

Attachment A

Minute 242

INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO

Mexico, D.F.
August 30, 1973

MINUTE NO. 242

PERMANENT AND DEFINITIVE SOLUTION TO THE
INTERNATIONAL PROBLEM OF THE SALINITY OF THE COLORADO RIVER

The Commission met at the Secretariat of Foreign Relations, at Mexico, D.F., at 5:00 p.m. on August 30, 1973, pursuant to the instructions received by the two Commissioners from their respective Governments, in order to incorporate in a Minute of the Commission the joint recommendations which were made to their respective Presidents by the Special Representative of President Richard Nixon, Ambassador Herbert Brownell, and the Secretary of Foreign Relations of Mexico, Lic. Emilio O. Rabasa, and which have been approved by the Presidents, for a permanent and definitive solution of the international problem of the salinity of the Colorado River, resulting from the negotiations which they, and their technical and juridical advisers, held in June, July and August of 1973, in compliance with the references to this matter contained in the Joint Communique of Presidents Richard Nixon and Luis Echeverría of June 17, 1972.

Accordingly, the Commission submits for the approval of the two Governments the following

RESOLUTION:

1. Referring to the annual volume of Colorado River waters guaranteed to Mexico under the Treaty of 1944, of 1,500,000 acre-feet (1,850,234,000 cubic meters):
 - a) The United States shall adopt measures to assure that not earlier than January 1, 1974, and no later than July 1, 1974, the approximately 1,360,000 acre-feet (1,677,545,000 cubic meters) delivered to Mexico upstream of Morelos Dam, have an annual average salinity of no more than 115 p.p.m. \pm 30 p.p.m. U.S. count (121 p.p.m. \pm 30 p.p.m. Mexican count) over the annual average salinity of Colorado River waters which arrive at Imperial Dam, with the understanding that any waters that may be delivered to Mexico under the Treaty of 1944 by means of the All American Canal shall be considered as having been delivered upstream of Morelos Dam for the purpose of computing this salinity.
 - b) The United States will continue to deliver to Mexico on the land boundary at San Luis and in the limitrophe section of the Colorado

River downstream from Morelos Dam approximately 140,000 acre-feet (172,689,000 cubic meters) annually with a salinity substantially the same as that of the waters customarily delivered there.

- c) Any decrease in deliveries under point 1(b) will be made up by an equal increase in deliveries under point 1(a).
 - d) Any other substantial changes in the aforementioned volumes of water at the stated locations must be agreed to by the Commission.
 - e) Implementation of the measures referred to in point 1(a) above is subject to the requirement in point 10 of the authorization of the necessary works.
2. The life of Minute No. 241 shall be terminated upon approval of the present Minute. From September 1, 1973, until the provisions of point 1(a) become effective, the United States shall discharge to the Colorado River downstream from Morelos Dam volumes of drainage waters from the Wellton-Mohawk District at the annual rate of 118,000 acre-feet (145,551,000 cubic meters) and substitute therefor an equal volume of other waters to be discharged to the Colorado River above Morelos Dam; and, pursuant to the decision of President Echeverría expressed in the Joint Communique of June 17, 1972, the United States shall discharge to the Colorado River downstream from Morelos Dam the drainage waters of the Wellton-Mohawk District that do not form a part of the volumes of drainage waters referred to above, with the understanding that this remaining volume will not be replaced by substitution waters. The Commission shall continue to account for the drainage waters discharged below Morelos Dam as part of those described in the provisions of Article 10 of the Water Treaty of February 3, 1944.
 3. As a part of the measures referred to in point 1(a), the United States shall extend in its territory the concrete-lined Wellton-Mohawk bypass drain from Morelos Dam to the Arizona-Sonora international boundary, and operate and maintain the portions of the Wellton-Mohawk bypass drain located in the United States.
 4. To complete the drain referred to in point 3, Mexico, through the Commission and at the expense of the United States, shall construct, operate and maintain an extension of the concrete-lined bypass drain from the Arizona-Sonora international boundary to the Santa Clara Slough of a capacity of 353 cubic feet (10 cubic meters) per second. Mexico shall permit the United States to discharge through this drain to the Santa Clara Slough all or a portion of the Wellton-Mohawk drainage waters, the volumes of brine from such desalting operations in the United States as are carried out to

implement the Resolution of this Minute, and any other volumes of brine which Mexico may agree to accept. It is understood that no radioactive material or nuclear wastes shall be discharged through this drain, and that the United States shall acquire no right to navigation, servitude or easement by reason of the existence of the drain, nor other legal rights, except as expressly provided in this point.

5. Pending the conclusion by the Governments of the United States and Mexico of a comprehensive agreement on groundwater in the border areas, each country shall limit pumping of groundwaters in its territory within five miles (eight kilometers) of the Arizona-Sonora boundary near San Luis to 160,000 acre-feet (197,358,000 cubic meters) annually.
6. With the objective of avoiding future problems, the United States and Mexico shall consult with each other prior to undertaking any new development of either the surface or the groundwater resources, or undertaking substantial modifications of present developments, in its own territory in the border area that might adversely affect the other country.
7. The United States will support efforts by Mexico to obtain appropriate financing on favorable terms for the improvement and rehabilitation of the Mexicali Valley. The United States will also provide non-reimbursable assistance on a basis mutually acceptable to both countries exclusively for those aspects of the Mexican rehabilitation program of the Mexicali Valley relating to the salinity problem, including tile drainage. In order to comply with the above-mentioned purposes, both countries will undertake negotiations as soon as possible.
8. The United States and Mexico shall recognize the undertakings and understandings contained in this Resolution as constituting the permanent and definitive solution of the salinity problem referred to in the Joint Communique of President Richard Nixon and President Luis Echeverría dated June 17, 1972.
9. The measures required to implement this Resolution shall be undertaken and completed at the earliest practical date.
10. This Minute is subject to the express approval of both Governments by exchange of Notes. It shall enter into force upon such approval; provided, however, that the provisions which are dependent for their implementation on the construction of works or on other measures which require expenditure of funds by the United States, shall become effective upon the notification by the United States to Mexico of the authorization by the United States Congress of said funds, which will be sought promptly.

Thereupon, the meeting adjourned.

(signed) J. F. Friedkin
Commissioner of the United States

(signed) D. Herrera J.
Commissioner of Mexico

(signed) F. H. Sacksteder, Jr.
Secretary of the United States
Section

(signed) Fernando Rivas S.
Secretary of the Mexican Section

Attachment B

Forum Meeting Minutes

November 8-9, 1974

MINUTES* OF MEETING
OF THE
COLORADO RIVER BASIN SALINITY CONTROL FORUM
NOVEMBER 8-9, 1973
DENVER, COLORADO

Representatives of the seven Colorado River Basin States met on November 8-9, 1973 at 10:30 a.m. in the Quality Hotel, Denver, Colorado. The meeting was convened at by Lynn Thatcher who was acting as chairman. A list of those in attendance is found as Attachment #1 of Appendix B. No formal minutes or records of the proceedings of this meeting have been found. The following is a compilation made in June, 1986 of correspondences found in the files of the Forum as well as personal correspondence with those involved in an effort to preserve some of the history related to the first meeting of the Colorado River Basin Salinity Control Forum (Forum).

Representatives from the seven Colorado River Basin States had been meeting for several years as conferees for the "Conference in the Matter of Pollution of the Interstate Waters of the Colorado River and Its Tributaries in the States of California, Colorado, Utah, Arizona, Nevada, New Mexico, and Wyoming." These conferees had been meeting under the authority of section 10 of the Federal Water Pollution Control Act (33 U.S.C. 1160). The first conference was a joint Federal-State conference held in January of 1960. Subsequent to this first conference efforts were made by the conferees to recommend, review, and support in congress, studies by the Bureau of Reclamation and Environmental Protection Agency dealing with the water quality of the Colorado River and the feasibility of projects aimed at controlling its salinity.

