

[EXTERNAL] Public Can Inform Future Management of the Colorado River Simulation

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To: CRB-Info, BOR <bor-sha-LCB-Info@usbr.gov>

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Good Evening,

I am submitting my input as a Page, Arizona resident.

The first page of my input has my contact information.

Many, Many Thanks!

Sararesa "Sara" Hopkins v

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**Public Input for Dealing with the Colorado River Basin
Drought and Water Shortage
Bureau of Land Management**

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Abstract

The recommendations that I will be discussing in this writing, I drew upon my Navajo values and teachings as well as universal Indigenous values and teachings from other parts of the U.S., the Western Hemisphere and the Southern/Eastern Hemisphere. Numerous Native American leaders and elders such as Winona LaDuke (White Earth Ojibwe); Tom Goldtooth (Diné/Dakota) Dr. Lydia Jennings; (Pascua Yaqui) Chief Oren Lyons (Onondaga); Thomas Banyacya (Hopi); David Monongye (Hopi); Darlene “Navajo Water Lady” Arviso (*Diné*); Percy Deal (*Diné*); Milton Bluehouse (Diné); Benjamin Nuvamsa (Hopi); Ivan Sidney (Hopi); Vernon Masayesva (Hopi) who assert that water is life and is sacred. Water is central to all life, and especially central to Native American ceremonies and lifeways. They all assert that water needs to be preserved for the generations yet to be born. Lastly, I will discuss what other Indigenous communities have done in the Western Hemisphere and Southern/Eastern Hemisphere to grant personhood status to various environmental and geographical features and incorporating the rights of nature in local law, is a legal movement that is trending throughout the globe. (Luck, 2022).

Every morning at 7:30 a.m. as I greet my exceptional students of my Life skills class at Lake View Elementary School in Page, Arizona, I see their bright, innocent eyes full of limitless potential and life. In 2034, my kindergarten students will be graduating from high school, and I am concerned about what we, adults, are doing to protect and preserve the water in the Colorado River Basin states? As a Navajo Native American with Hopi ancestral ties, I am contributing teachings and values that come from the ancestors who revere our Mother Earth, and all living things. As a *Diné*, I learned about *Diné bi beenahaz'áanii* (*Diné* Fundamental Law) when I worked for the Navajo Nation EPA Superfund Program. What I learned fundamentally, is that one does not alter the environment in a drastic way such as no damming rivers, digging up minerals such as coal and uranium. *Diné bi beenahaz'áanii* (*Diné* Fundamental Law) taught me not to disturb the environment. *Diné bi beenahaz'áanii* (*Diné* Fundamental Law) is an ancient *Diné* natural/spiritual/moral law that the Navajo Nation Council enacted on November 8, 2002, and codified at 1 N.N.C.§§201-206. (*Diné Nihí Kéyah Project*, 2022).

Some of *Diné bi beenahaz'áanii* (*Diné Fundamental Law*) are *bitsé silei* which are immutable original laws, but *Diné bi beenahaz'áanii* (*Diné Fundamental Law*) which are immutable original laws, but *Diné bi beenahaz'áanii* (*Diné Fundamental Law*) also contains man-made laws. *Bitsé silei*, written in Navajo, are handed down from generation to generation and are set forth in this law as verbally received, in its pure form. However, the modern law portions, regarding government, is an effort to infuse modern thought into *bitsé silei*, and in the end are portions that were discussed by the drafters as needing to be re-addressed as the people resolve on a government of their choice that embodies how our way of life will be supported. The modern portions need to be refined as government reform is chosen by the people. (*Diné Nihi Kéyah Project*, 2022).

