



# JICARILLA APACHE NATION

## Office of the President

Jicarilla Apache Reservation  
February 11, 1887-1987

VIA EMAIL to [CRB-info@usbr.gov](mailto:CRB-info@usbr.gov)

September 1, 2022

Ms. Carly Jerla  
Senior Water Resources Program Manager  
United States Bureau of Reclamation

*Re: Jicarilla Apache Nation's Response to BOR's Pre-Scoping Notice*

Dear Ms. Jerla,

The Jicarilla Apache Nation appreciates the opportunity to submit its input on the pre-scoping process for development of post-2026 Colorado River reservoir operational strategies for Lake Powell and Lake Mead.

The Jicarilla Apache Nation's reservation lands span more than 879,000 acres in north central New Mexico. The Nation's lands are in the upper reaches of the San Juan River Basin and straddle the Continental Divide. The Navajo River, which is a tributary to the San Juan River, is a perennial stream on the Reservation and the primary source of the Nation's domestic water supply. The Nation has settled water rights to more than 45,000 acre-feet of Colorado River water.

As outlined in more detail herein, the Nation seeks to ensure that both the process for developing the post-2026 strategies, and the parallel processes for addressing emergent issues within the Basin, meaningfully include tribal sovereigns and focus on developing realistic long-term solutions that preserve and protect tribal water. This will require strong federal leadership, consistent with the federal trust responsibility, throughout the process.

The Nation appreciates Interior's commitment in the pre-scoping notice to "engage and consult with the Basin Tribes in a meaningful and transparent manner" and "to fully consider tribal input and viewpoints" as this process moves forward. To fulfill this commitment, and consistent with the federal government's trust responsibility, the Nation proposes that Interior create a formal structure for tribal inclusion in Colorado River decision-making, as those discussions occur.

The current informal structure of communication consists of federal representatives meeting with some Basin Tribes to provide updates, and then separately meeting with the Basin States to discuss potential actions, and then later reporting back to some Basin Tribes. This structure is inefficient and does not engage Basin Tribes in a meaningful and transparent manner.

The Nation suggests that Interior establish a regular schedule of meetings among the sovereigns—tribal, state, and federal—to discuss proposals currently on the table and the status of efforts to address emergent challenges. To adequately protect the Nation’s interests, we must be part of the discussions as they occur, not simply be provided an opportunity to comment after policies and programs have been developed by others. It is the federal government’s obligation and commitment, to make sure that this occurs.

As we move forward, it is essential that we all have realistic expectations, based on the best available science, regarding the amount of water available from the Colorado River system and where that water comes from. While we recognize the value of short-term actions, such as temporary voluntary compensated reductions, the Nation encourages focus on the long-term goal—stabilizing and protecting the river for years to come.

Long-term stability cannot occur if other water users continue to rely on large quantities of “unused” tribal water to serve their needs. The Nation believes that long-term stability in the Colorado River Basin will require development of flexible tools that recognize the value of Basin Tribes’ water contributions, allow Basin Tribes to realize that value, and preserve and protect the rights of Basin Tribes to develop and use tribal water when and how they best determine.

The federal government has an essential role to play—a role that cannot be played by any other sovereign. Water security in the west is an issue of national import. As such, it is imperative that the federal government provide timely and strong leadership among the seven basin states and throughout the Basin. At the same time, the federal government must take special care, consistent with its trust obligation, to ensure that tribal sovereigns are included, and that tribal water rights are preserved and protected in perpetuity.

We thank Interior for its commitment to Basin Tribes and look forward to working together as sovereigns in the months and years to come to protect the Colorado River system and the people, plants, and species that depend on it.

Respectfully,



Edward Velarde, President  
Jicarilla Apache Nation

XC: File