In early 1972, after the publications of EPA's 1971 report "The Mineral Quality Problem in the Colorado River Basin" and the USBR's 1972 report "Colorado River Water Quality Improvement Program", the conferees passed two resolutions (see Attachments No.s 5 and 6 of Appendix B). In essence these resolutions stated that the Basin States were in support of a salinity program which would keep salinity concentrations at or below current (1972) levels, that such a program should be implemented on a basin-wide basis without hindering development of compact-apportioned waters, that the primary responsibility for investigating,

*

Explanation - minutes of this meeting where the Forum was created have not been found. The following is a history of the events leading to the formation of the Forum and a statement of what transpired at the meeting. This document was created in June of 1986 from interviews with those present at the meeting and a review of documents on file.

planning, and implementing the basin-wide salinity control program rest with the USBR while following the program described in their February 1972 report "Colorado River Water Quality Improvement Program", and that the Office of Saline Water and EPA contribute to the program by assisting the Bureau of Reclamation by continuing with data collection and advising them on techniques etc. The April 27, 1972 resolution was approved by the Administrator of the Environmental Protection Agency and endorsed by a resolution of Congress (Colorado River Basin Salinity Control Act, 43, U.S.C. 1591a).

In 1973, because of increased questions and problems in dealing with certain sections of the Federal Water Pollution Control Act Amendments of 1972 (P.L. 92-500), representative of the Basin States decided to meet together to develop a unified position. A letter written by Lynn Thatcher to prospective attendees, which includes a list of the proposed agenda topics is, attached as Appendix A.

With this invitation representatives met together in November of 1973 to discuss their common concerns. The result of this meeting was the formation of the Colorado River Basin Salinity Control Forum, which they stated would be a mechanism for interstate cooperation and the setting and implementing of salinity criteria. Lynn Thatcher was elected Chairman and Ival Goslin was elected Secretary. At the meeting the states passed the "Seven Colorado River Basin States Accord, November 9, 1973" which expressed their consensus regarding EPA regulations and requirements for salinity control (see Appendix B).

Following the meeting a letter dated November 26, 1973 was prepared by Lynn Thatcher, reviewed by the Forum members, and then sent to Mr. Paul DeFalco, Jr., Director of Region IX of EPA. This letter outlined to Mr. DeFalco the consensus of the Basin States regarding the setting and implementing of salinity control criteria and outlined what the Basin States felt would be helpful in working with EPA. It informed him of their organizing the Colorado River Basin Salinity Control Forum and reported their "Accord". This letter with its Attachments is included to these minutes as Appendix B.



STATE OF UTAH—DEPARTMENT OF SOCIAL SERVICES

DIVISION OF HEALTH
44 MEDICAL DRIVE
SALT LAKE CITY, UTAH 84113
AREA CODE 801

October 25, 1973

Board of Health
Air Conservation Committee
Health Facilities Council
Medical Examiner Committee
Nursing Home Advisory Council
Water Pollution CommitteeLYMAN J. OLSEN, M.D., M.P.H.
Director of HealthBUREAU OF ENVIRONMENTAL HEALTH
72 East 4th South
Salt Lake City, Utah**RECEIVED**

OCT 29 1973

UPPER COLORADO
RIVER COMMISSION
SALT LAKE CITY, UTAH

After consultation with a number of representatives of water quality and water resource interests from the seven Colorado River Basin States it has become apparent that a meeting of these representatives is almost overdue. A meeting is necessary for exchanging ideas and hopefully for developing and presenting a strong and unified position pertaining to a number of questions that have arisen relative to certain sections of the Federal Water Pollution Control Act Amendments of 1972 (P.L. 92-500). A number of State representatives have urged that I assume the initiative in organizing and conducting such a meeting. With the aid of Ival Goslin of the Upper Colorado River Commission the meeting herein discussed is being organized.

The meeting is to be held in the Attache Room of the Quality Motel, located at 1840 Sherman Street in Denver, Colorado, commencing at 10:30 A.M. on Thursday, November 8, 1973 (phone no. (303) 861-8400). Several of the people who will be in attendance have indicated that they have other engagements on Friday afternoon; therefore, it is anticipated that the session will terminate at noon on the 9th.

In order to have a forum to which State representatives can speak freely, invitations to representatives of Federal agencies will not be issued for this meeting, and no effort will be made to give it publicity.

The following items have been suggested for the agenda:

1. Numerical standards (criteria) for points on the Colorado River and tributaries. What is the understanding of each State with regard to EPA's intentions? How has each State responded to EPA? It might be advantageous if each State would bring to the meeting copies of correspondence on this subject with EPA.
2. Permit system - Sec. 402 (P.L. 92-500) - What should be position of States in dealing with EPA?

=2=

3. Basin Planning - Sec. 303 and related sections.
4. Overall State Planning - Sec. 106 and related sections.
5. Standard Methods of Analysis.

The proposed agenda is not exclusive at this time. If you have additional topics to suggest, please let us know.

On November 8th and 9th there will be a number of conventions in Denver. We had considerable difficulty in securing a meeting room. You are urged to make your lodging reservations as soon as possible.

Sincerely yours,

Lynn M. Thatcher
Past Temporary Chairman
Colorado River Conferees

cc: Ival Goslin, Upper Colorado River Comm.
Dan Lawrence, Div. of Water Resources



STATE OF UTAH—DEPARTMENT OF SOCIAL SERVICES

DIVISION OF HEALTH
44 MEDICAL DRIVE
SALT LAKE CITY, UTAH 84113
AREA CODE 801

Board of Health
Air Conservation Committee
Health Facilities Council
Medical Examiner Committee
Nursing Home Advisory Council
Water Pollution Committee

LYMAN J. OLSEN, M.D., M.P.H.
Director of Health

November 26, 1973

BUREAU OF ENVIRONMENTAL HEALTH
72 East 4th South
Salt Lake City, Utah

Mr. Paul DeFalco, Jr., Director
Region IX
The Environmental Protection Agency
100 California Street
San Francisco, California 94111

COPY

Dear Mr. DeFalco:

Presumably because I had been chairman of the Colorado River Basin States conferees during the "Conference in the Matter of Pollution of the Interstate Waters of the Colorado River and Its Tributaries in the States of California, Colorado, Utah, Arizona, Nevada, New Mexico, and Wyoming" a number of representatives of these States urged that I assume the responsibility for organizing and conducting a meeting for the purpose of discussing a number of questions that have been generated relative to certain sections of the Federal Water Pollution Control Act Amendments of 1972 (P.L. 92-500). With the aid of Mr. Ival V. Goslin, Executive Director of the Upper Colorado River Commission, such a meeting was organized. On November 8-9, 1973 representatives of the water quality and water resource interests of the seven Colorado River Basin States convened in Denver, Colorado. Attachment 1 is a list of people in attendance.

At this session the States' representatives had before them three documents:

- (1) "Environmental Protection Agency (40 CFR Part 120) Title 40-- Protection of Environment--Colorado River System Including All Tributary Streams--Proposed Water Quality Standards and Plan of Implementation for Salinity Control," which had been submitted to California by EPA's Region 9 at a meeting in San Francisco on November 2, 1973.
- (2) "Environmental Protection Agency (40 CFR Part 120) Title 40-- Protection of Environment--Colorado River System Including All Tributary Streams--Proposed Requirements and Procedures for Salinity Control," which had been submitted to several Upper Colorado River Basin States by EPA's Region 8 at a meeting in Denver on November 2, 1973.

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- (3) "Proposed Water Quality Standards Revisions for the State of Nevada to be Published in the Federal Register."

The above three documents are attachments 2, 3, and 4.

An examination of the three above documents reveals that there are differences among them with respect to both wording and substance. They lack consistency in several respects.

The following quoted statement headed "Seven Colorado River Basin States Accord, November 9, 1973" expresses the consensus of the States with respect to the regulations proposed by EPA delineating requirements, procedures and a plan of implementation for salinity control in the Colorado River Basin. This statement is referenced specifically to the proposal submitted to California [No. (1) above].

Seven Colorado River Basin States Accord

November 9, 1973

"The seven States agree with the essence of the draft proposal submitted by Region 9 of EPA to California (No. 1 above) which is to be found in the fourth paragraph on page 1 and the paragraph numbered (1) on page 3 of the California draft. [See attachment No. 2.]

"The States agree that salinity criteria for the Colorado River Basin would be useful in the final formulation of a salinity control program such as would be undertaken by enactment of pending Congressional Bills, H.R. 7774, H.R. 7775, and S. 1807, and agree further that the States must cooperate with the Federal government and each other in support of such legislation which would implement the Conclusions and Recommendations published in the proceedings of the Reconvened Seventh Session of the Conference in the Matter of Pollution of the Interstate Waters of the Colorado River and Its Tributaries in the States of California, Colorado, Utah, Arizona, Nevada, New Mexico, and Wyoming, held in Denver, Colorado on April 26-27, 1972, under authority of section 10 of the Federal Water Pollution Control Act (33 U.S.C. 1160), and approved by the Administrator of the Environmental Protection Agency on June 9, 1972. (Attachment 5)

"The States have established a mechanism for interstate cooperation (Colorado River Basin Salinity Control Forum) and

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for preparation of semi-annual reports on the development of numeric criteria and the adoption of such criteria by October 18, 1975.