I learned from my belated maternal grandfather, a *Diné* Medicine Man/Community Leader Buck Austin to fight for the well-being of Northern Arizona geographical features such as *Dook'o'oosliid* (San Francisco Peaks), and one of my role models, Winona LaDuke, White Earth Ojibwe. LaDuke, an economist,

environmentalist, writer, and industrial hemp grower, is known for her work on tribal land claims and preservation, as well as sustainable development. (Wikipedia, 2022) is the first speaker to discuss Ecuador passing a historic “*Pachamama*” (Mother Earth Goddess Rights) initiative in 2008. Evo Morales, Bolivia’s first Indigenous president said the Law of Mother Earth is a law based on Indigenous belief that all the inhabitants of nature are equal. (Wang, 2011). Bolivia followed Ecuador in declaring rights for Mother Earth during December 2010. According to the World Ocean Observatory, Bolivia is the first country on Earth to give comprehensive legal rights to Mother Nature. (World Ocean Observatory, 2022). In the U.S. several municipalities such as Pittsburgh have incorporated rights of nature, any citizen or government can act as a plaintiff or representative in court on behalf of nature. (Luck, 2022). Lastly, the latest country to pass a law granting personhood status to the Whanganui River in New Zealand. The law declares that the river is a living whole, from the mountains to the sea, incorporating all its physical and metaphysical elements. (Perry, 2022). A strong recommendation is for the BLM to somehow forward this type of law. The idea of a biocentric worldview should be considered. Being biocentric is when a person believes that all living things are equal for balance and harmony on Earth and within the Universe. Thusly, having a

biocentric worldview among the seven states residents who are impacted by the poorly managed Colorado River Basin policies. This change among the public's and policy makers' mindsets should be strongly considered for the Colorado River so that the environment may heal. Dominant society and the federal government have done enough environmental damage to the Colorado River Basin states. Currently, if we, Americans, continue to live the way we are living, the environment is not going to sustain us. There is an African Somali saying, if "you don't know your land, it will eat you." (Peralta, 2022).

Another recommendation that may be considered is creating a "Colorado River Basin Water Commission." I am creating a random name; Bureau of Land Management personnel may create a better name than the one I am proposing. For this writing, I will use the "Colorado River Basin Water Commission," (CRBWC). Members of the CRBWC should be members of the public from the seven Colorado River Basin states, and the 22 Native American tribes. If the CRBWC is mainly comprised of BLM bureaucrats; government officials; politicians and special interest groups, the CRBWC will not work for the greater good of all people. Other recommendations includes that the CRBWC serves in an advisory capacity and shall be a permanent commission because the Colorado River Basin Water is a complex

governance issue. Members of this CRBWC may end unfair public policy such as Senate Bill 2109, the “Navajo and Hopi Little Colorado River Water Rights Settlement Act of 2012,” where Senator Jon Kyl suggests that those who oppose this settlement are providing false information and leveling untrue attacks against the settlement. (Gilbert, 2012). Secondly, the CRBWC may address unfair water rights on the Colorado River. Public Law 85-868, also known as the 1958 Navajo-U.S. Land Exchange Act, is an example of an unfair, discriminatory water policy that prevents *Diné* (Navajo Nation) from organizing concessions along the south shore of Lake Powell, according to Krista Allen, assistant editor of *The Navajo Times*. The Navajo Nation Legislative Division’s *Naabik’iyáti Tó Nił tóli* (“Talking It Over,” {committee} “Sparkling Water”) Task Force Chair Paul Begay Jr. said the Navajo Nation is being cheated from access to Lake Powell. For the Navajo Nation to use Lake Powell, the 1958 Navajo-U.S. Land Exchange Act, Public Law 85-868, sets a 3,720-foot contour line. (Allen, 2022). “All lands above 3,720 feet could be developed only by the park service with the Navajo Nation’s approval, Allen said.

By 1966, shoreline development and facilities on Aztec Creek downstream from *Tsé Nani'áhi* (Rainbow Bridge), were of concern to the Navajo Nation. Park Service and tribal officials tried negotiating a land swap that granted the park service access to the shore along Aztec Creek in exchange for tribal rights at Echo Camp south of *Tsé Nani'áhi* (Rainbow Bridge).

