

# AK-CHIN INDIAN COMMUNITY

## Community Government

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September 1, 2022

Tanya Trujillo  
Assistant Secretary for Water and Science  
U.S. Department of the Interior  
1849 C Street, NW  
Washington, D.C. 20240

Dear Assistant Secretary Trujillo:

I write on behalf of the Ak-Chin Indian Community in response to the June 24, 2022, Federal Register notice *Request for Input on Development of Post-2026 Colorado River Reservoir Operational Strategies for Lake Powell and Lake Mead under Historically Low Reservoir Conditions*, 87 F.R. 37884, as well as in response to correspondence that Ak-Chin received in late July from the Bureau of Reclamation's Jacklynn Gould and Wayne Pullan.

To begin, Ak-Chin commends the United States for taking important, early steps to obtain input from potentially affected Tribes and other stakeholders prior to beginning the NEPA process and for its commitment in recent correspondence engage in "open and honest" communications and government-to-government consultation with Tribes such as Ak-Chin and to "directly engage the Tribes and consult on processes that have a direct impact on Basin Tribes' water rights and other resources." These commitments are consistent with and show an appropriate recognition of the United States' trust responsibility and tribal sovereign interests, and Ak-Chin hopes that they will be fully implemented in the form of regular communication as governmental stakeholders develop post-2026 Colorado River operating guidelines and respond to other, pressing issues regarding management of this vital resource. As you know, it is critically important that these communications take place as policies are being developed and decisions are being considered rather than to "check a box" for Tribal consultation after a decision has already effectively been made.

While vital, Tribal engagement and consultation are not themselves a substitute for the United States' basic obligation to fully protect the water rights of Ak-Chin and other Basin Tribes. For Ak-Chin, this obligation includes ensuring that the Community receives both the full quantity and quality of water that it is entitled to receive under its 1984 Settlement Act and its 1985 Water Delivery Contract with the Bureau. As you are likely aware, Ak-Chin makes full use of its Colorado River/CAP water right for a variety of purposes, including as the sole source of potable water for Community members and to support the operation of Ak-Chin Farms, the economic engine that lifted the Community from poverty and continues to serve as one of its primary sources of revenue. While Ak-Chin recognizes the challenges posed by climate change and ongoing drought conditions, it nevertheless expects and demands that its trustee honor its obligations to the Community going forward.

In closing, I repeat my hope that the United States will fully implement its commitment to engage in pre-decisional, government-to-government consultation with Ak-Chin and other Basin Tribes as it works to develop post-2026 Colorado River operating guidelines and to identify and implement interim conservation measures. It is vital that the federal government both hear from Tribes and provide them with information and assistance necessary to understand and evaluate any proposals that will affect tribal rights and interests will in advance of such proposals being adopted.

I appreciate your solicitation and consideration of input from Ak-Chin and look forward to working with the United States to ensure the development and implementation of management policies and procedures that meet the conservation needs of the Basin while remaining protective of Tribal rights and interests.

Sincerely,

*Diana M. Canipe*  
COUNCIL MEMBER

*for* Robert Miguel  
Chairman, Ak-Chin Indian Community