"As was concluded by resolution of the Colorado River Basin States Conferees (attachment 6) of the Conference in the Matter of Pollution of the Interstate Waters of the Colorado River and Its Tributaries held in Las Vegas, Nevada and the Reconvened Seventh Session held in Denver, implementation of the Colorado River Salinity Control Program generally as described in the report of the Secretary of the Interior entitled, 'Colorado River Water Quality Improvement Program, February 1972' would carry out the most appropriate plan of implementation for salinity control for the Colorado River system. The appropriate objective of the project is the maintenance of salinity at or below levels found in the lower main stem as of April 1972, while the Upper Basin States continue to develop their compact-apportioned waters.

"The seven States concur in the goal of compliance with the adopted criteria by July 1983, with the understanding that the levels of the criteria and the date of compliance are to be conditioned on the degree of effectuation of the Colorado River Salinity Control Program and other Federal, State, and local programs and the understanding that the criteria will not be used to delay or interfere with any State's development of its compact-apportionment of the waters of the Colorado River."

You will note from the above statement that the seven Basin States have created a mechanism for interstate cooperation, the Colorado River Basin Salinity Control Forum, and are thus prepared to develop the necessary information. The States elected Mr. Lynn M. Thatcher, chairman, and Mr. Ival V. Goslin, secretary. This forum involves the former conferees on water quality or their successors and a representative from each State in the water resource field. It is contemplated that this forum will consider not only salinity problems, but will also be ready to consider all water quality problems of interstate significance.

The representatives who attended the first meeting of the Colorado River Basin Salinity Control Forum last week in Denver stated that:

- (a) clarification is needed with respect to the reporting that will be necessary by 1975;

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- (b) the final statement on proposed water quality standards and plan of implementation for salinity control should be consistent for all seven States of the Colorado River Basin; and
- (c) opportunity should be provided for further direct discussion between representatives of the Environmental Protection Agency and the Forum before the proposed regulations are published in the Federal Register.

We commend EPA for the diligence and energy it continues to expend upon water pollution problems. We also hope that this letter will aid in developing a mutual understanding of the Basin States' position and desire to cooperate in the solution of complex pollution problems of the Colorado River System.

We will await the opportunity for further discussion. If additional information is desired, please let us know.

Sincerely yours,



Lynn M. Thatcher
Chairman
Colorado River Basin Salinity Control Forum

Attachments: 6

Attachment No. 1

IN ATTENDANCE

<u>Name</u>	<u>Representing</u>	<u>Address</u>
Lynn M. Thatcher	Bureau of Environmental Health	Salt Lake City, Utah
Ival V. Goslin	Upper Colorado River Commission	Salt Lake City, Utah
Ed Garthe	Arizona Health Department	Phoenix, Arizona
C. C. Tabor	Chairman, Arizona Water Quality Control Council	Wellton, Arizona
Wesley Steiner	Arizona Water Commission	Phoenix, Arizona
Don Paff	Colorado River Commission of Nevada	Las Vegas, Nevada
Larry Morrill	Colorado Water Conservation Board	Denver, Colorado
Nick Ioannides	Colorado Water Conservation Board	Denver, Colorado
Art Williamson	Wyoming Dept. Environmental Quality	Cheyenne, Wyoming
Frank Rozich	Colorado Department of Health	Denver, Colorado
Barry Saunders	Utah Division of Water Resources	Salt Lake City, Utah
Paul L. Billhymer	Upper Colorado River Commission	Salt Lake City, Utah
Jane C. Gorchman	California Attorney General	Los Angeles, California
Myron Holburt	Colorado River Board of California	Los Angeles, California
Carl Slingerland	New Mexico	Santa Fe, New Mexico
Steve Reynolds	New Mexico	Santa Fe, New Mexico
Tom Cahill	National Commission on Water Quality	Washington, D. C.
Raphael J. Moses	Legal Counsel, Colorado Water Conservation Board	Boulder, Colorado
Don Maughan	California Water Pollution Control Commission	Sacramento, California
Wayne McRostie	California Department of Water Resources	Sacramento, California
Ernest G. Gregory	Chief, Environmental Health Division of Nevada	Carson City, Nevada

Attachment No. 2

ENVIRONMENTAL PROTECTION AGENCY
(40 CFR Part 120)
TITLE 40 - PROTECTION OF ENVIRONMENT
COLORADO RIVER SYSTEM INCLUDING ALL TRIBUTARY STREAMS
PROPOSED WATER QUALITY STANDARDS AND PLAN
OF IMPLEMENTATION FOR SALINITY CONTROL

Notice is hereby given that pursuant to the authority of Section 303(b) of the Federal Water Pollution Control Act Amendments of 1972 (92-500) 86 Stat. 816 (the Act) and pursuant to due notice required by the provisions thereof, regulations setting forth proposed water quality standards and a plan of implementation for salinity control in the Colorado River Basin which lies within the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming are hereby proposed to be promulgated.

High salinity (total dissolved solids) is recognized as a significant water quality problem causing adverse physical and economic impacts on water users. Salinity concentrations are affected by two basic processes: (a) salt loading - the addition of mineral salts from various natural and man-made sources, and (b) salt concentrating - the loss of water from the system through consumptive use or depletion.

Studies to date have demonstrated that the high salinity of stream systems can be alleviated. Although further study may be required to determine the economic and technical feasibility of controlling specific sources, sufficient information is available to develop a salinity control program. Emphasis will be placed on controlling man caused salinity through improved water management and conservation practices.

Uniform salinity standards are needed in the Colorado River Basin before an effective control program can be implemented. In developing these standards the seven states must cooperate with one another and the Federal Government to support and implement the conclusions and recommendations adopted April 27, 1972, by the reconvened 7th Session of the Conference in the Matter of Pollution of Interstate Waters of the Colorado River and Its Tributaries.

In order to implement the recommendations of the Conference and meet the requirements of the Act, EPA is today proposing as water quality standards the language of the recommendations of the Conference pertaining to nondegradation. In addition the states are required to develop numeric criteria for salinity and a plan of implementation. The first step in meeting this requirement will be the establishment of procedures by June 30, 1974 which will lead to adoption of numeric salinity criteria on or before October 18, 1975. If acceptable procedures are not submitted by June 30, 1974, the Environmental Protection Agency will immediately proceed with promulgation of such numeric salinity criteria. Unless the states submit to EPA by October 18, 1975, salinity criteria and a plan for their implementation by July 19~~74~~⁸³, the Environmental Protection Agency will immediately thereafter promulgate such standards and plan of implementation.

Individual state salinity standards for the seven states involved have not been approved since no state has developed standards which respond adequately to requirements of Section 303(a) of the Act. Pursuant to Sections 303(b) and 510 of the Act, individual states can adopt standards equivalent to or more stringent than the federally proposed water quality standards and plan of implementation.

If these federally proposed regulations are inconsistent with standards established by the states covering other aspects of water quality, these regulations, when promulgated, will supersede the state standards to the extent of the inconsistency.

Interested persons may submit written data, views, or arguments in triplicate in regard to the proposed regulations to the Deputy Assistant Administrator for Water Programs, Washington, D. C. 20460. All relevant material received not later than ninety (90) days after the date of this publication in the Federal Register will be considered.

The regulation will become effective immediately upon republication.

The regulations in Chapter I of Title 40, Code of Federal Regulations, are amended as follows:

1. Part 120 would be amended to add 120.12 as follows:

120.12 Arizona water quality standards.

- 120.12 California water quality standards.
- 120.12 Colorado water quality standards.
- 120.12 Nevada water quality standards.
- 120.12 New Mexico water quality standards.
- 120.12 Utah water quality standards.
- 120.12 Wyoming water quality standards.

(a) Waters. The water quality standards and plan of implementation for salinity control in this section are applicable to the surface waters, including tributary streams, of the Colorado River System in Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming.

(1) The salinity (TDS) of the Colorado River System shall be maintained at or below levels found in the lower main stem as of April 1972. In implementing this standard for the Colorado River System, the salinity problem will be treated as a basin-wide problem that needs to be solved in order to maintain lower basin water salinity at or below present levels while the upper basin continues to develop its compact-apportioned waters.

