



QUECHAN INDIAN TRIBE
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August 29, 2022

Ms. Camille Calimlim Touton
Commissioner of Reclamation
U.S. Bureau of Reclamation
1849 C Street NW # 7654
Washington, DC 20240
CRB-info@usbr.gov

Re.: Quechan Indian Tribe Comments to Reclamation's Pre-Scoping Notice

Dear Commissioner Touton:

On behalf of the Quechan Indian Tribe (Tribe), I submit the following comments in response to the Federal Register "Pre-Scoping Notice" the Bureau of Reclamation (Reclamation) published on June 24, 2022. In that Notice, Reclamation requested "input on: (a) processes that can be employed to encourage and facilitate meaningful participation of Colorado River Basin (Basin) partners, stakeholders, and the general public in the anticipated upcoming NEPA process(es); as well as (b) potential substantive elements and strategies for post-2026 operations to consider in the anticipated upcoming NEPA process(es)." This letter will address those topics in turn.

The Colorado River has been the lifeblood of the Quechan people since time immemorial, and we have a deep and abiding responsibility to be good stewards of the River – for the Tribe and its members, for the species and ecosystems that it sustains, and for the benefit of our fellow tribes and non-Indian neighbors throughout the Basin. The challenges the Basin faces even ahead of 2026 are daunting. And the initial responses to it we have seen leave us even more deeply convinced that, from both a process and a strategic standpoint, the effort to develop and implement a durable and sustainable post-2026 management framework for the Basin will depend heavily on robust federal leadership.

There has been much talk in the Basin for the last several years about the importance of better integrating tribes into Basin governance. Doing so is vital to redress the neglect and exclusion that have been more the rule than the exception during the Colorado River Compact's first century. But these words need to turn into concrete and tangible action. The Tribe is ready and eager to engage at the highest levels of the discussions and negotiations that will be

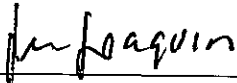
necessary both to create a sustainable post-2026 future and to address the crisis the Basin is already facing. We will show up wherever we are invited – and will seek to interject ourselves even when we are not – because the health of the River, and our ability to continue to utilize our hard-won water rights for the benefit of our members, are of existential importance to the Tribe. The most effective way we see to ensure appropriate tribal inclusion in the process of developing a post-2026 management framework is for the United States to serve as the convener of the forum in which the substantive negotiations over that framework are to take place. By doing so, the federal government can ensure that both Basin States and Basin Tribes have equal access to the process, and that each individual tribe in the Basin can make its own decisions about the manner and extent of its engagement with that process.

As for substance, the highest priority must be given to keeping the Colorado River flowing as a living river. We are acutely aware of the sobering projections that indicate that a dry channel below Glen Canyon Dam is no longer simply a theoretical possibility but is indeed a future the Basin could be facing even prior to 2026 if we are not blessed with improved hydrology. And without meaningful inflows from the Upper Basin reaching Lake Mead, the ability to run water through Hoover Dam and ultimately the portion of the River that runs through our Reservation will also be severely constrained. Whether it is through coordinated reservoir management, physical infrastructure modifications, meaningful curtailment of existing non-Indian water uses, or some combination of those tools, the Basin needs to arrive at a more realistic alignment between water supply and demand. And that alignment needs to be one that recognizes that Basin tribes have been contributing unused water to other water users for a century. Involuntary cuts should therefore not be imposed on the water rights that our Tribe – and all Basin tribes – need to ensure that our reservations can be true homelands for our people.

Federal leadership will be vital to this transition. That leadership need not take the form of simply dictating solutions. Rather, Reclamation can lead constructively by clearly articulating the potential alternatives it might impose in the event that the Basin States and Tribes cannot come up with a mutually satisfactory and acceptable framework. That role would have the effect of concentrating minds and providing better incentives to make the hard choices, trade offs and compromises that will inevitably be necessary to ensure a durable and sustainable management framework. In the absence of that sort of federal leadership, we are likely to see a repeat of the events of the past two months, where a generalized federal warning was followed by a flurry of activity but no concrete progress.

Thank you for your consideration of these comments. We look forward to remaining actively engaged with the United States, our fellow Tribes, the Basin States, and other key stakeholders in order to find a durable and sustainable path forward for the River upon which we all rely.

Sincerely,



Jordan D. Joaquin, President
Quechan Indian Tribe

Cc: Tanya Trujillo, Assistant Secretary for Water and Science
David Palumbo, Deputy Commission, Bureau of Reclamation
Carly Jerla, Senior Water Resources Program Manager