



February XX, 2026

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

Via email to crbpost2026@usbr.gov

RE: Draft Environmental Impact Statement (EIS) Post-2026 Operational Guidelines and Strategies for Lake Powell and Lake Mead

Dear Secretary Burgum:

We are writing to provide comment on the National Environmental Policy Act (NEPA) Draft Environmental Impact Statement Post-2026 Operational Guidelines and Strategies for Lake Powell and Lake Mead (Draft EIS). The Salton Sea Authority (Authority) is a joint powers agency established under California law to promote the revitalization of the Salton Sea and surrounding communities. The Authority is directed by a board of locally elected leaders from the Torres Martinez Desert Cahuilla Indians (Torres Martinez), Imperial and Riverside counties, Coachella Valley Water District (CVWD) and Imperial Irrigation District (IID) to advance state and federal policies and projects to support this mission.

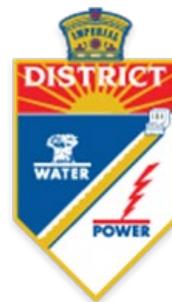
Executive Summary

The Trump administration has previously acknowledged that water conservation agreements akin to those proposed by Reclamation in the Draft EIS lead to a “dramatic and predictable change” accelerating the Salton Sea’s decline which in turn adversely impacts “wildlife habitat, human health, economic opportunities, and recreational values of the Sea and surrounding region.”¹ The administration has further recognized that reduced Colorado River inflows to the Salton Sea “has resulted the collapse of the existing (tilapia) fishery and associated ecosystem, as well as exposed playa that may contribute to dust emissions and public health concerns related to declining air quality.”²

Notwithstanding this acknowledgement, Reclamation does not analyze the impacts of Draft EIS proposed alternatives on the Salton Sea. Rather, the Draft EIS explicitly relies on the

¹ https://www.usbr.gov/budget/2021/FY_2021_Budget_Justifications.pdf at LCB 39.

² *Id.*



U.S. Army Corps of Engineers (Corps) Imperial Streams and Salton Sea Aquatic Ecosystem Restoration Feasibility Study (Feasibility Study) initiated and sponsored by the Authority to mitigate the public health and environmental impacts from Reclamation's pending action.³

We appreciate the recognition that our work may play a significant role in mitigating Salton Sea impacts. Our work with the Corps, however, is still in its formative stages. Much work remains to be done to ensure that the Feasibility Study will fully address the negative public health and environmental impacts to our community that will follow from Reclamation's new Post-2026 Colorado River Operational Guidelines. In particular, the Feasibility Study is not yet fully funded. In addition, Corps policy modifications will be required to ensure the Feasibility Study addresses Department of the Interior (Interior) legal obligations to mitigate the impacts of reduced Salton Sea inflows on federal and tribal lands.

Interior owns roughly 40 percent of the lands in and surrounding the Salton Sea.⁴ These lands include extensive Reclamation and Bureau of Land Management holdings. In addition, Interior's Fish and Wildlife Service (FWS) manages the Sonny Bono Salton Sea National Wildlife Refuge (NWR). Finally, the Torres Martinez reservation occupies roughly 24,000 acres at the Salton Sea. The Draft EIS does not address how Interior will ensure its management of these lands complies with numerous legal obligations as Salton Sea inflows to these federal and tribal lands are diminished under Reclamation's Post-2026 Colorado River Operational Guidelines.

For example, in the Trump administration's FY21 Budget, Reclamation estimated its own Clean Air Act compliance costs associated with declining Salton Sea inflows on Reclamation-owned lands at a conservative \$332.5 million with annual operations and maintenance costs of \$4.375 million.⁵ The Clean Air Act requires Interior to manage its Salton Sea lands in conformity with Riverside and Imperial County air quality plans.⁶ The National Wildlife Refuge System Improvement Act requires the Secretary to ensure the diversity, integrity and biological health of the Sonny Bono Salton Sea NWR.⁷ And finally, Interior holds a trust responsibility to protect Torres Martinez tribal lands and natural resources.⁸

Interior's National Environmental Policy Act (NEPA) handbook requires Reclamation to consider reasonable mitigation measures to address the impacts to the Salton Sea from Draft EIS

³ Bureau of Reclamation, U.S. Dep't of the Interior, Post-2026 Operational Guidelines and Strategies for Lake Powell and Lake Mead, Draft Environmental Impact Statement (Jan. 2026) at Chapter 3-22. See also <https://www.spl.usace.army.mil/Missions/Civil-Works/Projects-and-Studies/Imperial-Streams-Salton-Sea/>

⁴ See <https://www.usbr.gov/lc/region/programs/SaltonSeaProjectsMap.pdf>

⁵ https://www.usbr.gov/budget/2021/FY_2021_Budget_Justifications.pdf at LCB 39.

