is occurring to	The existing conditions are described for each resource area analyzed in Chapter 3.

[9] That figure is for the amount conserved through the end of 2023. https://www.iid.com/water/water-conservation.

[10] Draft EA, pages 34 and 98.

	Comment	Response
	fish and wildlife dependent on the Salton Sea ecosystem as crucial habitat, and the health of more than half a million people is in jeopardy throughout the region near the shrinking lake.	
148.	• Since the QSA water transfers started in 2003 (and primarily since those transfers ramped up rapidly beginning in 2018), the area of the Salton Sea has shrunk by approximately 52 square miles (33,000 acres), and the elevation of the lake's surface has dropped by more than 12 feet.[11]	The EA incorporates the QSA EIR/EIS by reference for purposes of demonstrating consistency with the analysis of past water conservation and incorporates information and analysis from the QSA EIR/EIS where appropriate. The impacts associated with the water conservation volumes transferred under the QSA are already addressed by the QSA EIR/EIS and the required mitigation is being implemented.
149.	• Adverse impacts of freshwater deprivation on the Salton Sea, its tributaries, and associated wetlands and riparian areas are impairing a variety of key biological systems necessary for supporting hundreds of species that depend on the Salton Sea ecosystem for essential aspects of their lives, including feeding and breeding. In particular, degradation and loss of habitat in the Salton Sea ecosystem— especially in combination with the deterioration and disappearance of lakes and wetlands elsewhere— poses an existential threat to millions of migratory birds that have nowhere else to feed and recuperate in a vast arid region they must traverse twice-yearly during their journeys.	The EA incorporates the QSA EIR/EIS by reference for purposes of demonstrating consistency with the analysis of past water conservation and incorporates information and analysis from the QSA EIR/EIS where appropriate. The impacts associated with the water conservation volumes transferred under the QSA are already addressed by the QSA EIR/EIS and the required mitigation is being implemented.
150.	• The salinity of the Salton Sea has risen so dramatically—to a level more than double the salinity of ocean water—that the hundreds of millions of fish previously living there have been decimated, and they are now almost completely extirpated from the lake. Ongoing increases in salinity also threaten invertebrate populations that provide essential food for fish and birds dependent on the Salton Sea ecosystem—including species that are already endangered, threatened, or of special conservation concern.	The EA incorporates the QSA EIR/EIS by reference for purposes of demonstrating consistency with the analysis of past water conservation and incorporates information and analysis from the QSA EIR/EIS where appropriate. The impacts associated with the water conservation volumes transferred under the QSA are already addressed by the QSA EIR/EIS and the required mitigation is being implemented.

[11] These numbers were current as of July 24, 2024. For newer figures, see the following webpage, which summarizes data from a variety of sources and is updated often: https://pacinst.org/current-%20information-salton-sea/.

	Comment	Response
151.	• Piscivorous (fish-eating) birds reliant on the Salton Sea—including Special Status Species such as the American white pelican (*Pelecanus erythrorhynchos*)—can no longer obtain the sustenance crucial for their survival because the fish population has crashed.	The EA incorporates the QSA EIR/EIS by reference for purposes of demonstrating consistency with the analysis of past water conservation and incorporates information and analysis from the QSA EIR/EIS where appropriate. The impacts associated with the water conservation volumes transferred under the QSA are already addressed by the QSA EIR/EIS and the required mitigation is being implemented.
152.	• The desert pupfish (*Cyprinodon macularius macularius*), an endangered species under both state and federal law that depends on the Salton Sea ecosystem as one of its last major strongholds, is increasingly imperiled in the region as the QSA water transfers cause worsening habitat loss and degradation.[12]	The EA incorporates the QSA EIR/EIS by reference for purposes of demonstrating consistency with the analysis of past water conservation and incorporates information and analysis from the QSA EIR/EIS where appropriate. The impacts associated with the water conservation volumes transferred under the QSA are already addressed by the QSA EIR/EIS and the required mitigation is being implemented.
153.	• Vast areas of lakebed left exposed as the Salton Sea shrinks are releasing dangerous particulates that contain toxic and carcinogenic components. These readily-inhalable airborne contaminants are dispersed throughout the surrounding region and are harming the health of people living and working adjacent to the lake, including Tribes and other environmental justice communities.	Unmitigated playa emissions account for less than 1% of all emissions in the Salton Sea Air Basin and when currently planned dust control projects are implemented, this number drops to less than 0.5% of the total emissions in the Salton Sea Air Basin. As provided in Appendix AQ-2, several studies have been conducted to evaluate the health risk, specifically the elemental composition of playa dust and sediment and whether it is unique from native desert material (Vogl et al. 2002, Xu et al. 2016, Frie et al. 2017, 2019, Biddle et al. 2023, IID SS AQMP). Findings indicate that concentrations of toxic metals were either below the method detection limit, or if above detection limits, were indistinguishable between the playa and desert. The concept that playa dust is exceptionally high in toxic metals is not supported by the current body of research. The current analyses of aerosol and sub-aerial soil samples from the playa and desert surrounding the Salton Sea suggest that until PM contaminant concentrations begin to exceed California EPA reference exposure levels, the principal health concern is and will continue to be the amount of PM being emitted rather than the composition. The dust itself (regardless of composition) is the most important aspect to consider in terms of human health. The SS AQMP will continue to be

[12] The U.S. Fish & Wildlife Service is conducting a 5-Year Status Review for the desert pupfish (87 FR 5834).

	Comment	Response
		adaptive and proactively detect, locate and assess potential dust emissions regardless of timing, rate and extent of the playa exposure.
154.	• The exposed lakebed is also emitting large quantities of greenhouse gases, thereby threatening to undermine California's GHG emission-reduction goals and to worsen climate change.[13]	The EA incorporates the QSA EIR/EIS by reference for purposes of demonstrating consistency with the analysis of past water conservation and incorporates information and analysis from the QSA EIR/EIS where appropriate. The impacts associated with the water conservation volumes transferred under the QSA are already addressed by the QSA EIR/EIS and the required mitigation is being implemented.
155.	• Blooms of toxic algae in the lake, its tributaries, along shorelines, and in associated wetlands are becoming more frequent and widespread as freshwater deprivation alters water chemistry and negatively impacts the ecosystem. These harmful algae blooms adversely affect fish and wildlife, and pose serious threats to the health of people via multiple exposure pathways.	The EA incorporates the QSA EIR/EIS by reference for purposes of demonstrating consistency with the analysis of past water conservation and incorporates information and analysis from the QSA EIR/EIS where appropriate. The impacts associated with the water conservation volumes transferred under the QSA are already addressed by the QSA EIR/EIS and the required mitigation is being implemented.
156.	• Hydrogen sulfide irruptions in the Salton Sea are also worsening as the lake's ecosystem collapses. Those releases of dangerous fumes are polluting the air in adjacent communities, causing significant symptoms such as headaches and nausea, and damaging the already-impaired quality of life for disadvantaged people across the area.	The EA incorporates the QSA EIR/EIS by reference for purposes of demonstrating consistency with the analysis of past water conservation and incorporates information and analysis from the QSA EIR/EIS where appropriate. The impacts associated with the water conservation volumes transferred under the QSA are already addressed by the QSA EIR/EIS and the required mitigation is being implemented.
157.	• Environmental justice communities throughout the Salton Sea region are suffering significant, disproportionate, and unremedied negative effects on their health and socioeconomic well-being because of the QSA water transfers, the resulting shrinkage of the Salton Sea, ongoing collapse of the lake's ecosystem, associated deterioration of water quality, pollution of the region's air by hazardous, toxic, and carcinogenic contaminants, and related impacts on the region's economy.	Additional information has been added to the Environmental Justice Section. The EA incorporates the QSA EIR/EIS by reference for purposes of demonstrating consistency with the analysis of past water conservation and incorporates information and analysis from the QSA EIR/EIS where appropriate. The impacts associated with the water conservation volumes transferred under the QSA are already addressed by the QSA EIR/EIS and the required mitigation is being implemented. Unmitigated playa emissions account for less than 1%

[13] See the following peer-reviewed report and the references cited therein: Ross, J.E. (2022). Potential Major Greenhouse Gas Emissions from Proposed Salton Sea Long-Range Plans. Report submitted to the California Natural Resources Agency. January 27, 2022. 14 pages. https://doi.org/10.13140/RG.2.2.36775.62884. Also see that report's Supplementary Information, explaining the possible magnitude of the greenhouse gas emissions involved: https://doi.org/10.13140/RG.2.2.10089.36964.

	Comment	Response
		of all emissions in the Salton Sea Air Basin and when currently planned dust control projects are implemented, this number drops to less than 0.5% of the total emissions in the Salton Sea Air Basin. As provided in Appendix AQ-2, several studies have been conducted to evaluate the health risk, specifically the elemental composition of playa dust and sediment and whether it is unique from native desert material (Vogl et al. 2002, Xu et al. 2016, Frie et al. 2017, 2019, Biddle et al. 2023, IID SS AQMP). Findings indicate that concentrations of toxic metals were either below the method detection limit, or if above detection limits, were indistinguishable between the playa and desert. The concept that playa dust is exceptionally high in toxic metals is not supported by the current body of research. The current analyses of aerosol and sub-aerial soil samples from the playa and desert surrounding the Salton Sea suggest that until PM contaminant concentrations begin to exceed California EPA reference exposure levels, the principal health concern is and will continue to be the amount of PM being emitted rather than the composition. The dust itself (regardless of composition) is the most important aspect to consider in terms of human health. The SS AQMP will continue to be adaptive and proactively detect, locate and assess potential dust emissions regardless of timing, rate and extent of the playa exposure.
158.	Since the QSA was adopted in 2003, IID has complied with the many onerous requirements imposed by the terms of that agreement, and the residents of Imperial County have shouldered significant related burdens. In contrast, however, the State of California has flagrantly violated its associated legal obligations for more than two decades. Despite explicit statutory mandates and other legal requirements, the State has failed to restore the Salton Sea, has not undertaken measures necessary to mitigate the injurious effects of the QSA water transfers, and has not protected fish, wildlife, or people from entirely foreseen harm caused by decline of the Salton Sea and the deterioration of its ecosystem.	The actions of the State of California are outside the scope of the Proposed Action and the analysis in the EA. Reclamation has been an active partner with the State of California to facilitate restoration projects at the Salton Sea. Reclamation committed to providing $250 million to CNRA under the Commitments Agreement in support of the implementation of CNRA's SSMP, specifically to support expanded and accelerated SSMP projects at the Salton Sea. Reclamation is committed to continuing its close partnership with IID and the State of California to support mitigation and restoration projects at the Salton Sea and pursue additional actions to facilitate those projects.
159.	• At the time the QSA was finalized, it was widely understood that the QSA water transfers would be devastating for the Salton Sea and its ecosystem, and consequently would cause serious harm to fish, wildlife, and people. Therefore, associated legislation codified various specific requirements to avert the anticipated harm. In particular, a	The State of California legislation adopted to address the Salton Sea in relation to the QSA are outside the scope of the Proposed Action and the analysis in the EA. Reclamation has been an active partner with the State of California to facilitate restoration projects at the Salton Sea. Reclamation committed to providing $250 million to

	Comment	Response
	legal obligation to restore the Salton Sea was imposed on the State of California: ○ SB 277, which became law in September 2003, added Chapter 13 (commencing with Section 2930)—the Salton Sea Restoration Act—to the California Fish and Game Code. Section 2931 of that Chapter stated, "(a) It is the intent of the Legislature that the State of California undertake the restoration of the Salton Sea ecosystem and the permanent protection of the wildlife dependent on that ecosystem… (c) The preferred alternative shall provide the maximum feasible attainment of the following objectives: (1) Restoration of long-term stable aquatic and shoreline habitat for the historic levels and diversity of fish and wildlife that depend on the Salton Sea. (2) Elimination of air quality impacts from the restoration projects. (3) Protection of water quality." ○ In addition, SB 654, which became law in September 2003, amended Chapter 617 of the Statutes of 2002 to explicitly provide in detail that the liability of IID and the other QSA parties for harm to the Salton Sea resulting from the water transfers was limited, and stated in Section 3(c), "Any future state actions to restore the Salton Sea will be the sole responsibility of the State of California." ○ Subsequently, in 2013, AB 71 added Fish and Game Code Section 2940, which specified numerous additional requirements for the State's mandated restoration of the Salton Sea.	CNRA under the Commitments Agreement in support of the implementation of CNRA's SSMP, specifically to support expanded and accelerated SSMP projects at the Salton Sea. Reclamation is committed to continuing its close partnership with IID and the State of California to support mitigation and restoration projects at the Salton Sea and pursue additional actions to facilitate those projects.
160.	• It was also anticipated in 2003 that the impacts on the Salton Sea ecosystem from the QSA water transfers would cause the "take" (i.e., the injury or killing) of protected species (ones that are listed as endangered or threatened, or are candidates for listing as endangered or threatened). Therefore, in order to ensure the QSA would be adopted and the associated water transfers would move forward, the California Legislature added Section 2081.7 to the Fish and Game Code at that time, to allow the California Department of Fish and Wildlife to authorize the "take" of protected species in the Salton Sea ecosystem as a result of the QSA water transfers, *if* certain conditions were met. Crucially, the statute requires that "The impacts of the authorized take shall be minimized and fully mitigated."	The State of California legislation adopted to address the Salton Sea in relation to the QSA are outside the scope of the Proposed Action and the analysis in the EA. Reclamation has been an active partner with the State of California to facilitate restoration projects at the Salton Sea. Reclamation committed to providing $250 million to CNRA under the Commitments Agreement in support of the implementation of CNRA's SSMP, specifically to support expanded and accelerated SSMP projects at the Salton Sea. Reclamation is committed to continuing its close partnership with IID and the State of California to support mitigation and restoration projects at the Salton Sea and pursue additional actions to facilitate those projects.

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161.	• During more than two decades following adoption of the QSA in 2003, IID has satisfied its obligations to conserve very large volumes of water and accomplish the QSA water transfers to Southern California urban areas, and is continuing to do so. IID has also been performing a variety of mitigation activities that federal and state wildlife agencies determined were necessary to lessen the negative effects of the QSA for certain species reliant on the Salton Sea ecosystem. For example, IID constructed and continues to operate a large "Managed Marsh Complex" designed to help support a variety of avian species that have lost wetland habitat in the Salton Sea ecosystem because of the QSA. Importantly, the mitigation activities were never intended to be a permanent solution for the Salton Sea crisis; rather, the State's restoration of the Salton Sea, as mandated by statute in 2003, was intended to be the permanent solution for conserving fish and wildlife and protecting people. • State and federal agencies did not require IID to implement mitigation activities to address the impacts of the QSA on fish living in the Salton Sea or on piscivorous birds dependent on those fish. Instead, as part of IID's mandatory program to mitigate the effects of the QSA, the District was required to provide large quantities of so-called "mitigation water" directly into the Salton Sea from 2003 through the end of 2017 to temporarily support the level of the lake, minimize salinity increases, and sustain habitat for fish and piscivorous birds, as well as other wildlife, while the State of California developed and implemented a full restoration plan for the Salton Sea as required by statute.	The State of California's responsibility for the restoration of the Salton Sea is outside the scope of the Proposed Action and the analysis in the EA. Reclamation has been an active partner with the State of California to facilitate restoration projects at the Salton Sea. Reclamation committed to providing $250 million to CNRA under the Commitments Agreement in support of the implementation of CNRA's SSMP, specifically to support expanded and accelerated SSMP projects at the Salton Sea. Reclamation is committed to continuing its close partnership with IID and the State of California to support mitigation and restoration projects at the Salton Sea and pursue additional actions to facilitate those projects. The implementation of the MMRP, including the SS AQMP, is ongoing and will continue to be implemented by IID under the Proposed Action.
162.	• But during the past two decades the State of California has never complied with the statutory mandate to restore the Salton Sea, and has failed to protect fish, wildlife, and people from serious harm caused by the QSA water transfers. In particular, the State did not prevent and has not mitigated the collapse of the Salton Sea fishery, has done nothing to conserve the fish-eating birds that have been deprived of their essential food supply, and has not ensured that the harmful impacts of the QSA on endangered and threatened species dependent on the Salton Sea ecosystem are "minimized and fully mitigated" as required by law. Furthermore, the State has failed to avert ongoing harm to people throughout the Salton Sea region being caused by hazardous, toxic, and carcinogenic substances being	The State of California's responsibility for the restoration of the Salton Sea and any delays or schedules are outside the scope of the Proposed Action and the analysis in the EA. Reclamation has been an active partner with the State of California to facilitate restoration projects at the Salton Sea. Reclamation committed to providing $250 million to CNRA under the Commitments Agreement in support of the implementation of CNRA's SSMP, specifically to support expanded and accelerated SSMP projects at the Salton Sea. Reclamation is committed to continuing its close partnership with IID and the State of California to support mitigation and restoration projects at the Salton Sea and pursue additional actions to facilitate those projects.

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	emitted from the exposed Salton Sea lakebed and from the lake itself as its ecosystem deteriorates.	
163.	• In 2014, because of the State's ongoing failure to satisfy its legal obligations, IID initiated a proceeding at the State Water Resources Control Board (Water Board) that had the potential to jeopardize the continuation of the QSA water transfers. Ultimately, as a result of that proceeding, the California Natural Resources Agency (CNRA) developed and agreed to expeditiously implement a "10-Year Plan" for interim mitigation of harm resulting from the QSA, by promptly constructing habitat areas and implementing dust mitigation measures on exposed lakebed. The CNRA also explicitly committed to promptly complete a long-term plan for Salton Sea restoration (as it was already required to do by the 2003 Salton Sea Restoration Act). In 2017, Water Board Order WR 2017-0134 (the Stipulated Order) set forth the relevant requirements,[14] and incorporated those requirements as conditions of the ongoing QSA water transfers. In particular, the Stipulated Order mandated that the CNRA achieve specific annual acreage milestones for habitat creation and dust suppression on the exposed lakebed during 2018-2028, and required the CNRA to "complete a long-term plan" for Salton Sea restoration "no later than December 31, 2022." The CNRA agreed to all these requirements and has been legally bound by them since 2017.	Comment noted.
164.	• Nonetheless, the CNRA has continuously violated the requirements of the Stipulated Order since 2017. The CNRA did not "complete a long-term plan" for Salton Sea restoration by December 31, 2022; instead the agency's Salton Sea Management Program (SSMP) prepared a deeply flawed and scientifically unsound report[15] that is essentially just a rehashed presentation of suggested *options* for restoration that have been discussed but not acted upon for decades.[16] In addition, in every year since 2017 the CNRA has failed to comply with the mandatory	The State of California's responsibility for the restoration of the Salton Sea and any delays or schedules are outside the scope of the Proposed Action and the analysis in the EA. Reclamation has been an active partner with the State of California to facilitate restoration projects at the Salton Sea. Reclamation committed to providing $250 million to CNRA under the Commitments Agreement in support of the implementation of CNRA's SSMP, specifically to support expanded and accelerated SSMP projects at the Salton Sea. Reclamation is committed to continuing its close partnership with IID and the State of

[14] The specific requirements are set forth in Exhibit A of the Stipulated Order.

[15] My public comments on the CNRA's draft long-range plan are available online: https://www.academia.edu/100170699/Comments_on_the_CNRA_SSMP_Draft_Long_Range_Plan_for_Salton_Sea_Restoration_Jenny_E_Ross

[16] The U.S. Army Corps of Engineers has since taken over the task of evaluating those potential restoration approaches and other options to achieve long-term Salton Sea restoration. To accomplish that task, the Corps is conducting a major, multi-year feasibility study that is now underway.

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	acreage requirements for habitat creation and dust suppression at the Salton Sea imposed by the Water Board. ○ At the end of 2023, based on the CNRA's own records, the SSMP had created a total of less than 3% of the fish and wildlife habitat that was mandated to be completed by the end of 2023.[17] The CNRA claims the SSMP has created 167 acres of habitat, but 5750 acres of habitat were required to have been created by now. Moreover, the 167 acres of habitat for which the SSMP claims credit are all within the footprint of a planned project (the Species Conservation Habitat (SCH) project) that is explicitly excluded from the Stipulated Order's acreage requirements and should therefore not be counted toward fulfillment of the agency's obligations under that Water Board Order.[18] Thus, the SSMP has not created even a single acre of the 5750 acres of functioning habitat that were required to have been created by the agency from 2018 through the end of 2023 pursuant to the Stipulated Order. ○ At the end of 2023, based on the CNRA's own records, the agency had implemented dust mitigation measures on a total of only 40% of the acreage required to have dust control measures on it by the end of 2023. The CNRA claims the SSMP has implemented 2303 acres of dust mitigation,[19] but 5750 acres were required to have been completed by now. In addition, the CNRA has not published peer-reviewed scientific evidence demonstrating the efficacy of the agency's dust mitigation measures to suppress emissions of hazardous particulates and protect public health.	California to support mitigation and restoration projects at the Salton Sea and pursue additional actions to facilitate those projects.
165.	• The CNRA is so far behind in complying with its annual habitat-creation and dust-mitigation obligations at the Salton Sea that there is no reasonable hope the agency will satisfy the legally mandated acreage requirements during 2024-2026. Moreover, based on the CNRA's testimony at the 2024 annual Water Board Workshop on the	The State of California's responsibility for the restoration of the Salton Sea and any delays or schedules are outside the scope of the Proposed Action and the analysis in the EA. Reclamation has been an active partner with the State of California to facilitate restoration projects at the Salton Sea. Reclamation committed to providing $250

[17] California Natural Resources Agency (2024). Salton Sea Management Program 2024 Annual Report, p. 54.

[18] The 160 acres of habitat the SSMP is counting are all within the Species Conservation Habitat (SCH), a project that has been in planning, permitting, and construction stages for nearly a decade and is still not operational. Because initiation of that project preceded imposition of Water Board Order WR 2017-0134, the annual acreage requirements for habitat and dust mitigation in that Stipulated Order explicitly excluded the acreage of the SCH. Nonetheless, the SSMP continues improperly to count SCH acreage toward fulfillment of its acreage obligations under the Stipulated Order.

[19] California Natural Resources Agency (2024). Salton Sea Management Program 2024 Annual Report, p. 51.

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	status of the SSMP,[20] as well as written statements in the 2024 SSMP Annual Report,[21] the agency's plans for the next several years do not include operating the SCH project, a habitat area on a portion of the Salton Sea's exposed lakebed that has been pending for nearly a decade, is partially constructed but is not filled with water, and isn't functioning. Instead of completing and operating that project to provide desperately-needed habitat—particularly for fish-eating birds that have been deprived of their essential food supply at the Salton Sea—the SSMP intends to use its available funds for starting construction of an additional project on the increasingly exposed lakebed. It therefore appears exceedingly unlikely that either the original SCH project or the additional project will actually be operational during the next several years.	million to CNRA under the Commitments Agreement in support of the implementation of CNRA's SSMP, specifically to support expanded and accelerated SSMP projects at the Salton Sea. Reclamation is committed to continuing its close partnership with IID and the State of California to support mitigation and restoration projects at the Salton Sea and pursue additional actions to facilitate those projects.
166.	While the CNRA continues its failure to comply with crucial legal mandates, the harmful impacts of the QSA water transfers are ongoing and worsening. The Salton Sea continues to shrink from water-deprivation and the lake's salinity continues to rise, exposed lakebed continues to emit hazardous dust and greenhouse gases, fish and wildlife dependent on the Salton Sea ecosystem are increasingly in jeopardy, and people across the surrounding region are being subjected to serious and potentially irreversible harm. And now Reclamation proposes to deprive the Salton Sea ecosystem of even more water, and to exacerbate the significant harm to fish and wildlife, the environment, the climate, and disadvantaged communities that is already ongoing because of the QSA water transfers. This is death by a thousand cuts, and Reclamation is wielding the knife.	The State of California's responsibility for the restoration of the Salton Sea is outside the scope of the Proposed Action and the analysis in the EA. Reclamation has been an active partner with the State of California to facilitate restoration projects at the Salton Sea. Reclamation committed to providing $250 million to CNRA under the Commitments Agreement in support of the implementation of CNRA's SSMP, specifically to support expanded and accelerated SSMP projects at the Salton Sea. Reclamation is committed to continuing its close partnership with IID and the State of California to support mitigation and restoration projects at the Salton Sea and pursue additional actions to facilitate those projects. The implementation of the MMRP, including the SS AQMP, is ongoing and will continue to be implemented by IID under the Proposed Action.
167.	**The Proposed Action** **Backdrop for the Proposed Action** As all Colorado River stakeholders understand, a chronic and major imbalance between water supply and demand exists on the river, and the situation is unsustainable. Although favorable hydrology during 2022-	Comment noted.

[20] A recording of the May 22, 2024 State Water Resources Control Board Workshop on the status of the Salton Sea Management Program can be viewed online here: https://www.youtube.com/watch?v=2vXxwWMwHZY.

[21] The 2024 SSMP Annual Report is available online at: https://saltonsea.ca.gov/wp-content/uploads/2024/03/2024- Annual-Report_Mar-25.pdf

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	2023 temporarily relieved some pressure to implement the immediate and enormous reductions in water use that Reclamation and the Colorado River basin states feared might be urgently required, there remains an undeniable need for substantial cuts in water consumption both now and in the future as climate change causes worsening declines in the Colorado River's streamflow. In May 2023, the three U.S. states in the Colorado River's Lower Basin—Arizona, California, and Nevada—submitted a joint proposal (the Lower Division Proposal) to Reclamation for addressing the river's ongoing water-supply deficit during 2024-2026, until a new management regime for the river (currently under development) is implemented beginning in 2027. As part of the Lower Division Proposal, the three Lower Basin states committed to conserve a grand total of 3 million acre-feet of water through the end of 2026 to protect the Colorado River system from the impacts of extended drought during that period. In the Final Supplemental Environmental Impact Statement and Record of Decision for Near-Term Colorado River Operations during 2024-2026, Reclamation adopted the Lower Division Proposal.	
168.	To assist with propping up Lake Mead in advance of the 2024-2026 period, IID entered a 2023 System Conservation Implementation Agreement (the 2023 SCIA) with Reclamation, committing to voluntarily conserve up to 100,000 acre-feet of Colorado River water in 2023. Ultimately, pursuant to the 2023 SCIA, IID left in Lake Mead a total of 106,111 acre-feet of Colorado River water, increasing the level of the reservoir by approximately 1.5 feet but reducing Salton Sea inflows by 56,111 acre-feet.[22]	The 2023 SCIA between Reclamation and IID is outside the scope of the Proposed Action and the analysis of the EA.
169.	Signing of the 2023 SCIA triggered the release of $70 million from Reclamation to the California Natural Resources Agency. That money represented a portion of $250 million in federal funding that was	Reclamation has been an active partner with the State of California to facilitate restoration projects at the Salton Sea. Reclamation committed to providing $250 million to CNRA under the

[22] 50,000 acre-feet of the 106,111 acre-feet was not water that had been newly conserved for the 2023 SCIA; rather, it was already conserved pursuant to IID's QSA-related On-Farm Efficiency Conservation Program and had been designated for transfer to the San Diego County Water Authority (SDCWA) based on the requirements of the QSA. However, because the SDCWA determined it did not need that water and was willing to forego receiving it in 2023, IID purchased the water back from SDCWA and then left the water in Lake Mead in order to increase the level of that key reservoir during 2023. Thus, 56,111 acre-feet was the total quantity of *additional* water cutbacks that IID implemented in order to reduce the District's withdrawals from Lake Mead by a grand total of 106,111 acre-feet for the 2023 SCIA. Because 56,111 acre-feet was conserved using IID's On-Farm Efficiency Conservation Program, and there is a 1:1 ratio between such efficiency-related water cutbacks and the resulting reductions in Salton Sea inflow, it can be assumed that inflow to the lake was reduced by a total of 56,111 acre-feet specifically because of the 2023 SCIA.

