

[DATE], 2026

Aubrey J.D. Bettencourt
Principal Deputy Commissioner
Bureau of Reclamation
U.S. Department of the Interior
1849 C Street NW
Washington, DC 20240

Re: Supplement to the Salton Sea Authority's August 17, 2026 Letter Concerning the Post-2026 Colorado River Reservoir Operations Final Environmental Impact Statement

Dear [SALUTATION]:

The Salton Sea Authority submits this letter to supplement its August 17, 2026 letter concerning the Post-2026 Colorado River Reservoir Operations Final Environmental Impact Statement, as that letter reserved. This supplement addresses three matters that appear in the Final EIS and its response to public comment and that were not available for comment during review of the Draft EIS. The Authority requests that this letter be included in the administrative record for the Post-2026 decision.

Nothing in this letter modifies or limits the Authority's previously submitted positions, including its February 27, 2026 comments and its August 17, 2026 letter.

The Final EIS revised the statement of Reclamation's authority after the Draft EIS

The Draft EIS stated that Reclamation "does not control the end use and management of delivered or conserved water." The Final EIS states that Reclamation "does not manage or control the end use of water after the point of delivery." The Authority has not located an explanation in the Final EIS or in Appendix R for that revision, or an identification of the record basis for locating the boundary of Reclamation's analytical obligation at the point of delivery.¹

Because that revision appears only in the Final EIS, no commenter had an opportunity to address it. It is material, because the revised formulation supplies the factual predicate for the conclusion that the consequences at issue fall outside the scope of this analysis.

¹ Draft EIS Ch. 3, § 3.2.7, p. 3-24; Final EIS Vol. I, § 3.2.7, p. 3-22.

Existing federal authorities concerning Colorado River deliveries and Interior lands

Appendix R states, in its discussion of connected actions and cumulative effects, that where an agency has no ability to prevent an effect due to its limited statutory authority over the relevant actions, the agency cannot be considered a legally relevant cause of that effect². To the extent that principle informs Reclamation's treatment of the Salton Sea, the Authority notes the following.

Deliveries to the Imperial Irrigation District and the Coachella Valley Water District are made under federal water delivery contracts executed pursuant to Section 5 of the Boulder Canyon Project Act, as Appendix R states.³ Appendix R separately states that analysis of potential limitations on beneficial water use, including review under 43 C.F.R. Part 417, is outside the scope of this EIS.⁴ That statement reflects an existing federal authority concerning beneficial use by Lower Colorado River contractors rather than the absence of one.

The Authority further notes that Interior retains independent statutory and regulatory responsibilities respecting lands it owns or manages in and around the Salton Sea, including obligations under the Clean Air Act, the National Wildlife Refuge System Improvement Act, and its trust responsibility, as set out in the Authority's February 27, 2026 comments. Interior's National Environmental Policy Act implementing procedures provide that mitigation commitments may be included in a Record of Decision pursuant to an agency's independent statutory authorities and obligations.⁵ The Authority has not located a response in Appendix R addressing those authorities. The response concerning mitigation addresses what the National Environmental Policy Act requires and does not address the independent authorities the Authority identified.

The Final EIS presents material that was not available during the Draft EIS comment period

The Authority notes that other commenters have identified concerns regarding the adequacy of the Final EIS's treatment of comments submitted on the Draft EIS. The Authority takes no position on those commenters' substantive objections, on the interpretation of the Colorado River Compact, on the allocation or distribution of shortages among the Basin States, or on any matter concerning the apportionment of Colorado River water. The Authority's concern is limited to the treatment of the consequences of Post-2026 operations at the Salton Sea.

As to that matter, three elements of the Final EIS were not available for public comment: the Preferred Alternative, the responses in Appendix R, and the removal of

² Appendix R, § R.3.21, pp. R-30 to R-31.

³ Appendix R, § R.3.7.3.

⁴ Appendix R, § R.3.7.4.

⁵ 516 DM 1.3(e)(2).

the alternative-specific Salton Sea calculation disclosed in the Draft EIS while the conclusion that calculation supported was retained. The Authority identified the third of these in its August 17, 2026 letter.

Requested action before issuance of the Record of Decision

In addition to the requests set out in its August 17, 2026 letter, the Authority respectfully requests that Reclamation, before issuing the Record of Decision:

- Explain the basis for the revision, between the Draft EIS and the Final EIS, of the statement of Reclamation's authority concerning the end use of delivered water, and identify the record basis for locating the boundary of the analysis at the point of delivery;
- Reconcile the statement that Reclamation has no management authority over inputs to the Salton Sea with the existence of federal water delivery contracts executed pursuant to Section 5 of the Boulder Canyon Project Act and with review under 43 C.F.R. Part 417, which Appendix R identifies as outside the scope of this EIS rather than as unavailable;
- Address the independent statutory and regulatory authorities identified in the Authority's February 27, 2026 comments respecting Interior lands, the Sonny Bono Salton Sea National Wildlife Refuge, and Interior's trust responsibility, and state whether Reclamation will include mitigation commitments in the Record of Decision pursuant to those authorities as contemplated by Interior's National Environmental Policy Act implementing procedures; and
- Place Reclamation's responses to the foregoing in the administrative record for this decision.

The Authority does not speak for the Torres Martinez Desert Cahuilla Indians, and nothing in this letter limits the separate interests, rights, consultation requests, or positions of the Tribe or of any other Tribal government. The Authority's February 27, 2026 comments, including their treatment of Interior's obligations respecting Tribal lands and resources, are preserved.

The Authority may supplement this submission before final agency action.

Sincerely,

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

cc: The Honorable Doug Burgum, Secretary of the Interior
Andrea Travnicek, Assistant Secretary for Water and Science
David Palumbo, Deputy Commissioner

**Submitted for inclusion in the Post-2026 administrative record via:
crbpost2026@usbr.gov**