⁶ 42 USC § 7506.

⁷ 16 USC § 668dd(a)(4)(B). The statute requires FWS to adopt a Comprehensive Conservation Plan for the refuge and to implement that plan. The CCP for the Sonny Bono NWR specifies that the FWS shall manage the refuge by ensuring wetland habitat to benefit migratory birds. See Sonny Bono Salton Sea National Wildlife Refuge Complex; Final Comprehensive Conservation Plan and Finding of No Significant Impact, 79 Fed. Reg. 56,088 (Sept. 19, 2014).

⁸ See U.S. Dep't of the Interior, Dep't Manual, pt. 303, ch. 5. requiring Interior to safeguard tribal assets from waste and damage; *Seminole Nation v. United States*, 316 U.S. 286 (1942) holding that the United States has the "highest moral obligations" to properly manage tribal assets.

proposed alternatives.⁹ The handbook further provides that Reclamation may include specific mitigation commitments in the final Record of Decision for this action pursuant to its independent statutory authorities and obligations to properly manage federal and tribal lands in the Salton Sea region.¹⁰ As noted above and discussed in these comments, those legal authorities include but are not limited to the Clean Air Act, Interior's tribal trust obligations to the Torres Martinez and the National Wildlife Refuge System Improvement Act.

Accordingly, the Authority asks Reclamation to include specific commitments in the Final EIS or via the Colorado River Inflation Reduction Act mitigation package now under formulation to:

- (1) Provide full funding for the Corps Feasibility Study to accelerate its completion, including resources to engage the impacted local communities we represent in the development of that work. The Authority is currently working with the Corps to determine a funding amount that will ensure the Corps completes the Feasibility Study by 2028. Reclamation has ample Inflation Reduction Act Colorado River authority and funding to commit to this purpose.¹¹
- (2) Develop an agreement with the Corps and the Authority to ensure that the Feasibility Study fully addresses the negative public health and environmental impacts of Reclamation's proposed action on federal lands and trust resources.

Background

The Salton Sea spans 370 square miles in Imperial and Riverside counties and is California's largest lake. The Sea provides habitat to over 400 species of birds, including state and federal threatened and endangered species. The Sea is sustained by agricultural discharges from IID and CVWD. Since the early 2000s, inflows to the Sea have been reduced by significant water conservation efforts of area irrigation districts to provide water supply security in the Colorado River system.

These measures have decreased agricultural return flows to the Sea, which has declined nearly 15 feet since 2003, and will expose roughly 30,000 of dry lakebed. The Sea is now more than twice as salty as the ocean, causing major declines in fish and bird populations along a major stopover on the Pacific Flyway. It has been estimated that the playa will become exposed at a rate of 5,500 acres year and that by 2045 there will be a total increase of 105,000 acres of Salton Sea playa exposed relative to 2003.¹² It is important to note that these estimates do not

⁹ U.S. Dep't of the Interior, Dep't Manual, pt. 516, ch. 1 § 1.3(E)(1).

¹⁰ *Id.* at 1.3(e)(2).

¹¹ Sec. 50233 of the Inflation Reduction Act, PL 117-169, provided \$4 billion in funding prioritized to the Colorado River Basin to address drought, including by undertaking ecosystem and habitat restoration projects at inland lakes like the Salton Sea affected by drought. Roughly \$1 billion of this funding remains and must be obligated by the end of this fiscal year.

¹² See Mem. of P. & A. in Supp. of Pet'r IID & Intervenors Cty. of Imperial & Imperial Cty. Air Pollution Control Dist. at 5, In re Modification of Revised Water Rights Order 2002-0013 (State Water Res. Control Bd. March 15, 2017).

factor in the Salton Sea playa impacts from Reclamation's implementation of the Post-2026 Colorado River Operational Guidelines.

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

The Sonny Bono Salton Sea National Wildlife Refuge (NWR) was established in 1930 as a 32,766-acre breeding ground and refuge for birds and other wildlife. Today the Refuge includes an additional 2,000 acres of leased lands that are to be operated by the FWS as managed wetlands for the benefit of migratory birds.

