



Fort McDowell Yavapai Nation

P.O. Box 17779, Fountain Hills, AZ 85269 Phone (480) 789-7000 Fax (844) 570-1102

President Sandra Pattea
Council Member Gerald Doka

Vice President Paul J. Russell
Council Member Albert C. Nelson

Treasurer Ernestine Kiff
Council Secretary Verlene Baptisto

March 2, 2026

Via Email: crbpost2026@usbr.gov

Bureau of Reclamation
Attn: BCOO-1000
P.O. Box 61470
Boulder City, NV 89006

Re: Fort McDowell Yavapai Nation's Comments to the Bureau of Reclamation's Draft Environmental Impact Statement - Post-2026 Operational Guidelines and Strategies for Lake Powell and Lake Mead (91 Fed. Reg. 2131, Jan. 16, 2026)

Dear Project Manager:

The Fort McDowell Yavapai Nation (Nation) submits its comments to the Bureau of Reclamation's Draft Environmental Impact Statement on the Post-2026 Operational Guidelines and Strategies for Lake Powell and Lake Mead (DEIS), which has a public comment period ending March 2, 2026.¹

Notwithstanding the foregoing, the Nation has a government-to-government Tribal consultation scheduled with the Bureau of Reclamation that is taking place after the deadline for public comment. As such, the Nation reserves the right to supplement its comments and provide input as a result of its government-to-government consultation and for any other developments related to the decision-making process (including the identification of any mitigation strategies) for the Post-2026 Operational Guidelines and Strategies for Lake Powell and Lake Mead.

I. TRIBAL BACKGROUND

The Fort McDowell Yavapai Nation is a federally recognized Tribal Nation located immediately adjacent to the Phoenix metropolitan area, near Fountain Hills, Arizona. The Nation's water rights are confirmed pursuant to the Fort McDowell Indian Community Water Settlement Agreement as authorized, ratified, and confirmed by the Fort McDowell Indian Community Water Rights Settlement Act of 1990 (P.L. 101-628) (Settlement). As part of the Settlement, the Nation holds a Central Arizona Project (CAP) contract with the

¹ See [91 Fed. Reg. 2131](#), Notice of Availability of Environmental Impact Statement (Jan. 16, 2026).

Secretary of the Interior (CAP Contract) for 18,233 acre-feet per year (AFY)² of Indian Priority CAP Water. This CAP Water allocation makes up 52% of the total water budget in the Nation's Settlement³ and is an Indian Trust Asset (ITA). As part of our Settlement, the City of Phoenix also leases 4,300 AFY of our Indian Priority CAP Water under a 99-year lease that will expire in 2099.

Since 2016, the Nation has worked with the Bureau of Reclamation to dedicate tens of thousands of acre-feet of the Nation's CAP Water supply to support the conservation of water within the Colorado River System beginning with a Drought Response Agreement in 2016, and with several more recent System Conservation Implementation Agreements in the past several years. While the Nation has not yet used its CAP Water on the Reservation, the growth and development of the Reservation in recent years will soon require the Nation to begin directly using its CAP Water to meet Reservation water demands that were confirmed in Settlement by the United States, the State of Arizona, and other parties. These water sources are critically needed to meet the permanent Tribal homelands needs of the Nation as was contemplated by the Nation's Settlement.

Additionally, the Nation holds firm electric service contracts with the Western Area Power Authority (WAPA) to supply the Reservation with low-cost wholesale hydroelectric power through benefit-crediting. During the re-contracting process for power generated by the Salt Lake City Area Integrated Projects (SLCA-IP), in 2004, and by the Boulder Canyon Project, in 2017, the Nation secured allocations of hydroelectric power generated by these projects.⁴ The economic value of this low-cost hydropower is essential to Reservation energy affordability and economic stability.

The Bureau of Reclamation's adoption of the Post-2026 Operational Guidelines and Strategies for Lake Powell and Lake Mead is of critical importance to our Nation, and to the State of Arizona as a whole, because it will govern the management of the Colorado River system at a time of unprecedented hydrologic stress and long-term aridification. Arizona is uniquely vulnerable under the Law of the River framework due to its junior priority for a significant portion of the CAP Water supplies, which serve municipal, Tribal, agricultural, and industrial users across the state. The development of a preferred

² Under the Settlement, when the Nation uses its CAP Water on the Fort McDowell Reservation, the Nation is entitled to divert up to 19,192 AF of CAP Water (includes return flow factor) by exchange with the Salt River Project.

³ Under the Settlement, the Nation is entitled to a total water budget of 35,223 AFY (excludes return flow factor). Up to 16,990 AFY of the Nation's water budget comes from the local water source of the Verde River, which runs through the heart of the Reservation.

⁴ See Post-2004 Resource Pool – Salt Lake City Area Integrated Projects, Notice of Adjustment of Final Allocations, 67 Fed. Reg. 49019 (Jul. 29, 2002); *see also*, Boulder Canyon Project – Post-2017 Resource Pool, Notice of Final Power Allocation, 79 Fed. Reg. 75544 (Dec. 18, 2014).

alternative will directly affect water reliability for millions of Arizonans, the viability of Arizona agriculture, compliance with Tribal water rights settlements, hydropower generation, and the stability of Lake Mead elevations that underpin the state's economy. Given Arizona's substantial conservation investments and demonstrated reductions under the 2007 Interim Guidelines and subsequent Drought Contingency Plan, it is imperative that the Final EIS and ROD adopt a durable, equitable, and legally defensible operating framework that balances basin-wide obligations while recognizing Arizona's, and the Nation's, disproportionate exposure to shortage, and the United States trust responsibility to affected Tribes throughout the Basin.

