

Memorandum

To: Salton Sea Authority Board of Directors
From: G. Patrick O'Dowd, Executive Director /GM
Date: June 18, 2026
Re: **Resolution Supporting Government-to-Government Consultation by the Torres Martinez Desert Cahuilla Indians Regarding Post-2026 Colorado River Operations**

RECOMMENDATION

Authorize adoption of Resolution No. ____ supporting the request of the Torres Martinez Desert Cahuilla Indians (TMDCI) for meaningful government-to-government consultation with the Department of the Interior regarding the Post-2026 Colorado River Reservoir Operations Environmental Impact Statement and authorize distribution of the Resolution to appropriate federal, state, Tribal, and local officials.

DISCUSSION

On May 28, 2026, TMDCI formally requested government-to-government consultation with the Department of the Interior regarding potential effects of Post-2026 Colorado River operations on Tribal trust lands and resources within the Salton Sea basin. The Tribe's request asserts that consultation is required before issuance of a Final Environmental Impact Statement and Record of Decision and raises concerns regarding the relationship between Colorado River operations, drainage flows, Tribal trust lands, and conditions at the Salton Sea.

The attached Resolution supports the Tribe's request and urges the Department to complete meaningful consultation and consider Tribal input before issuing a Final Environmental Impact Statement or Record of Decision. The Resolution reflects institutional support for an independently asserted sovereign request by a fellow governing member of the Authority. As previously discussed by the Board, the Authority continues to expand its engagement with the Department of the Interior, Bureau of Reclamation, and participants in the ongoing Post-2026 Colorado River negotiations to ensure that potential effects on the Salton Sea and surrounding communities are appropriately considered. These efforts include formal comments on the Draft Environmental Impact Statement, direct correspondence with Department leadership, submission of supplemental historical materials to the administrative record, and outreach to local governments, agricultural interests, environmental justice organizations, and other affected parties. Additional resolutions, letters of support, and stakeholder engagement efforts may be pursued as these efforts continue.

FISCAL IMPACT

None.

ATTACHMENTS

1. Resolution Supporting Meaningful Government-to-Government Consultation with the Torres Martinez Desert Cahuilla Indians.
2. May 28, 2026 TMDCI Request for Government-to-Government Consultation.

RESOLUTION NO. ____

**A RESOLUTION OF THE SALTON SEA AUTHORITY SUPPORTING MEANINGFUL
GOVERNMENT-TO-GOVERNMENT CONSULTATION WITH THE TORRES
MARTINEZ DESERT CAHUILLA INDIANS AND REQUESTING SUPPLEMENTAL
ANALYSIS OF SALTON SEA IMPACTS IN THE POST-2026 COLORADO RIVER
RESERVOIR OPERATIONS ENVIRONMENTAL IMPACT STATEMENT**

WHEREAS, the Torres Martinez Desert Cahuilla Indians are a federally recognized sovereign Indian tribe whose trust lands are located within the Salton Sea basin and whose Chairman, Joseph Mirelez, and Vice Chairwoman, Rosemarie Morreo, serve as members of the Authority's governing board; and

WHEREAS, the Tribe did not receive a meaningful opportunity to engage in government-to-government consultation before publication of the Draft Environmental Impact Statement for Post-2026 Colorado River Reservoir Operations (the "DEIS"), and on May 28, 2026, Chairman Mirelez formally requested such consultation from the Secretary of the Interior, documenting both the procedural deficiency and its consequences for the administrative record; and

WHEREAS, government-to-government consultation with affected Indian tribes is a separate and affirmative legal obligation of the United States under Executive Order 13175, 512 Departmental Manual 4, and the federal trust responsibility, and is not satisfied through the ordinary public comment process; and

WHEREAS, the Salton Sea Authority submitted its own comments on February 27, 2026, requesting supplemental analysis of Salton Sea impacts and has previously submitted supplemental historical materials to the administrative record, and reaffirms those submissions in support of complete and lawful federal decision-making;

NOW, THEREFORE, BE IT RESOLVED that the Salton Sea Authority supports the request of the Torres Martinez Desert Cahuilla Indians for meaningful government-to-government consultation with the Department of the Interior, and urges the Department to complete such consultation and incorporate Tribal input before issuing any Final Environmental Impact Statement or Record of Decision; and

BE IT FURTHER RESOLVED that the Salton Sea Authority urges the Department of the Interior to fully evaluate and disclose the potential effects of Post-2026 Colorado River Reservoir Operations on the Salton Sea, tribal trust lands, public health, air quality, and associated environmental conditions prior to issuing a Final Environmental Impact Statement; and

BE IT FURTHER RESOLVED that this Resolution shall be transmitted to the Secretary of the Interior, the Bureau of Reclamation, the Bureau of Indian Affairs, the United States Army Corps of Engineers, the Torres Martinez Desert Cahuilla Indians, and such other federal and state officials as appropriate.