(2) The States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming are required to submit to EPA on or before October 18, 1975:

(a) adopted numeric salinity criteria

(b) a legally enforceable plan for compliance with the adopted criteria by July 19~~73~~⁷⁴

The states are required to submit established procedures for achieving (a) and (b) by June 30, 1974.

ENVIRONMENTAL PROTECTION AGENCY
(40 CFR Part 120)
TITLE 40 - PROTECTION OF ENVIRONMENT
COLORADO RIVER SYSTEM INCLUDING ALL TRIBUTARY STREAMS
PROPOSED REQUIREMENTS AND PROCEDURES FOR SALINITY CONTROL

PRELIMINARY
SUBJECT TO REVISION

Notice is hereby given that pursuant to the authority of Section 303(b) of the Federal Water Pollution Control Act Amendments of 1972 (92-500) 86 Stat. 816 (the Act) and pursuant to due notice required by the provisions thereof, regulations delineating requirements and procedures for establishing water quality standards and developing a plan of implementation for salinity control in the Colorado River Basin which lies within the states of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming are hereby proposed to be promulgated.

High salinity (total dissolved solids) is recognized as a significant water quality problem causing adverse physical and economic impacts on water users. Salinity concentrations are affected by two basic processes: (a) salt loading - the addition of mineral salts from various natural and man-made sources, and (b) salt concentrating - the loss of water from the system through consumptive use or depletion.

Studies to date have demonstrated that the high salinity of stream systems can be alleviated. Although further study may be required to determine the economic and technical feasibility of controlling specific sources, sufficient information is available to develop a salinity control program. Emphasis will be placed on controlling salinity through improved water management and conservation practices.

Individual state salinity standards for the seven states involved have not been approved since no state has developed standards which respond adequately to the requirements of Section 303(a) of the Act. Pursuant to Section 303(b) and 510 of the Act, individual states can adopt standards equivalent or more stringent

than outlined by these Federally proposed requirements and procedures. If these Federally proposed regulations are inconsistent with standards established by the states covering other aspects of water quality, the regulations, when promulgated, will supersede the state standards to the extent of the inconsistency.

Consistent salinity standards are needed in the Colorado River Basin before an effective control program can be implemented. In developing these standards the seven states shall cooperate with one another and the Federal government to support and implement the conclusions and recommendations adopted April 27, 1972, by the reconvened 7th Session of Conference in the Matter of Pollution of Interstate Waters of the Colorado River and Its Tributaries.

Interested persons may submit written data, views, or arguments in triplicate in regard to the proposed regulations to the Deputy Assistant Administrator for Water Programs, Washington, D. C. 20460. All relevant material received not later than ninety (90) days after the date of this publication in the Federal Register will be considered.

The regulation will become effective immediately upon republication.

The regulations in Chapter I of Title 40, Code of Federal Regulations, are amended as follows:

1. Part 120 would be amended to add 120.12 as follows:

- 120.12 Arizona water quality standards.
- 120.12 California water quality standards.
- 120.12 Colorado water quality standards.
- 120.12 Nevada water quality standards.
- 120.12 New Mexico water quality standards.
- 120.12 Utah water quality standards.
- 120.12 Wyoming water quality standards.

(a) Waters. The requirements and procedures for establishing water quality standards and developing a plan of implementation for salinity control in this section are applicable to the surface waters including tributary streams, of the Colorado River System in Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming.

(1) The salinity (TDS) of the Colorado River System shall be maintained at or below levels found in the lower main stem as of April 1972.

In implementing this standard for the Colorado River System, the salinity problem will be treated as a basinwide problem that needs to be solved in order to maintain lower basin water salinity at or below present levels while the upper basin continues to develop its compact-apportioned waters.

(2) The states of Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming each will develop a Salinity Control Plan as part of the State basin planning effort for the Colorado River System. By June 30, 1974, establishment of procedures will be required which will lead to the adoption of numeric criteria on or before October 18, 1975. By October 18, 1975, a plan of implementation will be submitted to EPA which provides for expedited action to control sources of salinity, and which leads to compliance with numeric standards and policies expressed above. This plan will be consistent with requirements of Section 303(e) of PL 92-500. The procedure (a specific step-by-step procedure, including a mechanism for interstate cooperation and semi-annual progress reports) for developing numeric criteria and a plan of implementation will be identified and submitted to EPA for approval by June 30, 1974. Criteria will reflect the non-degradation policy statement expressed above.

Attachment No. 4

Proposed Water Quality Standards Revisions for the State
of Nevada to be Published in the Federal Register

1. In the waters of the Colorado River system where Tables 45 and 46 apply, the fecal coliform concentration, based on a minimum of five samples during any 30-day period shall not exceed a geometric mean of 200 per 100 ml, nor shall more than 10% of total samples during any 30-day period exceed 400 per 100 ml. This standard supersedes the existing MF coliform standard in Tables 45 and 46.
2. The mean annual total phosphorus concentrations in the waters of the Colorado River system where the control point of Table 45 applies shall not exceed 40 micrograms per liter as phosphate, nor shall any single sample exceed 60 micrograms per liter as phosphate. The mean annual total phosphorus concentration in the waters of the Colorado River system where the control point of Table 46 applies shall not exceed 60 micrograms per liter as phosphate, nor shall any single sample exceed 100 micrograms per liter as phosphate.
3. Color shall not exceed that characteristic of natural condition by more than 10 units on the Platinum Cobalt Scale in the Virgin River (Table 22), Beaver Dam Wash (Table 23), and in the waters of the Colorado River where Tables 45 and 46 apply.
4. Turbidity shall not exceed that characteristic of natural conditions by more than 10 Jackson units in the Virgin River (Table 22), Beaver Dam Wash (Table 25), and in the waters of the Colorado River where Tables 45 and 46 apply.
5. Toxicity. The presence of toxic materials in a water shall be evaluated by use of a 96-hour bioassay. Survival of test organisms shall not be less than that in control tests which utilize appropriate experimental water. Experimental water shall be obtained from the most upstream control point in the stream system, or laboratory water with quality closely approximating that of the most upstream control point, or other appropriate experimental water defined by the State and concurred in by EPA.
6. The following water quality standards and plan of implementation for salinity control shall apply within the Nevada portion of the Colorado River System:
 - (a) The salinity (TDS) of the Colorado River System shall be maintained at or below levels found in the lower main stem as of April, 1972. In implementing this standard for the

Colorado River System, the salinity problem will be treated as a basinwide problem that needs to be solved in order to maintain lower basin water salinity at or below present levels while the upper basin continues to develop its compact-apportioned waters.

- (b) The State of Nevada shall develop and submit to the Environmental Protection Agency on or before October 18, 1975:
- (1) adopted numeric salinity criteria
 - (2) a legally enforceable plan for compliance with the adopted criteria by July, 1983.

Nevada shall submit to the Environmental Protection Agency established procedures for achieving (1) and (2) by June 30, 1974.

Attachment No. 5

Denver, Colorado

April 27, 1972

The State and Federal Conferees have unanimously reached the following conclusions and recommendations.

I. It is recommended that:

A salinity policy be adopted for the Colorado River system that would have as its objective the maintenance of salinity concentrations at or below levels presently found in the lower main stem. In implementing the salinity policy objective for the Colorado River system, the salinity problem must be treated as a basinwide problem that needs to be solved to maintain Lower Basin water salinity at or below present levels while the Upper Basin continues to develop its compact-apportioned waters.

II. The salinity control program as described by the Department of the Interior in their(sic) report entitled "Colorado River Water Quality Improvement Program," dated February 1972, offers the best prospect for implementing the salinity control objective adopted herein. Therefore, it is recommended that:

- 1) to minimize salinity increases in the river, a salinity control program, generally as described in the Interior Department report, be implemented on an accelerated basis;
- 2) the Bureau of Reclamation have the primary responsibility for investigation, planning and implementing the basinwide salinity control program in the Colorado River system;
- 3) to accelerate the salinity control program, the Bureau of Reclamation assign a high priority to LaVerkin Springs, Paradox Valley, and Grand Valley water quality improvement projects with the objective of achieving stabilization of salinity levels on the Lower Colorado River at the earliest possible date. The contemplated impact would be to initiate immediate action so as to achieve, by 1977, the removal of 80,000 tons of salt per year from LaVerkin Springs, 180,000 tons per year from Paradox Valley, and 140,000 tons per year from Grand Valley. This would provide a total reduction of 400,000 tons per year and would result in an estimated subsequent reduction of 33 mg/l at Imperial Dam.
- 4) the Office of Saline Water contribute to the program by assisting the Bureau of Reclamation as required to appraise the practicability of applying desalting techniques; and

- 5) the Environmental Protection Agency continue its support of the program by consulting with and advising the Bureau of Reclamation and accelerating its ongoing data collection and research efforts.

