



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
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William Steele
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Lower Colorado Region
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May 15, 2000

Dear Mr. Steele:

The Environmental Protection Agency (EPA) has reviewed the Bureau of Reclamation's (Bureau) Draft Environmental Impact Statement (DEIS) for the project entitled **Salton Sea Restoration Project, Riverside and Imperial Counties, California**. Our review is pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act. EPA provided comments on the Notice of Intent (NOI) to prepare an EIS on September 30, 1998, actively participated as a cooperating agency, and provided comments on the Administrative DEIS on September 9 and 13 and December 1, 1999. This letter reflects ongoing concerns we have raised during our participation in this project as well as recommendations to improve the project and its NEPA documentation.

The Salton Sea (Sea) is a eutrophic, hypersaline lake in the Salton Trough, a closed basin of the southern California desert. Historically the Colorado River would periodically flood into this basin forming a large lake, called Lake Cahuilla, which would eventually dry up. Geological evidence of marine deposits along the ridge marks the last great inundation. The current Salton Sea (Sea) was formed in 1905-1907 when flooding on the Colorado River breached a temporary diversion structure allowing virtually the full flow of the river water into the Salton Trough. The Sea is currently maintained by agricultural drainage from fields irrigated by diverted Colorado River water and smaller volumes of municipal effluent and storm water runoff. Due to the loss of historical migratory bird habitat in the Lower Colorado River Delta (Delta), the Sea has become a critical part of the Pacific Flyway, providing seasonal, migratory, and nesting habitat. Because of its highly eutrophic nutrient rich nature, the Sea also has a very productive non-native sports fishery. Despite the current high productivity of specific fisheries, increasing salinity, high nutrient loading, pesticides, selenium, DDT residues, discharges of agricultural chemicals, and changing water and land use are threatening the reproductive ability of the biota and are significantly reducing the ecological viability of the system.

Proposed Action by the Bureau

The purpose and need for this project is to maintain and restore ecological and socioeconomic values of the Sea. The objective of this effort is to evaluate alternatives which (1) maintain the Sea as a reservoir for agricultural drainage, (2) provide a safe, productive environment for resident and migratory birds and endangered species, (3) restore recreational uses, (4) maintain a viable sport fishery, and (5) identify opportunities for economic development.

Proposed actions are divided into two phases. The first phase seeks to maintain and restore the Sea for up to 30 years. The second phase includes additional actions required to maintain the Sea for up to 100 years. Since future water flows into the Salton Sea are uncertain, project effects have been evaluated against three No Action inflow scenarios.

Five action alternatives are described for Phase 1:

- Alternative 1 - two evaporation ponds within the Sea,
- Alternative 2 - Enhanced Evaporation System (EES) at Bombay Beach,
- Alternative 3 - EES at the Salton Sea Test Base,
- Alternative 4 - one evaporation pond and the EES at the Salton Sea Test Base, and
- Alternative 5 - one evaporation pond with EES incorporated into the pond itself.

Depending on the alternative, reduced inflows would require the addition of a displacement dike, importation of Colorado River flood flows, and accelerated export of Salton Sea water. Other Phase 1 actions include construction of diked ponds to preserve existing north wetland and Desert Pupfish habitat and common actions to further address the project objectives. These common actions would be implemented regardless of the chosen alternative except for the No Action alternative. The proposed common actions are fish harvesting, improved recreational facilities, shoreline cleanup, an integrated wildlife disease program, a long-term management strategy, and a strategic science plan.

Phase 2 options include an expanded EES or export of Salton Sea water to the Gulf of California, the Pacific Ocean or to Palen Dry Lakebed. Reduced inflows would require importation of less saline water. Water could be imported from the Central Arizona Salinity Interceptor (CASI), designed to transport brackish water by gravity from the Tucson and Phoenix areas to Yuma, Arizona. This water is expected to be available in approximately 25 years.

EPA Comments:

It is clear that there are significant environmental problems at the Salton Sea that are likely to worsen in the future. The Salton Sea is a unique and valuable resource. Our objective is to assist the Bureau in developing restoration efforts which are ecologically sustainable and make sense within the context of sound science and regional environmental, ecological, and economic needs. Ultimately, our goal is to ensure decision makers and the public are provided an accurate and credible document upon which to make decisions.