PASSED AND ADOPTED this ____ day of _____, 2026, by the following vote:

AYES:

NOES:

ABSENT:

Board President, Salton Sea Authority

Clerk, Salton Sea Authority



TORRES MARTINEZ DESERT CAHUILLA INDIANS

P.O. Box 1160
Thermal, CA 92274
(760) 397-0300 – FAX (760) 397-8146

May 28, 2026

Honorable Doug Burgum
Secretary of the Interior
U.S. Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

RE: Request for Government-to-Government Consultation Regarding Salton Sea Impacts in the Post-2026 Colorado River Reservoir Operations DEIS, Salton Sea

Dear Secretary Burgum,

On behalf of the Torres Martinez Desert Cahuilla Indians (the “Tribe”), we respectfully request for government-to-government consultation concerning the Draft Environmental Impact Statement for Post-2026 Colorado River Reservoir Operations (the “DEIS”). This request is made pursuant to Executive Order 13175, 512 Departmental Manual 4, the National Environmental Policy Act, 42 U.S.C. § 4321 *et seq.*, the National Historic Preservation Act, 54 U.S.C. § 302706, and the United States’ trust responsibility to Indian tribes.

The Tribe did not receive a meaningful opportunity to engage in government-to-government consultation regarding the matters raised herein before publication of the DEIS. Because continued federal water deliveries foreseeably and directly affect Tribal trust lands within the Salton Sea basin, we believe that consultation was required before issuance of the DEIS. The absence of prior consultation constitutes a procedural deficiency under Executive Order 13175, 512 DM 4, and NEPA’s requirement for informed federal decision-making. This deficiency is not remedied through the ordinary public comment process. Consultation with federally recognized Indian tribes is a separate and affirmative obligation of the United States. Accordingly, the Department should promptly initiate formal consultation, fully consider the issues raised by the Tribe, and supplement the environmental analysis as necessary to reflect Tribal input before issuance of any Final EIS.

The DEIS characterizes the Salton Sea as a terminal lake outside federal authority. That characterization is inconsistent with the structure and operation of the Colorado River delivery system. Federal delivery of water into a closed basin necessarily creates drainage, return flows, and operational discharges requiring a receiving terminus. The United States has long recognized this operational reality by reserving lands within the basin for drainage purposes and by operating facilities that generate flows received within that basin. While the DEIS evaluates water deliveries, it does not

identify any legally authorized or physically existing alternative facility capable of receiving the resulting drainage if the Salton Sea is excluded from consideration. This omission renders the analysis incomplete.

The United States also maintains substantial property and trust interests within the Salton Sea basin, including federal lands subject to inundation or exposure, perpetual flowage easements, and Tribal trust lands directly affected by drainage conditions. Federal actions that generate and direct water into the basin foreseeably affect those interests. Yet the DEIS does not adequately analyze those impacts or the federal role in creating and perpetuating them.

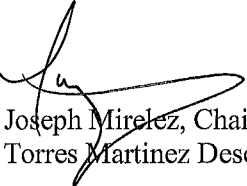
Federal courts have recognized that drainage obligations are inseparable from federal water deliveries. Continued delivery of project water necessarily carries responsibility for resulting drainage and its lawful disposition. The DEIS does not explain how those obligations are satisfied if the Salton Sea is excluded from analysis.

The Tribe further requests a complete written accounting of operational spills, return flows, drainage from federally delivered water, receiving locations, conveyance pathways, storage conditions, and governing legal authorities. If the Department intends to exclude the Salton Sea from analysis, it should identify where such flows are assumed to go and under what legal authority.

The Salton Sea functions as a receiving basin upon which federal water delivery operations rely, and federal actions affecting that basin directly affect Tribal trust lands and interests. The failure to consult with the Tribe and to analyze these impacts renders the current DEIS both procedurally and substantively deficient.

Thank you for your attention to this important matter. The Department may contact me directly, or the Tribe's legal counsel, Patrick R. Bergin, at (916) 441-2700 or pbergin@ndnlaw.com to coordinate and schedule government-to-government consultation.

Sincerely,



Joseph Mirelez, Chairman
Torres Martinez Desert Cahuilla Indians

CC:

Dr. Andrea Travnicsek, Assistant Secretary for Water and Science, U.S. Department of the Interior
William (Billy) Kirkland, Assistant Secretary - Indian Affairs, U.S. Department of the Interior
Bryan Mercier, Director - Bureau of Indian Affairs, U.S. Department of the Interior
Scott J. Cameron, Acting Commissioner, Bureau of Reclamation
David Palumbo, Deputy Commissioner - Operations, Bureau of Reclamation