III. To achieve the salinity policy described herein, the long range program of the Bureau of Reclamation shall be directed toward achieving reduction of salinity concentrations that would otherwise exist at Imperial Dam to the extent of at least 120 mg/l in 1980, 355 mg/l in 1990 and 405 mg/l in the year 2000.

The conferees agree that the Bureau of Reclamation's program as submitted in its report "Colorado River Water Quality Improvement Program," dated February 1972, should be considered as an open-ended and flexible program. If alternatives not yet identified prove to be more feasible, they should be included as part of the program, and if elements now included prove not to be feasible, they should be dropped. In addition, it should be recognized that there may be other programs which could reduce the river's salinity. Since present levels are greater than desirable, an effort should be made to develop additional programs that will obtain lower salinity levels.

The February 1972 report states that the Bureau of Reclamation Mathematical Simulation Model for the Colorado River system will be used to evaluate the Water Quality Improvement Program. This will be an important tool to evaluate the program's progress. The results of this evaluation along with the general program progress should be reported annually to the conferees and other interested State agencies.

Attachment No. 6

RESOLUTION
of the Conferees of the
Colorado River Basin States

February 17, 1972

WHEREAS, the Colorado River Basin Water Quality Control Project was established as a result of recommendations made at the first session of a joint Federal-State "Conference in the Matter of Pollution of the Interstate Waters of the Colorado River and Its Tributaries," held in January of 1960 under the authority of Section 10 of the Federal Water Pollution Control Act (33 U.S.C. 466 et seq.); and

WHEREAS, in 1963 based upon recommendations of the conferees, the Project began detailed studies of the mineral quality problem in the Colorado River Basin; and

WHEREAS, the Environmental Protection Agency transmitted in April 1971 its draft report on "The Mineral Quality Problem in the Colorado River Basin" to the conferees and water resource agencies of the Colorado River Basin States for review and comment; and

WHEREAS, all Colorado River Basin States reviewed and commented on the draft report on the mineral quality problem in the Colorado River Basin; and

WHEREAS, the Environmental Protection Agency has revised its draft report and transmitted to the Colorado River Basin States a final report dated 1971; and

WHEREAS, the said report constitutes a necessary step toward the solution of the mineral quality problem of the Colorado River system; and

WHEREAS, the States and Federal agencies have implemented measures to control salinity of the Colorado River; and

WHEREAS, the Bureau of Reclamation is authorized to make, and has feasibility investigations underway, to determine additional measures to reduce the salinity of the waters of the Colorado River under present and future conditions; and

WHEREAS, during 1971 the States of the Colorado River Basin urged committees of Congress to appropriate funds to the Bureau of Reclamation to accelerate feasibility investigations of salinity control projects on the Colorado River; and

WHEREAS, additional funds were appropriated to the Bureau of Reclamation for these feasibility studies; and

WHEREAS, in the interest of comity between the United States and Mexico the State Department has given its support to a basinwide salinity control program:

NOW, THEREFORE, BE IT RESOLVED by the Conferees of California, Arizona, Nevada, New Mexico, Colorado, Utah and Wyoming that:

- (1) a salinity policy be adopted for the Colorado River system that would have as its objective the maintenance of salinity concentrations at or below levels presently found in the lower main stem;
- (2) in implementing the salinity policy objective for the Colorado River system the salinity problem be treated as a basinwide problem that needs to be solved to maintain Lower Basin water salinity at or below present levels while the Upper Basin continues to develop its compact-apportioned water, recognizing that salinity levels may rise until control measures are made effective;
- (3) to guard against any rise in salinity the Congress and the Administration be urged to accelerate the entire salinity control program and, in particular, to augment the F. Y. 1973 budgeted amount of \$1,005,000; and
- (4) the Bureau of Reclamation have the primary responsibility for investigating, planning, and implementing the basinwide salinity control program in the Colorado River system;
- (5) the Environmental Protection Agency continue its support of the program by (a) consulting with and advising the Bureau of Reclamation, (b) accelerating its ongoing data collection and research efforts, and (c) transferring funds to the Bureau of Reclamation;
- (6) the Office of Saline Water contribute to the program by assisting the Bureau of Reclamation as required to appraise the practicability of applying desalting techniques; and

- (7) the adoption of numerical criteria be deferred until the potential effectiveness of Colorado River salinity control measures is better known;

BE IT FURTHER RESOLVED that the Environmental Protection Agency be commended for performing the necessary studies and completing the 1971 report on the Mineral Quality Problem in the Colorado River Basin; and

BE IT FURTHER RESOLVED that copies of this resolution be transmitted to the Secretary of State, Secretary of the Interior, Administrator of the Environmental Protection Agency, Governors and Members of the Congress of the Colorado River Basin States, the Commissioner of Reclamation, Director of the Office of Saline Water and other interested entities.

* * * * *

Attachment C

Colorado River Basin Salinity Control Act P.L. 93-320

June 24, 1974

Public Law 93-320

AN ACT

Juen 24, 1974
[sic]
{H.R.12165}

To authorize the construction, operation, and maintenance of certain works in the Colorado River Basin to control the salinity of water delivered to users in the United States and Mexico.

Colorado River
Basin Salinity Con-
trol Act.
43 USC 1571
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Colorado River Basin Salinity Control Act".

TITLE I—PROGRAMS DOWNSTREAM FROM IMPERIAL DAM

U.S. and
Mexico, water quality im-
provement.
43 USC 1571.
24 UST 1968.
59 Stat. 1219.
Desalting com-
plexes, construction
and maintenance.

SEC. 101. (a) The Secretary of the Interior, hereinafter referred to as the "Secretary", is authorized and directed to proceed with a program of works of improvement for the enhancement and protection of the quality of water available in the Colorado River for use in the United Sates and the Republic of Mexico, and to enable the United States to comply with its obligations under the agreement with Mexico of August 30, 1973 (Minute No. 242 of the International Boundary and Water Commission, United States and Mexico), concluded pursuant to the Treaty of February 3, 1944 (TS 994), in accordance with the provisions of this Act.

(b)(1) The Secretary is authorized to construct, operate, and maintain a desalting complex, including (1) a desalting plant to reduce the salinity of drain water from the Wellton-Mohawk division of the Gila project, Arizona (hereinafter referred to as the division), including a pretreatment plant for settling, softening, and filtration of the drain water to be desalted; (2) the necessary appurtenant works including the intake pumping plant system, product waterline, power transmission facilities, and permanent operating facilities; (3) the necessary extension in the United States and Mexico of the existing bypass drain to carry the reject stream from the desalting plant and other drainage waters to the Santa Clara Slough in Mexico, with the part in Mexico, subject to arrangements made pursuant to section 101(d); (4) replacement of the metal flume in the existing main outlet drain extension with a concrete siphon; (5) reduction of the quantity of irrigation return flows through acquisition of lands to reduce the size of the division, and irrigation efficiency improvements to minimize return flows; (6) acquire on behalf of the United States such lands or interest in lands in the Painted Rock Reservoir as may be necessary to operate the project in accordance with the obligations of Minute No. 242, and (7) all associated facilities including roads, railroad spur, and transmission lines.

Desalting plants,
treatment capacity.

(2) The desalting plant shall be designed to treat approximately one hundred and twenty-nine million gallons a day of drain water using advanced

technology commercially available. The plant shall effect recovery initially of not less than 70 per centum of the drain water as product water, and shall effect reduction of not less than 90 per centum of the dissolved solids in the feed water. The Secretary shall use sources of electric power supply for the desalting complex that will not diminish the supply of power to preference customers from Federal power systems operated by the Secretary. All costs associated with the desalting plant shall be nonreimbursable.