The park service determined that the water level at the mouth of Aztec Creek lay below the stipulated elevation requirements. (Allen, 2022)

This complex specific water rights policy is not based on behaving according to the principles of equality and justice. The proposed CRBWC would work to provide independent advice; make recommendations for changes in public policy; study or investigate a particular problem, issue, or event or to commemorate an individual, group or event. (Congressional Research Service, 2022). According to the Bureau of Reclamation, the Glen Canyon Dam crest elevation is 3,715 feet and the top of the spillway – or full pool – is 3,700.5 feet, Allen said in her article. “So, it (water) will never reach 3,720 feet,” said Navajo Nation Council Delegate Paul Begay Jr., who represents Coppermine, *K'aibii'to*, Le Chee,

Tonalea/Red Lake, Bodaway/The Gap, Allen said. Furthermore, the Resource Use and Environmental Impacts in the Grand Canyon; Groundwater Contributions to Grand Canyon Waterways; Effects of Glen Canyon Dam; Ecology, River Hydraulics And The Chub; Ecosystem Restoration in The Grand Canyon Watershed; Fire Management And Ecology in The Grand Canyon; High Flow and Sidebar Restoration; Salinity in The Grand Canyon; Tamarisk – Approaches for Management of Invasive Species; Uranium Mining Impacts on The Grand Canyon and Grand Canyon Indigenous Traditional And Historical Use of The Grand Canyon. Like I previously stated, these topics for the CRBWC are recommendations.

When the 1922 Colorado River Compact was organized among the seven Colorado River Basin states, 29 Native American tribes were not considered at all. Throughout the U.S., Native American tribes were barred from the naturalization process, which is open to foreigners. Native American people were later granted U.S. citizenship on June 2, 1924 when U.S. Congress passed the Indian Citizenship Act. It is unfortunate that Native American people were not considered citizens because the 29 federally recognized tribes in the basin depend on Colorado River water and its tributaries for numerous functions such as:

1. Cultural and religious activities.
2. Domestic.
3. Irrigation.
4. Commercial.
5. Municipal and industrial.
6. Power generation.
7. Recreation.
8. Instream flows.
9. Wildlife.
10. Habitat restoration.

According to the University of Montana Center for Natural Resources and Environmental Policy, “these tribes hold legal rights to a significant amount of water, many of which are the most senior in the basin. Combined, the tribes hold rights to roughly 20 percent(or 2.9 million-acre feet)of the water in the Colorado River basin. With the oldest water rights in the basin, the tribes can play a significant role in balancing water demand and supply and otherwise shaping the future of the region.”

Since the 29 Native American tribes are being overlooked and neglected when it comes to Colorado River Basin policy, now is the time to do the right thing. This is a long overdue implementation of equity. The BLM needs to include Native American medicine people, community leaders and community

members as equals, and the CRBWC needs to make sure of equity at every level. The CRBWC should have a strong representation from each the 29 Native American tribes. Some of those tribes who have a vested interest in the Colorado River Basin include:

1. Acoma Pueblo.
2. Ak Chin Indian Community.
3. Chemehuevi Indian Tribe.
4. Fort McDowell Mohave Apache.
5. Fort Yuma Quechan Indian Community.
6. Gila River Indian Community.
7. Havasupai Tribe.
8. Hopi Tribe.
9. Hualapai Tribe.
10. Jicarilla Apache Nation.
11. Kaibab Band of Paiute Indians.
12. Navajo Nation.
13. Mojave Tribe.
14. Paiute Indian Tribe of Utah.
15. San Carlos Apache Tribe.
16. San Juan Southern Paiute.
17. Southern Ute Indian Tribe.
18. Tonto Apache Tribe.
19. Ute Indian Tribe.

