

**Comments of the Hopi Tribe on the November 17, 2022 Notice of Intent to Prepare a Supplemental Environmental Impact Statement in Federal Register Analyzing Operational Changes at Glen Canyon and Hoover Dams Beginning in 2023**

**December 20, 2022**

The Hopi Tribe submits the following comments pursuant to 87 F.R. 69,042 (Nov. 17, 2022):

- The Hopi Tribe is committed to being part of the solution to the Colorado River system crisis. Hopi's involvement in this decision-making process is vital. To the Hopi people water is life. The Grand Canyon River corridor is a place of paramount sanctimony and sacredness. It is the place of emergence and where the Hopi return when they pass on. It is the place where we made our covenant to be stewards of the land, including the land encompassing the Grand Canyon. Being stewards is the most important core value of being Hopi. Involvement in managing this precious resource allows us to be stewards on behalf of our ancestral lands and allows us to fulfill our sacred covenant. Hopi wishes for continued fair and equal consultation among other stakeholders and to continue to aid in the stewardship of the Grand Canyon.
- To that end, the United States, through the Secretary of the Interior, must meet its legal obligations to consult with Basin Tribes, including the Hopi Tribe. The United States' obligations require it to collaborate with the Tribes and the States in developing and implementing solutions.
- The unprecedented extended regional drought has greatly reduced water supplies, including Hopi's agriculture and freshwater supplies that have historically existed on Hopi lands. Third parties, such as mining entities, have also caused a reduction in water supplies and have impacted the quality of Hopi's remaining water assets. For example, coal mining operations on the Hopi Tribe's lands caused substantial reductions in aquifer levels. These impacts on Hopi's groundwater resources demonstrate the need to preserve and protect the Colorado River as an existing and future resource for Hopi.
- Regardless of any obligation to a third-party or the need to address the drought, the United States is more than a mere contracting party with Native American Tribes, including Hopi. The United States owes Indian tribes the highest responsibility and trust obligations. These are legally enforceable duties that the United States does not owe to other State water users.
- Consistent with its trust obligations, any operational changes or alternatives considered by the United States must expressly reflect a full and adequate accounting for future Indian water rights and uses, including Hopi's reserved water rights and future use of Colorado River water. This accounting must include unquantified Indian water rights and the high priority of Tribal water entitlements.

- The Hopi Tribe has numerous tribal trust assets, resources, and interests in the Colorado River Basin that may be affected by a change in operations. All alternatives must address any potential impacts to Hopi trust assets, resources, or interests. Potential impacts disclosed and analyzed must be direct and indirect. Reclamation has an obligation to disclose to Hopi in the government-to-government process the potential impacts to Hopi of any proposed changes in operations, including without limitation impacts related to the following:
  - The Hopi Tribe is a federal hydropower customer with a Western Area Power Administration (WAPA) contract for electricity from the Colorado River Storage Project (CRSP). Hopi does not receive its power allocation directly but instead receives benefits of its allocation through a “benefit-credit” contract with another CRSP customer. That contract is in jeopardy due to power generation deficits that have resulted from system water shortages. As a result of system water shortages, WAPA is compelled to find substitute energy to meet its customer contract obligations (at higher cost) or reduce customer allocation totals. The “benefit” value Hopi receives is only relative to the resource value in the wider energy market so as the price of the CRSP resource approaches or exceeds the cost of other electricity, Hopi will not likely realize any benefit from being a WAPA customer. And as the total available hydropower resource is reduced, Hopi’s benefit-credit value also proportionally declines. Finally, as federal hydropower contracts do not allow for cancellation due to cost, Hopi could be stranded with only a contract cost obligation. As CRSP contracts are currently set for customer renewal, it is imperative that Hopi be given an expectation of resource stability for the next term of years. No federal proposal for the same has yet been made available and Hopi has accordingly not yet executed its form.
  - The Hopi Tribe has a contract with BOR for delivery of Lower Basin water.
- Hopi also has significant cultural resources in the Grand Canyon area and throughout Northern Arizona. All alternatives developed must assess the impacts on these cultural resources as well.
- Reclamation has publicly stated it will not release a scoping report or alternatives development analysis, meaning that alternatives will not be known until a DEIS is released. This cannot stand. Reclamation must consult with Hopi before releasing alternatives as part of a DEIS.