Nonreimbursable costs

(c) Replacement of the reject stream from the desalting plant and of any Wellton-Mohawk drainage water bypassed to the Santa Clara Slough to accomplish essential operation except at such times when there exists surplus water of the Colorado River under the terms of the Mexican Water Treaty of 1944, is recognized as a national obligation as provided in section 202 of the Colorado River Basin Project Act (82 Stat. 895). Studies to identify feasible measures to provide adequate replacement water shall be completed not later than June 30, 1980. Said studies shall be limited to potential sources within the States of Arizona, California, Colorado, New Mexico, and those portions of Nevada, Utah, and Wyoming which are within the natural drainage basin of the Colorado River. Measures found necessary to replace the reject stream from the desalting plant and any Wellton-Mohawk drainage bypassed to the Santa Clara Slough to accomplish essential operations may be undertaken independently of the national obligation set forth in section 202 of the Colorado River Basin Project Act.

Replacement water, studies.
59 Stat. 1219.
43 USC 1512.

(d) The Secretary is hereby authorized to advance funds to the United States section, International Boundary and Water Commission (IBWC), for construction, operation, and maintenance by Mexico pursuant to Minute No. 242 of that portion of the bypass drain within Mexico. Such funds shall be transferred to an appropriate Mexican agency, under arrangements to be concluded by the IBWC providing for the construction, operation, and maintenance of such facility by Mexico.

U.S. section, IBWC, advance funds.
24 UST 1968.

(e) Any desalted water not needed for the purpose of this title may be exchanged at prices and under terms and conditions satisfactory to the Secretary and the proceeds therefrom shall be deposited in the General Fund of the Treasury. The city of Yuma, Arizona, shall have first right of refusal to any such water.

Desalted water exchange.

(f) For the purpose of reducing the return flows from the diversion to one hundred and seventy-five thousand acre-feet or less, annually, the Secretary is authorized to:

Return flow reduction.

(1) Accelerate the cooperative program of Irrigation Management Services with the Wellton-Mohawk Irrigation and Drainage District, hereinafter referred to as the district, for the purpose of improving irrigation efficiency. The district shall bear its share of the cost of such program as determined by the Secretary.

(2) Acquire, by purchase or through eminent domain or exchange, or the extent determined by him to be appropriate, lands or interests in lands to reduce the existing seventy-five thousand developed and undeveloped irrigable acres authorized by the Act of July 30, 1947 (61 Stat. 628), known as the Gila Reauthorization Act. The initial reduction in irrigable acreage shall be limited to approximately ten thousand acres. If the Secretary determines that the irrigable acreage of the division must be reduced below sixty-five thousand acres of irrigable lands to carry out the

Irrigable acreage reduction.

43 USC 613. Limitation.

Acquired lands,
disposal.

System improve-
ments, installation
assistance.

Costs, reimburse-
ment to U.S.

Contract amend-
ment.

Land acquisition
for storage

24 UST 1968.

Transfer of funds

Nonreimbursable
costs.

Canal or canal
lining, construction
43 USC 1572

purpose of this section, the Secretary is authorized, with the consent of the district, to acquire additional lands, as may be deemed by him to be appropriate.

(g) The Secretary is authorized to dispose of the acquired lands and interests therein on terms and conditions satisfactory to him and meeting the objective of this Act.

(h) The Secretary is authorized, either in conjunction with or in lieu of land acquisition, to assist water users in the division in installing system improvements, such as ditch lining, change of field layouts, automatic equipment, sprinkler systems and bubbler systems, as a means of increasing irrigation efficiencies: *Provided, however,* That all costs associated with the improvements authorized herein and allocated to the water users on the basis of benefits received, as determined by the Secretary, shall be reimbursed to the United States in amounts and on terms and conditions satisfactory to the Secretary.

(i) The Secretary is authorized to amend the contract between the United States and the district dated March 4, 1952, as amended, to provide that—

(1) the portion of the existing repayment obligation owing to the United States allocable to irrigable acreage eliminated from the division for the purposes of this title, as determined by the Secretary, shall be nonreimbursable; and

(2) if deemed appropriate by the Secretary, the district shall be given credit against its outstanding repayment obligation to offset any increase in operation and maintenance assessments per acre which may result from the district's decreased operation and maintenance base, all as determined by the Secretary.

(j) The Secretary is authorized to acquire through the Corps of Engineers fee title to, or other necessary interests in, additional lands above the Painted Rock Dam in Arizona that are required for the temporary storage capacity needed to permit operation of the dam and reservoir in times of serious flooding in accordance with the obligations of the United States under Minute No. 242. No funds shall be expended for acquisition of land or interests therein until it is finally determined by a Federal court of competent jurisdiction that the Corps of Engineers presently lacks legal authority to use said lands for this purpose. Nothing contained in this title nor any action taken pursuant to it shall be deemed to be a recognition or admission of any obligation to the owners of such land on the part of the United States or a limitation or deficiency in the rights or powers of the United States with respect to such lands or the operation of the reservoir.

(k) To the extent desirable to carry out sections 101(f)(1) and 101(h), the Secretary may transfer funds to the Secretary of Agriculture as may be required for technical assistance to farmers, conduct of research and demonstrations, and such related investigations as are required to achieve higher on-farm irrigation efficiencies.

(1) All cost associated with the desalting complex shall be nonreimbursable except as provided in sections 101(f)(1) and 101(h).

SEC. 102. (a) To assist in meeting salinity control objectives of Minute No. 242 during an interim period, the Secretary is authorized to construct a new concrete-lined canal or, to line the presently unlined portion of the Coachella Canal of the Boulder Canyon project, California, from station 2 plus 26 to the beginning of siphon numbered 7, a length of approximately forty-nine miles. The United States shall be entitled to temporary use of a quantity of water, for

the purpose of meeting the salinity control objectives of Minute No. 242, during an interim period, equal to the quantity of water conserved by constructing or lining the said canal. The interim period shall commence on completion of construction or lining said canal and shall end the first year that the Secretary delivers main stream Colorado River water to California in an amount less than the sum of the quantities requested by (1) the California agencies under contracts made pursuant to section 5 of the Boulder Canyon Project Act (45 Stat. 1057), and (2) Federal establishments to meet their water rights acquired in California in accordance with the Supreme Court decree in Arizona against California (376 U.S. 340).

43 USC 617d.

(b) The charges for total construction shall be repayable without interest in equal annual installments over a period of forty years beginning In the year following completion of construction: *Provided*, That, repayment shall be prorated between the United States and the Coachella Valley County Water District, and the Secretary is authorized to enter into a repayment contract with Coachella Valley County Water District for that purpose. Such contract shall provide that annual repayment installments shall be nonreimbursable during the interim period, defined in section 102(a) of this title and shall provide that after the interim period, said annual repayment installments or portions thereof, shall be paid by Coachella Valley County Water District.

Repayment.

Repayment contract.

(c) The Secretary is authorized to acquire by purchase, eminent domain, or exchange private lands or interests therein, as may be determined by him to be appropriate, within the Imperial Irrigation District on the Imperial East Mesa which receive, or which have been granted rights to receive, water from Imperial Irrigation District's capacity in the Coachella Canal. Costs of such acquisitions shall be nonreimbursable and the Secretary shall return such lands to the public domain. The United States shall not acquire any water rights by reason of this land acquisition.

Private lands, acquisition.

(d) The Secretary is authorized to credit Imperial Irrigation District against its final payments for certain outstanding construction charges payable to the United States on account of capacity to be relinquished in the Coachella Canal as a result of the canal lining program, all as determined by the Secretary: *Provided*, That, relinquishment of capacity shall not affect the established basis for allocating operation and maintenance costs of the main All-American Canal to existing contractors.

Imperial Irrigation District, construction charges, credit.

(e) The Secretary is authorized and directed to cede the following land to the Cocopah Tribe of Indians, subject to rights-of-way for existing levees, to be held in trust by the United States for the Cocopah Tribe of Indians:

Cocopah Tribe of Indians, lands In trust.

Township 9 south, range 25 west of the Gila and Salt River meridian, Arizona;

Section 25: Lots 18, 19, 20, 21, 22, and 23;

Section 26: Lots 1, 12, 13, 14, and 15;

Section 27: Lot 3; and all accretion to the above described lands.

The Secretary is authorized and directed to construct three bridges, one of which shall be capable of accommodating heavy vehicular traffic, over the portion of the bypass drain which crosses the reservation of the Cocopah Tribe of Indians. The transfer of lands to the Cocopah Indian Reservation and the construction of bridges across the bypass drain shall constitute full and complete payment to said tribe for the rights-of-way required for construction of the bypass drain and electrical transmission lines for works authorized by this title.

