

Comments of the Hopi Tribe on the Request for Input on Development of Post-2026 Colorado River Reservoir Operational Strategies for Lake Powell and Lake Mead Under Historically Low Reservoir Conditions

September 1, 2022

The Hopi Tribe submits the following comments pursuant to Federal Register Notice Vol. 87, No. 121 (6/24/22):

- The Hopi Tribe considers the comprehensive management of the Colorado River Basin as integral to assuring dam operation and reservoir levels sufficient for energy production and water supply purposes.
- 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.

- Since 2020, the Hopi Tribe has lost more than 85% of its annual revenue from the closures of the Navajo Generating Station (NGS) and the Kayenta Coal Complex that provided the NGS fuel supply. Hopi had no influence in the closure decision or its timing. Hopi accordingly does not yet have any identified substitute source of support for its economy.

The extended regional drought that has also occurred during this time has greatly reduced Hopi agriculture and freshwater supplies that have historically existed as natural springs on Hopi lands. Operation of the coal mine on Hopi lands caused substantial reductions in historic aquifer levels.

This combination of circumstances left Hopi experiencing water resource limitations ahead of those now resulting in the region more expansively. Water shortages coupled with Hopi’s dire economic circumstances leave the Tribe wholly unable to manage any water or associated

resource restrictions resulting from federal management decision-making. Instead, Hopi must receive expanded federal assistance such that the Tribe has immediate emergency support and can meaningfully advance its efforts to structure a new economic base.

- Hopi supports the consultation process comments provided by the Basin Tribes in their response to this Notice. Hopi intends to expand its participation in all aspects of the Basin management discussion and accordingly seeks an inclusive engagement structure for that purpose.
- *Finally, it is also Hopi's expectation that Post-2026 Colorado River Operational Strategies will reflect a full and adequate accounting for future Indian water rights and uses, specifically including Hopi's future use of Colorado River water at Moenkopi and the 1882 Reservation.*