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	earmarked by Reclamation for the SSMP's environmental projects at the Salton Sea *contingent on* IID's pledged water conservation during 2023 and 2024-2026. If the current Proposed Action for IID's additional water conservation during 2024-2026 is finalized, the balance of the $250 million will be released to the CNRA for use by the SSMP. The $70 million paid to the CNRA by Reclamation has not been used by the SSMP to undertake additional mitigation activities at the Salton Sea to address the environmental impacts of the 2023 SCIA and to protect fish, wildlife, and people from the consequences of those extra inflow reductions. Rather, the funds were used to backfill existing deficiencies in the SSMP's budget for previously planned work. Moreover, a similar situation exists concerning the balance of the $250 million in funding to be released by Reclamation to the CNRA if IID commits to additional water cutbacks in 2024-2026 pursuant to the Proposed Action. That additional funding will not be used by the SSMP to mitigate the environmental impacts of the Proposed Action. Instead the CNRA has indicated that the additional federal money will be used to fund 10-Year-Plan activities that have thus far not been performed by the agency as legally required. Furthermore, the 10-Year Plan components will not be operational for many years (if ever), and may not function as intended even if they are constructed and operated. It is important to keep in mind that the 10-Year-Plan activities to be subsidized in part by Reclamation's recent funding constitute mitigation for the *existing* harmful effects of the QSA—mitigation that is necessary because the CNRA has failed for two decades to restore the Salton Sea as statutorily required. Thus, the SSMP activities to be partially funded by the $250 million in federal money will not serve in any way to address the *additional* environmental and public-health impacts of the 2023 SCIA and the Proposed Action for 2024-2026.	Commitments Agreement in support of the implementation of CNRA's SSMP, specifically to support expanded and accelerated SSMP projects at the Salton Sea. Reclamation is committed to continuing its close partnership with IID and the State of California to support mitigation and restoration projects at the Salton Sea and pursue additional actions to facilitate those SSMP projects.
170.	**Key details of the Proposed Action** Pursuant to the Proposed Action, in order to continue supporting sustainability of the Colorado River system, IID will commit to conserve a maximum of 900,000 acre-feet of Colorado River water during 2024-2026 that the District would otherwise be legally entitled to use. This very large quantity of conserved water will be in addition to the huge volume IID already conserves and transfers annually pursuant to the QSA, which is	Comment noted.

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	approximately 500,000 acre-feet every year. It will also be in addition to the water IID left in Lake Mead pursuant to the 2023 SCIA. The Proposed Action caps the annual amount of additional water to be conserved by IID during 2024-2026 at a maximum of 300,000 acre-feet per year. The Draft EA states: > Pursuant to the Proposed Action, IID would agree to conserve a target volume of 250,000 AF, up to a maximum of 300,000 AF, of Colorado River water each year from 2024 through 2026, targeting a cumulative total of 800,000 AF, but no more than a cumulative maximum total of 900,000 AF, of water between 2024 and 2026, which will remain in Lake Mead to benefit the Colorado River System.[23] In order to accomplish the pledged water conservation, IID intends to use one or more of the following on- farm programs that the District has planned for this purpose: • On-Farm Efficiency Conservation Program (OFECP) – ○ The Draft EA explains that the OFECP involves "the implementation of one or more conservation measures on a crop and field to reduce the consumptive use of the crop and/or reduce delivery of irrigation water to the field while simultaneously maintaining crop production."[24] Examples of OFECP methods include, but are not limited to, implementation of drip irrigation and tailwater return systems.[25] ○ The OFECP for 2024-2026 would be in addition to the existing QSA-related on-farm efficiency program, in which about 70% of Imperial County's irrigated acreage is already participating.[26] The existing program would continue to operate in order to conserve the water necessary for the annual QSA water transfers. ○ According to the Draft EA, a maximum of 50,000 acre-feet per year could be conserved by the new OFECP if there is full participation of	

[23] Draft EA, p. 17
[24] Id., p. 19
[25] Ibid.
[26] Draft EA, pages 34 and 98.

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	65,000 acres of farmland in the program every year.[27] Therefore, the maximum amount of water this program could conserve during 2024-2026 is a grand total of 150,000 acre-feet. ○ For each 1 acre-foot conserved by the OFECP, Salton Sea inflow is reduced by 1 acre- foot.[28] Therefore, full participation in this program during 2024-2026 would reduce Salton Sea inflow by a grand total of 150,000 acre-feet. • Deficit Irrigation Program (DIP) – ○ The Draft EA explains that the DIP involves "a 45- to 60-day period in the summer during which no irrigation water is applied to alfalfa, bermuda grass, or klein grass crops, or seed crops of any of those three crops."[29] The DIP only operates during June, July, August, and September. Participating farmers can choose the particular 45- to 60-day period during those months when they will completely withhold irrigation water from each acre enrolled. ○ According to the Draft EA, a maximum of 226,000 acre-feet per year could be conserved by the DIP if there is full participation of 180,000 acres of farmland in the program each year.[30] Therefore, the maximum amount of water this program could conserve during 2024-2026 is a grand total of 678,000 acre-feet.[31]	

[27] The Draft EA indicates that maximum participation in, and maximum conservation by, the new OFECP will not be achieved if that is not the only new program in which farmers end up participating. This is because approximately 70% of Imperial County farmland is already participating in the on-farm efficiency program associated with the QSA, and because a given acre cannot participate in more than one efficiency program simultaneously and also cannot participate in both an efficiency program and the DIP or the FUFP. Nonetheless, the Draft EA presents and relies on modeling that assumes maximum conservation of 50,000 AFY from the new OFECP plus 250,000 AFY from fallowing programs (the DIP+FUFP) to achieve a total maximum conservation amount of 300,000 AFY each year during 2024-2026 (for a grand total conservation amount of 900,000 AF). Therefore, in my comments I am constrained by and must respond to what the Draft EA actually models.

[28] See, e.g., Draft EA, Appendix HYDRO-3, Table 1.

[29] Draft EA, p. 18.

[30] Id, p. 19.

[31] The Draft EA indicates that maximum participation in, and maximum conservation by, any one of the new conservation programs cannot be achieved if multiple new water conservation programs end up operating. Nonetheless, the Draft EA presents and relies on a modeling scenario that assumes maximum conservation of 50,000 AFY from the new OFECP plus 250,000 AFY from fallowing programs (the DIP+FUFP) to achieve a total maximum conservation amount of 300,000 AFY each year during 2024-2026 (for a grand total maximum conservation amount of 900,000 AF), in addition to the current water conservation from the existing on-farm efficiency program related to the QSA. Therefore, in my comments I am constrained by and must respond to what the Draft EA actually models.

	Comment	Response
	○ For each 1 acre-foot conserved by the DIP, Salton Sea inflow is reduced by 0.357 acre- foot.[32] Therefore, full participation in this program during 2024-2026 would reduce Salton Sea inflow by a grand total of 242,046 acre-feet, and that entire reduction would occur during the months of June, July, August, and September. • Farm Unit Fallowing Program (FUFP) – ○ The Draft EA explains that the FUFP involves withholding all irrigation water from each participating farm field for a term of 6 months to one year. ○ The Draft EA states, "The maximum acreage potentially participating in the FUFP is 34,450 acres resulting in up to a maximum of 172,250 acre-feet of conserved water for a one-year period."[33] Because half of 2024 has already passed, the Draft EA states that the FUFP could only be implemented for a maximum total of two and a half years. Therefore, the theoretical maximum amount of water this program could conserve during 2024-2026 would be a grand total of 344,500 acre-feet. ○ For each 1 acre-foot conserved by the FUFP, Salton Sea inflow is reduced by 0.357 acre- foot.[34] Therefore, full participation in this program during 2024-2026 would reduce Salton Sea inflow by a grand total of about 122,987 acre-feet.	
171.	• Fallowing of the type that the FUFP entails would have harmful economic effects on the Imperial Valley agricultural community as well as broader negative impacts on Imperial County overall. Therefore, IID has stated in the Draft EA that the District intends to prioritize the OFECP and the DIP.[35] In practical terms, this appears to mean that IID will use the FUFP only if that is necessary to achieve the total amount of water conservation that IID has committed to accomplish in the Proposed Action, and only if the elected IID Board of Directors approves that limited use of the FUFP.[36] Thus, it seems likely that if	This is accurate based on the EA and statements by IID's board members.

[32] Draft EA, Appendix HYDRO-3, Table 1.
[33] Draft EA, p. 20.
[34] Draft EA, Appendix HYDRO-3, Table 1.
[35] Draft EA, p. 18.
[36] Statements by members of the IID Board of Directors during public meetings in 2023 and 2024.

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	there is strong participation in the OFECP and the DIP, the FUFP will be minimally utilized, if it is used at all.[37]	
172.	The amount of Imperial County agricultural acreage that will participate in each of the foregoing water conservation programs each year during 2024-2026 is not currently known; therefore, the precise volume of IID's water cutbacks for those years is also currently unknown. Because of those uncertainties, it is also not possible to determine definitively the total reduction in Salton Sea inflows that will actually occur from 2024 through 2026 as a result of the Proposed Action. For these reasons, in order to perform the Draft EA's analysis of the Proposed Action's environmental impacts, Reclamation properly utilized the potential maximum amount of water to be conserved during 2024-2026 (i.e., 900,000 acre-feet total, at a maximum rate of 300,000 acre-feet per year), as well as the volume of reductions in Salton Sea inflow associated with that maximum amount of water conservation depending on the methods used to conserve the water. The Draft EA relies on modeling in Appendix HYDRO-3 that calculates Salton Sea inflow reductions attributable to two possible water-conservation scenarios, both of which would achieve total water conservation of 900,000 acre-feet during 2024-2026: (1) implementation of only "fallowing" (i.e., the DIP and/or the FUFP) as the means of conserving water; or (2) implementation of both "efficiency" (i.e., the OFECP) and "fallowing" (i.e., the DIP and/or the FUFP). Because IID has stated unequivocally that the District intends to prioritize use of the OFECP and the DIP, it appears that the modeled fallowing-only scenario is off the table. Therefore, I will assume for purposes of these comments that the second modeled scenario—labeled "Efficiency & Fallowing" in the Draft EA's Appendix HYDRO-3—is the one that will actually be implemented pursuant to the Proposed Action.	Comment noted.

[37] Nonetheless, as noted in footnotes 29 and 33, in my comments I am constrained by and must respond to what the Draft EA actually models. Although I will disregard the modeling scenario that relies solely on "fallowing," I must respond to the other modeling scenario presented and relied on in the Draft EA that assumes maximum conservation of 50,000 AFY from the new OFECP plus 250,000 AFY from fallowing (the DIP+FUFP) to achieve a total maximum conservation amount of 300,000 AFY each year during 2024-2026 (for a cumulative total conservation amount of 900,000 AF).

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173.	Assuming the Proposed Action entails implementing 50,000 acre-feet per year of OFECP water conservation along with a total of 250,000 acre-feet per year of DIP-plus-FUFP cutbacks to achieve a cumulative total of 900,000 acre-feet of water conservation during 2024-2026, the Draft EA's Appendix HYDRO-3 shows that **Salton Sea inflows would be reduced by a total of 417,750 acre-feet during 2024- 2026.**[38] Utilizing a revised version of the Salton Sea Accounting Model initially developed by Reclamation in 2000 for analyzing the impacts of the QSA and subsequently modified by Tetra Tech, Inc., the Draft EA then determines the amount of Salton Sea lakebed that will be exposed in the coming years because of the Proposed Action, and the amount by which the lake's salinity will be increased. The Draft EA compares those consequences with the lakebed exposure and salinity changes that would otherwise occur because of the QSA alone.[39]	Comment noted.
174.	Based on the modeling presented in the Draft EA, and assuming for the moment that the modeling and its underlying assumptions are valid (notwithstanding the notable shortcomings that are discussed below), **the Proposed Action's reductions in Salton Sea inflow during 2024-2026 would abruptly cause the exposure of 13,384 acres (nearly 21 square miles) of additional Salton Sea lakebed by 2027. In addition, significantly more lakebed than would otherwise be exposed due to the QSA would continue to become exposed as a result of the Proposed Action for two more decades.**[40] The Draft EA's modeling shows that increased exposure of Salton Sea lakebed due to the impacts of the 2024-2026 Proposed Action would not taper off to match the effects of the QSA until **2045**.[41]	Appendix HYDRO-3 provides a detailed summary of assumptions made in the modeling. Assumptions for water inflows include agricultural usage, dust suppression uses, and evaporation estimates. These assumptions provide the best estimate of future conditions, including accounting for future climate change that may exacerbate the evaporation rates. The EA acknowledges that the increased exposed lakebed acreage and salinity concentrations would occur earlier than under the No Action Alternative. That is to say, impacts resulting from lowering Sea elevation would include the same acreage as analyzed in the QSA EIR/EIS, but they would occur earlier, slowing down over time until reaching No Action Alternative conditions by 2045. The EA acknowledges the accelerated effects of the Proposed Action and finds that the long-term effects would be those previously identified in the QSA EIR/EIS. The implementation of the MMRP, including the SS AQMP, is ongoing and will address any impacts that occur despite anticipated timing.

38 Draft EA, Appendix HYDRO-3, Table 1 and Figure 8.

39 Id., Figures 9-12.

40 Id., Figure 9.

41 Ibid.

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175.	It is noteworthy that Reclamation's 2024 Final SEIS for Near-Term Colorado River Operations (2024 Final SEIS) specifies a figure for the amount of Salton Sea lakebed that would be exposed through the end of 2026 as a result of additional water cutbacks that is much larger than the amount presented in the Draft EA. On pages 3-146 to 3-147 of the 2024 Final SEIS, Reclamation states: > Based on modeling identifying the extent of the Salton Sea lakebed that could be exposed through management of water use from the Colorado River, including the application of drought-reduction and conservation measures, **up to 40,224 acres of lakebed could be exposed through 2026** (Tetra Tech 2023). [Emphasis added.] The cited reference, "Tetra Tech 2023," is identified in the 2024 Final SEIS's list of references only as: "Updating the US Bureau of Reclamation's Salton Sea Spreadsheet Model (SSAM) for Future Inflow Scenarios," without any additional details. In the absence of further information, this citation appears to refer to the same modeling by Tetra Tech that Reclamation relies upon in the Draft EA, which is also dated in 2023. Thus it is unclear why two substantially different figures for the modeled amount of exposed lakebed are being used by Reclamation, and it is puzzling why the modeled amount of additional exposed lakebed specified in the Draft EA is only one-third of the amount Reclamation identified in the 2024 Final SEIS. This major discrepancy regarding a key adverse impact of the Proposed Action is concerning and requires an explanation.	The modeling done by DWR using SSAM for the EA was consistent with the modeling using SSAM for the SEIS. The cited statement is relevant for playa exposure through 2026, but the EA recognizes the acceleration of exposed playa slows down over time until reaching No Action Alternative conditions by 2045. The EA acknowledges the accelerated effects of the Proposed Action and finds that the long-term effects would be those previously identified in the QSA EIR/EIS. Similarly, the March 2024 Final SEIS states in pertinent part in Section 3.7 Water Deliveries, Section 3.7.2 Environmental Consequences, under Issue 6, page 3-84: > "Therefore, the Proposed Action could result in expedited (but not additional) lakebed exposure compared with the No Action Alternative, due to less possible available agricultural runoff."
176.	With regard to increased salinity—and again assuming for the moment that the Draft EA's modeling and its underlying assumptions are sound—the modeling presented in Appendix HYDRO-3 shows that **the Proposed Action's reductions in Salton Sea inflow during 2024-2026 would cause the Salton Sea's salinity to spike from 85 ppt. to 101 ppt. by 2027.**[42] **In addition, for the subsequent two decades the lake's salinity would continue to rise significantly higher than it otherwise would have increased solely as a result of the QSA.**[43] As is the case for exposed lakebed, the modeling shows that the impacts of	Projected increases in salinity would be accelerated by 3 to 4 years when compared to baseline future projections (2045), based on the trajectory predicted by the hydrologic modeling developed by DWR. However, based on the modeling, the temporary impacts associated with the Proposed Action would taper off to projected future baseline levels by the year 2045.

[42] Id., Figure 11.

[43] Ibid.

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	the 2024-2026 Proposed Action on salinity would not taper off to match the effects of the QSA until **2045**.[44]	
177.	Moreover, there are defects in the Draft EA's modeling that, if remedied, would likely lead to the conclusion that the Proposed Action will result in significantly more exposed lakebed and higher salinity than the current modeling shows, and that the harmful consequences of the Proposed Action for the Salton Sea, its fish and wildlife, and the region's people will be more severe and will persist even longer than the Draft EA indicates. The deficiencies and inaccuracies in the modeling include, but are not limited to, the following: • The "Total Water Volume needed to meet dust suppression obligations" is reportedly deducted from Salton Sea inflows in the modeling, but no further details whatsoever concerning that issue are provided, and the pertinent reductions actually used when performing the modeling are not disclosed. If those reductions underestimate the amount of water required for dust mitigation during the decades-long period pertinent to the modeling, then the modeled amounts of exposed lakebed and increased salinity pursuant to the Proposed Action are also underestimated. • The "Total Water Volume needed to satisfy evaporation demands of fixed-size conservation projects [for fish and wildlife]" is reportedly deducted from Salton Sea inflows in the modeling "when applicable," but no further details whatsoever concerning that issue are provided, and the pertinent reductions actually used when performing the modeling are not disclosed. If those reductions underestimate the amount of water required for the noted evaporation demands during the decades-long period pertinent to the modeling, then the modeled amounts of exposed lakebed and increased salinity pursuant to the Proposed Action are also underestimated. • The modeling used a baseline amount (before a salinity-related adjustment) for evaporation from the surface of the Salton Sea that is "a calibrated average value from historical data from 2004 to 2021," and that average value was used in the modeling for all future years in the coming decades. This means that the modeling ignores the	Appendix HYDRO-3 provides a detailed summary of assumptions made in the modeling. Assumptions for water inflows include agricultural usage, dust suppression uses, and evaporation estimates. These assumptions provide the best estimate of future conditions, including accounting for future climate change that may exacerbate the evaporation rates.

[44] Ibid.

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	potential major impacts of climate warming on evaporation from the lake from 2024 onward. I suggest this means that the modeled amounts of exposed lakebed and increased salinity pursuant to the Proposed Action are underestimated. • The modeling explicitly excludes all water use by dust mitigation and habitat projects in the 10-Year Plan, and all water use by the SCH, despite the fact that such volumes of water are potentially very large. Depending on the actual amounts of those water uses, the modeled amounts of exposed lakebed and increased salinity pursuant to the Proposed Action may be significantly underestimated. • The modeling omits anticipated water cutbacks by CVWD and Mexico during 2024-2026 (and in subsequent years), which will also contribute to causing additional exposed lakebed and increases in salinity. • The modeling does not account for the fact that all of the agricultural drains previously serving as direct tributaries to the Salton Sea will eventually be completely cut off from the lake as the shoreline recedes toward the central basin. All continuing drain flows will discharge only onto the exposed lakebed, and will no longer reach the Salton Sea. Without that additional freshwater input, more lakebed will be exposed than the modeling anticipates, and the lake's salinity will increase more quickly and rise higher than modeled.	
178.	• The modeling assumes that IID's water conservation measures pursuant to the Proposed Action will abruptly cease at the end of 2026, and that no water-use reductions other than those associated with the QSA will occur from 2027 onward. This assumption defies credibility. To sustain the Colorado River and prevent crucial reservoirs from crashing as climate change takes an increasing toll on streamflow, a significant amount of water conservation, particularly by the Lower Basin states, must continue long-term. Both Reclamation and the states reliant on the river understand this issue. As discussed in Part III.C below, it is not reasonable to assume, as the Draft EA's modeling does, that IID will be entirely exempt from the need to implement ongoing water conservation from 2027 onward. The amount of the water conservation that IID will be obliged to continue, and the methods for accomplishing it, have not yet been determined. But it is clear that if even a portion of the water cutbacks in the Proposed	A wide range of alternatives for the multi-year NEPA process for the post-2026 Colorado River operating guidelines are currently being considered and analyzed. Therefore, conservation volumes are speculative and not reasonably foreseeable. For this reason, post-2026 conservation volumes were not included in the Cumulative Projects list. The Proposed Action is approval of an SCIA under Reclamation's LC Conservation Program with funding allocated from the Inflation Reduction Act of 2022 (Public Law No. 117-169) to support the Near-Term Colorado River Operations evaluated in Reclamation's March 2024 Final SEIS. This is a unique program with limited funding for a short-term period until 2026, at which time the SCIA will terminate.

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	Action are assumed to persist beyond 2026, which is reasonably foreseeable, the impacts on the Salton Sea will be far worse than those shown in the Draft EA's modeling.	
179.	All of the above defects in Reclamation's modeling are pertinent to, and directly affect, the agency's evaluation of reasonably foreseeable and significant adverse impacts on people, fish, wildlife, and the environment that could occur as a result of the Proposed Action. I suggest that the foregoing deficiencies, and Reclamation's failure to discuss them and to provide additional pertinent details, contravene the agency's legal responsibilities.	Appendix HYDRO-3 provides a detailed summary of assumptions made in the modeling. Assumptions for water inflows include agricultural usage, dust suppression uses, and evaporation estimates. These assumptions provide the best estimate of future conditions, including accounting for future climate change that may exacerbate the evaporation rates.
180.	**Reclamation's discussion of Salton Sea Impacts is flawed, unjustified, and unreasonable** The Proposed Action will foreseeably result in significant direct, indirect, cumulative, and disproportionate negative impacts on the Salton Sea and its tributaries, associated wetlands and riparian areas, fish and wildlife dependent on Salton Sea ecosystem, air quality, the climate, and hundreds of thousands of people throughout the region adjacent to the lake, including Tribes and other environmental justice communities. But in the Draft EA, Reclamation does not adequately evaluate or even properly acknowledge the harmful effects of the Proposed Action that can reasonably be expected to occur. Some foreseeable and significant negative impacts required to be evaluated are not mentioned at all, and others are insufficiently and/or inappropriately assessed. Many conclusions drawn in the Draft EA regarding Salton Sea Impacts are unsupported, inaccurate, and/or improper. Reclamation's discussion of the Proposed Action's harmful consequences is inconsistent with the requirements of the National Environmental Policy Act (NEPA),[45] the NEPA implementing regulations,[46] other applicable statutes, regulations, and policies, and pertinent case law. Furthermore, as discussed in Part IV below, the monitoring and mitigation measures suggested for addressing the Proposed Action's potential negative effects are inadequate and foreseeably will be ineffective, and they do not satisfy Reclamation's legal obligations.	The analysis in the EA addresses impacts to the Salton Sea, its tributaries, associated wetlands and riparian areas, fish, and wildlife dependent on Salton Sea ecosystem, air quality, the climate and surrounding communities. The EA incorporates the QSA EIR/EIS by reference for purposes of demonstrating consistency with the analysis of past water conservation and incorporates information and analysis from the QSA EIR/EIS where appropriate. The impacts associated with the water conservation volumes transferred under the QSA are already addressed by the QSA EIR/EIS and the required mitigation is being implemented. The three-year period of the Proposed Action is significantly shorter in duration than the water conservation and reduction in diversions under the QSA. The EA recognizes the Proposed Action may accelerate certain impacts already associated with the water conservation under the QSA. The implementation of the MMRP, including the SS AQMP, is ongoing and will address any impacts that occur despite anticipated timing.

[45] Pub. L. 91–190, 42 U.S.C. 4321 et seq. (hereinafter "NEPA").

[46] National Environmental Policy Act Implementing Regulations (May 20, 2022). 40 CFR Parts 1500-1508.

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181.	It was not appropriate for Reclamation to prepare an Environmental Assessment instead of an Environmental Impact Statement (EIS) for the Proposed Action. NEPA requires preparation of an EIS if a proposed federal action would have a "reasonably foreseeable significant effect on the quality of the human environment."[47] Similarly, the NEPA implementing regulations make clear that an EA is appropriate only "for a proposed action that is not likely to have significant effects or when the significance of the effects is unknown unless the agency finds that a categorical exclusion is applicable…"[48]Even if Reclamation was somehow genuinely unaware of the fact that large water cutbacks by IID would result in significant environmental impacts as "significance" is defined by applicable law,[49] my detailed public comments on Reclamation's Draft SEIS for Near-Term Colorado River Operations in May 2023 and on the agency's Revised Draft SEIS for Near-Term Colorado River Operations in December 2023 provided clear notice to the agency that the water cutbacks by IID that Reclamation was contemplating would indeed cause significant adverse impacts and would require an EIS. Public comments by others also provided such notice to Reclamation.	The EA provides a thorough assessment of the Proposed Action, which is a component of the conservation goals outlined in the 2024 Final SEIS and Record of Decision.
182.	Pursuant to NEPA, the federal government has a responsibility "…to use all practicable means, consistent with other essential considerations of national policy, to… attain the widest range of beneficial uses of the environment **without degradation, risk to health or safety, or other undesirable and unintended consequences**…"[50] Similarly, the NEPA implementing regulations state, "**Federal agencies shall to the fullest extent possible… Use all practicable means**, consistent with the requirements of the Act and other essential considerations of national policy, **to restore and enhance the quality of the human environment and avoid or minimize any possible adverse effects of their actions**	The EA analyzes the potential effects of the Proposed Action on human health in Section 3.7 beginning on page 92. This analysis is based on the analysis in Section 3.3 Air Quality. The EA assesses air quality impacts that could affect disadvantaged communities in the entire Salton Sea Air Basin. Based on modeling conducted by DWR using SSAM for the implementation of the SSMP included in Appendix HYDRO-3, the EA finds that the Proposed Action would accelerate the lowering elevation of the Salton Sea by approximately 5 to 10 years. That is to say, impacts resulting from lowering Sea elevation would include the same acreage as analyzed in the QSA EIR/EIS, but they would occur earlier, slowing down over time until

47 NEPA, Section 106(b)(1).

48 40 CFR Part 1501.5. Notably, at 115 pages long, the text of the Draft EA far exceeds the page limit of "75 pages, not including any citations or appendices" for an EA. (40 CFR Part 1501.5(g).) Apparently Reclamation felt the need to use many more pages because of the complexity of the issues; however, Reclamation should have instead perceived the need to prepare an EIS.

49 The pertinent applicable law includes, but is not limited to, 40 CFR Part 1501.3(d).

50 NEPA, Section 101(b), emphasis added.

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	upon the quality of the human environment."[51] For Reclamation to proceed with the Proposed Action as currently formulated would be to violate these most fundamental federal responsibilities.	reaching No Action Alternative conditions by 2045. The EA acknowledges the accelerated effects of the Proposed Action and finds that the long-term effects would be those previously identified in the QSA EIR/EIS. The implementation of the MMRP, including the SS AQMP, is ongoing and will address any impacts that occur despite anticipated timing and location.
183.	**The "affected environment" evaluated by the Draft EA is too narrowly constrained** Reclamation's analysis of adverse impacts that may result from the Proposed Action is inappropriately constrained geographically to an "affected environment"[52] that encompasses only the IID Contract Service Area. Although the water conservation measures that are part of the Proposed Action will occur specifically within the IID Contract Service Area, the foreseeable harmful effects of the Proposed Action will not be limited to that region.	The EA focuses on the IID Contract Service Area because the conservation of Colorado River water under the Proposed Action will occur in this area. The EA recognizes the affected environment for each resource topic area may extend beyond the IID Contract Service Area and assesses potential environmental impacts that may result from the Proposed Action as appropriate for the resource topic. The scope of the affected environment depends on the resource being evaluated. For example, Section 3.3 Air Quality analyzes the entire Salton Sea region (e.g. Salton Sea Air Basin, page 40; Regional Air Quality, page 41; IID's SS AQMP, State's Salton Sea Management Program (SSMP) and Dust Suppression Action Plan (DSAP) projects, page 44; hydrogen sulfide and hazardous air pollutants monitoring, pages 44 and 45).
184.	The Proposed Action will cause negative impacts on the entirety of the Salton Sea itself; along all portions of the lake's shoreline, and on adjoining areas of already-exposed and to-be- exposed lakebed; on wetland areas adjoining and adjacent to the lake and its exposed lakebed; on wetland and riparian areas along tributaries and where tributaries meet the exposed lakebed and the Salton Sea; on all tributaries themselves, including ones that will not be directly affected by the Proposed Action's streamflow reductions but whose flow may become permanently cut off from the Salton Sea as the lake's shoreline recedes farther toward the central basin due to the Proposed Action; on plants, including but not limited to Sensitive Natural Communities, in various locations; on fish and wildlife dependent on the Salton Sea ecosystem, including migratory birds that rely on the ecosystem a portion of the year; on invertebrates that provide essential food to sustain fish and wildlife; on air quality across a large geographic area surrounding	The EA identifies all impacts to biological resources identified in the QSA EIR/EIS, which includes the entire Salton Sea, and provides a comparison matrix in Appendix BIO-3. The analysis in the EA assumes that these impacts and mitigation strategies would remain applicable, including for impacts to the Salton Sea. The EA focuses on updating the analysis of biological resources that were anticipated to be affected by this Proposed Action.