Bridges construction.

43 USC 1573.
Well kids, construction and maintenance.
24 UST 1968.
59 Stat. 1219.
Land acquisition.

Land replacement.

43 USC 613.

Nonreimbursable costs.

Project modification.

43 USC 1574.

Contract authority.

43 USC 1575.

Interagency cooperation.

43 USC 1576.

43 USC 1577.
42 USC 4321
note.

33 USC 1251
note.

Appropriation.
43 USC 1578.

SEC. 103. (a) The Secretary is authorized to:

(1) Construct, operate, and maintain, consistent with Minute No. 242, well fields capable of furnishing approximately one hundred and sixty thousand acre-feet of water per year for use in the United States and for delivery to Mexico in satisfaction of the 1944 Mexican Water Treaty.

(2) Acquire by purchase, eminent domain, or exchange, to the extent determined by him to be appropriate, approximately twenty-three thousand five hundred acres of lands or interests therein within approximately five miles of the Mexican border on the Yuma Mesa: *Provided, however,* That any such lands which are presently owned by the State of Arizona may be acquired or exchanged for Federal lands.

(3) Any lands removed from the jurisdiction of the Yuma Mesa Irrigation and Drainage District pursuant to clause (2) of this subsection which were available for use under the Gila Reauthorization Act (61 Stat. 628) shall be replaced with like lands within or adjacent to the Yuma Mesa division of the project. In the development of these substituted lands or any other lands within the Gila project, the Secretary may provide for full utilization of the Gila Gravity Main Canal in addition to contracted capacities.

(b) The cost of work provided for in this section, including delivery of water to Mexico, shall be nonreimbursable; except to the extent that the waters furnished are used in the United States.

SEC. 104. The Secretary is authorized to provide for modifications of the projects authorized by this title to the extent he determines appropriate for purposes of meeting the international settlement objective of this title at the lowest overall cost to the United States. No funds for any such modification shall be expended until the expiration of sixty days after the proposed modification has been submitted to the appropriate committees of the Congress, unless the Congress approves an earlier date by concurrent resolution. The Secretary shall notify the Governors of the Colorado River Basin States of such modifications.

SEC. 105. The Secretary is hereby authorized to enter into contracts that he deems necessary to carry out the provisions of this title in advance of the appropriation of funds therefor.

SEC. 106. In carrying out the provisions of this title, the Secretary shall consult and cooperate with the Secretary of State, the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and other affected Federal, State, and local agencies.

SEC. 107. Nothing in this Act shall be deemed to modify the national Environmental Policy Act of 1969, the Federal Water Pollution Control Act, as amended, or, except as expressly stated herein, the provisions of any other Federal law.

SEC. 108. There is hereby authorized to be appropriated the sum of \$121,500,000 for the construction of the works and accomplishment of the purposes authorized in sections 101 and 102, and \$34,000,000 to accomplish the purposes of section 103, based on April 1973 prices, plus or minus such amounts as may be justified by reason of ordinary fluctuations in construction costs involved therein, and such sums as may be required to operate and maintain such works and to provide for such modifications as may be made pursuant to section 104. There is further authorized to be appropriated such sums as may be necessary to pay condemnation awards in

excess of appraised values and to cover costs required in connection with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 90-646).

42 USC 4601
note.

TITLE 11-MEASURES UPSTREAM FROM IMPERIAL DAM

SEC. 201. (a) The Secretary of the Interior shall implement the salinity control policy adopted for the Colorado River in the "Conclusions and Recommendations" published in the Proceedings of the Reconvened Seventh Session of the Conference in the Matter of Pollution of the Interstate Waters of the Colorado River and Its Tributaries in the States of California, Colorado, Utah, Arizona, Nevada, New Mexico, and Wyoming, held in Denver, Colorado, on April 26-27, 1972, under the authority of section 10 of the Federal Water Pollution Control Act (33 U.S.C. 1160), and approved by the Administrator of the Environmental Protection Agency on June 9, 1972.

43 USC 1591.

(b) The Secretary is hereby directed to expedite the investigation, planning, and implementation of the salinity control program generally as described in chapter VI of the Secretary's report entitled "Colorado River Water Quality Improvement Program, February 1972".

(c) In conformity with section 201 (a) of this title and the authority of the Environmental Protection Agency under Federal laws, the Secretary, the Administrator of the Environmental Protection Agency, and the Secretary of Agriculture are directed to cooperate and coordinate their activities effectively to carry out the objective of this title.

Interagency
cooperation.

SEC. 202. The Secretary is authorized to construct, operate, and maintain the following salinity control units as the initial stage of the Colorado River Basin salinity control program.

Salinity control
units, construction
and maintenance.
43 USC 1592.

(1) The Paradox Valley unit, Montrose County, Colorado, consisting of facilities for collection and disposition of saline ground water of Paradox Valley, including wells, pumps, pipelines, solar evaporation ponds, and all necessary appurtenant and associated works such as roads, fences, dikes, power transmission facilities, and permanent operating facilities.

(2) The Grand Valley unit, Colorado, consisting of measures and all necessary appurtenant and associated works to reduce the seepage of irrigation water from the irrigated lands of Grand Valley into the ground water and thence into the Colorado River. Measures shall include lining of canals and laterals, and the combining of existing canals and laterals into fewer and more efficient facilities. Prior to initiation of construction of the Grand Valley unit the Secretary shall enter into contracts through which the agencies owning, operating, and maintaining the water distribution systems in Grand Valley, singly or in concert, will assume all obligations relating to the continued operation and maintenance of the unit's facilities to the end that the maximum reduction of salinity inflow to the Colorado River will be achieved. The Secretary is also authorized to provide, as an element of the Grand Valley unit, for a technical staff to provide information and assistance to water users on means and measures for limiting excess water applications to irrigated lands: *Provided*, That such assistance shall not exceed a period of five years after funds first become available under this title. The Secretary will enter into agreements with the Secretary of Agriculture to develop a unified control plan for the Grand Valley unit. The Secretary of agriculture is directed to cooperate in the planning and construction of on-farm system measures under programs available to that Department.

(3) The Crystal Geyser unit, Utah, consisting of facilities for collection and disposition of saline geyser discharges; including dikes, pipelines, solar evaporation ponds, and all necessary appurtenant works including operating facilities.

(4) The Las Vegas Wash unit, Nevada, consisting of facilities for collection and disposition of saline ground water of Las Vegas Wash, including infiltration galleries, pumps, desalter, pipelines, solar evaporation facilities, and all appurtenant works including but not limited to roads, fences, power transmission facilities, and operating facilities.

3 USC 1593.
Planning reports.

SEC. 203. (a) The Secretary is authorized and directed to—

(1) Expedite completion of the planning reports on the following units, described in the Secretary's report, "Colorado River Water Quality Improvement Program, February 1972":

- (i) Irrigation source control:
 - Lower Gunnison
 - Uintah Basin
 - Colorado River Indian Reservation
 - Palo Verde Irrigation District
- (ii) Point source control:
 - LaVerkin Springs
 - Littlefield Springs
 - Glenwood -Dotsero Springs
- (iii) Diffuse source control:
 - Price River
 - San Rafael River
 - Dirty Devil River
 - McElmo Creek
 - Big Sandy River

Reports.

(2) Submit each planning report on the units named in section 203(a) (1) of this title promptly to the Colorado River Basin States and to such other parties as the Secretary deems appropriate for their review and comments. After receipt of comments on a unit and careful consideration thereof, the Secretary shall submit each final report with his recommendations, simultaneously, to the President, other concerned Federal departments and agencies, the Congress, and the Colorado River Basin States.

Submittal to President and Congress.

(b) The Secretary is directed—

Research and demonstration projects.

(1) in the investigation, planning, construction, and implementation of any salinity control unit involving control of salinity from irrigation sources, to cooperate with the Secretary of Agriculture in carrying out research and demonstration projects and in implementing on-the-farm improvements and farm management practices and programs which will further the objective of this title;

(2) to undertake research on additional methods for accomplishing the objective of this title, utilizing to the fullest extent practicable the capabilities and resources of other Federal departments and agencies, interstate institutions, States, and private organizations.

Colorado River Basin Salinity Control Advisory Council.

Establishment; membership.
43 USC 1594.
Duties.

