



Tohono O'odham Nation
Office of the
Chairman and Vice Chairwoman

Ned Norris Jr. Wavalene M. Saunders
Chairman Vice Chairwoman



November 10, 2020

Ms. KayLee Nelson
United States Department of the Interior
Bureau of Reclamation
P.O. Box 61470
Boulder City, NV 89006-1470

Re: Comments on the 7D Review Draft Report

Dear Ms. Nelson,

By way of general observation, the Draft Report is well organized and easy to read. The Sections being tied to specific requirements in the Record of Decision ("ROD") make the Draft Report easy to follow. A great majority of the Draft Report is spent putting the 2007 Interim Guidelines ("Guidelines") into historical context which helps those that were not involved in the negotiation of the Guidelines have a better understanding of their purpose. Overall the Draft Report is well written.

That being said, the conclusions that the Draft Report makes are not, from the Tohono O'odham Nation's prospective, entirely sound. This stems from the fact that the Draft Report bases its conclusion that the Guidelines were generally effective only when coupled with subsequent management activities of the Drought Contingency Plans. Granted, the 2007 Interim Guidelines provide the ability to expand the concept of Intentionally Created Surplus, but without the individual states agreeing to take greater shortages the system may be on the verge of catastrophic failure. The 2007 Interim Guidelines either worked or they didn't. It seems disingenuous to say they worked, but only after subsequent management activities, outside of and not contemplated by, the 2007 Interim Guidelines.

To that end, it is important to determine whether the Guidelines did in fact work. The Draft Report attempts to do this through the lens of the stated goals and policy considerations contained in the ROD for the Environmental Impact Statement ("EIS") of the Guidelines. The Draft Report explicitly refuses to "...determine in 2020 the appropriateness and/or adequacy of any individual element of the Guidelines." Section XI.G.7.D. lays out the requirement that the Secretary of the Interior formally review effectiveness of the guidelines. The Nation does not know how the effectiveness of the Guidelines can be measured if you do not look at individual elements. Presumably the review is done, so that moving forward, we know what works and what doesn't. Having this knowledge is crucial in developing guidelines for beyond 2026. The Nation requests that a review of the effectiveness of individual elements of the

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Guidelines be undertaken at once, specifically as it relates tribal consultation and technical support.

If you have any questions, please contact Acting Attorney General – Joshua Rees at (520)993-9465 or joshua.rees@tonation-nsn.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Ned Norris, Jr.", written in a cursive style.

Ned Norris, Jr.
Chairman