



August 31, 2026

The Honorable E. Joaquin Esquivel
Chair
State Water Resources Control Board
Sacramento, California

Re: Post-2026 Colorado River Conservation and the Salton Sea

Dear Chair Esquivel:

I write on behalf of the Salton Sea Authority to request clarification regarding the State Water Resources Control Board's role as implementation of post-2026 Colorado River conservation begins. Specifically, ***before additional Colorado River conservation is implemented in California, what role does the Board have in ensuring that its effects on the health, safety, and environment of communities surrounding the Salton Sea are identified, quantified, assigned, and appropriately mitigated?***

The question arises from an unusual sequence of federal and State actions.

In 2022, the United States, California Natural Resources Agency (CNRA), Imperial Irrigation District (IID), and Coachella Valley Water District (CVWD) entered into the [Commitment to Support Salton Sea Management Related to Water Conservation in the Lower Colorado River Basin](#). In that jointly executed instrument, the parties stated that combined reduced water usage in the Imperial and Coachella Valleys associated with increased system conservation activities was expected to expose approximately 6,000 to 8,000 acres of lakebed six to eight years sooner and increase Salton Sea salinity by approximately 6.2 to 9.0 parts per thousand by 2027.

The Commitment provided substantial federal funding to accelerate Salton Sea Management Program projects. It also provided IID and CVWD indemnification for impacts to the Salton Sea arising from voluntary conservation programs undertaken pursuant to Section 2 of the Commitment. At the same time, CNRA committed to continue pursuing funding necessary to fulfill its existing obligations under the QSA and related State Water Resources Control Board orders. The instrument therefore combined additional conservation, acknowledged additional Salton Sea effects, continuing State obligations, federal financial assistance, and contractor indemnification,

without establishing any measure of the additional environmental performance attributable to the incremental conservation.

Reclamation subsequently approved IID's 2024–2026 Temporary Colorado River System Water Conservation Project through [*Finding of No Significant Impact LC-24-07*](#) (FONSI LC-24-07), issued August 9, 2024. The environmental review acknowledged that the conservation would accelerate lowering of the Salton Sea, earlier exposure of shoreline, and the potential for increased fugitive dust and hazardous air pollutant emissions and community exposure. Nevertheless, Reclamation determined that those effects did not warrant a finding of significant impact because they would occur eventually without the project and because the project's temporary effects were expected to taper toward projected future baseline conditions by 2045.

That conclusion was expressly tied to temporariness. Deliveries were expected to return to pre-project volumes beginning in 2027 when the temporary conservation agreement expired.

During that review, commenters also asked Reclamation to consider reasonably foreseeable post-2026 conservation. Reclamation repeatedly declined, explaining in the response to comments accompanying FONSI LC-24-07 that post-2026 conservation volumes remained "speculative and not reasonably foreseeable" and that the temporary program would terminate in 2026. Numerous affected entities subsequently asked Reclamation during development of the Post-2026 Colorado River operating framework to evaluate effects of the proposed operations on the Salton Sea and surrounding communities.

The premise that post-2026 conservation was speculative has now been overtaken by final agency action. On August 21, 2026, the Secretary of the Interior approved the [*Decision Framework for Colorado River Guidelines: Coordinated Operations of Lake Powell and Lake Mead \(2027–2036\) and issued the Colorado River Guidelines for Coordinated Operations of Lake Powell and Lake Mead, Operating Years 2027 and 2028*](#). The 2027–2028 Operating Guidelines constitute final agency action under the Decision Framework.

For 2027 and 2028, the Operating Guidelines establish a 1.25 million acre-foot annual reduction in Lower Division consumptive use. They identify a 440,000 acre-foot California reduction where the contemplated Lower Basin implementing agreement is in place, while providing for a Secretarial determination under applicable law if the necessary agreements are not fully executed. Separately, they provide for an additional 700,000 acre-feet of System Conservation during 2026–2028 through voluntary agreements with Lower Division contractors and expressly contemplate direct work between the Secretary and contractors in the absence of a Lower Division State implementing agreement.

Thus, the precise distribution, mechanism, and resulting Salton Sea effects of California's post-2026 conservation remain to be determined. The existence of post-2026 conservation no longer does.

That distinction matters. The environmental effects of the 2024–2026 conservation were deemed temporary in reaching FONSI LC-24-07. Post-2026 operations now contemplate conservation continuing into the period when the earlier action was expected to terminate. Depending upon how those reductions are implemented, continued conservation may extend, compound, or make enduring effects previously evaluated as temporary. Yet Reclamation's Post-2026 environmental review placed the Salton Sea outside the hydrologic study area, explaining in Technical Appendix 3 that "[n]ot included in the study area are reservoirs upstream of Lake Powell, the Salton Sea, and portions of northwestern Mexico that are operated independently."¹

This leaves an accountability question that is particularly appropriate for the State Water Resources Control Board. The State has undertaken substantial responsibilities for Salton Sea restoration, and the Board retains continuing jurisdiction over the QSA-related water-right orders. Condition 29 of WR 2017-0134 specifically reserves jurisdiction "to further amend conditions 19-28 of this Order as necessary to ensure Salton Sea Restoration throughout the term of the QSA."² The 2022 Commitment, meanwhile, shifts specified financial exposure associated with voluntary conservation from IID and CVWD to CNRA through its indemnification provision.

The Authority is not asking the Board to determine how post-2026 conservation should be allocated among California contractors, to prejudge any future water-right proceeding, to revisit FONSI LC-24-07, or to adjudicate federal responsibility. Rather, the Authority seeks guidance regarding the Board's role before additional conservation is implemented, particularly where financial exposure associated with specified voluntary conservation has been shifted away from the conserving contractors and the federal environmental review excludes the Salton Sea from its hydrologic study area.

Two reservations attend this request. First, the Authority takes no position on the allocation of Colorado River shortages among the Basin States or among California contractors. Second, nothing in this request concedes that federal responsibility for Salton Sea impacts is absent, has been discharged, or may be satisfied through State processes, and the Authority expressly preserves the positions stated in its submissions to Reclamation concerning the Post-2026 federal action.

¹ Technical Appendix 3, *Hydrologic Resources*, p. 3-1.

² WR 2017-0134, Exh. A, Condition 29.

The Authority respectfully requests that the Board address that question in connection with its next annual Salton Sea restoration proceeding under Condition 28 of WR 2017-0134, or through such earlier process as the Board considers appropriate. The objective is not to impede needed Colorado River conservation. It is to ensure, before additional conservation is implemented, that its benefits are not accounted for while responsibility for its environmental consequences at the Salton Sea remains unassigned.

Respectfully,



G. Patrick O'Dowd
Executive Director/General Manager
Salton Sea Authority

cc: Wade Crowfoot, Secretary, California Natural Resources Agency
Joe Shea, Assistant Secretary for Salton Sea Policy, California Natural Resources Agency
David M. Palumbo, Deputy Commissioner, Operations, Bureau of Reclamation
Genevieve Johnson, Regional Director (Acting), Lower Colorado Basin Region, Bureau of Reclamation
Salton Sea Authority Board of Directors