SEC. 204. (a) There is hereby created the Colorado River Basin Salinity Control Advisory Council composed of no more than three members from each State appointed by the Governor of each of the Colorado River Basin States.

(b) The 'Council shall be advisory only and shall—

(1) act as liaison between both the Secretaries of Interior and Agriculture and the Administrator of the Environmental Protection Agency and the States in accomplishing the purposes of this title;

(2) receive reports from the Secretary on the progress of the salinity control program and review and comment on said reports; and

(3) recommend to both the Secretary and the Administrator of the Environmental Protection Agency appropriate studies of further projects, techniques, or methods for accomplishing the purposes of this title.

SEC. 205. (a) The Secretary shall allocate the total costs of each unit or separable feature thereof authorized by section 202 of this title, as follows:

Costs, allocation.
43 USC 1595.

(1) In recognition of Federal responsibility for the Colorado River as an interstate stream and for international comity with Mexico, Federal ownership of the lands of the Colorado River Basin from which most of the dissolved salts originate, and the policy embodied in the Federal Water Pollution Control Act Amendments of 1972 (86 Stat. 816), 75 per centum of the total costs of construction, operation, maintenance, and replacement of each unit or separable feature thereof shall be nonreimbursable.

33 USC 1251
note.

(2) Twenty-five per centum of the total costs shall be allocated between the Upper Colorado River Basin Fund established by section 5 (a) of the Colorado River Storage Project Act (70 Stat. 107) and the Lower Colorado River Basin Development Fund established by section 403(a) of the Colorado River Basin Project Act (82 Stat. 895), after consultation with, the Advisory Council created in section 204(a) of this title and consideration of the following items:

43 USC 620d.

(i) benefits to be derived in each basin from the use of water of improved quality and the use of works for improved water management;

43 USC 1543.

(ii) causes of salinity; and

(iii) availability of revenues in the Lower Colorado River Basin Development Fund and increased revenues to the Upper Colorado River Basin Fund made available under section 205(d) of this title: *Provided*, That costs allocated to the Upper Colorado River Basin Fund under section 205 (a) (2) of this title shall not exceed 15 per centum of the costs allocated to the Upper Colorado River Basin Fund and the Lower Colorado River Basin Development Fund.

Costs, limitation.

(3) Costs of construction of each unit or separable feature thereof allocated to the upper basin and to the lower basin under section 205 (a) (2) of this title shall be repaid within a fifty-year period without interest from the date such unit or separable feature thereof is determined by the Secretary to be in operation.

Construction
costs, repayment.

(b)(1) Costs of construction, operation, maintenance, and replacement of each unit or separable feature thereof allocated for repayment by the lower basin under section 205(a)(2) of this title shall be paid in accordance with subsection 205(b) (2) of this title, from the Lower Colorado River Basin Development Fund.

(2) Section 403(g) of the Colorado River Basin Project Act (82 Stat. 896) is hereby amended as follows: strike the word "and" after the word "Act" in line 8; insert after the word "Act," the following "(2) for repayment to the general fund of the Treasury the costs of each salinity control unit or separable feature thereof payable from the Lower Colorado River Basin Development Fund in accordance with sections 205(a)(2), 205(a)(3), and 205(b)(1) of the Colorado River Salinity Control Act and"; change paragraph (2) to paragraph (3).

43 USC 1543.

(c) Costs of construction, operation, maintenance, and replacement of each unit or separable feature thereof allocated for repayment by the upper

basin under section 205(a) (2) of this title shall be paid in accordance with section 205(d) of this title from the Upper Colorado River Basin Fund within the limit of the funds made available under section 205(e) of this title.

43 USC 620d.

(d) Section 5(d) of the Colorado River Storage Project Act (70 Stat. 108) is hereby amended as follows: strike the word "and" at the end of paragraph (3); strike the period after the word "years" at the end of paragraph (4) and insert a semicolon in lieu thereof followed by the word "and"; add a new paragraph (5) reading:

"(5) the costs of each salinity control unit or separable feature thereof payable from the Upper Colorado River Basin Fund in accordance with sections 205(a) (2), 205(a) (3), and 205(c) of the Colorado River Salinity Control Act."

Electrical energy
rates, adjustments.

(e) The Secretary is authorized to make upward adjustments in rates charged for electrical energy under all contracts administered by the Secretary under the Colorado River Storage Project Act (70 Stat. 105, 43 U.S.C. 620) as soon as practicable and to the extent necessary to cover the costs of construction, operation, maintenance, and replacement of units allocated under section 205(a)(2) and in conformity with section 205(a)(3) of this title: *Provided*, That revenues derived from said rate adjustments shall be available solely for the construction, operation, maintenance, and replacement of salinity control units in the Colorado River Basin herein authorized.

Report to President,
Congress and
Advisory Council.
43 USC 1596.

SEC. 206. Commencing on January 1, 1975, and every two years thereafter, the Secretary shall submit, simultaneously, to the President, the Congress, and the Advisory Council created in section 204(a) of this title, a report on the Colorado River salinity control program authorized by this title covering the progress of investigations, planning, and construction of salinity control units for the previous fiscal year, the effectiveness of such units, anticipated work needed to be accomplished in the future to meet the objectives of this title, with emphasis on the needs during the five years immediately following the date of each report, and any special problems that may be impeding progress in attaining an effective salinity control program. Said report may be included in the biennial report on the quality of water of the Colorado River Basin prepared by the Secretary pursuant to section 15 of the Colorado River Storage Project Act (70 Stat. 111; 43 U.S. C. 602n), section 15 of the Navajo Indian irrigation project, and the initial stage of the San Juan Chama Project Act (76 Stat. 102), and section 6 of the Fryingpan-Arkansas Project Act (76 Stat. 393).

43 USC 615ww

43 USC 616c.

43 USC 1597

SEC. 207. Except as provided in section 205(b) and 205(d) of this title, with respect to the Colorado River Basin Project Act and the Colorado River Storage Project Act, respectively, nothing in this title shall be construed to alter, amend, repeal, modify, interpret, or be in conflict with the provisions of the Colorado River Compact (45 Stat. 1057), the Upper Colorado River Basin Compact (63 Stat. 31), the Water Treaty of 1944 with the United Mexican States (Treaty Series 994; 59 Stat. 1219), the decree entered by the Supreme Court of the United States in Arizona against California and others (376 U.S. 340), the Boulder Canyon Project Act (45 Stat. 1057), Boulder Canyon Project Adjustment Act (54 Stat. 774; 43 U.S.C. 618a), section 15 of the Colorado River Storage Project Act (70 Stat. 111; 43 U.S.C. 620n), the Colorado River Basin Project Act (82 Stat. 885), section 6 of the Fryingpan-Arkansas Project Act (76 Stat. 393), section 15 of the Navajo Indian irrigation project and initial stage of the San Juan-Chama Project Act (76 Stat. 102), the National Environmental Policy Act of 1969, and the Federal Water Pollution Control Act, as amended.

43 USC 1501
note.

42 USC 4321
note.

33 USC 1251
note.

SEC. 208. (a) The Secretary is authorized to provide for modifications of the projects authorized by this title as determined to be appropriate for purposes of meeting the objective of this title. No funds for any such modification shall be expended until the expiration of sixty days after the proposed modification has been submitted to appropriate committees of the Congress, and not then if disapproved by said committees, except that funds may be expended prior to the expiration of such sixty days in any case in which the Congress approves an earlier date by concurrent resolution. The Governors of the Colorado River Basin States shall be notified of these changes.

(b) The Secretary is hereby authorized to enter into contracts that he deems necessary to carry out the provisions of this title, in advance of the appropriation of funds therefor. There is hereby authorized to be appropriated the sum of \$125,100,000 for the construction of the works and for other purposes authorized in section 202 of this title, based on April 1973 prices, plus or minus such amounts as may be justified by reason of ordinary fluctuations in costs involved therein, and such sums as may be required to operate and maintain such works. There is further authorized to be appropriated such sums as may be necessary to pay condemnation awards in excess of appraised values and to cover costs required in connection with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 90-646).

SEC. 209. As used in this title—

(a) all terms that are defined in the Colorado River Compact shall have the meanings therein defined;

(b) "Colorado River Basin States" means the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming.

Approved June 24, 1974.

Public Law 93-321

Project modifica-
tions.
Funds, expen-
diture.
43 USC 1598.

Contract auth-
ority.

Appropriation

42 USC 4601
note.
43 USC 1599.

"Colorado River
Basin States."