[51] 40 CFR Part 1500.2, emphasis added.

[52] 40 CFR Part 1502.15.

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	the lake; and on the health and socioeconomic well-being of people throughout the Salton Sea region. Because the Draft EA's analysis of potential adverse impacts is much too narrowly constrained, it fails to consider an array of foreseeable and significant harmful consequences of the Proposed Action that are required to be evaluated pursuant to applicable law.	
185.	**The claim that harmful impacts will not be cumulative or significant is unfounded** Throughout the Draft EA's analysis of environmental impacts, Reclamation asserts that the Proposed Action will not result in cumulative or significant harm beyond the current and future impacts of the QSA,[53] because the Proposed Action is "temporary" and its effects on the Salton Sea "would taper off to baseline projection levels by the year 2045."[54] This claim is unjustified and unreasonable, and it is inconsistent with applicable law. The NEPA implementing regulations define 'cumulative impacts' of a proposed federal action as: "…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."[55] Reclamation acknowledged the nature of cumulative impacts in the 2024 Final SEIS: …cumulative impacts refer to two or more individual impacts that, when considered together, are significant or that compound or increase other environmental impacts. Cumulative impacts can be	The EA identifies cumulative projects in Table 1-1. Each impact analysis for each resource area includes an assessment of the "incremental impacts of an action when added to other past, present, and reasonably foreseeable future actions" may collectively result in significant impacts. The cumulative analysis for each resource area takes into account the projects listed in Table 1-1 and finds that the increment of effect of the Proposed Action when added to those projects will not result in an overall increase in effects. The DWR modeling using SSAM includes these projects in its assumptions and, therefore, accounts for reduced flows.

[53] This unwarranted claim was also made numerous times in Reclamation's 2024 Final SEIS, although I critiqued it fully in my public comments on the draft and revised draft of that document. Reclamation repeats the indefensible assertion now.

[54] The identical statement is made in many places throughout the Draft EA, including on pages 49, 93, and 113.

[55] 40 CFR 1508.7, emphasis added.

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	categorized as additive and interactive. An additive impact results from additions from one kind of source through either time or space. An interactive impact results from more than one kind of source.[56]	
186.	In addition to evaluating whether the harmful effects of the Proposed Action are cumulative, Reclamation was required by law to analyze whether the negative effects will be significant. The NEPA implementing regulations state: "In considering whether an adverse effect of the proposed action is significant, agencies shall examine both the *context* of the action and the *intensity* of the effect."[57] For the analysis of "context," agencies are directed to consider "the characteristics of the geographic area, such as **proximity to unique or sensitive resources or communities with environmental justice concerns**,"[58] and also "**the potential global, national, regional, and local contexts** as well as **the duration, including short-and long-term effects**."[59] For the analysis of "intensity," the NEPA implementing regulations state in part:[60] …**Agencies shall analyze the intensity of effects considering the following factors,** as applicable to the proposed action and in relationship to one another: (i) The degree to which the action **may adversely affect public health and safety**. (ii) The degree to which the action **may adversely affect** unique characteristics of the geographic area such as…**ecologically critical areas**.	The EA was prepared in compliance with NEPA and provides a thorough assessment of the Proposed Action. Both the QSA EIR/EIS and the 2024 SEIS were also incorporated by reference.

56 2024 Final SEIS, page 3-10.
57 40 CFR 1501.3(d), emphasis and italics added.
58 40 CFR 1501.3(d)(1), emphasis added.
59 Ibid., emphasis added.
60 40 CFR 1501.3(d)(2), emphasis added.

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	(iii) Whether the action may violate relevant Federal, State, Tribal, or local laws or other requirements or be inconsistent with Federal, State, Tribal, or local policies designed for the protection of the environment. ……. (vi) The degree to which the action **may adversely affect an endangered or threatened species or its habitat**, including habitat that has been determined to be critical under the Endangered Species Act of 1973. (vii) The degree to which the action **may adversely affect communities with environmental justice concerns**. (viii) The degree to which the action **may adversely affect rights of Tribal Nations** that have been reserved through treaties, statutes, or Executive Orders.	
187.	In evaluating the significance of the reasonably foreseeable adverse impacts of the Proposed Action, Reclamation was required in part to consider various key aspects of the context in which the Proposed Action will occur. Critical to the Proposed Action's context is the comprehensive, two-decade-long failure by the State of California to comply with legal mandates to restore the Salton Sea and to minimize and fully mitigate the harmful effects of the QSA water transfers on fish, wildlife, the environment, and people. This ongoing violation of legal requirements has had and continues to have significant and harmful Salton Sea Impacts. Moreover, the extent of those impacts was not anticipated in the EIR/EIS for the QSA because no one expected that the State of California would violate its legal obligations throughout the past two decades.[61] Reclamation should have considered that crucial context in the Draft EA, but did not.	The State of California's responsibility for the restoration of the Salton Sea and any delays or schedules are outside the scope of the Proposed Action and the analysis in the EA. Reclamation has been an active partner with the State of California to facilitate restoration projects at the Salton Sea. Reclamation committed to providing $250 million to CNRA under the Commitments Agreement in support of the implementation of CNRA's SSMP, specifically to support expanded and accelerated SSMP projects at the Salton Sea. Reclamation is committed to continuing its close partnership with IID and the State of California to support mitigation and restoration projects at the Salton Sea and pursue additional actions to facilitate those projects.

[61] In light of the State of California's egregious and ongoing violation of its legal obligations for more than twenty years, and considering the significant harm that has been occurring as a result of that unexpected and chronic violation of law, a Supplemental EIS process concerning the QSA water transfers should have been initiated previously pursuant to 40 CFR Part 1502.9(d)(1)(ii).

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188.	Concerning the "intensity" of effects foreseeably resulting from Reclamation's Proposed Action, there is no reasonable doubt that it will cause a variety of significant cumulative impacts as defined by NEPA, including ones explicitly enumerated in the NEPA implementing regulations as factors affecting the intensity of an agency's contemplated action, as quoted above. It is also clear that the consequences of the Proposed Action will interact with and compound the environmental and human-health impacts of the QSA water transfers, including the unmitigated adverse impacts resulting from the State of California's failure to comply with its legal obligations relating to the Salton Sea for more than twenty years.	The EA identifies cumulative projects in Table 1-1. Each impact analysis for each resource area includes an assessment of the "incremental impacts of an action when added to other past, present, and reasonably foreseeable future actions" that may collectively result in significant impacts. The cumulative analysis for each resource area takes into account the projects listed in Table 1-1 and finds that the increment of effect of the Proposed Action when added to those projects will not result in a substantial increase in effects. The DWR modeling using SSAM includes these projects in its assumptions and, therefore, accounts for reduced flows.
189.	By alleging that the Proposed Action will not result in additional or cumulative harm beyond the consequences that the QSA will cause, Reclamation is essentially saying that the ongoing QSA water transfers will eventually destroy the Salton Sea, expose most of its lakebed, and cause devastating harm to fish, wildlife, and people anyhow, so overall it doesn't matter that the Proposed Action will expedite the demise of the lake and its ecosystem, significantly increase the amount of exposed lakebed emitting toxic and carcinogenic dust for the next two decades, cause dreadful impacts on people, and jeopardize the survival of an endangered fish, an endangered bird, and hundreds of other wildlife species—including Special Status Species—during that lengthy period of time. That is an insupportable claim, both legally and morally. If Mr. X were to strangle Mr. Y to death and then declare that his action caused no additional harm to Mr. Y because Mr. Y would have died eventually anyhow (as we all will), that assertion would obviously be ludicrous and legally indefensible. The similar assertion in the Draft EA is no less ludicrous and indefensible.[62]	The analysis of the EA is not that there will be no impacts because impacts will happen anyway. The EA analysis acknowledges that certain impacts occur on an accelerated timing, but also recognizes that despite the timing, the existing mitigation will address those impacts. The EA incorporates the QSA EIR/EIS by reference for purposes of demonstrating consistency with the analysis of past water conservation and incorporates information and analysis from the QSA EIR/EIS where appropriate. The impacts associated with the water conservation volumes transferred under the QSA are already addressed by the QSA EIR/EIS and the required mitigation is being implemented. The three-year period of the Proposed Action is significantly shorter in duration than the water conservation and reduction in diversions under the QSA. The EA recognizes the Proposed Action may accelerate certain impacts already associated with the water conservation under the QSA. The MMRP, including IID's SS AQMP, is implemented on an ongoing basis regardless and will address any impacts that occur despite anticipated timing.
190.	The Draft EA's modeling shows that the Proposed Action's reduction of Salton Sea inflows by 417,750 acre- feet—in addition to the very large amount by which inflows are already reduced because of the QSA water	Unmitigated playa emissions account for less than 1% of all emissions in the Salton Sea Air Basin and when currently planned dust control projects are implemented, this number drops to less than 0.5% of the total emissions in the Salton Sea Air Basin. As provided in Appendix AQ-2, several studies have been conducted to evaluate the health risk, specifically the elemental composition of playa dust

[62] I explained these issues previously to Reclamation in my public comments on USBR's 2024 Revised Draft SEIS for Near-Term Colorado River Operations, but Reclamation made the same insupportable claim repeatedly in the 2024 Final SEIS, and now makes it again in the Draft EA.

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	transfers—will rapidly expose at least 21 square miles of lakebed.[63] Furthermore, large additional expanses of lakebed—beyond those projected to be exposed because of the QSA—will continue to become desiccated through 2045 as a result of the Proposed Action. It is foreseeable that the additional areas of exposed lakebed will emit dangerous particulates containing toxic and carcinogenic constituents into the region's air, and the readily-inhalable pollutants will have serious harmful effects on public health in the adjacent environmental justice communities, compounding the injurious impacts of the twenty-year failure by government officials to remedy the consequences of the QSA. Thus, it is foreseeable that the Proposed Action will cause people across the Salton Sea region—including Tribes and other environmental justice communities—to suffer substantially worsened morbidity and mortality related to increased hazardous, toxic, and carcinogenic dust emissions from the exposed lakebed from 2024 through at least 2045. Is that serious and irreversible harm, occurring during a very lengthy period, somehow rendered inconsequential because the QSA water transfers might ultimately cause the same impacts decades from now? No.	and sediment and whether it is unique from native desert material (Vogl et al. 2002, Xu et al. 2016, Frie et al. 2017, 2019, Biddle et al. 2023, IID SS AQMP). Findings indicate that concentrations of toxic metals were either below the method detection limit, or if above detection limits, were indistinguishable between the playa and desert. The concept that playa dust is exceptionally high in toxic metals is not supported by the current body of research. The current analyses of aerosol and sub-aerial soil samples from the playa and desert surrounding the Salton Sea suggest that until PM contaminant concentrations begin to exceed California EPA reference exposure levels, the principal health concern is and will continue to be the amount of PM being emitted rather than the composition. The dust itself (regardless of composition) is the most important aspect to consider in terms of human health. The SS AQMP will continue to be adaptive and proactively detect, locate and assess potential dust emissions regardless of timing, rate and extent of the playa exposure.
191.	**The Proposed Action will also reduce the quantities of water in Salton Sea tributaries and associated wetlands and riparian areas, increase the lake's salinity, and have other adverse impacts on water quality, thereby jeopardizing the survival of fish and wildlife dependent on the Salton Sea ecosystem. If fish and birds—including ones that are already endangered and threatened, as well as other Special Status Species—are killed, or even extirpated, as a result of substantial reductions in freshwater inflows pursuant to the Proposed Action, is that major harm somehow rendered inconsequential because the QSA water transfers could eventually cause the Salton Sea ecosystem to collapse fully and all the fish and wildlife reliant on it to disappear someday anyhow? No.**	The EA identifies all impacts to biological resources identified in the QSA EIR/EIS, which includes the entire Salton Sea, and provides a comparison matrix in Appendix BIO-3. The analysis in the EA assumes that these impacts and mitigation strategies would remain applicable, including for impacts to the Salton Sea. The EA focuses on updating the analysis of biological resources that were anticipated to be affected by this Proposed Action.

[63] As noted earlier, I suggest that the modeling in the Draft EA has defects and underestimates the amount of lakebed that will actually be exposed as a result of the Proposed Action. In addition, as also explained earlier, Reclamation used a much larger figure for the amount of exposed lakebed in the 2024 Final SEIS than the agency does in the Draft EA.

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192.	The claim Reclamation makes in the Draft EA that the harm to be caused by the Proposed Action is not cumulative because it will happen eventually anyhow is specious for another reason as well: The allegedly inevitable long-term harm will not actually occur if government officials comply with their legal obligations. As explained earlier, restoration of the Salton Sea is legally required by statute, and that 2003 legislation was specifically intended to prevent significant future harm to fish, wildlife, and people resulting from the QSA water transfers. The Salton Sea Restoration Act[64] mandates action to restore the habitats necessary for permanently supporting the numbers and variety of fish, birds, and other wildlife originally reliant on the Salton Sea ecosystem, and to protect people from various types of injurious consequences that will result if the lake continues to shrivel from freshwater deprivation, more of its lakebed is exposed, and its ecosystem collapses. If government officials fully satisfy their legal responsibilities, serious future harm to fish, wildlife, and people that would otherwise ultimately occur in the coming decades because of the QSA will actually not materialize.	The analysis of the EA is not that there will be no impacts because impacts will happen anyway. The EA analysis acknowledges that certain impacts occur on an accelerated timing, but also recognizes that despite the timing, the existing mitigation will address those impacts. The EA incorporates the QSA EIR/EIS by reference for purposes of demonstrating consistency with the analysis of past water conservation and incorporates information and analysis from the QSA EIR/EIS where appropriate. The impacts associated with the water conservation volumes transferred under the QSA are already addressed by the QSA EIR/EIS and the required mitigation is being implemented. The three-year period of the Proposed Action is significantly shorter in duration than the water conservation and reduction in diversions under the QSA. The EA recognizes the Proposed Action may accelerate certain impacts already associated with the water conservation under the QSA. The MMRP, including IID's SS AQMP, is implemented on an ongoing basis regardless and will address any impacts that occur despite anticipated timing. The State of California's responsibility for the restoration of the Salton Sea is outside the scope of the Proposed Action and the analysis in the EA.
193.	The Proposed Action will cause cumulative and significant harm to fish, wildlife, and people long before full long-term restoration of the Salton Sea can feasibly be implemented, and also before the State completes and operates the interim projects necessary to satisfy its shirked legal obligations to properly mitigate harm resulting from the QSA water transfers. Moreover, some of the harmful consequences of the Proposed Action will be irreversible even if comprehensive long-term restoration of the Salton Sea ultimately occurs in the future. Many foreseeable negative effects of the Proposed Action—including major emissions of hazardous particulates and greenhouse gases from exposed lakebed, die-offs of fish and birds, and human morbidity and mortality—constitute irremediable harm that cannot be retroactively cured by subsequent restoration actions. For Reclamation to assert, in essence, that none of this harm matters is blatantly unreasonable and contrary to applicable law.	The State of California's responsibility for the restoration of the Salton Sea is outside the scope of the Proposed Action and the analysis in the EA. Reclamation has been an active partner with the State of California to facilitate restoration projects at the Salton Sea. Reclamation committed to providing $250 million to CNRA under the Commitments Agreement in support of the implementation of CNRA's SSMP, specifically to support expanded and accelerated SSMP projects at the Salton Sea. Reclamation is committed to continuing its close partnership with IID and the State of California to support mitigation and restoration projects at the Salton Sea and pursue additional actions to facilitate those projects. The implementation of the MMRP, including the SS AQMP, is ongoing and will continue to be implemented by IID under the Proposed Action.

[64] California Fish and Game Code Chapter 13, Sections 2930 et seq. As noted earlier, the Salton Sea Restoration Act was originally passed in 2003, and was strengthened by the addition of further detailed requirements in 2013.

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194.	**The assertion that water cutbacks will cease at the end of 2026 is unjustified** Throughout the Draft EA, Reclamation's assertion that the Proposed Action's water-use reductions and associated negative environmental and public-health impacts are not significant is repeatedly buttressed by the claim that the water cutbacks are "temporary" and only "short-term,"[65] and that they will cease completely at the end of 2026. For example, Reclamation states early in the Draft EA: > The water conservation programs implemented pursuant to the Proposed Action would **temporarily further reduce** IID deliveries [beyond the reductions required by the QSA]…for three years from 2024 through 2026. **Colorado River water deliveries to IID would return to pre-Proposed Action volumes beginning in 2027** upon the expiration of the SCIA and conclusion of the water conservation programs provided for by the SCIA.[66] This is an unjustified and implausible claim, and it is unreasonable for Reclamation to use it as support for the allegation that the Proposed Action's impacts are insignificant. While it is technically correct that the water cutbacks in the Proposed Action are specifically defined as applicable to the period 2024-2026, it is exceedingly unrealistic—if not disingenuous—for Reclamation to suggest that additional water conservation measures beyond those required by the QSA will simply cease at the end of 2026, that IID's water use will revert to prior levels, and that the harmful impacts of the Proposed Action's water cutbacks will therefore be insignificant. There is no factual support for such a claim, and indeed the available facts lead to the contrary conclusion—i.e., that IID will be obliged to continue similar, or even more onerous, water conservation measures beyond 2026 for the long-term, and that the ongoing and worsening injurious consequences will be disastrous for fish, wildlife, the environment, and more than half a million people.	A wide range of alternatives for the multi-year NEPA process for the post-2026 Colorado River operating guidelines are currently being considered and analyzed. Therefore, conservation volumes are speculative and not reasonably foreseeable. For this reason, post-2026 conservation volumes were not included in the Cumulative Projects list. The Proposed Action is approval of an SCIA under Reclamation's LC Conservation Program with funding allocated from the Inflation Reduction Act of 2022 (Public Law No. 117-169) to support the Near-Term Colorado River Operations evaluated in Reclamation's March 2024 Final SEIS. This is a unique program with limited funding for a short-term period until 2026, at which time the SCIA will terminate.

[65] See, e.g., Draft EA, section 3.3.2.2., page 47.

[66] Draft EA, page 18, emphasis added.

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195.	A new long-term Colorado River management regime is currently being developed by Reclamation and will be implemented beginning in January 2027. In March 2024 the Lower Basin states submitted a proposal for post-2026 management of the river that includes, among other details, an annual reduction in water use by the Lower Basin of 1.5 million acre-feet per year, as well as additional water cutbacks up to a total of 3.9 million acre-feet to be shared between the Upper and Lower Basin states and Mexico in the event that conditions in the Colorado River system deteriorate further due to drought and the impacts of climate change. Reclamation has not yet announced a proposed action regarding long-term management of the river's water beginning in 2027, but it is certainly foreseeable that the agency will—at a minimum—choose to move forward with Lower Basin water-use reductions matching the amounts presented in the Lower Basin proposal. Although it is not yet clear what volume of additional water conservation IID will be responsible for achieving annually beginning in 2027, beyond the cutbacks already required by the QSA, I suggest it is certainly not reasonable to assume that the additional amount will be zero.	A wide range of alternatives for the multi-year NEPA process for the post-2026 Colorado River operating guidelines are currently being considered and analyzed. Therefore, conservation volumes are speculative and not reasonably foreseeable. For this reason, post-2026 conservation volumes were not included in the Cumulative Projects list. The Proposed Action is approval of an SCIA under Reclamation's LC Conservation Program with funding allocated from the Inflation Reduction Act of 2022 (Public Law No. 117-169) to support the Near-Term Colorado River Operations evaluated in Reclamation's March 2024 Final SEIS. This is a unique program with limited funding for a short-term period until 2026, at which time the SCIA will terminate.
196.	If Reclamation moves forward with the Proposed Action and IID proceeds with implementing measures to reduce water use by an additional amount as high as 300,000 acre-feet per year during 2024-2026, despite the harmful Salton Sea Impacts, I suggest it is extremely likely that Reclamation and water agencies throughout the Colorado River Basin will expect IID to continue the 2024-2026 water cutbacks, or to implement even more burdensome and harmful reductions in the District's water use, beginning in 2027 and continuing for the long term. Not only is IID very likely to face enormous pressure to continue the Proposed Action voluntarily from 2027 onward, but it is foreseeable that the District could be required to do so involuntarily. If severe drought conditions recur, and if scientific projections regarding the future impacts of climate change on Colorado River streamflow prove correct,[67] all Colorado River stakeholders including IID will face substantial long-term cuts in their water allocations.	A wide range of alternatives for the multi-year NEPA process for the post-2026 Colorado River operating guidelines are currently being considered and analyzed. Therefore, conservation volumes are speculative and not reasonably foreseeable. For this reason, post-2026 conservation volumes were not included in the Cumulative Projects list.

[67] For example, a 2020 study found that by mid-century (2036-2065) Colorado River streamflow could decrease more than 30% in relation to the 1913-2017 mean, and potentially by as much as 40%. (Milly, P.C.D. and Dunne, K.A. (2020). Colorado River flow dwindles as warming-driven loss of reflective snow energizes evaporation.

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197.	Thus, it is unjustified and unreasonable for Reclamation to allege that the Proposed Action's water reductions and adverse impacts are not significant based on the assumption that the cutbacks will abruptly cease permanently on December 31, 2026. Instead, Reclamation's post-2026 Colorado River water management program should have been included on the Draft EA's "Cumulative Projects List"; and, in conducting the analysis for the Draft EA, Reclamation should have considered ongoing water reductions from 2027 onward to be a reasonably foreseeable future action that would substantially affect evaluation of the current Proposed Action's harmful effects. Even though the volume of IID's additional future water cutbacks from 2027 onward is not known, Reclamation certainly knows the amount will not be zero. If substantial long-term post-2026 water cutbacks by IID follow on the heels of the Proposed Action—in the context of government agencies' failure to restore the Salton Sea or even to properly mitigate the injurious impacts of the QSA and the additional adverse effects of more water reductions from 2023 through 2026— the consequences will be catastrophic. The Salton Sea and its ecosystem will be completely destroyed, scores if not hundreds of species will be extirpated, some species already endangered or threatened may be pushed to extinction, and more than half a million people will be exposed to unconscionable risks of severe harm.	A wide range of alternatives for the multi-year NEPA process for the post-2026 Colorado River operating guidelines are currently being considered and analyzed. Therefore, conservation volumes are speculative and not reasonably foreseeable. For this reason, post-2026 conservation volumes were not included in the Cumulative Projects list.
198.	It appears that the QSA water transfers and the failure of government agencies to remedy their damaging impacts for more than two decades have served to normalize, at least in the minds of key government officials, the ecological and public health crisis that is ongoing at the Salton Sea. That normalization has occurred to such an extent that Reclamation deems the Proposed Action's additional water reductions and additional harmful consequences to be insignificant when they clearly are not. If the Proposed Action moves forward, it will serve to shift the Overton window even more, making the imposition of further injurious water cutbacks in the Salton Sea region from 2027 onward appear to be	The Proposed Action is the result of a proposal submitted by IID to create conserved water for compensation pursuant to a SCIA under Reclamation's LC Conservation Program with funding allocated from the Inflation Reduction Act of 2022 to support the Near-Term Colorado River Operations evaluated in Reclamation's March 2024 Final SEIS. Participation in the LC Conservation Program is on a purely voluntary basis. The conservation programs to be implemented by IID under the Proposed Action will also be on a purely voluntary basis. The LC Conservation Program is a unique

Science 367(6483), 1252-1255, https://doi.org/10.1126/science.aay918.) Another recent study found that, estimated conservatively, Colorado River streamflow will shrink at least 20% more by mid-century than it has already, and 35% more by the end of the century; and potentially the river's flow could suffer additional declines of more than 30% by mid-century and 55% by later in the century. (Udall, B. and Overpeck, J. (2017). The twenty-first century Colorado River hot drought and implications for the future. *Water Resources Research* 53, 2404–2418, https://doi.org/10.1002/2016WR019638.)

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	an appropriate policy choice, despite the devastating and irreversible harm that will result.	program with limited funding for a short-term period until 2026, at which time the SCIA will terminate.
199.	It is insupportable for Reclamation to characterize the Proposed Action as a "temporary" and de minimis stressor that will only exist for a brief time before conditions revert to an acceptable baseline. Reclamation's reliance on this untenable characterization in the Draft EA either indicates a surprising degree of ignorance regarding the issues involved, or reflects a calculated and unreasonable agency decision to willfully disregard the harmful reality confronting fish, wildlife, and environmental justice communities in the Salton Sea region. Either way, Reclamation has violated the agency's legal obligations pursuant to NEPA.	The EA provides a thorough assessment of the Proposed Action, which supports the conservation goals outlined in the 2024 Final SEIS.
200.	**The evaluation of air quality and public health impacts is inadequate, and related conclusions are unwarranted** Based on the Draft EA's modeling, within just a few years the Proposed Action will increase the area of exposed Salton Sea lakebed by more than 40%. It is foreseeable that such a large increase in the area of dry lakebed will substantially worsen emissions of dangerous particulates that contain hazardous, toxic, and carcinogenic constituents, and will therefore cause significant additional harmful effects on air quality and public health in the surrounding region. Reclamation's evaluation of these issues in the Draft EA is inadequate, and the related conclusions the agency draws are unwarranted.	The modeling and analysis of the exposure of the Salton Sea shoreline are included in the EA, with the evidence and explanation of the modeling in Appendix HYDRO-3. Unmitigated playa emissions account for less than 1% of all emissions in the Salton Sea Air Basin and when currently planned dust control projects are implemented, this number drops to less than 0.5% of the total emissions in the Salton Sea Air Basin. As provided in Appendix AQ-2, several studies have been conducted to evaluate the health risk, specifically the elemental composition of playa dust and sediment and whether it is unique from native desert material (Vogl et al. 2002, Xu et al. 2016, Frie et al. 2017, 2019, Biddle et al. 2023, IID SS AQMP). Findings indicate that concentrations of toxic metals were either below the method detection limit, or if above detection limits, were indistinguishable between the playa and desert. The concept that playa dust is exceptionally high in toxic metals is not supported by the current body of research. The current analyses of aerosol and sub-aerial soil samples from the playa and desert surrounding the Salton Sea suggest that until PM contaminant concentrations begin to exceed California EPA reference exposure levels, the principal health concern is and will continue to be the amount of PM being emitted rather than the composition. The dust itself (regardless of composition) is the most important aspect to consider in terms of human health. The SS AQMP will continue to be adaptive and proactively detect, locate and assess potential dust emissions regardless of timing, rate and extent of the playa exposure.