We wish to recognize the hard work and dedication of the Bureau and Salton Sea Authority (Authority). Both have made admirable efforts to resolve complex and unique ecological problems within an exceedingly short time frame. We acknowledge the constraints the Bureau was under in developing this DEIS. The Bureau's work provides a good start for an effective and sustainable restoration program. We concur with the proposed common actions which can be implemented as early as 2003. We urge immediate implementation of the integrated wildlife disease program, strategic science plan and proposed common action pilot projects.

Overall, however, the Salton Sea Restoration Project focuses on but a few large engineering solutions to address only salinity and surface elevation problems. We believe restoration efforts must utilize a wide range of approaches to address the multiple complex and unusual problems of the Sea. A broader multi-faceted restoration project seems to comport more with the project purpose and need to maintain and restore ecological and socioeconomic values of the Sea. We question whether the narrowly defined project would result in a feasibly sustainable viable ecosystem as stated in the project's goals and objectives. The basis for our position is as follows:

1) There are significant deficiencies in the environmental analysis.

While the DEIS for the Salton Sea Restoration Project does acknowledge that nutrient loading and water quality issues, in addition to salinity, are problematic, the document fails to propose restoration actions for those aspects of the overall problem. Nutrient loading is one of the more immediate threats to the Sea's ecological health. There is ample evidence cited in the DEIS to suggest that without significant reductions in nutrient and other pollutant loading to the Sea, it is unlikely that there will be significant reductions in algal growth, odors, fish and bird die-offs, and other occurrences that currently make the Sea undesirable for many recreational, wildlife, and economic purposes.

The DEIS does not fully describe the Regional Water Quality Control Board's (RWQCB) development and implementation of Total Maximum Daily Loads (TMDLs) for the Salton Sea basin, nor does it incorporate TMDL actions into the proposed restoration alternatives. TMDLs are quantitative assessments of the sources of pollutants and reduction allocations of those pollutants in order to reduce pollution to levels that achieve water quality standards. EPA has a strong interest in ensuring restoration practices are consistent with TMDL requirements. We believe TMDL actions should be incorporated into the proposed restoration alternatives, where applicable, and fully described in the EIS. Potential impacts of restoration actions on development and implementation of TMDLs must be fully addressed in the EIS.

The Coachella Valley Tribes (e.g., Torres Martinez and Coachella Valley Tribal Consortium) are currently establishing beneficial use criteria for waters in and under their reservations, and are developing water quality standards and TMDLs to protect these uses. These water quality standards programs are not acknowledged, described or reflected in the proposed project. The regulatory authority of these tribes, for example, to set standards for salinity, nutrients, and other pollutants could play a key role in the restoration of the Sea. Furthermore, these tribes have already been working to restore portions of the Sea (e.g., Torres Martinez

northern wetlands proposal). EPA recommends more extensive consultation with potentially affected Indian Tribes on a government-to-government basis. We believe restoration options and the EIS should consider the role tribal water quality standards and restoration efforts can play in restoring the Sea.

Other significant deficiencies in the environmental analysis include an inadequate evaluation of the tradeoffs between project objectives, inconsistency between the assumed time-line for reduced inflows and proposed actions to address these inflow reductions, and inadequate evaluation of critical cost factors. The EIS should recognize and describe that the project objectives may, in part, be conflicting, whereby achieving one objective could result in an adverse effect in achieving other objectives. The assumed time-line for reduced inflows and the proposed implementation of actions to address these inflow reductions do not match. For instance, importation of water for reduced inflows is triggered in 2015, although it is assumed that these lower inflows would not occur until 2030. Cost factors which should be evaluated include the cost of maintenance following expected seismic effects, use of landfills for sediment and salt disposal, and long-term infrastructure costs to the local communities.

2) The DEIS does not demonstrate that the project alternatives are feasible or sustainable or that they will achieve project objectives.

Even with implementation of proposed restoration actions; salinity, surface elevation, and ecological goals may not be met. We believe there is no assurance the project will meet its objectives, even after a significant expenditure of effort and resources.

Construction related fugitive dust and vehicle emissions from Phase 1 actions would significantly exceed conformity rule de-minimis levels. The DEIS suggests a PM10 State Implementation Plan (SIP) amendment may be required to address conformity for project approval. We are very concerned that the project may rely on amending the PM10 SIP as the sole means of meeting conformity requirements. The feasibility of such an amendment to accomplish conformity is questionable.