Air pollution linked to exposed Salton Sea playa is a serious challenge in the region. This challenge is exacerbated by Salton Sea playa exposure resulting from decreased Colorado River inflows to the Sea such as those Reclamation proposes in the Draft EIS. Fugitive windblown dust creates respirable fine and ultra-fine particles that reach alveoli deep in the lungs, with larger particles depositing in the nose and throat. Particulate matter deposition in the lungs results in irritation that triggers inflammation and exacerbates pulmonary dysfunctions, such as asthma, emphysema, and chronic bronchitis.

Children are particularly vulnerable to the effects of this pollution. A recent study evaluating the impact of particulate matter pollution from the Salton Sea on Imperial Valley elementary school children found that 24% evaluated had an asthma diagnosis, much higher than the California and national averages.¹³ A cross border study comparing asthma incidence in Imperial Valley cities with communities across the border in Mexico found the incidence of asthma in Imperial to be 4 times higher.¹⁴ In addition, a recent study found Salton Sea playa dust to be "uniquely toxic" and study authors postulate that distinct characteristics of playa dust are especially pro-inflammatory and dangerous to the lungs.¹⁵

Imperial County Air Pollution Control District (ICAPCD) and South Coast Air Quality Management District (SCAQMD) are charged with ensuring Salton Sea regional air quality meets federal Clean Air Act National Ambient Air Quality Standards (NAAQS) for particulate matter pollution. Regions which do not comply with these standards may ultimately be penalized for failure to comply. Imperial County was declared in nonattainment for PM₁₀ in 2004 and has

¹³ Farzan SF, Kamai E, Duenas Barahona D, Ornelas YVH, Zuidema C, Wong M, Torres C, Bejarano E, Seto E, English P, Olmedo L, Johnston J. *Cohort profile: The Assessing Imperial Valley Respiratory Health and the Environment (AIRE) study*. Paediatr Perinat Epidemiol. 2024 May; 38(4):359-369. doi: 10.1111/ppe.13065. Epub 2024 Mar 7. PMID: 38450855; PMCID: PMC11116055. <https://pubmed.ncbi.nlm.nih.gov/38450855/>

¹⁴ Jill E. Johnson et al., *The Disappearing Salton Sea: A Critical Reflection on the Emerging Environmental Threat Disappearing Saline Lakes and Potential Impacts on Children's Health*, 663 Sci. Total Env t 804 (2019).

¹⁵ Trevor A. Biddle et al., *Aerosolized aqueous dust extracts collected near a drying lake trigger acute neutrophilic pulmonary inflammation reminiscent of microbial innate immune ligands*, 858 Sci. Total Env t 159882 (2023). <https://www.sciencedirect.com/science/article/pii/S0048969722069820?via%3Dihub>

worked over the course of the intervening decades with ICAPCD, the California Air Resources Board and the Environmental Protection Agency (EPA) to come into compliance with this Clean Air Act standard. Riverside County faces similar PM₁₀ and other air quality compliance challenges.¹⁶

The impact of federal Colorado River conservation measures on the Salton Sea region's ability to attain and maintain Clean Air Act compliance has been expressly recognized as a challenge by EPA. For example, in EPA's rulemaking approving Imperial County's Clean Air Act re-designation to attainment and its maintenance plan, EPA noted that "the Salton Sea will continue to recede, exposing an increasing amount of lakebed. EPA agrees that this creates the potential for increases in airborne particulate matter from the lakebed that can potentially have adverse impacts on human health and the environment."¹⁷ EPA moved forward with the attainment re-designation in part based on the assumption that future water transfers such as those proposed by Reclamation in the Draft EIS would be mitigated.¹⁸

I. Interior and Reclamation are required to ensure their Salton Sea lands are managed in compliance with the Clean Air Act as Reclamation implements the new Post-2026 Colorado River Operational Guidelines.

The Clean Air Act requires that federal agencies work with Tribal, local and state governments in non-attainment or maintenance areas to ensure that federal actions conform to the established plans such as ICAPCD's PM_{2.5} and PM₁₀ air quality plans.¹⁹ The purpose of the conformity rule is to ensure that the federal government does not cause or contribute to new violations of NAAQS, worsen existing violations of NAAQS, or delay attainment of NAAQS.²⁰

Reclamation has acknowledged it has significant air quality compliance concerns associated with the management of its own Salton Sea lands. Interior and Reclamation own roughly 40% of the lands in and surrounding the Salton Sea.²¹ Reclamation has acknowledged its obligation to manage these lands in compliance with the Clean Air Act,²² and has recognized that the agency will have significant future Clean Air Act compliance costs associated with its own exposed Salton Sea playa lands.

¹⁶ See https://www3.epa.gov/airquality/greenbook/anayo_ca.html.

