



YAVAPAI-APACHE NATION

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December 16, 2022

Via Email: CRinterimops@usbr.gov

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

Re: Yavapai-Apache Nation's Comment to 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, 87 Fed. R. 69402 (November 17, 2022)

Dear SEIS Project Manager:

By this letter, the Yavapai-Apache Nation ("Nation") submits its comments to the Federal Register Notice of Intent to Prepare a Supplemental Environmental Impact Statement ("SEIS") for December 2007 Record of Decision Entitled Colorado River Interim Guidelines for Lower Basin Shortages and Coordinated Operations for Lake Powell and Lake Mead, 87 Fed. R. 69402 (November 17, 2022) ("Notice of Intent" or "NOI").

The Yavapai-Apache Nation is located in central Arizona and holds a CAP Contract with the Secretary of the Interior dated December 11, 1980, for 1,200 acre-feet of Indian priority Central Arizona Project ("CAP") water. The Nation is also one of several Tribes in Arizona whose water rights have yet to be quantified in Arizona's General Stream Adjudication, although the Nation is actively engaged in settlement negotiations at this time.

The management of the Colorado River system and the availability of water from this system directly impacts the Nation's ability to plan for its own water future and to negotiate a full and fair settlement of its water rights claims in the basin. As competition for this most precious resource is elevated, the potential for Tribes being the ones who are disadvantaged also increases. The past 150 years of water management in the West gave little consideration to the lives of our Tribal people and essentially destroyed entire Tribal economies when water was diverted for non-Indian use. Now, with drought and climate change, we expect our Tribal communities to again feel the pressures of resource scarcity and we are concerned that Tribes will, once again, experience new threats to our water supplies, including our CAP water entitlements.

Accordingly, the Bureau of Reclamation's consideration of the SEIS must take into consideration the United States's trust responsibility to Tribes and seek to implement management solutions on the Colorado River that will protect deliveries of Colorado River water supplies to the Tribes, including the Yavapai-Apache Nation, to the greatest extent possible. Our request is also consistent with the Biden Administration's commitment to Tribes. And where Colorado River water deliveries to Tribes may be threatened or reduced, Reclamation should assist Tribes in replacing those water supplies through other means, particularly in cases where the reduction to a Colorado River water supply threatens Tribal public health, will result in damage to a Tribal economy, or would impair or impede the ability of a Tribe to reach a water rights settlement.

The Nation welcomes the opportunity to engage in consultation with Reclamation as you work to prepare the SEIS. Please include me, our Attorney General, Mr. Scott Canty, and our Water Counsel, Ms. Robyn Interpreter, on all future communications related to the SEIS.

Yours Truly,

YAVAPAI-APACHE NATION



Tanya Lewis, Chairwoman

cc: Scott Canty, Attorney General, Yavapai-Apache Nation (acanty@yan-tribe.org)
Robyn Interpreter, Montgomery & Interpreter, PLC (rinterpreter@milawaz.com)