3) Salton Sea restoration should be evaluated within the context of the Lower Colorado River watershed.

Sustainable restoration of the Salton Sea must consider its integration as a vital part of a thriving, healthy Lower Colorado River watershed to reflect reality. The Salton Sea, Lower Colorado River Basin and Delta must be considered in its entirety because actions taken in one part of the Basin, especially additional water diversions, could have significant adverse cumulative impacts on other parts of the Basin. It is questionable whether the entire watershed would remain ecologically viable without a comprehensive approach to its restoration.

This larger observation notwithstanding, the DEIS does not adequately evaluate potential direct, indirect, and cumulative impacts of the restoration project on the Lower Colorado River Basin and Delta. Nor does it provide a complete description of the present conditions in the Delta. In addition, the Bureau should analyze potential impacts from and to other regional projects (e.g.,

Imperial Irrigation District/San Diego Water Authority (IID/SDWA) water transfer, California 4.4 Plan, Delta restoration) on the Salton Sea Restoration Project, especially if the restoration project is modified or delayed. This information should be provided in the EIS.

4) The project scope is too narrow.

The Bureau has stated that authorizing legislation (PL 102-575 in 1992, PL 105-372 in 1998) focused the project scope on salinity reduction and stabilization of surface elevation. Salinity and surface elevation are considered by some as the primary factors making the Salton Sea undesirable for many recreational, wildlife, and economic purposes. Salinity and surface elevation are, however, only two of many factors that are significantly reducing the ecological viability of the Sea. In fact, the DEIS states that high nutrient loading, oxygen depletion, temperature fluctuations, pesticides, selenium, DDT residues, discharges of agricultural chemicals, and changing water and land use are also threatening the reproductive ability of the biota and the Sea's ecosystem (pg. 1-1). Furthermore, while authorizing legislation helps focus restoration efforts, the National Environmental Policy Act (NEPA) mandates an evaluation of all reasonable alternatives (to meet the stated need and achieve the project purpose), including those not within the jurisdiction of the lead agency [40 CFR Section 1502.14(a) and (c)].

We urge the Bureau to evaluate the project more comprehensively than that which is reflected in the DEIS, e.g., within the larger scope of the Lower Colorado River Basin and Delta. The analysis should include a broader range of alternatives which incorporate actions to address the source of nutrients and salinity; restoring seeps, creeks, springs and river deltas of the Sea; and integration of Salton Sea restoration within the Lower Colorado River restoration efforts. The analysis should also discuss how the over-arching issues of water quality and quantity would be resolved to achieve a successful and sustainable project.

Summary of EPA position

Based on our review, EPA has concluded the DEIS is inadequate and should be formally revised and reissued for public comment as a Supplemental Draft Environmental Impact Statement (SDEIS). EPA believes that the additional information, data, analyses, or discussions brought to your attention herein are of such a magnitude that they should have full public review at a draft stage. Therefore, we have rated the adequacy of the DEIS as Category "3" - Inadequate (see attached "Summary of EPA Rating Definitions"). On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the Council on Environmental Quality (CEQ). Our detailed comments are enclosed.

We encourage the Bureau and Authority to closely collaborate with EPA in an effort to achieve our common goal of the restoration of the Salton Sea. We appreciate the opportunity to review the DEIS and are available to discuss these issues with you further. Ms. Laura Fujii, our primary staff point-of-contact for this project, will contact you in the near future to schedule a meeting to discuss issues. In the interim, should you have questions, please call Ms. Deanna Wieman, Deputy Director of the Cross Media Division at (415) 744-1015, Mr. David Farrel,

Chief of the Federal Activities Office at (415) 744-1584, or have your staff contact Ms Fujii at (415) 744-1601.

Sincerely,

Signed by Felicia Marcus

Felicia Marcus
Regional Administrator

Enclosure: Summary of EPA Rating Definitions
Detailed comments

MI003119

Filename: salton2de.wpd

cc: David Hayes, Deputy Secretary DOI
Tom Kirk, Salton Sea Authority
Phil Gruenberg, RWQCB
Carol Roberts, USFWS