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201.	In the Draft EA Reclamation acknowledges the Proposed Action will greatly enlarge the areas of exposed Salton Sea lakebed that foreseeably will emit dangerous fugitive dust and hazardous air pollutants. In addition, Reclamation admits that deterioration of the Salton Sea's ecosystem will result in the emission of noxious fumes, including potentially unsafe levels of hydrogen sulfide (H_2S), and foul odors. But the Draft EA again reiterates the untenable claim that these harmful effects of the Proposed Action are not significant because they are "temporary" and will "taper off to baseline projection levels by the year 2045." Reclamation states: "While the Proposed Action would accelerate the exposure of areas of shoreline that are currently inundated, the acceleration would taper off to baseline projection levels by the year 2045. Because the Proposed Action would accelerate the exposure of playa at the Salton Sea, there would be an increase of the potential for fugitive dust emissions and related HAP [Hazardous Air Pollutant] emissions and exposure to communities surrounding the Salton Sea earlier than would otherwise occur. The acceleration of the reduction of the Salton Sea may also cause an earlier increase of anaerobic organic decay with increasing concentration of sulfates and other compounds present in the saline Sea, which would lead to an earlier increase in H_2S emissions. Odors could also occur earlier from increasing concentrations of nutrient levels and fish, algal, bird and plant, algae and phytoplankton die-offs... The temporary acceleration of the lowering of the Salton Sea level would taper off to projected future baseline levels by the year 2045."[68] The Proposed Action will foreseeably cause elevated quantities of hazardous, toxic, and carcinogenic contaminants and noxious fumes to pollute the air across the Salton Sea region for more than two decades, causing injurious and even potentially lethal impacts on people. It is unjustifiable for Reclamation to claim that the harmful effects the Proposed Action will have on air quality and public health from 2024 through at least 2045 are insignificant because the QSA water transfers might cause the same effects decades from now. That claim defies	The modeling and analysis of the exposure of the Salton Sea shoreline are included in the EA, with the evidence and explanation of the modeling in Appendix HYDRO-3. Unmitigated playa emissions account for less than 1% of all emissions in the Salton Sea Air Basin and when currently planned dust control projects are implemented, this number drops to less than 0.5% of the total emissions in the Salton Sea Air Basin. As provided in Appendix AQ-2, several studies have been conducted to evaluate the health risk, specifically the elemental composition of playa dust and sediment and whether it is unique from native desert material (Vogl et al. 2002, Xu et al. 2016, Frie et al. 2017, 2019, Biddle et al. 2023, IID SS AQMP). Findings indicate that concentrations of toxic metals were either below the method detection limit, or if above detection limits, were indistinguishable between the playa and desert. The concept that playa dust is exceptionally high in toxic metals is not supported by the current body of research. The current analyses of aerosol and sub-aerial soil samples from the playa and desert surrounding the Salton Sea suggest that until PM contaminant concentrations begin to exceed California EPA reference exposure levels, the principal health concern is and will continue to be the amount of PM being emitted rather than the composition. The dust itself (regardless of composition) is the most important aspect to consider in terms of human health. The SS AQMP will continue to be adaptive and proactively detect, locate and assess potential dust emissions regardless of timing, rate and extent of the playa exposure.

[68] Draft EA, page 49.

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	common sense, is grossly immoral, and is not consistent with applicable law.	
202.	The Proposed Action's adverse impacts on air quality foreseeably will worsen Imperial County's federal nonattainment status for PM2.5 and state nonattainment status for PM10, and Riverside County's federal nonattainment status for PM10 and state nonattainment status for PM2.5, and will also jeopardize Imperial County's federal attainment status for PM10 and Riverside County's federal attainment status for PM2.5. In so doing, the Proposed Action will likely violate the Clean Air Act's General Conformity requirement[69] by causing or contributing to new violations, and/or increasing the frequency or severity of existing violations, and/or delaying timely attainment of federal ambient air quality standards for PM2.5 and PM10 in Imperial and Riverside Counties, in a manner that does not confirm to the State Implementation Plan for air quality.	Until the playa is exposed, the location, frequency and magnitude of future emissions are unknown. There is no data to indicate that the Proposed Action would cause or contribute to new violations of the Clean Air Act. Data shows that dust emissions are occurring from other sources within and adjacent to Imperial County, including primarily the desert region to the west of the IID Contract Service Area and Mexico to the south. Unmitigated playa emissions account for less than 1% of all emissions in the Salton Sea Air Basin and when currently planned dust control projects are implemented, this number drops to less than 0.5% of the total emissions in the Salton Sea Air Basin. Approximately 20% of the playa is responsible for nearly 73% of playa emissions.
203.	In addition, dust emissions resulting from the Proposed Action foreseeably will pollute inhabited areas with substances identified and regulated under federal and state law as hazardous, toxic, and carcinogenic. The inhalable pollutants will pose significant additional health threats to people in environmental justice communities adjacent to the Salton Sea, compounding the harm already being caused by the exposure of 52 square miles of lakebed as a result of the ongoing QSA water transfers.[70]	As provided in Appendix AQ-2, several studies have been conducted to evaluate the health risk, specifically the elemental composition of playa dust and sediment and whether it is unique from native desert material (Vogl et al. 2002, Xu et al. 2016, Frie et al. 2017, 2019, Biddle et al. 2023, IID SS AQMP). Findings indicate that concentrations of toxic metals were either below the method detection limit, or if above detection limits, were indistinguishable between the playa and desert. The concept that playa dust is exceptionally high in toxic metals is not supported by the current body of research. The current analyses of aerosol and sub-aerial soil samples from the playa and desert surrounding the Salton Sea suggest that until PM contaminant concentrations begin to exceed California EPA reference exposure levels, the principal health concern is and will continue to be the amount of PM being emitted rather than the composition. The dust itself (regardless of composition) is the most important aspect to consider in terms of human health. The SS AQMP will continue to be adaptive and proactively detect, locate and assess potential dust emissions regardless of timing, rate and extent of the playa exposure.

[69] 42 U.S.C. § 7506(c).

[70] The figure of 52 square miles of exposed lakebed was current as of July 24, 2024. For updated information, see: https://pacinst.org/current-%20information-salton-sea/.

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204.	As defined by the U.S. Environmental Protection Agency, "Hazardous air pollutants, also known as toxic air pollutants or air toxics, are those pollutants that are known or suspected to cause cancer or other serious health effects, such as reproductive effects or birth defects, or adverse environmental effects."[71] 188 substances qualifying as HAPs are listed pursuant to section 7412 of Title 42 of the U.S. Code and regulated by the U.S. Environmental Protection Agency.[72] In addition, Section 39655 of the California Health and Safety Code states that a toxic air contaminant (TAC) is "an air pollutant which may cause or contribute to an increase in mortality or an increase in serious illness, or which may pose a present or potential hazard to human health." The California Air Resources Board has formally identified 200 substances that qualify as TACs, including but not limited to all federally-identified HAPs.[73] Numerous contaminants that are present in Salton Sea sediments and that are likely to be constituents of the dust emitted from the exposed lakebed into the air breathed by people throughout the surrounding region are listed and regulated as hazardous air pollutants (HAPs) under federal law and as toxic air contaminants (TACs) under California law. Those harmful contaminants in lakebed sediments include, but are not limited to, arsenic compounds, selenium compounds, PCBs, and residues of numerous legacy pesticides (e.g., DDT) that have been banned or severely restricted but previously accumulated in the Salton Sea's lakebed while they were in use in the U.S. and/or in Mexico.[74]	As provided in Appendix AQ-2, several studies have been conducted to evaluate the health risk, specifically the elemental composition of playa dust and sediment and whether it is unique from native desert material (Vogl et al. 2002, Xu et al. 2016, Frie et al. 2017, 2019, Biddle et al. 2023, IID SS AQMP). Findings indicate that concentrations of toxic metals were either below the method detection limit, or if above detection limits, were indistinguishable between the playa and desert. The concept that playa dust is exceptionally high in toxic metals is not supported by the current body of research. The current analyses of aerosol and sub-aerial soil samples from the playa and desert surrounding the Salton Sea suggest that until PM contaminant concentrations begin to exceed California EPA reference exposure levels, the principal health concern is and will continue to be the amount of PM being emitted rather than the composition. The dust itself (regardless of composition) is the most important aspect to consider in terms of human health. The SS AQMP will continue to be adaptive and proactively detect, locate and assess potential dust emissions regardless of timing, rate and extent of the playa exposure.
205.	The harmful health effects of acute and chronic inhalation of the tiny airborne particulates known as PM10 and PM2.5 are well established scientifically, and include respiratory symptoms, asthma attacks, acute and chronic bronchitis, worsening of chronic obstructive pulmonary disease (COPD), restricted activity days, increased emergency room visits and hospitalizations for pulmonary and cardiac causes, and premature mortality. Moreover, PM10 and PM2.5 emitted from the exposed Salton Sea lakebed pose even greater risks of harm because	As provided in Appendix AQ-2, several studies have been conducted to evaluate the health risk, specifically the elemental composition of playa dust and sediment and whether it is unique from native desert material (Vogl et al. 2002, Xu et al. 2016, Frie et al. 2017, 2019, Biddle et al. 2023, IID SS AQMP). Findings indicate that concentrations of toxic metals were either below the method detection limit, or if above detection limits, were indistinguishable between the playa and desert. The concept that playa dust is

71 https://www.epa.gov/haps/about-hazardous-air-pollutants.

72 The current HAP list is available at: https://www.epa.gov/haps/initial-list-hazardous-air-pollutants-modifications.

73 Substances listed as federal hazardous air pollutants (HAPs) are TACs under California law pursuant to Section 39657(b) of the California Health and Safety Code.

74 The current TAC list is online at: https://ww2.arb.ca.gov/resources/documents/carb-identified-toxic-air-contaminants.

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	they contain a variety of toxic and carcinogenic components designated as HAPs and TACs, as well as other dangerous substances such as microcystins from toxic algae blooms and Coccidioides fungal spores that cause the serious and potentially lethal disease known as Valley Fever. Dust emitted from the Salton Sea lakebed is uniquely hazardous—far more so than typical desert dust.[75] People in communities near the Salton Sea are already suffering significant and disproportionate pulmonary illness associated with chronic inhalation of dangerous particulates being emitted from exposed Salton Sea lakebed because of the QSA water transfers. For example, a recent study found that the childhood asthma rate for the portion of Imperial County closest to the Salton Sea's exposed lakebed was 22.4% in comparison to a nationwide prevalence of 8.4%.[76]The same study determined that chronic pulmonary symptoms in children not diagnosed with asthma are also unusually high in the Salton Sea region. Notably, emergency room visits for children ages 5-17 years with asthma in Imperial County are more than double the California statewide average.[77]	exceptionally high in toxic metals is not supported by the current body of research. The current analyses of aerosol and sub-aerial soil samples from the playa and desert surrounding the Salton Sea suggest that until PM contaminant concentrations begin to exceed California EPA reference exposure levels, the principal health concern is and will continue to be the amount of PM being emitted rather than the composition. The dust itself (regardless of composition) is the most important aspect to consider in terms of human health. The SS AQMP will continue to be adaptive and proactively detect, locate and assess potential dust emissions regardless of timing, rate and extent of the playa exposure.
206.	Because the Proposed Action's water cutbacks will greatly increase the exposure and desiccation of Salton Sea lakebed and foreseeably will cause large additional emissions of hazardous dust, they will thereby significantly compound the injurious consequences for public health that are already occurring. A recent study determined that "each one-foot drop in lake elevation creates, on average, $151.5 million in respiratory mortality costs in the Salton Sea counties…"[78]The proximity of environmental justice communities to the Salton Sea ensures they will be subjected to worsening harm as the Proposed Action causes accelerated decline of the lake, exacerbates ecosystem deterioration, and substantially increases the emission of dangerous pollutants from the exposed lakebed into the region's air.	This analysis in Section 3.7 Human Health is based on the analysis in Section 3.3 Air Quality. The EA acknowledges the accelerated effects of the Proposed Action and finds that the long-term effects would be those previously identified in the QSA EIR/EIS. The implementation of the MMRP, including the SS AQMP, is ongoing and will address any impacts that occur despite anticipated timing and location.

[75] For example, recent research concluded that dust from exposed Salton Sea lakebed causes lung inflammation that is distinct from the pulmonary effects of exposure to typical desert dust. (Biddle, T.A. 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://doi.org/10.1016/j.scitotenv.2022.159882.)

[76] Farzan, S.F. et al. (2019). Assessment of Respiratory Health Symptoms and Asthma in Children near a Drying Saline Lake. *Int. J. Env. Res. Public Health*, 16(20):3828. https://doi.org/10.3390/ijerph16203828.

[77] https://www.cdph.ca.gov/Programs/CCDPHP/DEODC/EHIB/CPE/Pages/CaliforniaBreathingCountyAsthmaProfiles.aspx.

[78] Jones, B.A. and Fleck, J. (2020). Shrinking lakes, air pollution, and human health: Evidence from California's Salton Sea. *Science of the Total Environment* 712(22):136490. http://dx.doi.org/10.1016/j.scitotenv.2019.136490.

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207.	The Proposed Action's adverse impacts on air quality will also cause negative socioeconomic effects across the Salton Sea region that will be cumulative and significant, as well as foreseeably unmitigated. Poor air quality is associated with increased medical expenses, increased loss of work days due to illness, decreased property values, decreased tourism and visitor satisfaction, and related decreases in visitor spending levels and economic impacts on businesses.[79]	Section 3.6 Environmental Justice begins on page 87 and includes the socioeconomic analysis and available data. Costs associated with air quality are dependent upon the analysis of potential air quality impacts. The EA assesses air quality impacts that could affect disadvantaged communities in the entire Salton Sea Air Basin. Based on modeling conducted by DWR using SSAM for the implementation of the SSMP included in Appendix HYDRO-3, the EA finds that the Proposed Action would accelerate the lowering elevation of the Salton Sea by approximately 5 to 10 years. That is to say, impacts resulting from lowering Sea elevation would include the same acreage as analyzed in the QSA EIR/EIS, but they would occur earlier, slowing down over time until reaching No Action Alternative conditions by 2045. The EA acknowledges the accelerated effects of the Proposed Action and finds that the long-term effects would be those previously identified in the QSA EIR/EIS. The implementation of the MMRP, including the SS AQMP, is ongoing and will address any impacts that occur despite anticipated timing or location.
208.	**The evaluation of environmental justice issues is inappropriately limited, and reaches untenable conclusions** Environmental justice communities throughout the Salton Sea region—including, but not limited to, Tribes—are suffering significant, disproportionate, and unremedied negative effects on their health and socioeconomic well-being because of the QSA water transfers, the resulting shrinkage of the Salton Sea, associated deterioration of water quality, ongoing collapse of the lake's ecosystem, harmful algae blooms, die-offs of fish and birds, pollution of the region's air by hazardous particulates blowing off of the exposed lakebed and noxious fumes emitted from the deteriorating lake, related economic impacts, and other historical and ongoing patterns of exposure to environmental degradation and health hazards, as well as chronic marginalization of their communities. The two-decade-long failure of responsible government agencies to restore the Salton Sea, or even to properly mitigate the adverse impacts of the QSA, has perpetuated and worsened this	The existing conditions are described for each resource area analyzed in Chapter 3. The EA incorporates the QSA EIR/EIS by reference for purposes of demonstrating consistency with the analysis of past water conservation and incorporates information and analysis from the QSA EIR/EIS where appropriate. The impacts associated with the water conservation volumes transferred under the QSA are already addressed by the QSA EIR/EIS and the required mitigation is being implemented. The three-year period of the Proposed Action is significantly shorter in duration than the water conservation and reduction in diversions under the QSA. The EA recognizes the Proposed Action may accelerate certain impacts already associated with the water conservation under the QSA. The MMRP, including IID's SS AQMP, is implemented on an ongoing basis regardless and will address any impacts that occur despite anticipated timing or location.

[79] See, e.g., Tourism Economics. 2014. The Potential Economic Impact of the Salton Sea on the Greater Palm Springs Tourism Industry. https://assets.simpleviewinc.com/simpleview/image/upload/v1/clients/palmsprings/salton_sea_eis_ff17089f-eed9-4619-a89f-df859da583dc.pdf.

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	injurious situation. Now Reclamation's Proposed Action will foreseeably and significantly accelerate and exacerbate the ongoing harm.	
209.	In the Draft EA Reclamation admits that applicable law "requires federal agencies to identify and address, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the U.S."[80] The Draft EA also acknowledges that this requirement is applicable to the Proposed Action. But Reclamation improperly constrains the Draft EA's analysis of environmental justice issues both geographically and substantively by limiting the assessment to IID's Contract Service Area and to potential negative economic effects related to reduced farming activities.	The EA focuses on the IID Contract Service Area because the conservation of Colorado River water under the Proposed Action will occur in this area. The EA recognizes the affected environment for each resource topic area may extend beyond the IID Contract Service Area and assesses potential environmental impacts that may result from the Proposed Action as appropriate for the resource topic. The scope of the affected environment depends on the resource being evaluated. For example, Section 3.3 Air Quality analyzes the entire Salton Sea region (e.g. Salton Sea Air Basin, page 43; Regional Air Quality, page 44; IID's SS AQMP, State's Salton Sea Management Program (SSMP) and Dust Suppression Action Plan (DSAP) projects, page 46; hydrogen sulfide and hazardous air pollutants monitoring, page 47). The human health analysis is based on the analysis in Section 3.3 Air Quality. The economic effects raised are a result of human health impacts. Current and anticipated playa exposure is higher in the relatively larger, shallower southern end of the Sea. The analysis in the southern end and the most directly impacted communities from the acceleration of playa exposure is appropriate for Section 3.7 Human Health. The SS AQMP is implemented for the entire Salton Sea and will address any impacts that occur despite anticipated timing and location.
210.	In addition, Reclamation's evaluation unjustifiably relies on the groundless presumption that no further water cutbacks will occur after 2026.	A wide range of alternatives for the multi-year NEPA process for the post-2026 Colorado River operating guidelines are currently being considered and analyzed. Therefore, conservation volumes are speculative and not reasonably foreseeable. For this reason, post-2026 conservation volumes were not included in the Cumulative Projects list.
211.	Consequently, the Draft EA reaches the unwarranted conclusions that the Proposed Action:	Additional information has been added to the Environmental Justice Section. The EA focuses on the IID Contract Service Area because the conservation of Colorado River water under the Proposed Action will occur in this area. The EA recognizes the affected environment for each resource topic area may extend beyond the IID Contract

[80] Draft EA. Page 86.

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	• "…would not contribute to cumulative impacts related to environmental justice issues in the IID Contract Service Area."[81] • "…would not disproportionately affect the minority and low-income populations in the area because the Proposed Action is not expected to significantly affect local socioeconomic conditions due to the short duration of the reduced farming activities."[82] The Draft EA presents an inadequate and inaccurate assessment of environmental justice impacts under applicable law. Reclamation wrongly failed to consider all the environmental justice communities throughout the Salton Sea region, including but not limited to Tribes, that foreseeably will experience significant harmful consequences because of the Proposed Action. Reclamation also improperly did not consider and address a wide variety of injurious impacts on environmental justice that the Proposed Action will foreseeably inflict, including harm to air quality and public health, other degradation of the regional environment, and associated negative economic effects.	Service Area and assesses potential environmental impacts that may result from the Proposed Action as appropriate for the resource topic. The scope of the affected environment depends on the resource being evaluated. For example, Section 3.3 Air Quality analyzes the entire Salton Sea region (e.g. Salton Sea Air Basin, page 40; Regional Air Quality, page 41; IID's SS AQMP, State's Salton Sea Management Program (SSMP) and Dust Suppression Action Plan (DSAP) projects, page 44; hydrogen sulfide and hazardous air pollutants monitoring, pages 44 and 45). Additionally, the human health analysis is based on the analysis in Section 3.3 Air Quality. The economic effects raised are a result of human health impacts. Current and anticipated playa exposure is higher in the relatively larger, shallower southern end of the Sea. The analysis in the southern end and the most directly impacted communities from the acceleration of playa exposure is appropriate for Section 3.7 Human Health. The SS AQMP is implemented for the entire Salton Sea and will address any impacts that occur despite anticipated timing and location.
212.	As defined in Executive Order 14096, "Revitalizing Our Nation's Commitment to Environmental Justice for All,"[83] the phrase *environmental justice* means: …the just treatment and meaningful involvement of all people, regardless of income, race, color, national origin, Tribal affiliation, or disability, in agency decision-making and other Federal activities that affect human health and the environment so that people: (i) **are fully protected from disproportionate and adverse human health and environmental effects (including risks) and hazards**, including those related to climate change, the cumulative impacts of environmental and other burdens, and the legacy of racism or other structural or systemic barriers; and	Section 3.6 Environmental Justice begins on page 87 and includes the socioeconomic analysis and available data. Additional information has been added to the Environmental Justice Section. Costs associated with air quality are dependent upon the analysis of potential air quality impacts. The EA assesses air quality impacts that could affect disadvantaged communities in the entire Salton Sea Air Basin. Based on modeling conducted by DWR using SSAM for the implementation of the SSMP included in Appendix HYDRO-3, the EA finds that the Proposed Action would accelerate the lowering elevation of the Salton Sea by approximately 5 to 10 years. That is to say, impacts resulting from lowering Sea elevation would include the same acreage as analyzed in the QSA EIR/EIS, but they would occur earlier, slowing down over time until reaching No Action Alternative conditions by 2045. The EA acknowledges the accelerated effects of the Proposed Action and finds that the long-term effects would be

[81] Ibid.

[82] Draft EA, page 90.

[83] Exec. Order No. 14096, 88 Fed. Reg. 25251 (April 21, 2023). Emphasis added.

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	(ii) **have equitable access to a healthy, sustainable, and resilient environment** in which to live, play, work, learn, grow, worship, and engage in cultural and subsistence practices. The Salton Sea region, including the entirety of Imperial County and much of eastern Riverside County, consists of *disadvantaged communities* as that phrase is defined by the federal government for purposes of evaluating environmental justice issues.[84] The disadvantaged communities throughout the Salton Sea region include Federally Recognized Tribes,[85] and other under-resourced, low-income, and minority populations subjected to historical discrimination and/or bearing disparate pollution and public health burdens related to the locations where they live and/or their employment (for example, employment as farmworkers). These environmental justice communities will foreseeably suffer disproportionately high and adverse environmental, health, social, and economic consequences as a result of the Proposed Action. These disadvantaged populations are already experiencing significant negative impacts due to the consequences of the QSA water transfers, and because of other historical and ongoing patterns of exposure to environmental hazards, as well as chronic marginalization of their communities.	those previously identified in the QSA EIR/EIS. The implementation of the MMRP, including the SS AQMP, is ongoing and will address any impacts that occur despite anticipated timing or location.
213.	The U.S. government has long recognized that federal agencies must consider environmental justice issues when developing, selecting, and implementing programs, policies, and activities, including under NEPA. For example: • Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," provides	Comment noted.

[84] The Council on Environmental Quality's Climate and Environmental Justice Screening Tool (CEJST), available online at https://screeningtool.geoplatform.gov/en/#8/33.045/-115.98, identifies the locations and extent of disadvantaged communities, and shows that the entire the Salton Sea region consists of such populations. CEQ developed the CEJST as required by Executive Order 14008. It is a geospatial mapping tool that federal agencies are directed to use "to identify disadvantaged communities. These communities have been marginalized by society, overburdened by pollution, and underserved by infrastructure and other basic services. The CEJST uses publicly- available, nationally-consistent datasets [that] are indicators of burdens that disadvantaged communities face. These burdens are related to climate change, the environment, health, and economic opportunity." (Instructions to Federal Agencies on Using the Climate and Environmental Justice Screening Tool," CEQ, Executive Office of the President of the United States, January 2023, page 2.) A memorandum from the Executive Office of the President to the heads of federal executive departments and agencies dated January 27, 2023 stated that federal agencies should immediately start using the CEJST to identify geographically defined disadvantaged communities for purposes of analyzing environmental justice issues.

[85] The CEQ definition of disadvantaged communities explicitly includes "Federally Recognized Tribes."

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	that "each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations."[86] • Executive Order 14088 states in part: "**Agencies shall** make achieving environmental justice part of their missions by developing programs, policies, and activities to **address the disproportionately high and adverse human health, environmental, climate-related and other cumulative impacts on disadvantaged communities, as well as the accompanying economic challenges of such impacts.**"[87] • Executive Order 14096 provides for a "Government-Wide Approach to Environmental Justice" and requires in part that **federal agencies shall**:[88] (i) **identify, analyze, and address disproportionate and adverse human health and environmental effects (including risks) and hazards of Federal activities, including those related to climate change and cumulative impacts of environmental and other burdens on communities with environmental justice concerns;** (ii) evaluate relevant legal authorities and, as available and appropriate, take steps to **address disproportionate and adverse human health and environmental effects (including risks) and hazards *unrelated to* Federal activities**, including those related to climate change and **cumulative impacts of environmental and other burdens** on communities with environmental justice concerns;… (vi) evaluate relevant legal authorities and, where available and appropriate, consider adopting or requiring **measures to avoid, minimize, or mitigate disproportionate and adverse human health and environmental effects (including risks) and hazards of Federal activities on communities with**	

[86] Exec. Order No. 12898, 59 Fed. Reg. 7629 (1994), Section 1-101. Emphasis added.

[87] Exec. Order No. 14088, 86 Fed. Reg. 7619 (January 27, 2021), Section 219. Emphasis added.

[88] Exec. Order No. 14096, 88 Fed. Reg. 25251 (April 21, 2023), Section 3. Emphasis and italics added.

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	environmental justice concerns, *to the maximum extent practicable*, and to address *any contribution* of such Federal activities to adverse effects — including cumulative impacts of environmental and other burdens — already experienced by such communities;… (ix) **carry out environmental reviews under the National Environmental Policy Act** (NEPA), 42 U.S.C.4321 *et seq.*, consistent with the statute and its implementing regulations and through the exercise of the agency's expertise and technical judgment, **in a manner that:** (A) **analyzes direct, indirect, and cumulative effects of Federal actions on communities with environmental justice concerns;** (B) **considers best available science and information on any disparate health effects (including risks) arising from exposure to pollution and other environmental hazards**… • The CEQ guidance document entitled "Environmental Justice Guidance Under the National Environmental Policy Act"[89] provides in part: ○ "Environmental justice issues may arise at any step of the NEPA process and agencies should consider these issues at each and every step of the process, as appropriate. Environmental justice issues encompass a broad range of impacts covered by NEPA, including impacts on the natural or physical environment and interrelated social, cultural and economic effects. **In preparing an EIS or an EA, agencies must consider both impacts on the natural or physical environment and related social, cultural, and economic impacts.** Environmental justice concerns may arise from impacts on the natural and physical environment, such as human health or ecological impacts on minority populations, low-income populations, and Indian tribes, or from related social or economic impacts..."[90]	

[89] Environmental Justice Guidance under the National Environmental Policy Act (1997). Council on Environmental Quality, Executive Office of the President, December 10, 1997.

[90] Id., Part III.B. Emphasis added.

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	○ "Agencies should consider relevant public health data and industry data concerning the **potential for multiple or cumulative exposure to human health or environmental hazards in the affected population and historical patterns of exposure to environmental hazards**, to the extent such information is reasonably available… **Agencies should consider these multiple, or cumulative effects, even if certain effects are not within the control or subject to the discretion of the agency proposing the action**."[91] ○ "Under NEPA, **the identification of a disproportionately high and adverse human health or environmental effect on a low-income population, minority population, or Indian tribe… should heighten agency attention to alternatives…, mitigation strategies**, monitoring needs, and preferences expressed by the affected community or population."[92] ○ Throughout the NEPA process, "agencies should elicit the views of the affected populations on measures to mitigate a disproportionately high and adverse human health or environmental effect on a low-income population, minority population, or Indian tribe and **should carefully consider community views in developing and implementing mitigation strategies**."[93]	
214.	• The report on environmental justice methodologies in NEPA reviews issued by the Federal Interagency Working Group on Environmental Justice and the NEPA Committee[94] provides in part: ○ "**Potential direct, indirect, and cumulative impacts on minority populations and low- income populations in the affected environment include both human health and environmental impacts** from an agency's programs, policies, or activities. **Potential environmental impacts encompass both the natural and physical environment and can include ecological, aesthetic, historic, cultural, economic, social, or health impacts**	Comment noted.

91 Ibid. Emphasis added.

92 Id., Part III.B.2. Emphasis added.

93 Id., Part III.B.7. Emphasis added.

94 Federal Interagency Working Group on Environmental Justice & NEPA Committee (2016). Promising Practices for EJ Methodologies in NEPA Reviews, March 2016.

