



The Jicarilla Apache Nation

EXECUTIVE OFFICES

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Jicarilla Apache Reservation
February 11, 1887-1987

December 11, 2023

Reclamation 2007 Interim Guidelines
SEIS Project Manager
Upper Colorado Basin Region
125 South State Street, Suite 8100
Salt Lake City, Utah 84138
VIA EMAIL to: CRinterimops@usbr.gov

Re: October 27, 2023 Revised Draft Supplemental Environmental Impact Statement (SEIS)

To Whom it May Concern,

In April of 2023, BOR issued a Draft SEIS analyzing two alternatives and a no-action alternative for near-term Colorado River Operations. Before comments were submitted on that draft, the Lower Division States proposed a third alternative. Thereafter, BOR suspended the comment process to allow time for the third alternative to be assessed. The revised draft—analyzing the third alternative as compared with the no-action alternative—was published on October 27, 2023. This letter sets forth the Jicarilla Apache Nation's comments on that revised draft.

Despite recent wet conditions, it is important to keep in mind that hydrology is rapidly shifting, the effects of climate change are rampant, and we are likely to see continued decreases in available water supply throughout the Basin. For this reason, the steps outlined in the Lower Division States' third alternative simply may not be enough.

As set forth in earlier proposals, the final record of decision should include additional protections for the Basin's water supply and Powell elevations. Specifically, Powell tiers should be adjusted downward, annual releases from Powell should be limited, balancing should be eliminated at certain elevations, and additional steps should be taken to protect Powell.

In addition, the measures outlined in the final record of decision must be sufficiently certain and not rely on remote or speculative actions by third parties. Accordingly, to be considered as part of the final record of decision, proposed conservation measures should be supported by fully executed and binding contracts, not promises for future action.

Finally, as set forth in prior proposals, evaporation and transit losses should, as a general matter, be apportioned in the Lower Basin.

As with all Colorado River decision-making, it is essential that tribal sovereigns, along with state and federal sovereigns, be active participants in the process. As you are aware, in a letter dated



November 15, 2021, twenty basin tribes identified some key guiding principles regarding the long-term management of the Colorado River system. Foremost among these principles was that “[t]he federal trust responsibility requires that the United States ensure Basin Tribes are included in the development and implementation of the policies and rules that will govern how the Colorado River will be managed from this point forward.”

We look forward to frequent and meaningful consultation throughout the process of developing both near-term and long-term operating rules for the Colorado River. The Jicarilla Apache Nation is committed to working with our federal trustee, and all the sovereigns in the Colorado River Basin, to preserve and protect the river for the benefit of the entire river community for many years to come.

Very truly yours,


Edward Velarde, President

cc: The Honorable Michael Brain, Assistant Secretary, Water & Science, USDOJ
The Honorable Camille Calimlim Touton, Commissioner, Bureau of Reclamation
David M. Palumbo, Deputy Commissioner – Operations, Bureau of Reclamation
Wayne Pullan, Regional Director, Upper Colorado Basin Region, Bureau of Reclamation
Ernest Rheume, Native American Affairs Program Manager, Upper Colorado Basin
Region, Bureau of Reclamation