20. Ute Mountain Ute Tribe.
21. White Mountain Apache Tribe.
22. Yavapai Apache.
23. Yavapai-Prescott.
24. Zuni Tribe.

The BLM needs to hire an astute Native American Public Information Officer who will know how to organize public relations communication campaigns across the seven Colorado River Basin states' media organizations; tribal governments and community leaders. The PIO needs to include The Colorado River Basin Tribes Partnership organization also known as the Ten Tribes Partnership, and the Inter-Tribal Council of Arizona to build and maintain viable relationships among the Native American tribes who have a vested interest in the Colorado River Basin. BLM needs to implement a viable strategic plan, and include all the stakeholders through –

1. Community meetings.
2. Community surveys.

Another recommendation that BLM should consider is establishing strong, viable relationships among all stakeholders. Relationships among the 29 Native American tribes; community leaders from the seven Colorado River

Basin states and community members from the seven Colorado River Basin states should be made and fostered with care. A recommendation that needs to happen is training BLM employees and leadership about Native American cultural competencies that focus on fostering relationships; learn that culture is a benefit or a blessing instead of a hinderance. Furthermore, BLM administrators and employees should have an open mind; be flexible to difficult, frank conversations among Native American community members; work to change the status quo of “water poverty,” in the Native American community and make an effort to improve life for Native American people. Relationships among the Native American constituents and community leaders are the nucleus of effective public administration.

Lastly, one recommendation is to train area residents to capture rainwater at home. Courtney Holmes of ABC-15 TV News reporter said, “Jackie Rich and Brock Tunnicliff of central Phoenix however know firsthand since they’ve spent a lot of time capturing the rainwater that their home gutters can’t.” Rich said that one wet winter, she placed buckets outside of her home.

“Those buckets turned into two dozen trashcans filled with rainwater,” Holmes said, adding that Rich decided to do something different. The couple are both environmental managers, and they look for ways for a more sustainable way to keep the water. (Holmes, 2022).

“Jackie was working with the extension service from the (University of Arizona) and had heard about some water harvesting programs,” Tunnickliff said. “And we went to a lecture given by experts from Tucson here in Phoenix and got some ideas.” With the help of friends, they built a 9,000 cistern to store the excess rainwater.

“We had a backhoe that came in and dug a 20 by 20 foot by five-foot-deep-hole,” Tunnickliff said. “You line it with a pond liner, and then you fill it with a lot of irrigation tubes.” PVC pipes outside their house direct excess water to the storage tank that is completely underground, and covered with dirt. (Holmes, 2022).

“And we park right on top,” Rich said. Holmes added that there is also a water treatment system in their garage to clean the water if needed, and it cost them about \$12,000 to complete the project 10 years ago. Holmes said this is the only water they use for landscaping, and the system has paid for itself in a

drastic reduction in municipal water usage. The couple said the project can be done smaller and cheaper with an above ground system, and now there may soon be funds available to Arizonans who want to do something similar. (Holmes, 2022).

Earlier this year Rich testified at the Arizona state legislature about their experiences with rainwater harvesting at the urging of State Representative Sarah Ligouri (D-Phoenix). (Homes, 2022). “Since then the state set aside \$200 million for conservation projects for homeowners as part of the billion-dollar water augmentation legislation.

The recommendations discussed are ideas that I have for the BLM to consider and, hopefully, implement. It is very important that BLM personnel and administrators do the right thing. Like I previously stated before, we, Americans, cannot continue to live like the way we do now. Using non-renewable energy, and drastically altering the environment are detrimental to all living beings on Earth. I believe this is my opportunity to contribute ideas and advise the BLM that they need to make some type of amends to the Native American tribes that have unjustly ignored, and, ultimately, have utilized institutional racism. I plead with BLM personnel and administrators do the right thing, and consider the way Native

American people across the country and the world believe. We believe that Mother Earth is a being, and she should be treated respectfully for the generations yet to be born. Do the right thing for the “Tomorrow People.”

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