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	to minority populations and low-income populations in the affected environment."[95] ○ "Agencies may wish to consider how **impacts from the proposed action could potentially amplify climate change-related hazards** …in minority populations and low- income populations in the affected environment..."[96] ○ "**Factors that can potentially amplify an impact to minority populations and low-income populations in the affected environment include**, but are not limited to, the following: a. Proximity and exposure to chemical and other adverse stressors…; b. Vulnerable populations, e.g., minority and low-income children, pregnant women, elderly, or groups with high asthma rates; c. Unique exposure pathways…; d. Multiple or cumulative impacts, e.g., exposure to several sources of pollutions or pollutants from single or multiple sources; e. Ability to participate in the decision-making process, e.g., lack of education or language barriers in minority and low-income populations; f. Physical infrastructure, e.g., inadequate housing, roads, or water supplies in communities; g. Non-chemical stressors, e.g., chronic stress related to environmental or socio- economic impacts." ○ "**Identifying mitigation is an important component of NEPA** and Executive Order 12898... The unique characteristics and conditions of minority populations and low-income populations in the affected environment may require adaptive and innovative mitigation measures to sufficiently address the specific circumstances and impacts presented by the proposed action. This includes **mitigation of identified disproportionately high and adverse impacts, whenever feasible**."[97]	

[95] Id., Section VII.

[96] Ibid. Emphasis added.

[97] Federal Interagency Working Group on Environmental Justice & NEPA Committee (2016). op. cit. Section IX. Emphasis added.

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	○ "…**agencies should identify and analyze mitigation measures** for impacts to minority populations and low-income populations in the affected environment…"[98] Agencies are directed to consider specific types of "mitigation methods **for each potential impact identified**," including, but not limited to: "(a) **Avoiding an impact** by not taking a certain action or parts of an action. (b) **Minimizing an impact** by limiting the degree or magnitude of the action and its implementation. (c) **Rectifying an impact by repairing, rehabilitating, or restoring the affected environment**…"[99] ○ "Consistent with applicable requirements, agencies should state whether **all practicable means to avoid or minimize environmental harm** from the alternative selected have been adopted."[100]	
215.	Reclamation improperly ignored the foregoing directives, including mandatory ones, all of which are pertinent to the Proposed Action. The agency violated applicable law by unjustifiably failing to properly address numerous major environmental justice issues in the Draft EA.	The EA was prepared in compliance with NEPA requirements and provides a thorough assessment of the Proposed Action.
216.	As a result of the QSA water transfers—the consequences of which will be expedited and significantly exacerbated by the Proposed Action—residents of environmental justice communities in the Salton Sea region live and work near a shriveling and dying lake littered with the corpses of birds and fish, and covered with expanses of harmful algae blooms; they breathe dangerous airborne dust released from the exposed lakebed and noxious fumes emanating from the residual deteriorating lake; and they are chronically exposed to hazardous, toxic, and carcinogenic contaminants that endanger their health. They also suffer associated socioeconomic consequences including, but not limited to, increased medical expenses, lost work days, jeopardized employment, and decreased property values. If the Proposed Action proceeds without Reclamation's acknowledgment of the additional and significant associated harm that will foreseeably occur, and without Reclamation ensuring implementation of concurrent measures to avoid or effectively	The EA assesses air quality impacts that could affect disadvantaged communities in the entire Salton Sea Air Basin, including the communities listed. The implementation of the MMRP, including the SS AQMP, is ongoing and will address any impacts that occur despite anticipated timing. CNRA is currently implementing the SSMP and the Reclamation's funding to CNRA under the Commitments Agreement is to support and expedite the SSMP projects. Section 3.6 Environmental Justice begins on page 87 and includes the socioeconomic analysis and available data. Costs associated with air quality are dependent upon the analysis of potential air quality impacts. The EA assesses air quality impacts that could affect disadvantaged communities in the entire Salton Sea Air Basin. Based on modeling conducted by DWR using SSAM for the implementation of the SSMP included in Appendix HYDRO-3, the EA finds that the Proposed Action would accelerate the lowering

[98] Ibid. Emphasis added.

[99] Ibid. Emphasis added.

[100] Ibid. Emphasis added.

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	minimize all adverse impacts of the Proposed Action to the greatest feasible extent, community members' physically and psychologically harmful experience of this gross environmental injustice will also be worsened by the knowledge that the responsible government officials willfully persist in failing to take necessary actions to address the known, severe, and disproportionate injurious consequences affecting them.	elevation of the Salton Sea by approximately 5 to 10 years. That is to say, impacts resulting from lowering Sea elevation would include the same acreage as analyzed in the QSA EIR/EIS, but they would occur earlier, slowing down over time until reaching No Action Alternative conditions by 2045. The EA acknowledges the accelerated effects of the Proposed Action and finds that the long-term effects would be those previously identified in the QSA EIR/EIS. The implementation of the MMRP, including the SS AQMP, is ongoing and will address any impacts that occur despite anticipated timing or location.
217.	**The assessment of potential adverse impacts on fish and wildlife is faulty, and the conclusion that no significant harm will occur is unsupported and unreasonable** The Proposed Action's large additional reductions in Colorado River water use by IID, beyond the cutbacks already occurring because of the QSA and particularly during the hottest months of the year, will worsen the dreadful consequences for fish and wildlife that are already ongoing at the Salton Sea due to the QSA water transfers, and that have been inadequately addressed for many years by the responsible government agencies. Reclamation did not properly evaluate the issues involved, and the agency's conclusion in the Draft EA that no significant adverse impacts will occur for fish and wildlife or their habitat is unjustified and unreasonable.[101]	The EA identifies all impacts to biological resources identified in the QSA EIR/EIS, which includes the entire Salton Sea, and provides a comparison matrix in Appendix BIO-3. The analysis in the EA assumes that these impacts and mitigation strategies would remain applicable, including for impacts to the Salton Sea. The EA focuses on updating the analysis of biological resources that were anticipated to be affected by this Proposed Action. The Monitoring Plan as part of the Proposed Action ensures that there would be no adverse effects to habitats and sensitive species.
218.	**The analysis of adverse impacts on fish, wildlife, and habitat is inadequate and flawed** NEPA explicitly requires agencies to consider foreseeable adverse impacts of a proposed federal action on species listed as endangered or threatened under the U.S. Endangered Species Act, and on their habitat. Applicable law also requires agencies to consider harmful effects on other species, including but not limited to ones protected under the	The EA identifies all impacts to biological resources identified in the QSA EIR/EIS, which includes the entire Salton Sea, and provides a comparison matrix in Appendix BIO-3. The analysis in the EA assumes that these impacts and mitigation strategies would remain applicable, including for impacts to the Salton Sea. The EA focuses on updating the analysis of biological resources that were anticipated to be affected by this Proposed Action. The Monitoring Plan as part of the Proposed Action ensures that there would be no adverse effects to habitats and sensitive species.

[101] The Proposed Action will also cause foreseeable, significant, and unmitigated adverse impacts on recreation, cultural resources including but not limited to Tribal cultural resources, visual resources, paleontological resources, and socioeconomics. Please see my discussion of those issues in my public comments on the 2024 Draft SEIS. Those comments remain applicable to the Proposed Action and the Draft EA, and I incorporate them by reference. There is a hyperlink to the comments in footnote 4 above.

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	Migratory Bird Treaty Act[102] and various provisions of state law, in particular when the proposed action's affected environment includes "ecologically critical areas."[103] The Draft EA presents an inadequate and flawed evaluation of pertinent issues.	
219.	The Salton Sea is a globally significant Important Bird Area (IBA) that has served as a crucial feeding, nesting, wintering, and stopover site for millions of birds of approximately 400 species. For countless birds, including ones that face known threats to their survival, there is no other location that can substitute for their habitat in the Salton Sea ecosystem. It is foreseeable that the Proposed Action's water-use reductions will cause negative effects on aquatic, wetland, and riparian habitat, and will result in significant injurious impacts on many, if not all, Special Status Species that depend on such habitat and are known to be present within IID's Contract Service Area, along the All-American Canal, at the Salton Sea and around its perimeter, and/or in other locations within the Salton Sea ecosystem. The Proposed Action will also foreseeably cause significant harm to migratory bird species covered by the protections of the Migratory Bird Treaty Act, as well as other wildlife reliant on the Salton Sea ecosystem as "ecologically critical" habitat.[104] Therefore, not only should Reclamation have carefully considered the Proposed Action's potential adverse effects on all species present in or likely utilizing the Salton Sea ecosystem that are listed as endangered or threatened under federal law, the agency should also have evaluated the foreseeable and significant negative impacts on numerous additional Special Status Species, migratory birds, and many other wildlife species dependent on the Salton Sea ecosystem as crucial habitat. Reclamation did not properly conduct the required analysis.	The EA identifies all impacts to biological resources identified in the QSA EIR/EIS, which includes the entire Salton Sea, and provides a comparison matrix in Appendix BIO-3. The analysis in the EA assumes that these impacts and mitigation strategies would remain applicable, including for impacts to the Salton Sea. The EA focuses on including for impacts to the Salton Sea. The EA focuses on updating the analysis of biological resources that were anticipated to be affected by this Proposed Action. The Monitoring Plan as part of the Proposed Action ensures that there would be no adverse effects to habitats and sensitive species. Reclamation completed Section 7 consultation with USFWS in July 2024.
220.	***The scope of the Draft EA's assessment regarding adverse impacts on fish and wildlife is inadequate*** As explained in Part III.A above, Reclamation's impact analysis in the Draft EA depends on the misguided assumption that the agency's	The intent of Appendix BIO-2 is to provide an inventory of special status species. More common species that may be present but covered in the Migratory Bird Treaty Act (MBTA) may not be included in the Appendix. The EA identifies on page 111 that the Pacific Flyway is supported by the Salton Sea and that migratory birds that

[102] 16 U.S.C. § 703-712. The list of birds protected pursuant to the MBTA is available at 50 CFR 10.13. The list was recently updated, effective August 1, 2023 (88 FR 49310).

[103] 40 CFR 1501.3(d)(2)(ii).

[104] Ibid.

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	assessment of the Proposed Action's negative impacts can be limited geographically to IID's Contract Service Area. By incorrectly constraining the impact analysis in this way, Reclamation improperly eliminates from consideration many significant harmful consequences of the Proposed Action for fish and wildlife that the agency is required to consider.	use the area are protected by the MBTA. Figure 3-4 identifies the known occurrences of special status species, based on data provided and reviewed by the wildlife agencies. Figure 3-4 provides the most up to date occurrence data available.
221.	In addition, the Draft EA's Appendix BIO-2: Special Status Species with Potential to Occur, which purportedly forms the basis for Reclamation's evaluation of the Proposed Action's potential adverse impacts on fish and wildlife, is deficient in a number of key respects. Appendix BIO-2 identifies a total of 45 fish and wildlife species categorized as Special Status Species that have a moderate or high potential to occur or are actually known to be present in IID's Contract Service Area, along the All-American Canal, and/or at the Salton Sea, including but not limited to species listed under federal and/or state law as endangered or threatened, and ones designated as Species of Special Concern in California. Of that total, 32 Special Status Species listed on Appendix BIO-2 actually occur within and primarily depend on aquatic, wetland, and/or riparian habitat in the Salton Sea ecosystem, and foreseeably may be most adversely affected by the Proposed Action's water reductions. But there are important inadequacies in Appendix BIO-2. For example: • Appendix BIO-2 does not accurately identify all locations where Special Status Species occur in the Salton Sea ecosystem. For example, regarding the endangered desert pupfish, Appendix BIO-2 omits essential habitat in the Salton Sea area, including federally-designated critical habitat, where the species is present. The appendix fails to mention that pupfish live in San Felipe Creek, San Sebastian Marsh, Salt Creek, and an unnamed creek that flows onto exposed Salton Sea lakebed south of Bombay Beach; and they may also be present outside the IID Contract Service Area in agricultural drains that are Salton Sea tributaries, as well as in wetlands and small pools sustained by discharge from those drains onto exposed Salton Sea lakebed.	The intent of Appendix BIO-2 is to provide an inventory of special status species. More common species that may be present but covered in the Migratory Bird Treaty Act (MBTA) may not be included in the Appendix. However, the EA identifies on page 111 that the Pacific Flyway is supported by the Salton Sea and that migratory birds that use the area are protected by the MBTA. Figure 3-4 identifies the known occurrences of special status species, based on data provided and reviewed by the wildlife agencies. Figure 3-4 provides the most up to date occurrence data available.
222.	• In addition, Appendix BIO-2 does not accurately characterize whether some Special Status Species identified on the appendix are present in the Proposed Action's affected environment. For example, the entry for the least bittern (*Ixobrychus exilis*) inaccurately states that	The EA identifies all impacts to biological resources identified in the QSA EIR/EIS, which includes the entire Salton Sea, and provides a comparison matrix in Appendix BIO-3. The analysis in the EA assumes that these impacts and mitigation strategies would remain

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	particular species is “Not Expected” to occur in the “IID Water Service Area.” But scientific analysis of this issue indicates the least bittern does indeed utilize marshes in that portion of the Salton Sea ecosystem: “In the Salton Sea area, most bitterns reside in freshwater marshes in managed impoundments, along rivers or canals sustained by agricultural wastewater, and on lake edges; they are found particularly in dense stands of cattails but also in Common Reed (*Phragmites australis*) and even dense tamarisk (*Tamarix* spp.) if cattail is nearby (Patten et al. 2003).”[105] Additionally, Appendix BIO-2 states incorrectly that the peregrine falcon (*Falco peregrinus*) is “Not Expected” in either IID’s Contract Service Area or other portions of the Salton Sea ecosystem. I have personally observed and photographed peregrine falcons roosting in riparian locations at the Salton Sea, taking avian prey in shoreline areas, and hunting in Imperial County agricultural fields.	applicable, including for impacts to the Salton Sea. The EA focuses on updating the analysis of biological resources that were anticipated to be affected by this Proposed Action. The Monitoring Plan as part of the Proposed Action ensures that there would be no adverse effects to habitats and sensitive species. Reclamation completed Section 7 consultation with USFWS in July 2024.
223.	• Moreover, there are protected avian species that are known to utilize the Salton Sea ecosystem, but that have been erroneously omitted from the list on Appendix BIO-2. Many, if not all, of those taxa foreseeably could be adversely affected by the Proposed Action. The omitted species include, but are not limited to, the following Special Status Species: Barrow’s goldeneye (*Bucephala islandica*), brant goose (*Branta bernicla*), redhead (*Aythya americana*), black tern (*Chlidonias niger*), elegant tern (*Thalasseus elegans*), gull-billed tern (*Gelochelidon nilotica*), least tern (*Sternula antillarum*), California gull (*Larus californicus*), laughing gull (*Leucophaeus atricilla*), double-crested cormorant (*Nannopterum auritum*), long-billed curlew (*Numenius americanus*), lesser sandhill crane (*Grus canadensis canadensis*), wood stork (*Mycteria Americana*), northern harrier (*Circus cyaneus*), osprey (*Pandion haliaetus*), and white-tailed kite (*Elanus leucurus*).	Appendix BIO-2 utilized the species analyzed in the QSA EIR/EIS and coordinated with USFWS and CDFW to finalize an appropriate list of species to be analyzed within the EA. Reclamation completed informal consultation with USFWS in July 2024.
224.	• Additionally, Reclamation failed to include many other protected species on Appendix BIO-2, including ones listed under the Migratory Bird Treaty Act, which depend on ecologically critical habitat in the	Appendix BIO-2 utilized the species analyzed in the QSA EIR/EIS and coordinated with USFWS and CDFW to finalize an appropriate

[105] Shuford, W. D., and Gardali, T., editors. 2008. California Bird Species of Special Concern: A ranked assessment of species, subspecies, and distinct populations of birds of immediate conservation concern in California. Studies of Western Birds 1. Western Field Ornithologists, Camarillo, California, and California Department of Fish and Game, Sacramento. Species Account for the Least Bittern, page 139.

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	Salton Sea ecosystem and foreseeably will be greatly harmed by the Proposed Action. Those additional species are too numerous to specify here.	list of species to be analyzed within the EA. Reclamation completed informal consultation with USFWS in July 2024.
225.	***The QSA EIR/EIS is not an appropriate guide for the Draft EA*** Reclamation's evaluation of potential adverse effects on fish and wildlife also inappropriately relies on the approach and findings of the QSA EIR/EIS as a guide for the Draft EA's analysis and conclusions regarding potential adverse impacts of the Proposed Action. As noted earlier in these comments, the QSA EIR/EIS did not anticipate that the State of California would chronically violate its legal obligations related to the Salton Sea for more than twenty years, and therefore did not anticipate—or require adequate measures to mitigate—the harm that has actually been inflicted on fish, wildlife, and people because of the QSA water transfers. Reclamation's impact analysis in the Draft EA should have considered that crucial context when evaluating the nature and extent of injurious consequences that foreseeably may result from the Proposed Action.	The Proposed Action is approval of an agreement for the temporary period of three years for the creation of conserved water that would reduce IID's annual diversion of Colorado River water by up to 300,000 acre-feet per year. The EA incorporates the QSA EIR/EIS by reference for purposes of demonstrating consistency with the analysis of past water conservation and incorporates information and analysis from the QSA EIR/EIS where appropriate. The impacts associated with the water conservation volumes transferred under the QSA are already addressed by the QSA EIR/EIS and the required mitigation is being implemented. The three-year period of the Proposed Action is significantly shorter in duration than the water conservation and reduction in diversions under the QSA.
226.	***The Draft EA's evaluation of adverse impacts on fish and wildlife relies on faulty assumptions and a flawed methodology*** Reclamation's evaluation of potential adverse effects on fish and wildlife also hinges on a fundamentally defective evaluation of the Proposed Action's effects on agricultural drains and associated habitat. The Draft EA relies on faulty assumptions and a flawed methodology to reach the unfounded conclusion that the Proposed Action will not cause additional harm to fish or wildlife living in the drains and related wetlands and riparian areas sustained by drainwater. The discussion below focuses on key defects in Reclamation's assumptions and methodology; then Part III.F.2 explains that, contrary to Reclamation's assertions, the Proposed Action will indeed foreseeably result in significant injurious consequences for fish and wildlife, including but not limited to endangered species, both within and beyond IID's Contract Service Area.	The EA incorporates the QSA EIR/EIS by reference for purposes of demonstrating consistency with the analysis of past water conservation and incorporates information and analysis from the QSA EIR/EIS where appropriate. The impacts associated with the water conservation volumes transferred under the QSA are already addressed by the QSA EIR/EIS and the required mitigation is being implemented. The EA recognizes the Proposed Action may accelerate certain impacts already associated with the water conservation under the QSA. The MMRP, including IID's SS AQMP, is implemented on an ongoing basis regardless and will address any impacts that occur despite anticipated timing. Additionally, the Monitoring Plan sets forth feasible and specific impact avoidance measures that will be implemented by IID in coordination with Reclamation, USFWS and CDFW during the three years of the Proposed Action. Reclamation has committed up to $250 million dollars to support expanded and accelerated SSMP projects at the Salton Sea.

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227.	The amounts by which Salton Sea tributary flows (including drain flows) will be reduced, when they will be reduced, and where they will be reduced if the Proposed Action is implemented are factors that cannot currently be known with certainty, because the amount and distribution of farmland acreage participating in each water conservation program at any particular point in time during 2024-2026 are factors that are currently unknown, and the amount of water conservation actually to be achieved by each participating acre is also unknown. As the Draft EA itself states, "All existing conservation programs and new conservation programs implemented pursuant to the Proposed Action are voluntary and participation cannot be reasonably predicted."[106]	Despite the uncertainty of the volumes and distribution of participating fields in the conservation programs, the EA provides an analysis for the maximum participation in the programs. Drain monitoring and vegetation monitoring would be ongoing during the three years of the Proposed Action. The existing drain flow variability is explained and analyzed in Section 3.8 Hydrology/Water Quality, specifically beginning on page 99. The drain flow is dynamic, affected by the existing water conservation under the QSA, and ongoing farming practices and operations. The Monitoring Plan provides feasible and responsive actions for the three years of the Proposed Action. The impact avoidance measures are based on existing conditions and changes to those conditions requiring a response to ensure there will not be an adverse effect to species.
228.	Yet Reclamation utilizes an unrealistic assumption concerning the temporal and spatial distribution of water conservation measures in order to conduct the Draft EA's impact analysis. The Draft EA states, "The effect of the Proposed Action within the IID Contract Service Area was evaluated as **an average flow reduction, evenly applied both spatially and temporally**."[107] The assumption that implementation of the Proposed Action will result in "an average flow reduction, evenly [distributed] both spatially and temporally" across IID's Contract Service Area throughout 2024-2026 does not realistically reflect what foreseeably may occur pursuant to the Proposed Action, and it cannot reasonably be assumed to do so. For example, all of the DIP reductions will occur during June-September and will only affect acreage growing forage crops or seed for forage crops; therefore, the large DIP water reductions will clearly not be evenly distributed in time and space throughout IID's Contract Service Area during 2024-2026.	The EA recognizes that actual flow reductions will not be applied evenly, either spatially or temporally, across the geographic extent of the IID Contract Service Area. Actual flow reductions will occur with variability depending on participation of individual agricultural water users. Moreover, each of the conservation programs described as the Proposed Action would result in varying volumes of water reaching the drains, rivers, and ultimately the Salton Sea. Under existing conditions, fields are generally irrigated to support cropping patterns in accordance with agricultural economic trends. As a result, under existing conditions flow variability within the canals and drains varies both spatially and temporally. The Proposed Action includes the Monitoring Plan to ensure that drain flows are sustained spatially and temporally to ensure there are no adverse effect to listed species.
229.	In fact, Reclamation admits that the crucial foundational assumption for the methodology used in the Draft EA's impact analysis is inaccurate: …flow reductions are not anticipated to be applied evenly, either spatially or temporally, across the geographic extent of the IID Contract Service Area. Actual flow reductions will occur with	The EA recognizes that actual flow reductions will not be applied evenly, either spatially or temporally, across the geographic extent of the IID Contract Service Area. Actual flow reductions will occur with variability depending on participation of individual agricultural water users. Moreover, each of the conservation programs described as

[106] Draft EA, page 98.

[107] Draft EA, page 98. Emphasis added.

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	variability depending on participation of individual agricultural water users. Moreover, each of the conservation programs described as the Proposed Action would result in varying volumes of water reaching the drains, rivers, and ultimately the Salton Sea.[108]	the Proposed Action would result in varying volumes of water reaching the drains, rivers, and ultimately the Salton Sea. Under existing conditions, fields are generally irrigated to support cropping patterns in accordance with agricultural economic trends. As a result, under existing conditions flow variability within the canals and drains varies both spatially and temporally. The Proposed Action includes the Monitoring Plan to ensure that drain flows are sustained spatially and temporally to ensure there are no adverse effect to listed species.
230.	Nonetheless, utilizing the initial inaccurate assumption that flow reductions will be evenly distributed in time and space, the Draft EA goes on to use estimates of mean monthly water diversion volumes (in acre-feet) and estimates of mean daily diversions (in cubic feet per second) for both existing conditions and inaccurately-assumed conditions for the Proposed Action in order to calculate an "annual diversion rate reduction from the Proposed Action of 11.9 percent."[109] Next the Draft EA characterizes flow variability in IID drains that discharge to the Salton Sea by determining the standard deviation of monthly flow for the five-year period 2019-2023 and then comparing the relative magnitude of the drain flow variability thus derived to the inaccurate "magnitude of the effect of drain flow reductions under the Proposed Action" that is based on unrealistic assumptions. By applying this faulty methodology, the Draft EA reaches the following conclusions: The Proposed Action would reduce drain flows by approximately 11.9 percent, assuming flow reductions are applied evenly spatially and temporally across the geographic extent of the IID Contract Service Area. This percent average monthly flow reduction would be well within the existing standard deviation of historic (last five years) monthly drainage flows for every drain. That is to say, impacts of the flow reduction would not substantively alter the pattern of flow variability for every drain, assuming flow reductions are applied evenly spatially and temporally across the geographic extent of the IID Contract Service Area. During any month of the year under existing conditions, drain flows vary	The existing drain flow variability is explained and analyzed in Section 3.8 Hydrology/Water Quality, specifically beginning on page 99. The drain flow is dynamic, affected by the existing water conservation under the QSA, and ongoing farming practices and operations. The Monitoring Plan provides feasible and responsive actions for the three years of the Proposed Action. The impact avoidance measures are based on existing conditions and changes to those conditions requiring a response to ensure there will not be an adverse effect to species.

[108] Ibid.

[109] Draft EA, page 99.

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	significantly more than the 11.9 percent increment estimated to be the effect of the Proposed Action assuming flow reductions are applied evenly spatially and temporally.[110]	
231.	This is a house of cards. Using one shaky assumption after another, Reclamation constructs an unsound methodology that collapses under scrutiny and cannot reasonably be relied upon to draw conclusions about the Proposed Action's adverse impacts. Whatever the actual flow reductions in particular tributaries will ultimately turn out to be if the Proposed Action is implemented, those reductions will foreseeably not be what this flawed methodology assumes they will be. Even using Reclamation's defective methodology, the Draft EA admits there will be "brief periods that drain flows may occur lower than the 5-year historical lows if the DIP were to be implemented at maximum participation during the summer months of June through September."[111] I suggest it is therefore reasonable to think that if Reclamation's unsound methodology were not employed, and instead more realistic assumptions and analytical methods were used, harmfully low flows in the drain system would be even more likely to occur, as would injurious consequences for fish and wildlife and their habitat.	The EA recognizes that actual flow reductions will not be applied evenly, either spatially or temporally, across the geographic extent of the IID Contract Service Area. Actual flow reductions will occur with variability depending on participation of individual agricultural water users. Moreover, each of the conservation programs described as the Proposed Action would result in varying volumes of water reaching the drains, rivers, and ultimately the Salton Sea. Under existing conditions, fields are generally irrigated to support cropping patterns in accordance with agricultural economic trends. As a result, under existing conditions flow variability within the canals and drains varies both spatially and temporally. The Proposed Action includes the Monitoring Plan to ensure that drain flows are sustained spatially and temporally to ensure there are no adverse effect to listed species.
232.	But the Draft EA then asserts that although the foregoing low flows are projected to occur, they will happen during a period when, historically, flows have generally been higher; therefore Reclamation insists that the flow reductions will not be sufficient to cause harm. That argument is specious. The Proposed Action, in combination with the existing QSA-related water conservation program, will create both qualitatively and quantitatively different water-use conditions than have existed historically. There is no guarantee that historical drain flow patterns will continue to occur, and there are solid reasons to think they will not. It is clear that the fields participating in the DIP and the FUFP will yield zero flows to drains, and the maximum extent of the flow deficiencies will occur during the hottest months. Even if there are other fields releasing flows into the same drains, which conceivably may not in fact turn out to be the case for some drains, those other fields may be participating in	The drain flows are generally at higher levels during these summer months and the reduction in flows only represents a reduction to that volume, but does not result in no flows in those drains. The Proposed Action includes the Monitoring Plan to ensure that drain flows are sustained spatially and temporally to ensure there are no adverse effect to listed species. The Monitoring Plan requires coordination with Reclamation, USFWS and CDFW to further ensure there will be no adverse effects to listed species.

[110] Draft EA, pages 100-101.

[111] Draft EA, page 101.