¹⁷ PM₁₀ Maintenance Plan and Redesignation Request; Imperial Valley Planning Area; California, 85 Fed. Reg. 182 at 58288 (2020). <https://www.federalregister.gov/documents/2020/09/18/2020-18427/pm10-maintenance-plan-and-redesignation-request-imperial-valley-planning-area-california>

¹⁸ *Id.*

¹⁹ 42 USC § 7506.

²⁰ 42 U.S.C. § 7506(b).

²¹ See <https://www.usbr.gov/lc/region/programs/SaltonSeaProjectsMap.pdf>

²² See Addendum to the Memorandum of Understanding By and Between the U.S. Dept of the Interior and the State of Cal. Regarding Coordination of Activities to Manage the Salton Sea (Aug. 31, 2016) which provided: "the Parties will comply with all applicable requirements of the Federal Clean Air Act and all implementing rules and regulations in connection with Salton Sea playa lands owned or managed by the Parties that are exposed as a result of decline in elevation of the Salton Sea."

https://www.doi.gov/sites/doi.gov/files/uploads/signed_addendum_connor_salton_sea.pdf

Reclamation's FY 2021 Official Budget Justification states: "Reclamation estimates that approximately 8.75 square miles of Reclamation-owned lands will be emergent from the Sea as it recedes over the next 10 years. Even using extremely conservative estimates related to the costs at Owens Lake, Reclamation may still have significant air quality mitigation costs related to any applicable Clean Air Act requirements as the Sea recedes."²³ In the same document, Reclamation estimates those costs to be at least \$332.5 million with an annual operations and maintenance cost of \$4.375 million.

Interior and Reclamation are required to ensure their Salton Sea lands are managed in compliance with the Clean Air Act as Reclamation implements the new Post-2026 Colorado River Operational Guidelines. This is critical not only from a public health perspective, but also because local jurisdictions can face penalties for Clean Air Act noncompliance caused by federal land mismanagement.²⁴

II. Interior and Reclamation are required to ensure the protection of Torres Martinez tribal lands and the Sonny Bono NWR as Reclamation implements the new Post-2026 Colorado River Operational Guidelines.

Under federal law, Interior holds a "highest responsibility and trust" to safeguard tribal assets.²⁵ This creates a legally enforceable fiduciary obligation for the United States to protect the Tribe's treaty rights, lands, and cultural resources from further damage. Interior's Departmental Manual further requires Reclamation to identify any effects of its proposed action on the Torres Martinez in Environmental Impact Statements such as the Draft EIS, ensure its decision is consistent with its trust obligations, and to consult with the Tribe to address concerns.²⁶

Notwithstanding these obligations, Reclamation did not consult with the Torres Martinez in the formulation of the Draft EIS as required by law and Interior policy. Interior is required ensure the protection of the 24,000-acre Torres Martinez Reservation at the Sea's northern end as it formulates and adopts the new Post-2026 Colorado River Operational Guidelines. Prior Colorado River conservation efforts have degraded tribal natural resources and health. Reclamation's Post-2026 Colorado River Operational Guidelines will likely exacerbate these harms by further reducing Salton Sea inflows.

The National Wildlife Refuge System Improvement Act requires the FWS to "ensure that the biological integrity, diversity, and environmental health of the System are maintained for the

²³ https://www.usbr.gov/budget/2021/FY_2021_Budget_Justifications.pdf

²⁴ 42 USC § 7509. The Draft EIS does not evaluate the impact of Reclamation's proposed alternatives on its ability to manage federal and Torres Martinez tribal lands in conformity local jurisdiction Clean Air Act air quality plans. Although Reclamation has identified that it will have significant Clean Air Act compliance costs associated with the receding Sea, in the Draft EIS Reclamation fails to propose federally-funded mitigation to ensure that particulate matter emissions from federal lands do not cause or contribute to new violations, worsen existing violations, or delay attainment with Clean Air Act standards as required by law.

²⁵ *Seminole Nation v. United States*, 316 U.S. 286 (1942).

²⁶ U.S. Dep't of the Interior, Dep't Manual, pt. 303, ch. 5.

benefit of present and future generations of Americans,”²⁷ and requires the FWS to manage each refuge to fulfill the specific purposes for which it was established.²⁸ The law also requires the FWS to develop and adopt a Comprehensive Conservation Plan to discharge this mandate.²⁹

The Sonny Bono Salton Sea NWR was established to provide refuge and breeding habitat for birds and other wildlife and includes additional leased lands that are to be operated by the FWS as managed wetlands for the benefit of migratory birds.³⁰ The CCP for the refuge anticipates that declining Salton Sea inflows will be a challenge for refuge management and provides that “the Refuge will manage existing and new habitat areas to compensate for losses in foraging opportunities within the Sea.”³¹

Notwithstanding these obligations, Reclamation does not assess the environmental impacts of its proposed alternatives on the refuge, nor describe how those impacts would be managed to ensure refuge purposes are met.

