



December 20, 2022

Reclamation 2007 Interim Guidelines
SEIS Project Manager
Upper Colorado River Basin Region
125 South State Street, Suite 8100
Salt Lake City, UT 84138
CRinterimops@usbr.gov

Re: November 17, 2022, *Notice of Intent to Prepare a Supplemental Environmental Impact Statement for December 2007 Record of Decision Entitled Colorado River Interim Guidelines for Lower Basin Shortages and Coordinated Operations For Lake Powell and Lake Mead*

Dear SEIS Project Manager:

On November 17, 2022, BOR published notice in the Federal Register of its intent to prepare a Supplemental Environmental Impact Statement (SEIS) and a modified Record of Decision for the 2007 Interim Guidelines and initiating the public-scoping process for the SEIS. BOR directed comments concerning the scope of the analysis, potential alternatives, and identification of relevant information and studies be submitted on or before December 20, 2022. This letter provides the undersigned tribes' (Tribes') collective response to that notice. Individual tribes, whether signatories to this letter or not, may submit other or additional comments specific to their own tribal interests and concerns.

First, the Tribes commend the Department of the Interior and its Bureau of Reclamation for showing leadership and taking action to protect the system. With differing interests in the Upper and Lower Basin, and among the states and tribes within the Basin, it is essential that the federal government play an active role in ensuring that the system is adequately protected, even in the absence of consensus.

Second, we want to highlight the role that the federal government, as our federal trustee, must play in helping tribes assess the impact that any proposed modifications or alternatives will have on their individual water rights and interests, both immediately and in the longer term. This will require frequent and meaningful consultation with individual tribes whose interests are likely to be affected—throughout the process of developing the SEIS and/or any alternatives, not only at the end.

More specifically this means that Reclamation must share information regarding the forthcoming draft SEIS with tribes before the draft SEIS is issued. The same must occur before final SEIS, or consensus alternative, are finalized and noticed. With respect to tribes that initiate formal government-to-government consultation regarding the SEIS, regular in person meetings between key Reclamation staff and tribal leaders and/or representatives need to take place and tribes need to be informed before key actions are taken by Reclamation.

Finally, as with all of 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 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 working with our federal trustee, and all the sovereigns in the Colorado River Basin, to meet the challenges at hand.

Sincerely,

Melvin Baker, Chairman, Southern Ute Indian Tribe

Corrina Bow, Chairwoman, Paiute Indian Tribe of Utah

Manuel Heart, Chairman, Ute Mountain Ute Tribe

Calvin Johnson, Chairman, Tonto Apache Tribe

Stephen R. Lewis, Governor, Gila River Indian Community

Robert Miguel, Chairman, Ak Chin Indian Community

Ned Norris, Jr., Chairman, Tohono O’odham Nation

Tim Nuvangyaoma, Chairman, Hopi Tribe

Terry Rambler, Chairman, San Carlos Apache Tribe

Ona Segundo, Chairwoman, Kaibab Band of Paiute Indians

Edward Velarde, President, Jicarilla Apache Nation

cc:

Camille Calimlim Touton, Commissioner, Bureau of Reclamation

David Palumbo, Deputy Commissioner, Bureau of Reclamation

Jacklynn Gould, Regional Director, Lower Colorado River, Bureau of Reclamation

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