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	the OFECP which will substantially reduce—if not eliminate—their drainwater. Thus, it is reasonably foreseeable that the amount of water present in drains from June through September will be far lower than historical amounts, and it is unwarranted for the Draft EA to use historical irrigation patterns to draw a contrary conclusion. Utilizing the results derived by relying on the flawed methodology discussed above, Reclamation then evaluates the impacts of the Proposed Action's inaccurately-assumed flow reductions on plant communities, fish, and wildlife—and does so in an untenable way.	
233.	Regarding plants, the Draft EA states that "annual inflows to the exposed playa would be sufficient to meet estimated annual ET [evapotranspiration] demands in all locations during a normal (mean flow) year." There are three unreasonable metrics being used in that sentence to draw the conclusion that plants will not suffer adverse effects from inadequate water: "annual inflows," "estimated annual ET," and "a normal (mean flow) year." Utilizing those parameters cannot yield an accurate assessment of the actual water deficit that plants may experience day-to-day and week-to-week or even month-to-month in varying environmental conditions, and cannot demonstrate that plants in Salton Sea tributaries, riparian areas, and playa wetlands that are reliant on drainwater will not be subjected to severe water stress or even lethal water-deprivation as a result of the Proposed Action. On the contrary, use of those parameters serves to underestimate—potentially severely—the water inadequacies that plants may actually experience.	Drain monitoring and vegetation monitoring would be ongoing during the three years of the Proposed Action. The Monitoring Plan provides feasible and responsive actions for the three years of the Proposed Action. The impact avoidance measures are based on existing conditions and changes to those conditions requiring a response to ensure there will not be an adverse effect to species. The Monitoring Plan also requires coordination with Reclamation, USFWS and CDFW to further ensure there will be no adverse effects to listed species.
234.	Moreover, even using those inappropriate metrics, the Draft EA acknowledges that some plant communities at the Salton Sea that are reliant on drainwater already suffer water deficits during the summer. In fact, many of the vegetated locations on the exposed lakebed in the vicinity of agricultural drains have large areas of dead plants already, likely because the existing amounts of drainwater have been insufficient in relation to ET demand during the summer. Reclamation admits that the Proposed Action's water reductions would foreseeably add to the existing water deficits: > The ET analysis shows that for normal [mean flow] years under existing conditions, some areas experience a water deficit compared with ET demand during summer months... The Proposed Action	Natural communities and land cover types are depicted in Figures 3-3a through 3-3d. The Monitoring Plan includes robust vegetation monitoring, including extensive reporting and coordination with Reclamation, USFWS and CDFW and the potential for DIP participation to be limited in certain drainsheds where flows directly connect to the Salton Sea or its shoreline. The impact avoidance measures are based on existing conditions and changes to those conditions requiring a response to ensure there will not be an adverse effect to species.

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	would potentially add to the existing monthly deficits during these months…[112] The Draft EA insists that such drainwater deficits in aquatic, riparian, and wetland habitat areas—which will occur, at a minimum, during the hottest part of the year when temperatures are frequently 105-110 degrees Fahrenheit and may exceed 115 degrees—would be "temporary," and that flows "would recover as quickly as a few days, but no more than a few months."[113] That is little comfort, even assuming it is true. In exceedingly hot summer temperatures, plants can perish from water-deprivation far more quickly than "a few months"; moreover, birds can die within days or even hours, and fish can succumb within minutes.	
235.	Concerning harmful impacts of reduced drainwater flows on the endangered desert pupfish living within the drains, Reclamation simply asserts that "adverse effects to desert pupfish would be unlikely during the short-term period of the Proposed Action."[114] This claim is unjustified. First, the assertion that additional water reductions will occur only for a "short-term period" is unfounded, as discussed in Part III.C above, and it is improper for Reclamation to rely on that allegation. In addition, the Draft EA acknowledges that "flow reductions caused by the Proposed Action may reduce moisture or ponding" in the IID drains where pupfish are living, and implicitly admits that harmful water deficits may occur. While noting that the drains containing pupfish "currently have sufficient flow to reliably maintain suitable habitat," the Draft EA goes on to state, "The spatial and temporal extent of flow reductions [pursuant to the Proposed Action] remains unknown and will depend on agronomic practices and the locations and timing of participating fields in the conservation programs implemented under the Proposed Action."[115] Then, in an attempt to provide reassurance that any adverse impacts on the endangered fish will be averted, Reclamation next leans heavily on the Draft EA's proposed Monitoring Plan, which I explain below in Part IV	There will be no adverse effects to desert pupfish for a number of reasons. Desert pupfish utilize open water within drains that currently exhibit substantial flow variability. The proposed reduction in flows may create drier conditions temporarily in certain areas, but would not permanently eliminate habitat. The expected deficit in drain flows during certain months of the Proposed Action may add to those observed under existing conditions, but drain flows within the IID Contract Service Area are highest each year March through September and, therefore, drain flows will remain substantial during this period. The Monitoring Plan would further ensure there would be no adverse effects to listed species.

[112] Draft EA, page 102.

[113] Ibid.

[114] Draft EA, page 74. See the discussion in Part III.C above regarding the unreasonable assumption that flow reductions will be limited to 2024-2026 and that IID's water use will return to higher levels subsequently.

[115] Draft EA, page 73.

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	is inadequate and foreseeably will be ineffective at preventing significant harm to fish and wildlife caused by the Proposed Action.	
236.	Regarding potential adverse impacts on wetlands sustained by agricultural drainwater and relied upon by desert pupfish, endangered Yuma Ridgway's rails, and other Special Status Species, the Draft EA acknowledges: > The Proposed Action would reduce flows [to the wetlands] from the IID drains. If the flow reductions were sufficient to reduce the quantity or quality of the vegetative habitats along the southern shore of the Salton Sea, aquatic, riparian and marsh species including desert pupfish and Yuma Ridgeway's rails could be affected. [116] But then Reclamation goes on to apply the same flawed methodology discussed above in order to reach the unjustified conclusion that flow reductions will be insignificant, as will their consequences for fish and wildlife. While admitting the "expected deficit in drain flows during certain months of the Proposed Action may add to those observed under existing conditions,"[117] Reclamation goes on to assert, "The proposed reduction in flows may create drier conditions temporarily in certain areas, but would not permanently eliminate habitat."[118] But it is foreseeable that fish and birds may be killed by the "drier conditions." So, even if the unsupported claim that water-deprivation "would not permanently eliminate habitat" is correct— and I suggest its accuracy has not been and cannot be demonstrated—that does not negate the fact that significant harm foreseeably will occur when flows are low or non-existent, a situation which the Draft EA admits may continue for as long as "a few months." The later resurrection of habitat that Reclamation claims will happen eventually cannot resurrect fish and birds that have already died.	The EA identifies all impacts to biological resources identified in the QSA EIR/EIS, which includes the entire Salton Sea, and provides a comparison matrix in Appendix BIO-3. The analysis in the EA assumes that these impacts and mitigation strategies would remain applicable, including for impacts to the Salton Sea. The EA focuses on including for impacts to the Salton Sea. The EA focuses on updating the analysis of biological resources that were anticipated to be affected by this Proposed Action. The Monitoring Plan as part of the Proposed Action ensures that there would be no adverse effects to habitats and sensitive species. Reclamation completed Section 7 consultation with USFWS in July 2024.

[116] Draft EA, page 75.
[117] Draft EA, page 76.
[118] Ibid.

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237.	The Draft EA also alleges:[119] …large areas of nesting habitat are available to nesting birds within the Salton Sea Vegetation Study Area allowing movement during these [summer] months. Given the Proposed Action is for a limited, short period of time of three years, areas affected by periods of lower flow will recover when flows resume to existing conditions. But, as discussed below in Part III.F.2, the assumption that nesting birds—including, but not limited to, the endangered Yuma Ridgway's rail—can simply move their vulnerable eggs and their helpless hatchlings to some other location if water-deprivation threatens to harm them during the hottest period of the year is profoundly misguided. In addition, as discussed above in Part III.C, the claim that habitat damaged or destroyed by low flows will "recover" after December 31, 2026 is baseless and unreasonable, and it is improper for Reclamation to use that assumption to buttress the unjustified allegation that the Proposed Action will not cause injurious consequences for fish and wildlife.	The EA identifies all impacts to biological resources identified in the QSA EIR/EIS, which includes the entire Salton Sea, and provides a comparison matrix in Appendix BIO-3. The analysis in the EA assumes that these impacts and mitigation strategies would remain applicable, including for impacts to desert pupfish and Yuma Ridgeway's rail within vegetation habitats along the southern shore of the Salton Sea. The EA focuses on including impacts to the Salton Sea. The EA focuses on updating the analysis of biological resources that were anticipated to be affected by this Proposed Action.
238.	Concerning potential adverse impacts on shorebirds and waterbirds, the Draft EA offers just two inaccurate and inadequate sentences: The Proposed Action may result in a temporary acceleration in exposure of Salton Sea acreage by 3 to 4 years based on the trajectory predicted by hydrologic models developed by DWR…; however, drain water from the IID Contract Service Area would continue to flow to the Sea. Shorebirds and waterfowl utilizing the Salton Sea, adjacent vegetated areas, and drains would continue to do so under the Proposed Action.[120] As explained earlier, the Proposed Action will quickly cause many thousands of additional acres of Salton Sea lakebed to become exposed, beyond the areas that would otherwise have been exposed because of the QSA, and it will continue to cause the desiccation of additional large expanses of lakebed through at least 2045. Reclamation's assertion regarding "a temporary acceleration in exposure of Salton Sea acreage by 3 to 4 years" is grossly misleading at best.	The 3 to 4 years has been changed to 5 to 10 years consistent with the DWR modeling explained in Appendix HYDRO-3.

[119] Ibid.

[120] Draft EA, page 77.

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239.	In addition, while IID's drainwater would "continue to flow" *toward* the Salton Sea, it will not actually reach the receding shoreline of the lake in most areas.	Despite the decline in the elevation of the Salton Sea and the creation of vegetation at the termini of the drains, drain water flows are eventually reaching the Salton Sea. Although drain water is not directly going into the Sea and now goes to the shoreline, there remains a hydrologic connection to the Sea. It is accurate to state that the drain water is flowing to Salton Sea despite the changed conditions of the shoreline. Drain water is a component of the inflows assumption for the Sea in DWR's modeling.
240.	Moreover, the inflow reductions resulting from the Proposed Action will substantially increase the Salton Sea's salinity and will have other damaging impacts on water quality, all of which will degrade and foreseeably destroy the lacustrine ecosystem that provides crucial sustenance for waterbirds and shorebirds, including numerous Special Status Species. To simply dismiss the foreseeable and harmful changes to the Salton Sea ecosystem that will occur because of the Proposed Action, and to baldly assert that shorebirds and waterfowl currently utilizing the ecosystem "would continue to do so under the Proposed Action," is untenable	The Salton Sea is a terminal inland lake that is continually increasing in salinity over time due to evaporation. The Proposed Action in the EA is fully developed allowing for the analysis to consider specific aspects of the Proposed Action. The analysis in the EA is pursuant to DWR's modeling using SSAM, which is the same modeling completed for the SEIS. The modeling was refined for the Proposed Action in the EA which finds that there would be an acceleration of the increase in salinity by 3 to 4 years and then would reach the same levels as identified in the QSA EIR/EIS. The MMRP will address the accelerated increase in salinity. This analysis is consistent with the SEIS, which recognized that increases in salinity from the Proposed Action would be analyzed in this EA.
241.	Notwithstanding Reclamation's unfounded protestations to the contrary, the Proposed Action's water-use reductions will result in substantial decreases in the flow of Salton Sea tributaries, including but not limited to agricultural drains; the diminished flow will cause adverse impacts on aquatic, riparian, and wetland habitat; and those negative effects will result in significant injurious consequences for fish and wildlife, including protected species.	The EA identifies all impacts to biological resources identified in the QSA EIR/EIS, which includes the entire Salton Sea, and provides a comparison matrix in Appendix BIO-3. The analysis in the EA assumes that these impacts and mitigation strategies would remain applicable, including for impacts to the Salton Sea. The EA focuses on updating the analysis of biological resources that were anticipated to be affected by this Proposed Action. The Monitoring Plan as part of the Proposed Action ensures that there would be no adverse effects to habitats and sensitive species. Reclamation completed Section 7 consultation with USFWS in July 2024.
242.	**The Proposed Action will foreseeably cause significant harm to fish and wildlife, including but not limited to endangered and threatened species** The Draft EA does not properly evaluate, and draws incorrect conclusions regarding, the foreseeable and significant harmful impacts of	The EA identifies all impacts to biological resources identified in the QSA EIR/EIS, which includes the entire Salton Sea, and provides a comparison matrix in Appendix BIO-3. The analysis in the EA assumes that these impacts and mitigation strategies would remain applicable, including for impacts to the Salton Sea. The EA focuses on updating the analysis of biological resources that were anticipated

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	the Proposed Action on the endangered desert pupfish (*Cyprinodon macularius macularius*) and the endangered Yuma Ridgway's rail (*Rallus obsoletus yumanensis*); erroneously fails to consider potential injurious effects on the threatened Western snowy plover (*Charadrius nivosus nivosus*); and inadequately evaluates adverse impacts on numerous migratory species protected pursuant to the Migratory Bird Treaty Act and on other birds dependent on the Salton Sea ecosystem as ecologically critical habitat. Reclamation's analysis of these issues in the Draft EA does not comply with the requirements of NEPA and other applicable law. The Proposed Action's water reductions during 2024-2026 will significantly decrease the volume of water in the Salton Sea's tributaries within IID's Contract Service Area. Consequently, the Proposed Action will substantially reduce the amount of water available: (a) to preserve ecologically crucial characteristics of the Salton Sea and its shoreline; (b) to support fish and other aquatic organisms in the lake, in its tributaries, and in playa wetlands and pools into which tributary waters flow; and (c) to sustain numerous wildlife species reliant on the lake and its shoreline, and on adjacent wetlands and riparian areas. Furthermore, Reclamation's modeling shows that shrinkage of the Salton Sea, increases in its salinity, and associated adverse consequences for fish and wildlife will continue to worsen for at least the next two decades because of the 2024-2026 water cutbacks. From 2024 through at least 2045 the Proposed Action will persist in causing injurious impacts on the Salton Sea ecosystem that will substantially exceed the negative effects that the QSA alone would have caused. It is foreseeable that many of the Special Status Species and other wildlife dependent on the Salton Sea ecosystem will be harmed as a result, and some may be extirpated.	to be affected by this Proposed Action. The Monitoring Plan as part of the Proposed Action ensures that there would be no adverse effects to habitats and sensitive species. Reclamation completed Section 7 consultation with USFWS in July 2024.
243.	Importantly, pursuant to the Proposed Action the largest water reductions will occur during the hottest months of the year when fish and wildlife will be particularly vulnerable to harm. All of the DIP water conservation and approximately one-third of OFECP and FUFP cutbacks will occur during June, July, August, and September. If it is assumed that the "Efficiency & Fallowing" water-cutback scenario modeled in the Draft EA is the one implemented pursuant to the Proposed Action (with maximized OFECP and DIP, and minimized FUFP), and that the OFECP and FUFP water reductions have a temporal distribution that is uniform throughout each	The existing drain flow variability is explained and analyzed in Section 3.8 Hydrology/Water Quality, specifically beginning on page 99. The drain flow is dynamic, affected by the existing water conservation under the QSA, and ongoing farming practices and operations. The Monitoring Plan provides feasible and responsive actions for the three years of the Proposed Action. The impact avoidance measures are based on existing conditions and changes

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	year while all of the DIP cutbacks occur during June-September, then more than 70% of the Salton Sea inflow reductions pursuant to the Proposed Action will occur when temperatures are highest during 2024-2026. (See the calculations presented in Attachment A.) In the hottest portions of the June-September period, air temperatures in Imperial County and eastern Riverside County may exceed 110 degrees Fahrenheit and can even reach 115-120 degrees or higher.[121] As man-made climate change continues to cause temperatures to rise due to the accumulation of greenhouse gases in the atmosphere, it is projected that extreme and protracted heatwaves will become more frequent and more severe.	to those conditions requiring a response to ensure there will not be an adverse effect to species.
244.	Decreased water availability during the hottest portion of the year is likely to kill many aquatic, wetland, and riparian plants and invertebrates, and to cause cascading adverse impacts on fish and wildlife. Furthermore, water-deprivation impacts of the Proposed Action on fish and wildlife are likely to be most harmful during June-September because: (a) high temperatures are already physiologically stressful, and the Proposed Action's impacts such as decreased water availability, hotter water temperatures (because shallower water, and water that is inadequately replenished, will be hotter), and potentially a complete lack of water at times in some locations, are all conditions that will worsen the already-significant physiological stress during that portion of the year; (b) hazardous contaminants may be concentrated in small, shallow, and undrained areas of water; (c) potential loss of plants in key habitat because of water-deprivation will have adverse impacts on such crucial aspects of fish and wildlife ecology as feeding, nesting, and sheltering from predators and sun; and (d) the June-September period includes at least a portion of breeding season, if not the entirety, for fish, birds, and other wildlife, and is a time when eggs and young are very vulnerable to extreme temperatures and insufficient water, and adults may also suffer enhanced vulnerability to those adverse conditions as they expend a significant portion of their physiological resources on bearing and caring for their offspring.	The existing drain flow variability is explained and analyzed in Section 3.8 Hydrology/Water Quality, specifically beginning on page 99. The drain flow is dynamic, affected by the existing water conservation under the QSA, and ongoing farming practices and operations. While June through September are the hottest months of the year, drain flows will remain substantial. The Monitoring Plan provides feasible and responsive actions for the three years of the Proposed Action. The impact avoidance measures are based on existing conditions and changes to those conditions requiring a response to ensure there will not be an adverse effect to species.

[121] For example, on July 5, 2024 in Palm Springs, CA a short distance northeast of the Salton Sea, the temperature reached 124 degrees Fahrenheit; and a few days later, on July 8, the temperature hit 122 degrees. Anthropogenic climate change is making such extreme temperatures increasingly likely.

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245.	Reclamation's modeling shows that the Proposed Action will abruptly raise the Salton Sea's salinity to 101 ppt.—a level nearly three times the salinity of ocean water—which is a physiologically intolerable concentration for all Salton Sea fish, including the endangered desert pupfish, as well as many invertebrates that birds depend upon for food. Moreover, following the 2024-2026 water cutbacks, the modeling shows that for two additional decades the lake's salinity will continue to rise beyond the levels it would have reached because of the QSA alone. As noted earlier, these estimates regarding salinity may be underestimates. In addition to causing very high salinity that is intolerable for many species, the reduced inflows resulting from the Proposed Action are likely to cause other harmful changes in water quality, including but not limited to decreased dissolved oxygen, higher concentrations of contaminants, and more frequent and expansive blooms of toxic algae. Besides resulting in the extirpation of all Salton Sea fish, except possibly in the immediate vicinity of the largest river mouths, such alterations of water quality will have major adverse impacts on other aquatic organisms in the lake. Consequently, not only piscivorous birds but also hundreds of other avian species that depend on the Salton Sea ecosystem for feeding and breeding, including Special Status Species, are very likely to suffer significant harm. It is foreseeable that many could be extirpated. Migratory shorebirds and waterbirds are particularly likely to experience severe injurious consequences; they have nowhere else to refuel and recuperate in a large parched region they must traverse as they fly enormous distances during their biannual cross-continental travels.	The Salton Sea is a terminal inland lake that is continually increasing in salinity over time due to evaporation. The Proposed Action in the EA is fully developed allowing for the analysis to consider specific aspects of the Proposed Action. The analysis in the EA is pursuant to DWR's modeling using SSAM. Based on the modeling, the EA finds that there would be an acceleration of the increase in salinity by 3 to 4 years and then would reach the same levels as identified in the QSA EIR/EIS. The MMRP will address the accelerated increase in salinity. This analysis is consistent with the SEIS, which recognized that increases in salinity from the Proposed Action would be analyzed in this EA.
246.	The endangered desert pupfish (*Cyprinodon macularius macularius*) lives in natural streams that are tributary to the Salton Sea at various locations around its perimeter but are becoming cut off from the lake as it recedes. Pupfish also live in agricultural drains including, but not limited to, ones within IID's Contract Service Area. In addition, they occur in wetlands and small pools adjoining locations where natural streams and agricultural drains debouch onto the Salton Sea's exposed lakebed, and they utilize the Salton Sea itself. Although desert pupfish can tolerate elevated salinity and heat, their tolerance is not unlimited. The modified and degraded conditions in the pupfish's habitat, including federally-	The EA identifies all impacts to biological resources identified in the QSA EIR/EIS, which includes the entire Salton Sea, and provides a comparison matrix in Appendix BIO-3. The analysis in the EA assumes that these impacts and mitigation strategies would remain applicable, including for impacts to the Salton Sea. The EA focuses on updating the analysis of biological resources that were anticipated to be affected by this Proposed Action. To ensure there are no ecological impacts, the Monitoring Plan will be implemented in addition to the MMRP. Reclamation has received concurrence from USFWS on its approach for minimizing impacts to pupfish.

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	designated critical habitat, that will foreseeably result from the Proposed Action are likely to further imperil this endangered species. The Proposed Action will extirpate desert pupfish in the Salton Sea and jeopardize survival of the species in the other portions of the Salton Sea ecosystem where it currently persists. Adults and eggs of the desert pupfish can tolerate water salinity up to 70 ppt., and reportedly larvae can tolerate salinity up to 90 ppt.[122] Thus, based on the Draft EA's modeling, by 2027—at the latest—the Proposed Action will render the Salton Sea uninhabitable by desert pupfish. The imperiled species will only be able to survive in tributaries, including agricultural drains, and in associated wetlands and small areas of ponded water on the exposed lakebed that have tolerable salinity levels. The limited populations of pupfish in most of those locations will be completely cut off from one another, because the Proposed Action will also cause the Salton Sea to rapidly recede far away from all tributaries except the largest ones—the New, Alamo, and Whitewater Rivers. Pupfish persisting in small and isolated populations will be unable to use waters of the Salton Sea to move from one disconnected and shrinking area of habitat to another. Small, isolated populations of organisms are known to be at much greater risk of extirpation. The Salton Sea tributaries and associated wetlands and pools where desert pupfish struggle to survive will suffer reduced water flow because of the Proposed Action, and may be subjected to zero flow at times; and this is very likely to occur during the hottest periods of the year. Desert pupfish adults, eggs, and larvae in those isolated locations will be at risk of serious and even lethal harm because of inadequate water, higher concentrations of contaminants, lower dissolved oxygen, toxic algae blooms, death of plants that are needed for shade and protection from predators, excessive water temperatures, and even desiccated conditions. The Proposed Action's water reductions, in combination with the isolation of pupfish in small and shrinking habitat areas, foreseeably will kill many of these fish, and could result in complete loss of the species in some locations. Thus, the Proposed Action will foreseeably push the already-endangered desert pupfish closer to extinction.	

[122] Schoenherr, A.A. (1988). A Review of the Life History and Status of the Desert Pupfish, *Cyprinodon macularius*. *Bull. Southern California Acad. Sci.* 87(3), pp. 104-134.

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247.	The Proposed Action will also foreseeably cause significant harm to the endangered Yuma Ridgway's rail (*Rallus obsoletus yumanensis*), could jeopardize the rail's ability to survive in the Salton Sea ecosystem, and is inconsistent with the recovery plan for this imperiled species. Reclamation did not adequately evaluate potential adverse impacts of the Proposed Action on the Yuma Ridgways's rail, or appropriately acknowledge the extent to which those negative effects cannot be minimized or mitigated.	The EA identifies all impacts to biological resources identified in the QSA EIR/EIS, which includes the entire Salton Sea, and provides a comparison matrix in Appendix BIO-3. The analysis in the EA assumes that these impacts and mitigation strategies would remain applicable, including for impacts to the Salton Sea. The EA focuses on updating the analysis of biological resources that were anticipated to be affected by this Proposed Action. The Monitoring Plan as part of the Proposed Action ensures that there would be no adverse effects to habitats and sensitive species. Reclamation completed Section 7 consultation with USFWS in July 2024 and has received concurrence on its approach to minimizing impacts to Yuma Ridgway's rail.
248.	The Yuma Ridgway's rail, previously known as the Yuma clapper rail (*Rallus longirostris yumanensis*),[123] is an endangered marsh bird dependent on wetlands in the Salton Sea ecosystem. The species is listed as endangered under the U.S. Endangered Species Act wherever it is found throughout its remaining range.[124] The Yuma Ridgway's rail faces "a high degree of threat and low recovery potential from loss of habitat due to lack of natural river processes that create and maintain marshes [because of dams and other man-made modifications to river systems], and lack of security relative to the protection of existing habitats."[125] The U.S. Fish and Wildlife Service determined that the "greatest threat" to the species "is that without active management and protection of water sources supporting the habitat, these habitat areas will be permanently lost. Other threats to this species include continuing land use changes in floodplains, human activities, environmental contaminants (particularly increases in selenium levels), and reductions in connectivity between core habitat areas."[126] The Salton Sea ecosystem and small areas along the lower Colorado River are the only two remaining "major core areas" in the U.S. for this endangered	Comment noted.

[123] 86 FR 67352.

[124] 88 FR 64824. A 5-year status review of the species is currently pending (87 FR 5834). The Yuma Ridgway's rail is listed as a threatened species pursuant to the California Endangered Species Act.

[125] U.S. Fish and Wildlife Service (2009). Yuma Clapper Rail (*Rallus longirostris yumanensis*) Recovery Plan. Draft First Revision. U.S. Fish and Wildlife Service, Southwest Region, Albuquerque, New Mexico.

[126] Ibid.

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	species;[127] the third major core area is the Cienega de Santa Clara in the Colorado River delta region of Mexico, an ecosystem that is also in jeopardy. "Patches of emergent marsh within the Salton Sea ecosystem comprise a substantial part of the remaining habitat for this endangered species' disjointed range in the southwestern United States."[128]	
249.	Aspects of the biology and ecology of the Yuma Ridgway's rail that are relevant to the Proposed Action and are crucial for evaluating potential adverse impacts of the Proposed Action on the species, yet were not appropriately considered in the Draft EA, include but are not limited to the following: • Most Yuma Ridgway's rails in the Salton Sea population are not migratory but are reliant on the region year-round. Individual birds have only minor seasonal changes in their activity areas within the Salton Sea ecosystem.[129] "[T]he typical pattern is for rails to be relatively stationary."[130] Home ranges are smallest during the breeding season.[131] • Nests are located over water in marshes; they may be situated over deeper water in the interior of marshes, or in shallower water near marsh edges.[132] They are constructed on stable vegetation platforms, including on clumps of emergent plants, within dense cattails, and on or within deep mats of marsh vegetation.[133] The surrounding and overhead vegetation provides cover, and protects adults incubating eggs, the eggs themselves, and hatchlings from avian and mammalian predators.[134]	The EA identifies all impacts to biological resources identified in the QSA EIR/EIS, which includes the entire Salton Sea, and provides a comparison matrix in Appendix BIO-3. The analysis in the EA assumes that these impacts and mitigation strategies would remain applicable, including for impacts to the Salton Sea. The EA focuses on updating the analysis of biological resources that were anticipated to be affected by this Proposed Action. Reclamation completed informal consultation with USFWS in July 2024 and has received concurrence on its approach for minimizing impacts to Yuma Ridgway's rail.

[127] Ibid.

[128] Ricca, M.A., et al. (2022). Yuma Ridgway's Rail Selenium Exposure and Occupancy Within Managed and Unmanaged Emergent Marshes at the Salton Sea. U.S. Geological Survey Open-File Report 2022-1045. https://doi.org/10.3133/ofr20221045.

[129] U.S. Fish and Wildlife Service (2009), op. cit.

[130] Ricca, M.A., et al. (2022), op. cit.

[131] Conway, C.J. et al. (1993). Seasonal changes in Yuma clapper rail vocalization rate and habitat use. *Journal of Wildlife Management* 56(2), pp. 282-290.

[132] U.S. Fish and Wildlife Service (2009), op. cit.; Bennett, W.W. and R.D. Ohmart (1978). Habitat requirements and population characteristics of the clapper rail (*Rallus longirostris yumanensis*) in the Imperial Valley of California. University of California, Lawrence Livermore Laboratory, Livermore. 55 pp.; Abbot, C.G. (1940). Notes from the Salton Sea, California. *Condor* 42(5): 264.

[133] Ibid.

[134] Eddleman, W.R. (1989). Biology of the Yuma clapper rail in the southwestern U.S. and northwestern Mexico. Final Report to Bureau of Reclamation, Yuma Projects Office and Fish and Wildlife Service, Region 2. Wyoming Cooperative Fish and Wildlife Research Unit, University of Wyoming. 127 pp.