III. The Salton Sea Feasibility Study can address Interior and Reclamation’s legal obligations provided full federal funding is secured and key policy changes are adopted.

The U.S. Army Corps of Engineers Imperial Streams and Salton Sea Aquatic Ecosystem Restoration Feasibility Study (Feasibility Study) was secured by the Authority in the Water Resources Development Act (WRDA) of 2020 and signed into law by President Trump.³² Once completed, the Corps, which is required by law to undertake a feasibility study as a prerequisite for federal investment, is authorized to fund the projects ultimately included within the Feasibility Study at 65% federal share.

The Authority undertook this work to ensure that there would be a federal project and funding vehicle to advance the mitigation necessary to protect Salton Sea communities from the anticipated conservation measures that would likely be required by Reclamation in the Post-2026 Colorado River Operational Guidelines.

As the original non-federal sponsor of this work, the Authority worked with the California Department of Water Resources (DWR) to harmonize the Corps Feasibility Study requirements with the State of California’s Salton Sea Long-Range Plan. In 2022, the Corps, Authority and DWR signed the cost sharing agreement to formally launch the study, and which established the Authority and DWR as joint local sponsors. Initially conceived as a \$3 million, 3-year effort to address long-range Salton Sea management, the Corps, Authority and DWR expanded the scope of the work to ensure federal projects are developed to benefit all Salton Sea communities.

²⁷ 16 USC § 668dd(a)(4)(B).

²⁸ 16 U.S.C. § 668dd(a)(4)(D).

²⁹ 16 U.S.C. § 668dd(e).

³⁰ U.S. Fish & Wildlife Serv., Sonny Bono Salton Sea National Wildlife Refuge Complex Final Comprehensive Conservation Plan (2014) at 1-16.

³¹ *Id.*

³² Water Resources Development Act of 2020, Pub. L. No. 116-260, div. AA, § 203, 134 Stat. 1182, 2615 (2020).

To date, with the strong support of Congress and the Corps, the Authority has secured \$7.1 million in federal funding to develop the Feasibility Study, which has been matched by the local sponsors as required by law. The Corps, Authority and DWR have scoped a full array of alternatives and will be performing hydrologic modeling of alternatives to identify conservation projects to address the public health and environmental challenges in the Salton Sea region.

While substantial work has been undertaken, significant work remains. Additional federal resources are required to complete and expedite the Feasibility Study so that it will address Salton Sea impacts to the Sea from Reclamation's implementation of the Post-2026 Colorado River Operational Guidelines. The Authority is currently working with the Corps to determine the Corps funding needs to accelerate the completion of the Feasibility Study and provide for public engagement before the current target date of 2029.

In addition, there are several internal Corps policies which need to be modified to ensure that the Feasibility Study operates to mitigate the impacts to federal lands from Reclamation's new Post-2026 Colorado River Operational Guidelines. Corps policy does not permit the Corps to undertake projects on federal lands, nor does policy permit the Corps to count the benefits of the Feasibility Study provided to federal lands. Moreover, the Corps is also limited in its ability fully value the public health benefits of this work. Changes to these Corps policies through agreement with Interior, Corps, the Authority and DWR will be necessary to ensure that the Feasibility Study addresses Interior's landownership and trust obligations.

Conclusion

The Authority fully appreciates the challenges Reclamation faces as it works to find a solution to the Colorado River crisis. The communities we represent have lived with the public health and environmental consequences of that crisis for over two decades. To date, only 2,000 acres of Salton Sea playa mitigation has been developed to address those consequences with relatively little federal investment.

Anticipating that Reclamation's Post-2026 Colorado River Operational Guidelines would likely impose additional burdens on Salton Sea communities, the Authority worked to engage the Corps over the past six years to be ready for this moment with a robust federal mitigation program. We appreciate that Reclamation has recognized that this work is an important part of federal Colorado River management. It is our sincere hope that this recognition is followed with your funding and policy engagement to fully mobilize the Corps work to protect Salton Sea communities and federal interests in the region.

Thank you for your consideration of these comments.

Sincerely,

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Director – Imperial Irrigation District

Castulo R. Estrada, Vice President
Vice President – Coachella Valley Water District

Joseph Mirelez, Treasurer
Chairman – Torrez Martinez Desert Cahuilla
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