



# YAVAPAI-APACHE NATION

## Executive Office

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September 1, 2022

**Via Email:** [CRB-info@usbr.gov](mailto:CRB-info@usbr.gov)

Honorable Tanya Trujillo  
Assistant Secretary for Water and Science  
U.S. DEPARTMENT OF THE INTERIOR  
1849 C Street NW  
Washington DC 20240-0001

Honorable Camille Touton  
Commissioner, Bureau of Reclamation  
U.S. DEPARTMENT OF THE INTERIOR  
1849 C Street NW  
Washington DC 20240-0001

**Re: Yavapai-Apache Nation's Comments on Development of the Post-2026 Colorado River Reservoir Operational Strategies for Lake Powell and Lake Mead Under Historically Low Reservoir Conditions, 87 Fed. Reg. 37884 (June 24, 2022)**

Dear Hon. Assistant Secretary Trujillo and Hon. Commissioner Touton:

This letter is submitted by the Yavapai-Apache Nation (Nation) to provide input on the development of the Post-2026 Colorado River Reservoir Operational Strategies for Lake Powell and Lake Mead under historically low reservoir conditions pursuant to the Federal Register notice published June 24, 2022.

The Yavapai-Apache Nation is a federally recognized Tribe located in the Verde Valley of central Arizona. Our Nation holds a Central Arizona Project (CAP) contract with the Secretary of the Interior (Secretary) for 1,200 acre-feet of Indian priority CAP water which is delivered from the Colorado River. Currently, our Nation is working directly with the Bureau of Reclamation to develop the use of our CAP water on the Yavapai-Apache Reservation, and this water is also intended to serve as a part of the water supply that would be used to settle our water rights in a federal Indian water rights settlement. As such, ensuring the continued reliability of our CAP water is of paramount importance to the Nation as the Secretary prepares to initiate the process for developing the Post-2026 operational strategies.

The following should be considered by the Secretary in the development of the Post-2026 operational strategies:

1. **DO NOT BREACH OR IMPAIR TRIBAL CAP CONTRACTS.** The Secretary must not take any action in developing the Post-2026 operational strategies that would breach or otherwise impair its contractual obligation to deliver water to the Nation and other CAP tribes. This includes careful consideration of any operational strategies that may be agreed to by the States and other powerful interests which might place an additional or unfair burden on the Nation's and other tribes' CAP contracts.
2. **ENSURE EQUITABLE PARTICIPATION BY TRIBES IN POST-2026 OPERATIONAL STRATEGIES.** The Secretary must ensure that the Nation and other tribes with CAP allocations are able to equitably participate in any operational strategies that may be adopted for Post-2026 operations. This includes not only ensuring that tribes may legally participate, but also ensuring that any practical barriers to participation are addressed given the fact that tribes have a unique legal and jurisdictional status within the Colorado River system. The Secretary should ensure that tribes are not inequitably excluded from benefits or opportunities that might otherwise be provided to non-tribal interests.
3. **ASSIGN A SPECIAL TRIBAL TRUST REPRESENTATIVE.** The Secretary should assign an Interior Department representative who is specifically tasked with representing the trust responsibility and interests of the United States for tribes as the Post-2026 operational strategies are developed. This trust representative would interface with the tribes and tribal coalitions to develop a detailed understanding of the unique tribal interests in the management of the Colorado River system, and the representative would also attend the high-level meetings among the States and other powerful interests where general federal representation is also involved. Because the Secretary "wears more than one hat" in representing the federal interests, the assignment of a specific trust representative will help ensure that the Secretary has fully considered the concerns of the tribes through the process of developing the Post-2026 operational strategies.
4. **PROVIDE TECHNICAL ASSISTANCE TO TRIBES.** Due to the highly technical nature of developing the Post-2026 operational strategies, the Secretary should offer to provide technical assistance to tribes to evaluate proposed operational strategies if requested by a tribe or tribal coalition. Such assistance could be provided directly by federal staff, and/or through grant funding to a tribe or tribal coalition.
5. **PROVIDE OPPORTUNITIES FOR REGULAR TRIBAL CONSULTATION AND UPDATES.** The Secretary should continue to engage with the tribes and tribal coalitions to provide information and opportunities for tribes to provide input throughout the process of developing the Post-2026 operational strategies. Informational meetings as well as individual tribal consultations should be made available.

If you have any questions regarding these comments, and for all future communications regarding the Post-2026 operational strategies, please contact the Nation's Attorney General, Mr. Scott Canty, and the Nation's Special Legal Counsel for Water Rights, Ms. Robyn L. Interpreter and Susan B. Montgomery, at the email addresses listed below. Please add their names and email addresses to the mailing list for this matter. Thank you.

Yours Truly,

**YAVAPAI-APACHE NATION**



Tanya Lewis, Vice Chairwoman

cc: Scott Canty, Attorney General, Yavapai-Apache Nation ([acanty@yan-tribe.org](mailto:acanty@yan-tribe.org))  
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