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	• The breeding period lasts from March through late July.[135] Nesting begins in March, and the peak of the nesting period occurs from May through the end of June in the Salton Sea ecosystem.[136] The incubation of eggs ranges from 23 to 28 days.[137] For at least six weeks post-hatching, adults remain with the chicks, protecting and feeding them in brooding nests and subsequently accompanying them during foraging trips.[138] • Young birds are unable to fly from the time they hatch until the end of September.[139] • Adult Yuma Ridgway's rails undergo a molt in May-August, during which they lose remiges (wing feathers) and rectrices (tail feathers), both of which feather types are necessary for flight. The birds cannot fly until they regrow those feathers. They may be flightless through the end of September.[140]	
250.	It is clear that the Proposed Action's water-use reductions will foreseeably result in significant harm to Yuma Ridgway's rails dependent on marsh habitat in the Salton Sea ecosystem. The largest water cutbacks will occur during June-September, when adults, eggs, and young are the most vulnerable to harm. Shriveling and death of marsh vegetation from water-deprivation will impair the rails' ability to construct nests, jeopardize the integrity of nests that have been built and are in use, reduce cover relied upon by rails for protection from predators, increase nest predation risks, and expose eggs and hatchlings to higher temperatures during the hottest time of year. Lower water levels or the complete lack of water in nesting locations will reduce or eliminate evaporative cooling, potentially subjecting adults, eggs, and hatchlings to harmful heat and even intolerable extreme temperatures. Decreased water and potential desiccation of marsh habitat in the vicinity of nests	The EA identifies all impacts to biological resources identified in the QSA EIR/EIS, which includes the entire Salton Sea, and provides a comparison matrix in Appendix BIO-3. The analysis in the EA assumes that these impacts and mitigation strategies would remain applicable, including for impacts to the Salton Sea. The EA focuses on including for impacts to the Salton Sea. The EA focuses on updating the analysis of biological resources that were anticipated to be affected by this Proposed Action. Reclamation completed informal consultation with USFWS in July 2024 and has received concurrence on its approach for minimizing impacts to Yuma Ridgway's rail.

[135] Eddleman, W.R. (1989), op. cit.

[136] Bennett, W.W. and R.D. Ohmart (1978), op. cit.; Abbot, C.G. (1940), op. cit.

[137] Eddleman, W.R. (1989), op. cit.

[138] Eddleman, W.R. and C.J. Conway (1998). Clapper rail (*Rallus longirostris*). *In* The Birds of North America, No. 340 (A. Poole and F. Gill, eds). The Birds of North America, Inc. Philadelphia, Pennsylvania. 31 pp.

[139] Eddleman, W.R. (1989), op. cit.

[140] Ibid.; U.S. Fish and Wildlife Service (2009), op. cit.

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	will also reduce or eliminate nearby aquatic prey for the birds at a time when hatchlings are unable to forage far or at all, and adults must remain with their chicks to protect them. Juvenile rails are flightless throughout the hottest months of the year when more than 70% of the Proposed Action's water cutbacks will occur,[141] and adults cannot fly during most of that time; therefore, the birds' ability to move from one isolated habitat area to another will be severely limited in the event that lack of water in a particular location threatens them. Any attempt to walk a significant distance across desiccated, scorching lakebed in extreme summer temperatures, searching for suitable habitat, is likely to be a death march for both chicks and adults.	
251.	In addition, the Proposed Action will foreseeably increase risks to the Yuma Ridgway's rail posed by contaminants, including selenium. In terminal marshes containing irrigation drainwater that are disconnected from the receding Salton Sea, pollutants become concentrated and may constitute a significant threat to the endangered birds. This potentially severe problem will worsen as a result of the Proposed Action. Selenium is a trace element that is an essential micronutrient for all vertebrates but is toxic at elevated levels. The original source of selenium in the Salton Sea ecosystem is the Mancos shale formation in the upper Colorado River basin. Selenium transported in river water and deposited in Salton Basin sediments bioaccumulates in vegetation, invertebrates, and fish. Rails become contaminated by consuming prey containing elevated levels. It is well established that high levels of selenium can result in acute toxicity, chronic poisoning, tissue and organ damage, and reproductive impairment including developmental abnormalities, embryo mortality, and reduced growth and survival of young birds.[142] The results of a recent study[143] indicate that risks of dietary selenium exposure for Yuma Ridgway's rails in the Salton Sea ecosystem are substantially higher in unmanaged terminal marshes containing irrigation drainwater that is retained, compared to managed marshes receiving direct input of lower-selenium Colorado River water that flows through them. Thus, as the Salton Sea recedes from additional water- deprivation because of the	The Salton Sea is a terminal inland lake that is continually increasing in salinity over time due to evaporation. The analysis in the EA is pursuant to DWR's modeling using SSAM. Pursuant to the modeling there would be an acceleration of the increase in salinity and selenium by 3 to 4 years and then would reach the same levels as identified in the QSA EIR/EIS. The MMRP will address the accelerated increase in salinity and selenium. To ensure there are no ecological impacts, the Monitoring Plan will be implemented in addition to the MMRP.

[141] See the calculations presented in Attachment A.

[142] U.S. Fish and Wildlife Service (2009), op. cit.

[143] Ricca, M.A., et. al. (2022), op. cit.

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	Proposed Action, and marshes sustained by agricultural drainwater at numerous locations around the perimeter of the Salton Sea are increasingly cut off from the lake (both within and outside of IID's Contract Service Area), it is foreseeable that elevated levels of selenium bioaccumulating in the food webs of those isolated and undrained marshes could jeopardize the health and survival of endangered Yuma Ridgway's rails.	
252.	The Proposed Action also foreseeably will cause significant injurious consequences for numerous other species, yet the Draft EA did not evaluate the problems involved.[144] For example, the Draft EA failed to consider the foreseeable and significant harmful effects of the Proposed Action on the Western snowy plover (*Charadrius nivosus nivosus*), a shorebird species listed as threatened under the U.S. Endangered Species Act that nests at the Salton Sea. There are also many other species facing harm from the Proposed Action, including Special Status Species, ones that are protected by the Migratory Bird Treaty Act, and ones that depend on the Salton Sea ecosystem as an "ecologically critical" area.[145] It is not feasible in these comments to analyze the potential adverse impacts on every one of the hundreds of species, and every aspect of ecologically critical habitat in the Salton Sea ecosystem, that foreseeably will suffer significant harm because of the Proposed Action. However, Reclamation is required to carefully evaluate those matters in detail, and to explain how all of the potential harmful effects will be avoided or fully mitigated in an appropriate manner. The agency did not do so in the Draft EA.	The EA considered all species that were identified in the QSA EIR/EIS, including the Western snowy plover. The EA identifies all impacts to biological resources identified in the QSA EIR/EIS, which includes the entire Salton Sea, and provides a comparison matrix in Appendix BIO-3. The analysis in the EA assumes that these impacts and mitigation strategies would remain applicable, including for impacts to the Salton Sea. The EA focuses on updating the analysis of biological resources that were anticipated to be affected by this Proposed Action. Reclamation completed informal consultation with USFWS in July 2024.
253.	**The Draft EA failed to consider significant and costly greenhouse gas emissions** Significant greenhouse gas (GHG) emissions resulting from exposure of the Salton Sea's lakebed and deterioration of its ecosystem because of	The EA notes on page 38 that the proposed project would not affect greenhouse gases. The Proposed Action involves less agricultural activities as a result of the conservation with implementation of the DIP and FUFP. The OFECP involves the same level of agricultural

[144] Notably, the Draft EA's Appendix BIO-2 states that the razorback sucker (*Xyrauchen texanus*), a fish listed as endangered under both federal and state law (but that is a candidate for downlisting to threatened status federally), is present in the "IID Water Service Area and All-American Canal," and "is known to inhabit areas adjacent to the Salton Sea north of the Imperial Wildlife Area bordering the Chocolate Mountains." But Reclamation provides no details beyond these vague statements in Appendix BIO-2, and the species is not discussed further in the Draft EA. It is conceivable that reductions in water use by IID pursuant to the Proposed Action might adversely affect this endangered species; however, there is insufficient public information available to analyze this issue in these comments. Nonetheless, Reclamation's failure to evaluate potential adverse effects on this endangered species in the Draft EA appears to be an important omission, and I suggest Reclamation should remedy it.

[145] 40 CFR 1501.2(d)(2)(ii).

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	the Proposed Action are not considered at all in the Draft EA, nor are the major economic costs of those GHG emissions. Those deficiencies in the Draft EA contravene legal requirements. Federal guidance applicable to NEPA analyses explicitly requires that agencies "must disclose and consider…the extent to which a proposed action and its reasonable alternatives (including the no action alternative) would result in reasonably foreseeable GHG emissions that contribute to climate change."[146] Moreover, applicable federal guidance states that an agency's NEPA analysis should "quantify a proposed action's projected GHG emissions…for the expected lifetime of the action," and "provide additional context for GHG emissions, including through the use of the best available social cost of GHG (SC-GHG) estimates, to translate climate impacts into the more accessible metric of dollars, allow decision makers and the public to make comparisons, help evaluate the significance of an action's climate change effects, and better understand the tradeoffs associated with an action and its alternatives…"[147] The Draft EA should have included an analysis of the significant biogenic GHG emissions, and the large associated economic costs, that will foreseeably result from the effects of the Proposed Action on the Salton Sea and its ecosystem.	activities as the No Action Alternative. No new or additional greenhouse gases would be emitted as a result of the Proposed Action.
254.	The Proposed Action's reductions in freshwater inflows to the central Salton Basin will cause large additional areas of carbon-rich Salton Sea lakebed to be exposed to the atmosphere, will push the lake into extreme hypersalinity, and will exacerbate breakdown of the lake's ecosystem. An important body of recent scientific research indicates these changes attributable to the Proposed Action will result in major quantities of biogenic greenhouse gases—including carbon dioxide, methane, and nitrous oxide—being emitted to the atmosphere on an ongoing basis for the foreseeable future unless an appropriate and effective restoration	The EA notes on page 38 that the proposed project would not affect greenhouse gases. The Proposed Action involves less agricultural activities as a result of the conservation through the DIP and FUFP. The OFECP involves the same level of agricultural activities as the No Action Alternative. No new or additional greenhouse gases would be emitted as a result of the Proposed Action. Regarding the emissions from biological reactions in the Salton Sea, the EA concludes that the Proposed Action would not result in increased overall anaerobic decay, including emissions of hydrogen sulfide and nitrous oxides, compared with previously assessed conditions in the QSA EIR/EIS.

[146] National Environmental Policy Act Guidance on Consideration of Greenhouse Gas Emissions and Climate Change (2023). Council on Environmental Quality, Executive Office of the President, January 4, 2023, Section IV.

[147] Id., Section II.

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	plan is implemented.[148] Reclamation wrongly failed to evaluate this key issue in the Draft EA.	
255.	The biogenic GHG emissions attributable to the Proposed Action are likely to be large. Assuming that only 21 square miles of additional Salton Sea lakebed will be exposed because of the Proposed Action (which is a substantial underestimate), and assuming that the exposed lakebed will emit only carbon dioxide and no methane or nitrous oxide (which are much more powerful greenhouse gases than CO_2 and are likely to be emitted in significant quantities from the exposed lakebed), and also assuming that there will be no other GHG emissions caused by the extremely detrimental changes to the Salton Sea and its ecosystem that will result from the Proposed Action (a conservative assumption, because it is likely there will indeed be such additional GHG emissions), yields the conclusion that more than 1.5 million metric tons of CO_2 will be emitted annually for the foreseeable future solely due to the Proposed Action.[149] This is a very conservative estimate for the quantities of ongoing GHG emissions attributable to the Proposed Action; the actual emission amounts will foreseeably be much bigger. But even1.5 million metric tons of CO_2 emitted per year is a large and concerning quantity; it is equivalent to the annual emissions of 326,087 typical gas-fueled passenger vehicles.[150]	The EA notes on page 38 that the proposed project would not affect greenhouse gases. The Proposed Action involves less agricultural activities as a result of the conservation through the DIP and FUFP. The OFECP involves the same level of agricultural activities as the No Action Alternative. No new or additional greenhouse gases would be emitted as a result of the Proposed Action. Regarding the emissions from biological reactions in the Salton Sea, the EA concludes that the Proposed Action would not result in increased overall anaerobic decay, including emissions of hydrogen sulfide and nitrous oxides, compared with previously assessed conditions in the QSA EIR/EIS.
256.	In the Draft EA's impact analysis, Reclamation also improperly failed to consider the economic costs of the biogenic greenhouse gas emissions that will foreseeably result from the Proposed Action's negative effects on the Salton Sea. The social cost of greenhouse gases (SC-GHG)—referred to more specifically in analyses performed in federal contexts as the social cost of carbon dioxide (SC-CO_2), the social cost of methane	Section 3.6 Environmental Justice begins on page 87 and includes the socioeconomic analysis and available data. Costs associated with air quality are dependent upon the analysis of potential air quality impacts. The EA assesses air quality impacts that could affect disadvantaged communities in the entire Salton Sea Air Basin. Based on modeling conducted by DWR using SSAM for the implementation of the SSMP included in Appendix HYDRO-3, the EA finds that the

[148] See the following peer-reviewed report and the references cited therein: Ross, J.E. (2022). Potential Major Greenhouse Gas Emissions from Proposed Salton Sea Long-Range Plans. Report submitted to the Salton Sea Long- Range Planning Committee of the Salton Sea Management Program, California Natural Resources Agency, January 27, 2022. 14 pp. https://doi.org/10.13140/RG.2.2.36775.62884. Also see the Supplementary Information for that report, explaining the possible magnitude of the greenhouse gas emissions at the Salton Sea if vast areas of lakebed are left exposed and the residual Salton Sea becomes extraordinarily hypersaline. https://doi.org/10.13140/RG.2.2.10089.36964.

[149] This conclusion relies on the calculation method presented in the Supplementary Information for the Report "Potential Major Greenhouse Gas Emissions from Proposed Salton Sea Long-Range Plans" (see footnote 150 above).

[150] https://www.epa.gov/greenvehicles/greenhouse-gas-emissions-typical-passenger-vehicle.

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	(SC- CH_4), and the social cost of nitrous oxide (SC-N_2O)[151]—is a metric applied by federal agencies and some state agencies to estimate the economic costs incurred by society as a result of the emission of greenhouse gases. The SC-GHG metric is utilized across the entirety of the federal government when agencies evaluate the potential consequences of proposed policies or actions, including when conducting analyses pursuant to NEPA.[152] An evaluation of the climate impacts of proposed federal action that fails to include analysis of the SC-GHG implicitly and improperly assumes that both the economic costs for society of greenhouse gas emissions and the benefits of reducing GHG emissions have a value of zero. It is well understood that the actual costs and benefits are very far from zero, even for a single ton of CO_2. The additional biogenic GHG emissions in the central Salton Basin that will foreseeably result from the Proposed Action, in combination with the massive quantities of GHG emissions resulting from the QSA water transfers and from additional water cutbacks foreseeably to be required beginning in 2027,[153] could cause the associated social cost of GHGs to reach tens of billions of dollars in the coming years,[154] and could thwart California's efforts to attain carbon neutrality, thereby worsening climate change. Yet the Draft EA fails to consider these crucial, reasonably foreseeable, and significant adverse impacts of the Proposed Action, and also does not assess any measures for avoiding such impacts or mitigating them to the extent they cannot be avoided. Reclamation should have evaluated these important matters.	Proposed Action would accelerate the lowering elevation of the Salton Sea by approximately 5 to 10 years. That is to say, impacts resulting from lowering Sea elevation would include the same acreage as analyzed in the QSA EIR/EIS, but they would occur earlier, slowing down over time until reaching No Action Alternative conditions by 2045. The EA acknowledges the accelerated effects of the Proposed Action and finds that the long-term effects would be those previously identified in the QSA EIR/EIS. The implementation of the MMRP, including the SS AQMP, is ongoing and will address any impacts that occur despite anticipated timing or location.

[151] U.S. EPA (2022). Report on the Social Cost of Greenhouse Gases: Estimates Incorporating Recent Scientific Advances. Available online at: https://www.epa.gov/environmental-economics/scghg.

[152] The federal Interagency Working Group on the Social Cost of Greenhouse Gases (IWG) has recognized that the social cost of greenhouse gases should apply to all "relevant agency actions," and not just regulatory ones. (Interagency Working Group on the Social Cost of Greenhouse Gases (Feb. 2021), Technical Support Document: Social Cost of Carbon, Methane, and Nitrous Oxide – Interim Estimates under Executive Order 13,990, at p.14.) The IWG has also noted that the social cost of greenhouse gases has been used previously in NEPA analyses. (Id. at p.12.)

[153] A conservative estimate of the total quantities of GHG emissions resulting from the impacts of all those water cutbacks on the Salton Sea and its ecosystem would be the amount calculated in the Supplementary Information referenced in footnote 150 above—i.e., a ballpark estimate of 26 million metric tons of CO_2 annually.

[154] To perform the necessary calculation (which very conservatively assumes that no methane or nitrous oxide will be emitted), the estimated total emissions amount in the Supplementary Information referenced in footnote 150 should be used along with the information in the following reference: U.S. EPA (2022), op. cit., Appendix A, section A.4, Table 4.2.1, "Annual Unrounded SC-CO_2, SC-CH_4, and SC-N_2O Values, 2020-2080."

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257.	**Proposed monitoring and mitigation measures are inadequate and will be ineffective** Reclamation is legally obligated to avoid the significant harm that will foreseeably result from the Proposed Action, and to fully mitigate the negative impacts that are impossible to avoid, in compliance with NEPA, the NEPA implementing regulations, and other associated statutes, regulations, and policies, as well as relevant case law. But the Draft EA does not demonstrate that the foreseeable injurious consequences of the Proposed Action will indeed be avoided or minimized as required.	The EA was prepared in compliance with NEPA and CEQA requirements and addressed the impacts of the Proposed Action.
258.	The "IID Drain and Salton Sea Vegetation Monitoring and Reporting Plan" (Monitoring Plan) suggested in the Draft EA for implementation by IID staff will foreseeably be inadequate and ineffective for averting or appropriately mitigating harm to fish and wildlife caused by the Proposed Action's water reductions within IID's Contract Service Area. Moreover, the suggested plan will do nothing to prevent or mitigate harm to fish and wildlife in the many locations outside IID's Contract Service Area that will be adversely affected by the Proposed Action.	The Monitoring Plan sets forth feasible and specific impact avoidance measures that will be implemented by IID in coordination with Reclamation, USFWS and CDFW during the three years of the Proposed Action. The Monitoring Plan is designed to avoid adverse impacts to listed species.
259.	The Draft EA's Monitoring Plan consists of three components: (1) monitoring of IID drains that flow toward the Salton Sea; (2) monitoring of vegetation associated with the drains and in regions of the exposed lakebed where plants are sustained by water discharged from the drains; and (3) "action triggers" requiring IID staff to initiate actions intended to avert anticipated harm or to mitigate existing harm resulting from inadequate drainwater. Unfortunately it is foreseeable that inherent limitations and shortcomings affecting the suggested monitoring measures will render them inadequate to prevent or to properly minimize and mitigate the significant harm to fish and wildlife that may occur as a result of the Proposed Action. The Draft EA presents an elaborate approach for mapping and assessing landscape-scale changes to plant communities in wetlands and riparian areas sustained by agricultural drainwater within IID's Contract Service Area. The approach relies on satellite imagery and remote-sensing techniques, Object Based Imagery Analysis, use of limited ground-truth video transects and photo-interpretive techniques, training of a machine-	The vegetation monitoring uses satellite imagery technology, known existing technology, developed to be used for the purposes stated in the Monitoring Plan. The Monitoring Plan is a compilation of these methods using the technology to collect data and develop the components of the program designed to accomplish the vegetation monitoring needed under the EA.

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	learning algorithm, a "fusion matrix approach"[155] for assessing map accuracy, a Normalized Difference Water Index and a Leaf Area Index, and "early warning thresholds of meaningful change in the mapped vegetation communities."[156] But there is no information in the Draft EA indicating that this convoluted combination of techniques suggested for monitoring vegetation has been scientifically confirmed to result in substantively and temporally appropriate conclusions regarding the fine-scale condition of habitat for the particular fish and wildlife species that may be rapidly harmed by inadequate water in the Salton Sea area. What is described in the Draft EA appears to be a novel application of existing technologies to try to accomplish purposes for which the suggested techniques were not designed and have not been validated. It is inappropriate to use such an approach to attempt compliance with legal mandates to protect fish and wildlife, including endangered species, from potentially lethal harm. The Draft EA's vegetation monitoring program appears to be based on the assumption that if large-scale adverse changes to vegetated habitat occur because of the Proposed Action's water reductions, they will eventually be detected by the suggested remote-sensing techniques; and then actions can be undertaken to evaluate and mitigate associated harm to fish and wildlife. But although the described approach may be adequate to perceive the occurrence of widespread harm affecting extensive areas of vegetation—likely after that harm has already occurred—the suggested techniques are not appropriate for preventing injurious consequences for fish and wildlife from water-deprivation. The methods to be utilized do not have the resolution required for identifying and avoiding harm to the endangered desert pupfish or the endangered Yuma Ridgway's rail, or to other wildlife living, feeding, and breeding within agricultural drains, riparian areas, vegetated marshes on the exposed lakebed where drains discharge, and other wetlands that are sustained directly or indirectly by irrigation water. It is foreseeable that many of the habitat areas where pupfish occur and breed, and where Special Status Species such as the Yuma Ridgway's rail feed and nest,	

[155] Draft EA, page 34. Use of this phrase in the Draft EA appears to be an error. A confusion matrix, not a "fusion matrix" is used for evaluating the performance of a machine-learning model.

[156] Draft EA, page 36.

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	will not be properly evaluated using the techniques described. It is likely that many such spots cannot even be seen in the imagery to be used, let alone evaluated in the necessary detail. In addition, the temporal framework described in the Draft EA for performing the analysis of vegetation is inconsistent with the speed of adverse changes related to water-deprivation that will cause significant harm to fish and wildlife. Plants typically succumb slowly to inadequate water and heat stress; fish and wildlife do not. Although the described techniques conceivably might be sufficient to avert permanent large-scale negative impacts on plant communities that could otherwise occur as a result of the Proposed Action, I suggest the program is not adequate to detect and prevent, or appropriately mitigate, injurious and even deadly consequences for fish and wildlife, including but not limited to the endangered desert pupfish and endangered Yuma Ridgway's rail.	
260.	The additional drain habitat monitoring described in the Draft EA that is to be conducted once per week by human observers does not solve the foregoing problems. The monitoring spots where IID staff will be positioned to attempt collection of information about habitat status and to obtain photographs of drain conditions are located far—as much as two miles away and potentially farther—from the places where desert pupfish, Yuma Ridgway's rails, and other Special Status Species may be situated in wetlands reliant on drainwater. Although an assessment of habitat in the immediate vicinity of monitoring spots may be feasible, the habitat areas that are more distant from the observers' positions are the places most likely to be at significant risk from reduced water availability. In addition, the pertinent habitat typically includes areas of very dense vegetation; this means that, even by using binoculars, the monitors will not have the clear views necessary for the type of detailed evaluation of habitat status that is required in order to assess the well-being of fish and wildlife. As the Salton Sea continues to recede because of the Proposed Action in combination with the ongoing impacts of the QSA water transfers, monitoring positions will be even farther away from many of the locations that would need to be assessed in order for the Monitoring Plan to be effective at protecting fish and wildlife from the harmful impacts of inadequate water.	The weekly visual habitat monitoring is to provide context and information regarding the general conditions of the IID drains and adjacent vegetation along the southern shoreline of the Salton Sea during the implementation of the conservation programs under the Proposed Action. The general locations of IID staff to conduct the habitat monitoring are shown on Figures 2-3a through 2-3c. Locations and results of the visual habitat monitoring will be reported to Reclamation, USFWS, and CDFW. Adjustments to locations may result from the reporting and coordination with the agencies.

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261.	The monitoring locations were selected, understandably, because they are “feasibly accessible for visual monitoring to be safely conducted by IID staff.” But the selected locations are not likely to be particularly good spots to conduct habitat monitoring or to assess whether harm is occurring to fish and wildlife. In addition, even if they were authorized to try, human observers would be unable to reach better monitoring locations safely because of impenetrable vegetation and deep glue-like mud. In addition to being unsafe, attempts to gain access to such areas would disturb and potentially harm fish and wildlife; and bushwhacking through dense undergrowth would also open up corridors that mammalian predators such as raccoons, skunks, and coyotes could utilize to reach vulnerable nesting birds. Also, dangerously hot summer temperatures will require monitors to take precautions for their own safety, such as restricting the duration and extent of their physical exertion, which will also serve to limit their monitoring activities. Furthermore, drones cannot be used effectively in many relevant areas for evaluating potential threats to fish and wildlife, particularly at the required small scale, because of limited visibility from the air down into densely vegetated marshes and other wetland areas. Attempting to use low-flying drones for monitoring will also foreseeably be counterproductive because doing so is likely to frighten wildlife and may harmfully disturb nesting birds.	The weekly visual habitat monitoring is to provide context and information regarding the general conditions of the IID drains and adjacent vegetation along the southern shoreline of the Salton Sea during the implementation of the conservation programs under the Proposed Action. The general locations of IID staff to conduct the habitat monitoring are shown on Figures 2-3a through 2-3c. Locations and results of the visual habitat monitoring will be reported to Reclamation, USFWS, and CDFW. Adjustments to locations may result from the reporting and coordination with the agencies. IID staff is regularly in field during all hours and temperatures. Safety trainings and measures are required of staff to ensure that appropriate actions are taken in extreme heat conditions. Because fieldwork is regularly done by IID staff, it is not anticipated that there would be resulting restrictions or limitations to monitoring activities.
262.	In addition, the habitat monitoring by observers will occur only once per week at each drain, and that alone could easily render the suggested plan inadequate. Particularly during the hottest part of the year, once-weekly monitoring at a single location for each drain will foreseeably fail to detect and avert many types of harm to fish and wildlife that may rapidly occur because of insufficient water. Potentially lethal problems could develop in days, hours, or even minutes, and would not be noticed and remedied in time.	The weekly visual habitat monitoring is to provide context and information regarding the general conditions of the IID drains and adjacent vegetation along the southern shoreline of the Salton Sea during the implementation of the conservation programs under the Proposed Action. Action triggers and impact avoidance measures are separately implemented to ensure there are no adverse effects to listed species.
263.	The portion of the Monitoring Plan that includes drain flow monitoring is also foreseeably inadequate. The suggested monitoring of drains includes the use of automated sensors to accomplish ongoing flow surveillance of drains that are equipped with those devices, and weekly manual monitoring with a hand-held device in drains that do not have automated sensors. The data from automated sensors will not be	Data from automatic sensors will be received and monitored daily, 7 days per week. IID personnel schedules and tasks are developed in accordance with personnel rules and policies. The implementation of the Monitoring Plan is coordinated with Reclamation, USFWS, and CDFW to ensure that IID will implement the Monitoring Plan to avoid adverse effects to listed species. IID will ensure that personnel are

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	monitored 24-7. Rather, the information will only be checked during normal working hours on weekdays, on an unspecified schedule.	assigned and able to complete the requirements of the Monitoring Plan.
264.	The use of hand-held devices to monitor flow in the drains will occur only once per week for each drain. That monitoring method will require personnel to climb down into deep ditches and obtain multiple velocity readings at differing depths across a single cross-section of each drain.[157] This may be hazardous for personnel and could cause significant disturbance to wildlife, particularly nesting birds, and conceivably the activities could harm fish and/or their habitat. The staff doing the monitoring will not be wildlife biologists and may not even be aware that their actions are causing a harmful disturbance.	It is anticipated that the exact locations where IID staff will be able to use the hand-held current meter will need to be coordinated with USFWS, Reclamation, and CDFW. Consideration will need to be given to IID staff safety to traverse through dense vegetation located within the terminus of each drain (downstream of the last structure) to collect the drain flow data.
265.	A fundamental limitation of both automated and manual flow monitoring is that even when some water is flowing at the monitoring location there may be inadequate water or no water at all in places downstream that are crucial for fish and wildlife. Although IID staff are capable of manually assessing the flow rate in drains at the designated upstream locations, and automated sensors can do so in other drains equipped with such devices, I suggest it is not reasonable to assume that the personnel involved in decision-making about the significance of flow data—regardless of how well-meaning they are—will necessarily be capable of properly identifying circumstances that may threaten fish and wildlife living in downstream, unobserved locations. It is foreseeable that there will be inadequate information available at upstream monitoring spots even for experts on the pertinent species to make the necessary assessments about whether conditions may be occurring downstream that could harm fish and wildlife; and it appears that the IID staff doing the monitoring of drains, and the personnel making decisions regarding whether an “action trigger” has occurred, will not be experts regarding the biology and ecology of the desert pupfish, the Yuma Ridgway’s rail, or other Special Status Species that may be adversely affected by the Proposed Action’s water reductions. It will be exceedingly difficult, if not impossible, for those personnel to make appropriate decisions under time pressure regarding whether a water truck should be called in to add fresh water into a drain—particularly given the fact that the water at issue is the Colorado River water that IID is attempting to cut back on using.	IID will ensure appropriate personnel are responsible for the appropriate tasks to implement the Monitoring Plan. Details of implementation will be coordinated with Reclamation, USFWS and CDFW.

