



SOUTHERN UTE INDIAN TRIBE

December 20, 2022

Reclamation 2007 Interim Guidelines
SEIS Project Manager
Upper Colorado Basin Region
125 South State Street, Suite 8100
Salt Lake City, UT 84138

VIA EMAIL: CRinterimops@usbr.gov

Re: Southern Ute Indian Tribe's comments on the *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:

The Southern Ute Indian Tribe ("Tribe") has reviewed the Federal Register Notice, 87 FR 69043, published on November 17, 2022, titled "*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.*" The Bureau of Reclamation ("Reclamation") requested that 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 Tribe's comments.2140

We remind Reclamation that the Ute people have lived in Colorado and the surrounding areas since time immemorial. The Southern Ute Reservation, located in Southwestern Colorado, is a small portion of our original homeland. The Tribe has a water settlement, enacted through the Colorado Ute Indian Water Rights Settlement Act of 1988, 102 Stat. 2973 and amended in the Colorado Ute Indian Water Rights Settlement Act Amendments of 2000, Pub. L. No. 106-554, 114 Stat. 2763. The Tribe holds a wide variety of surface, storage, and groundwater state-based and federally reserved rights with various priority dates, amounts and beneficial uses.

Additionally, we remind Reclamation that the federal government, as our federal trustee, must assist the Tribe in the assessment of any impacts that any proposed alternatives will have on our water rights. This will require frequent and meaningful consultation as alternatives are being developed, not only when a choice of an alternative has been made. We request that the United States keep the tribes informed and allow for active participation in the process.

It is imperative for Reclamation to understand that the Tribe may exercise its rights to develop our water resources, even though the Colorado River Basin is experiencing a severe and prolonged drought. As a sovereign, we may exercise our rights to develop our water to continue to meet the needs of tribal members and the Reservation in the future. These basic needs include

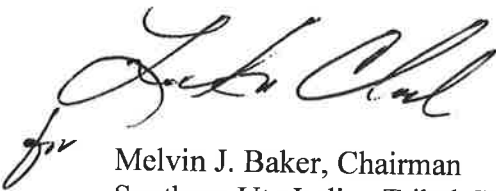
clean drinking water, adequate sanitation, agriculture, wildlife, and economic development. As the U.S. knows, the Tribe has not yet fully developed its water resources. Downstream water users have developed a reliance on our undeveloped tribal water. It is frustrating to see our tribal water flowing downstream when we have a need for that water, but no funding to repair aging infrastructure for the Pine River Indian Irrigation Project or to build new infrastructure to access our water resources. The Tribe has asked the U.S. many times whether there will come a time when the Tribe would be compensated for the unused water that flows downstream for the benefit of the downstream water users and for the system. Today, we request that the United States develop a plan to compensate Tribes to forbear future water development for a certain number of years. This would provide Tribes that choose to participate in such a program with much needed funds for water infrastructure, and it would allow the United States to ensure that the tribal water flowing downstream would benefit the system during this severe drought.

Regarding the scope of the SEIS, we recommend that the SEIS should operate along the same timeframe as the 2007 Interim Guidelines. This means that it would expire on December 31, 2025. This would allow for the development of the Post-2026 Guidelines to begin with no interference from the development and implementation of the SEIS process.

Last, the Colorado River and all of the rivers that flow into it have an immeasurable value. The rivers should not be viewed only as a commodity. The Ute people believe that we need to take care of the water because it takes care of us. The water is alive and we all need to treat this water with respect.

We look forward to continuing to work with our federal trustee, and all the sovereigns in the Colorado River Basin, to meet the challenges at hand.

Sincerely,



Melvin J. Baker, Chairman
Southern Ute Indian Tribal Council

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
Wayne Pullan, Regional Director, Upper Colorado River, Bureau of Reclamation
Carly Jerla, Coordinator, Senior Water Resources Program Manager, Bureau of Reclamation,
KayLee Nelson, Native American Affairs Program Manager, Lower Colorado Basin Region
Ernie Rheume, Native American Affairs Program Manager, Upper Colorado Basin Region