[157] Draft EA, page 21.

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266.	In addition, the Draft EA's description of "action triggers" for the monitored drains indicates that the criteria for initiating "Impact Avoidance Measures" are also inadequate to avert or appropriately mitigate foreseeable and significant injurious consequences of the Proposed Action for fish and wildlife. First, the Draft EA states that "action triggers" will only apply to drains located in areas "where a majority of fields within the drain- shed are enrolled in the DIP or FUFP or were not participating in the OFECP within the last 5 years (2019-2023) prior to 2024 and become enrolled in the OFECP (or the simplified OFECP) during the three-year period of the Proposed Action."[158] I suggest that this limitation inappropriately serves to exclude from mitigation action a variety of scenarios in which low-flow or zero-flow conditions may occur in drains and jeopardize fish and wildlife as a result of the Proposed Action. In addition, it is problematic that zero-flow conditions will not be sufficient to initiate mitigation activities pursuant to the Draft EA's methodology for assessing potential "action triggers."	The water conservation under the QSA is occurring and part of existing conditions, including conditions in drain flows. Under the QSA and pursuant to the QSA EIR/EIS, a Biological Opinion (BO) and an Incidental Take Permit (ITP) were issued to IID to address potentially adverse impacts to listed species for the conservation and transfer of water. The action triggers were designed to take into account existing conditions that are being mitigated and are covered by existing permits from USFWS and CDFW. The majority of fields within a drain-shed is a conservative approach that takes into account existing conditions, which includes 70% of agricultural land in the existing OFECP, to create conservation to meet the transfer volumes under the QSA. Participation in the last 5 years is a data point to determine new conservation under the OFECP.
267.	Based on the described methodology, there will be no mitigation for zero flow in a drain unless the number of consecutive days in a week that the particular drain experiences zero flow is determined to exceed the average number of days in a week during which that particular drain has, in the past five years, experienced zero flow. This is a misguided approach. Utilizing an average of the conditions that occurred during the previous five years does not enable a determination of whether the zero-flow status of a particular drain on a specific day is related to the Proposed Action. It is unjustified simply to presume that zero-flow conditions are *not* being caused by the Proposed Action unless and until the historical average for the number of consecutive zero-flow days is exceeded.	The impacts of the low flow or zero flow in a drain that occurs under existing conditions is being mitigated under the QSA EIR/EIS, BO and ITP. The Monitoring Plan addresses zero flows that are calculated to be more than existing conditions.
268.	Furthermore, the Draft EA's methodology for identifying "action triggers" erroneously assumes it is necessary to isolate the effects of the Proposed Action from all other factors in order to decide whether mitigation for harm to fish and wildlife is required. But that approach is wrong as a matter of law. It is the Proposed Action *in its full context* that must be assessed in order to determine whether resulting harm may	Impacts that are a result of the QSA conservation and transfers are mitigated pursuant to the MMRP, and in accordance with conditions of the BO and ITP. The Proposed Action facilitates Reclamation's payment of $250 million to CNRA under the Commitments Agreement in support of the implementation of CNRA's SSMP,

[158] Draft EA, page 34.

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	occur or is occurring and must be avoided or mitigated. The interplay among many factors must be considered; it is improper to attempt to rule out all other factors as the Draft EA's methodology tries to do. The other factors forming a potentially synergistic context for the effects of the Proposed Action include, but are not limited to, the ongoing water cutbacks pursuant to the QSA, the failure of the State to restore the Salton Sea or even to properly mitigate the effects of the QSA on fish and wildlife, weather variability, the effects of drought, the effects of floods, agricultural economic trends, cropping decisions by farmers, the impacts of climate change such as rising temperatures and increased evapotranspiration, and many other considerations.	specifically to support expanded and accelerated SSMP projects at the Salton Sea.
269.	Even once lower-level personnel decide to notify superiors that there is a problem with inadequate water in a drain, there will be substantial delays before a decision is made that it is necessary to add water; and more time will pass before the water is actually delivered into the pertinent drain. In particular, evaluation of these issues will only occur on weekdays during normal daytime working hours; no pertinent activities or decision- making will happen overnight or on weekends. Overall, based on the information presented in the Draft EA, the amount of time between the actual occurrence of inadequate water in a drain and the subsequent delivery of water into that drain is foreseeably at least a few days, and potentially considerably longer. The delays involved will be too lengthy to avert significant harm to fish and wildlife in many circumstances.	IID personnel schedules and tasks are developed in accordance with personnel rules and policies. The implementation of the Monitoring Plan is coordinated with Reclamation, USFWS, and CDFW to ensure that IID will implement the Monitoring Plan to avoid adverse effects to listed species. IID will ensure that personnel are assigned and able to complete the requirements of the Monitoring Plan.
270.	Furthermore, calling in a water truck to add water into a drain is foreseeably an inadequate approach for avoiding deleterious impacts on fish and wildlife in many locations where harm related to the Proposed Action may occur. Such trucks will be unable to maneuver into the vicinity of most, if not all, downstream locations where fish and wildlife may face jeopardy from inadequate water; and adding a relatively small pulse of water far upstream of pertinent habitat areas may not ensure that enough water, or any water, actually reaches appropriate locations on the exposed lakebed where harm is occurring.	The implementation of the Monitoring Plan is coordinated with Reclamation, USFWS, and CDFW to ensure that IID will implement the Monitoring Plan to avoid adverse effects to listed species. IID will ensure that water trucks will be utilized in compliance with the Monitoring Plan, including locating trucks downstream of the last structure on the drain.
271.	In addition, the Draft EA makes clear that the Monitoring Plan will apply only "to the IID drains that flow directly to the Salton Sea and the vegetated areas along the southern shoreline of the Sea receiving water	The Monitoring Plan was developed in consultation with USFWS and CDFW. Desert pupfish and Yuma Ridgway's rails habitat are within the drains that flow to the Salton Sea and the vegetated areas along the shoreline of the Sea.

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	from those IID drains."[159] Thus, the suggested plan will not evaluate potential adverse impacts of the Proposed Action in other parts of the IID Contract Service Area, and will accomplish nothing to avoid or mitigate the significant harm to fish and wildlife that the Proposed Action foreseeably will cause outside of IID's Contract Service Area.	
272.	By depriving the Salton Sea of very large quantities of fresh water, the Proposed Action will affect the salinity and water quality in the entirety of the lake, and will negatively impact all organisms living in it and reliant on it. Harm will occur to the remaining fish and to the numerous species of birds, including Special Status Species, dependent on food resources in the lake for sustenance. Large areas of additional lakebed will be exposed all around the Salton Sea's perimeter as the lake shrinks because of the Proposed Action.	The EA identifies all impacts to biological resources identified in the QSA EIR/EIS, which includes the entire Salton Sea, and provides a comparison matrix in Appendix BIO-3. The analysis in the EA assumes that these impacts and mitigation strategies would remain applicable, including for impacts to the Salton Sea. The EA focuses on updating the analysis of biological resources that were anticipated to be affected by this Proposed Action. Reclamation completed informal consultation with USFWS in July 2024. The Proposed Action involves the conservation of water within the IID Contract Service Area, which directly reduces flows within IID drains.
273.	That situation will foreseeably result in many tributaries that are outside of IID's Contract Service Area— including, but not limited to, Salt Creek and an unnamed stream south of Bombay Beach, both of which contain endangered desert pupfish, as well as agricultural drains around the northern perimeter of the lake— having insufficient flow to reach the receding shoreline, particularly during the hottest months of the year.	The Salt Creek, the unnamed stream south of Bombay Beach, and CVWD's drains on the north end of the Sea do not receive IID's water and therefore do not discharge drainage water from IID's water. Therefore, these locations will not be impacted by reductions in drainage water within IID's Contract Service Area.
274.	When those tributaries debouch onto exposed areas of lakebed far from the retreating edge of the Salton Sea, endangered desert pupfish may be stranded in small pools that are shallow, hot, isolated, and rapidly evaporating. Birds that feed and nest in marsh and wetland areas at the ends of stranded drains outside of IID's Contract Service Area that are no longer connected to the Salton Sea will also foreseeably be in jeopardy for various reasons, such as exposure to elevated concentrations of contaminants, including selenium, that could harm them, their eggs, and their offspring. Reclamation's Draft EA describes no monitoring and no mitigation for the potential harmful impacts of the Proposed Action on fish and wildlife in any of the foregoing locations. Reclamation is legally obligated to avoid or fully mitigate all of that	The EA incorporates the QSA EIR/EIS by reference for purposes of demonstrating consistency with the analysis of past water conservation and incorporates information and analysis from the QSA EIR/EIS where appropriate. The impacts associated with the water conservation volumes transferred under the QSA are already addressed by the QSA EIR/EIS and the required mitigation is being implemented.

[159] Ibid.

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	foreseeable and significant harm, but has failed to present any information in the Draft EA indicating the agency intends to do so.	
275.	The portion of the Draft EA focused on monitoring and mitigation also does not adequately address air quality and human-health impacts of the hazardous dust emissions that foreseeably will be released from many thousands of additional acres of lakebed to be rapidly exposed because of the Proposed Action's 2024- 2026 water cutbacks, nor does it address the continuing exacerbation of harmful consequences that will be ongoing through at least 2045 as a result of further lakebed exposure attributable to the Proposed Action. Although the Draft EA indicates that IID will continue to perform the dust mitigation program already being used within the IID Contract Service Area to lessen particulate emissions resulting from the QSA water transfers, it is unclear how effective those activities actually are in preventing impaired air quality and averting damage to human health. Large quantities of harmful PM10 and PM2.5 continue to be emitted from exposed lakebed;[160] the emitted particulates likely include hazardous, toxic, and carcinogenic constituents; it is widely thought within the scientific community that there is no safe level for human exposure to many of those dangerous substances; and significant and disproportionate pulmonary illness continues to be suffered by people in the adjacent environmental justice communities who are obliged to breathe the hazardous pollutants.[161]	Unmitigated playa emissions account for less than 1% of all emissions in the Salton Sea Air Basin and when currently planned dust control projects are implemented, this number drops to less than 0.5% of the total emissions in the Salton Sea Air Basin. As provided in Appendix AQ-2, several studies have been conducted to evaluate the health risk, specifically the elemental composition of playa dust and sediment and whether it is unique from native desert material (Vogl et al. 2002, Xu et al. 2016, Frie et al. 2017, 2019, Biddle et al. 2023, IID SS AQMP). Findings indicate that concentrations of toxic metals were either below the method detection limit, or if above detection limits, were indistinguishable between the playa and desert. The concept that playa dust is exceptionally high in toxic metals is not supported by the current body of research. The current analyses of aerosol and sub-aerial soil samples from the playa and desert surrounding the Salton Sea suggest that until PM contaminant concentrations begin to exceed California EPA reference exposure levels, the principal health concern is and will continue to be the amount of PM being emitted rather than the composition. The dust itself (regardless of composition) is the most important aspect to consider in terms of human health. The SS AQMP will continue to be adaptive and proactively detect, locate and assess potential dust emissions regardless of timing, rate and extent of the playa exposure.
276.	Moreover, what will be done to prevent additional dangerous particulate emissions from the regions of lakebed that will be exposed outside of IID's Contract Service Area because of the Proposed Action? What will be done to protect people in adjacent communities from the harm that additional hazardous, toxic, and carcinogenic dust will foreseeably	The EA focuses on the IID Contract Service Area because the conservation of Colorado River water under the Proposed Action will occur in this area. The EA recognizes the affected environment for each resource topic area may extend beyond the IID Contract Service Area and assesses potential environmental impacts that may

[160] The data in the Draft EA's Table 3-2 do not accurately reflect the magnitude of the problem, in part because particulate emissions during "exceptional events" with wind speeds in excess of 25 mph are excluded. Strong wind events are common in the Salton Sea region and result in significant particulate emissions from exposed lakebed, including exposed lakebed where "surface roughening" has been implemented for dust control. I have personally observed such emissions happening. Although the exclusion of dust emissions that occur during strong wind events may be allowed by regulators for purposes of assessing overall compliance with the federal ambient air quality standard for PM10, I suggest that omitting such emissions from consideration is not consistent with understanding public health risks posed by hazardous, toxic, and carcinogenic particulates being emitted from exposed Salton Sea lakebed.

[161] See the information in Part III.D above.

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	cause? The Draft EA states only that, "Implementation of the SSMP will address potential dust emissions that could adversely affect human health."[162] But clearly the SSMP's activities have been chronically and seriously inadequate for years. As explained earlier, the agency has even failed to comply with the most basic legal mandates for implementing dust control measures on specified amounts of lakebed acreage annually in order to mitigate the harmful effects of the QSA. Therefore, I suggest it is not reasonable for the Draft EA simply to assume that the SSMP will undertake the actions necessary to remedy the additional adverse impacts of the Proposed Action on air quality and human health outside of IID's Contract Service Area.	result from the Proposed Action as appropriate for the resource topic. The scope of the affected environment depends on the resource being evaluated. For example, Section 3.3 Air Quality analyzes the entire Salton Sea region (e.g. Salton Sea Air Basin, page 43; Regional Air Quality, page 44; IID's SS AQMP, State's Salton Sea Management Program (SSMP) and Dust Suppression Action Plan (DSAP) projects, page 46; hydrogen sulfide and hazardous air pollutants monitoring, page 47). Additionally, the human health analysis is not limited to the IID Contract Service Area. This analysis is based on the analysis in Section 3.3 Air Quality. The economic effects raised are a result of human health impacts. Current and anticipated playa exposure is higher in the relatively larger, shallower southern end of the Sea. The analysis in the southern end and the most directly impacted communities from the acceleration of playa exposure is appropriate for Section 3.7 Human Health. The SS AQMP is implemented for the entire Salton Sea and will address any impacts that occur despite anticipated timing and location.
277.	Another significant problem is that the Draft EA's suggested Monitoring Plan will not avert or alleviate emissions of greenhouse gases from the additional areas of lakebed that will become exposed because of the Proposed Action. In fact, the Monitoring Plan's dust mitigation activities, which probably will primarily include "surface roughening"—i.e., deep furrowing of the lakebed—are likely to exacerbate GHG emissions substantially.[163] Furthermore, if water is applied in order to dampen areas of the exposed lakebed in an effort to suppress dust, that dust-control measure will also foreseeably worsen GHG emissions considerably.[164]	The EA notes on page 38 that the proposed project would not affect greenhouse gases. The Proposed Action involves fewer agricultural activities as a result of the conservation through the DIP and FUFP. The OFECP involves the same level of agricultural activities as the No Action Alternative. No new or additional greenhouse gases would be emitted as a result of the Proposed Action. Regarding the emissions from biological reactions in the Salton Sea, the EA concludes that the Proposed Action would not result in increased overall anaerobic decay, including emissions of hydrogen sulfide and nitrous oxides, compared with previously assessed conditions in the QSA EIR/EIS.
278.	A crucial reason for the inadequacy of the Monitoring Plan suggested in the Draft EA is the fact that there is already an ongoing environmental, ecological, and public-health crisis at the Salton Sea because of the State of California's chronic failure to comply with its legal obligations.	The State of California's responsibility for the restoration of the Salton Sea and delays to the schedule are outside the scope of the Proposed Action and the analysis in the EA. Reclamation has been an active partner with the State of California to facilitate restoration

[162] Draft EA, page 94.

[163] Furrowing serves to increase the sediment-atmosphere interface and oxygenates previously buried sediments, thereby causing microbial effects that increase GHG emissions. See the report cited in footnote 150 above.

[164] See the report cited in footnote 150 above.

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	Since 2003, the State has violated the statutory requirement to restore the Salton Sea for "the permanent protection of the wildlife dependent on that ecosystem."[165] In addition, the State has also blatantly failed to satisfy its additional legal responsibilities pursuant to the State Water Board's 2017 Stipulated Order to fully mitigate the harmful impacts of the QSA water transfers on fish, wildlife, and people. By its obvious failures, the State has created a situation in which the Proposed Action will necessarily compound the crisis that already exists.	projects at the Salton Sea. Reclamation committed to providing $250 million to CNRA under the Commitments Agreement in support of the implementation of CNRA's SSMP, specifically to support expanded and accelerated SSMP projects at the Salton Sea. Reclamation is committed to continuing its close partnership with IID and the State of California to support mitigation and restoration projects at the Salton Sea and pursue additional actions to facilitate those projects. The implementation of the MMRP, including the SS AQMP, is ongoing and will continue to be implemented by IID under the Proposed Action.
279.	**An Alternative Action** Significant additional harm to fish, wildlife, people, and the environment will foreseeably result from the Proposed Action and its synergistic interaction with the existing Salton Sea crisis. Furthermore, that serious harm cannot be avoided or effectively minimized and fully mitigated as required by applicable law. It would be unlawful to compound the existing dire circumstances with even more injurious consequences. If the State of California had fully complied with statutory requirements since 2003, the current situation would be different. Even if the State had fully satisfied its legal obligations pursuant to the Stipulated Order and had implemented most of the 10-Year Plan during the past seven years, the current situation would be different. But the State's chronic violation of its legal responsibilities for more than two decades has resulted in an ongoing and worsening environmental, ecological, and public-health crisis; and there is no indication that the State intends to quickly remedy all its failures and the associated harm. And now Reclamation's Proposed Action will greatly exacerbate the already dreadful situation for fish, wildlife, and people. Therefore, the Proposed Action as currently formulated cannot legally proceed.	The State of California's responsibility for the restoration of the Salton Sea and delays or schedule are outside the scope of the Proposed Action and the analysis in the EA. Reclamation has been an active partner with the State of California to facilitate restoration projects at the Salton Sea. Reclamation committed to providing $250 million to CNRA under the Commitments Agreement in support of the implementation of CNRA's SSMP, specifically to support expanded and accelerated SSMP projects at the Salton Sea. Reclamation is committed to continuing its close partnership with IID and the State of California to support mitigation and restoration projects at the Salton Sea and pursue additional actions to facilitate those projects. The implementation of the MMRP, including the SS AQMP, is ongoing and will continue to be implemented by IID under the Proposed Action.

[165] The Salton Sea Restoration Act, California Fish and Game Code Chapter 13, Sections 2930 et seq.

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280.	A modified version of the Proposed Action could accomplish substantial water conservation to help sustain the Colorado River while not causing disproportionate and unreasonable negative effects, if—and only if—Reclamation ensures the water cutbacks are limited and carefully managed temporally and spatially, and their adverse impacts throughout the Salton Sea region are prudently minimized and entirely mitigated in a timely way. The Alternative Action for IID to undertake additional water conservation during 2024-2026 should not include the DIP, because the associated risks to fish and wildlife from that program's water cutbacks in the hottest months of the year are too great and cannot realistically be avoided. It also appears probable that the IID Board will not approve use of the FUFP because of the significant economic impacts it would entail for Imperial County. I therefore suggest that the only Alternative Action for 2024-2026 that might be appropriate is for IID to perform additional water conservation using the OFECP, with the maximum amount of the extra water cutbacks capped at no more than a total of 50,000 acre-feet per year. Additionally, IID can leave another 50,000 acre-feet of conserved QSA water in Lake Mead annually during 2024-2026 if the San Diego County Water Authority agrees to forego taking that amount from IID each year during that period, as it did in 2023[166]—which SDCWA should do in light of its large water surplus.	The proposed Alternative Action would be within the Proposed Action analyzed under the EA and, therefore, could be done without additional analysis. The Proposed Action includes annual and cumulative limits on the volume of conservation to be created and any volumes within those limits could be implemented.
281.	I also suggest that after 2026 IID should not be required to implement any additional water cutbacks, beyond the major annual water conservation that the District is already committed to accomplishing pursuant to the QSA, unless and until an effective plan for full restoration of the Salton Sea and long-term sustenance of the lake's ecosystem has been developed, along with a viable funding mechanism, and the restoration plan is actually being implemented for the permanent protection of fish, wildlife, people, and the environment. Even the limited Alternative Action would foreseeably cause significant negative effects for fish, wildlife, and people, largely because it would occur in the context of, and would compound, the ongoing Salton Sea crisis resulting from the QSA. The Alternative Action should therefore move forward *only if* all of its harmful consequences are averted, or are	A wide range of alternatives for the multi-year NEPA process for the post-2026 Colorado River operating guidelines are currently being considered and analyzed. Therefore, conservation volumes are speculative and not reasonably foreseeable.

[166] See footnote 24.

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	fully mitigated to the extent it is impossible to prevent them, and the additional requirements specified below are also satisfied.	
282.	A modified version of the Monitoring Program outlined in the Draft EA may be a feasible approach for detecting and averting the portion of the Alternative Action's adverse impacts that will foreseeably occur within IID's Contract Service Area *if*: (a) the water reductions are strictly limited and are not allowed to disproportionately affect a small number of drains and associated marshes and playa wetlands; (b) flow and habitat monitoring occurs more than once per week; (c) the "action triggers" for mitigation are appropriately modified to prevent harm to fish and wildlife and do not require exceedance of average historical conditions, as discussed above; and (d) fish and wildlife experts from the CNRA and the USFWS assist IID with monitoring and mitigation activities on an ongoing basis to prevent the significant harm that might otherwise occur.[167] IID's ongoing dust mitigation activities must also continue, and must be increased if necessary to address additional areas of lakebed to be exposed as a result of the Alternative Action's water-use reductions. Also, experts independent of IID's current dust-mitigation contractor should be consulted regarding alternative measures for suppressing lakebed dust to the maximum feasible extent that can be utilized instead of the existing furrowing method, which exacerbates GHG emissions from the exposed lakebed.	The suggested reduced project and Monitoring Program would not meet the purpose and need of the proposed Action outlined on page 3 of the EA. The EA does not include a second Action Alternative, since no other agricultural conservation practices are feasible to meet the project objectives. The EA acknowledges that the increased exposed lakebed acreage and salinity concentrations would occur earlier than under the No Action Alternative. That is to say, the temporary diversions would accelerate the estimated elevation and salinity effect. The EA concludes that as a worse-case scenario, this acceleration could be 5 to 10 years.
283.	Additionally, the CNRA must shoulder full responsibility for preventing or minimizing and fully mitigating all harmful impacts on fish, wildlife, the environment, and people that may result from the Alternative Action in all locations outside of IID's Contract Service Area, and must undertake the necessary activities in a timely manner that keeps pace with the effects of the extra water reductions. I suggest that the funding the CNRA is to receive from Reclamation related to IID's 2024-2026 water cutbacks, as well as the $70 million that the CNRA has already received from Reclamation for IID's 2023 SCIA, must be earmarked specifically for actions during 2024-2026 to prevent and mitigate harm to fish, wildlife, and people associated with the Alternative Action. It is essential for those harm-prevention and mitigation activities by the CNRA to occur *during* 2024-2026 and to match the rate at which impacts of the water cutbacks	The CNRA's responsibility for the restoration of the Salton Sea and delays or schedule are outside the scope of the Proposed Action and the analysis in the EA. Reclamation has been an active partner with the State of California to facilitate restoration projects at the Salton Sea. Reclamation committed to providing $250 million to CNRA under the Commitments Agreement in support of the implementation of CNRA's SSMP, specifically to support expanded and accelerated SSMP projects at the Salton Sea. Reclamation is committed to continuing its close partnership with IID and the State of California to support mitigation and restoration projects at the Salton Sea and pursue additional actions to facilitate those projects. The implementation of the MMRP, including the SS AQMP, is ongoing

[167] The Draft EA suggested a quarterly consultation between IID staff and pertinent experts affiliated with the CNRA and the USFWS. That is not adequate.

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	occur during that period. In addition to performing dust suppression to protect air quality and public health, preferably without furrowing the lakebed, CNRA must also devise and immediately implement effective conservation measures to protect fish and wildlife from the impacts of the Alternative Action. I suggest that beginning the operation of the SCH immediately, rather than waiting at least several more years to do so as the CNRA currently intends, would be one appropriate way to provide some protection for fish and wildlife expeditiously.[168] Furthermore, the CNRA's implementation of measures to prevent and mitigate the impacts of the Alternative Action must be *in addition to* the agency's prompt fulfillment of all other legally required harm-prevention, conservation, and mitigation activities at the Salton Sea that it has shirked for many years. The CNRA must immediately and effectively address the backlog of activities that the agency has failed to accomplish pursuant to the 2017 Stipulated Order.	and will continue to be implemented by IID under the Proposed Action.
284.	If, for whatever reason, the CNRA decides that it is not feasible to perform the necessary measures to prevent and mitigate harm to fish, wildlife, and people that will foreseeably result from the Alternative Action, and to do so in a timely manner in addition to promptly fulfilling the agency's other pending legal responsibilities at the Salton Sea that have not yet been satisfied, then the Alternative Action *must not occur*. I also suggest that if the CNRA agrees to perform the necessary harm-prevention, conservation, and mitigation activities and the Alternative Action therefore moves forward, but then the CNRA fails actually to perform the requisite activities during a particular year in a full and timely manner that keeps pace with the water cutbacks, then the Alternative Action's water reductions must be cancelled from that point forward. It is untenable, and it would be a violation of applicable law, for the same injurious situation that has occurred during the past twenty years to be repeated. For two decades the QSA water transfers have been ongoing, but the State of California has failed to fulfill its legal obligations to avert or even mitigate the severe harm that those water cutbacks have caused for fish, wildlife, the environment, and hundreds of thousands of people. Now Reclamation has proposed additional water reductions that will	The CNRA's responsibility for the restoration of the Salton Sea and delays or schedule are outside the scope of the Proposed Action and the analysis in the EA. Reclamation has been an active partner with the State of California to facilitate restoration projects at the Salton Sea. Reclamation committed to providing $250 million to CNRA under the Commitments Agreement in support of the implementation of CNRA's SSMP, specifically to support expanded and accelerated SSMP projects at the Salton Sea. Reclamation is committed to continuing its close partnership with IID and the State of California to support mitigation and restoration projects at the Salton Sea and pursue additional actions to facilitate those projects. The implementation of the MMRP, including the SS AQMP, is ongoing and will continue to be implemented by IID under the Proposed Action.

[168] Although I understand there are engineering reasons for delaying operation of the SCH until after additional habitat is constructed, it makes no sense to do so from a wildlife conservation standpoint. Given the CNRA's failure to comply with legal mandates to protect fish and wildlife from the impacts of the QSA, the agency must prioritize fish and wildlife now.

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	compound the ongoing harm caused by the QSA. Even a small portion of those additional cutbacks must not proceed unless effective and timely actions are implemented to prevent and fully mitigate the associated harm from both the QSA and the extra water reductions.	