II. TRUST RESPONSIBILITY OF THE UNITED STATES

The United States has a trust responsibility to Indian Tribes and the broad scope of this trust responsibility is outlined by numerous existing laws and policies.⁵ In settling the Nation's water rights using CAP Water, the United States, as the Nation's trustee, sought to secure a water supply that would be sufficient to meet the needs of the Nation on its Reservation both now and into the future. Indeed, this is the very basis of the Nation's decision to settle its water rights to the Verde River systems and sources.

The CAP Water allocated to the Nation in its Settlement is a substitute water supply that allows other non-Tribal settling parties the ability to continue using local water sources that should have otherwise been decreed to the Nation for use on its Reservation under the *Winters* Doctrine.⁶ In order to resolve years of water rights litigation and to secure water certainty for the Nation, the Nation, and the United States on the Nation's behalf, agreed to the inclusion of CAP Water in the Nation's Settlement, and this water is

⁵ See Secretary of the Interior's Order 3175 (November 8, 1993) (requiring all agencies, bureaus, and offices within the Department of the Interior to identify potential impacts of Departmental activities upon Indian Trust resources and mandating meaningful consultation with Tribes where activities directly or indirectly affect such resources); Presidential Memorandum of April 29, 1994 titled "Government-to-Government Relations with Native American Tribal Governments" (also requiring proper consultation with Indian tribes to the greatest extent practicable prior to taking any actions that affect such tribes); Executive Order 13175 (November 6, 2000) (requiring all agencies, bureaus, and offices within the Federal Government to establish regular and meaningful consultation and collaboration with tribal officials in the development of Federal policies that have Tribal implications); Memorandum for the Heads of Executive Departments and Agencies on Government-to-Government Relationship with Tribal Governments (September 23, 2004); Memorandum for the Heads of Executive Departments and Agencies on Tribal Consultation (November 5, 2009) (supplementing Executive Order No. 13175); see also Presidential Memo titled Tribal Consultation and Strengthening Nation-to-Nation Relationships Memorandum for the Heads of Executive Departments and Agencies (January 26, 2021); Uniform Standards for Tribal Consultation, Memorandum for the Heads of Executive Departments and Agencies (November 30, 2022).

⁶ *Winters v. United States*, 207 U.S. 564 (1908) (When the federal government establishes an Indian reservation, it implicitly reserves sufficient water to fulfill the purposes of the reservation.)

an Indian Trust Asset (ITA), and fundamentally, it is a key to meeting our long-term permanent Tribal homeland needs for our Reservation.

In short, CAP Water is a critical water supply for the Nation's Reservation and directly supports Tribal sovereignty, public health, and our economic survival. Reclamation therefore has a fiduciary obligation to ensure that any preferred alternative (and related mitigation strategies associated with this alternative)⁷ protects the Nation's CAP Water supplies consistent with its trust obligations.

III. COMMENTS ON THE POST-2026 DEIS

A. The DEIS Fails to Provide or Properly Analyze a Legally Adequate Range of Alternatives as Required by NEPA

At its core, the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. §§4321-4347) requires that Reclamation publish a "detailed statement" reviewing the environmental impacts of the proposed action, here, the crucially important Post-2026 Operational Guidelines and Strategies for Lake Powell and Lake Mead. This "action forcing" requirement ensures both that the agency considers the project's environmental consequences before deciding to approve it, while also making the agency publicly accountable for environmental harms it decides to accept. *Seven County Infrastructure Coalition, et. al. v. Eagle County, et al.*, 605 U.S. 168, 197 (2025) (Sotomayor, J., concurring); see also *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 349-350 (1989). Thus, the agency must, among other things, disclose in the DEIS and consider the "reasonably foreseeable environmental effects of the proposed agency action"; "any reasonably foreseeable adverse environmental effects which cannot be avoided should the proposal be implemented"; and critically, "a reasonable range of alternatives to the proposed agency action...". 42 U.S.C. §4332(C)(ii)-(iii).

The DEIS, however, does not present cogently explained alternatives that can be reasonably understood and analyzed by the Nation (or the public). For instance, in its description of the alternatives in Chapter 2, the DEIS states for the Basic Coordination Alternative: "[i]f this alternative were selected in the ROD, Reclamation would identify the conditions under which further action would be required, including adjustment of operations and prompt action to seek additional authorities, if needed." DEIS at 2-11 to 2-12 [emphasis added]. But identifying the conditions that would trigger further action is itself a necessary part of the NEPA analysis that must be described and disclosed for public review, otherwise, the public has no meaningful way to review and comment upon

⁷ NEPA requires that an EIS fully analyze mitigation measures as part of the NEPA process—not in some future decision shielded from public review. *Great Basin Res. Watch v. BLM*, 844 F.3d 1095, 1107 (9th Cir. 2016).

the impact of the proposed alternative.⁸ See, e.g., 42 U.S.C. §4332(C)(iii) (requiring the lead agency under NEPA to develop a “reasonable range of alternatives”); *Id.* at § 4332(F) (agency must “study, develop, and describe technically and economically feasible alternatives”).

By failing to provide this information, the DEIS withholds the very information necessary for the Nation (and the public) to understand how each alternative would operate and what its environmental consequences would be. This fails to meet the most basic requirement of NEPA, which mandates that agencies “rigorously explore and objectively evaluate all reasonable alternatives” and provide sufficient detail so that the public may evaluate their comparative merits. *Methow Valley Citizens Council*, 490 U.S. at 349.

Another example of the DEIS jumping forward in analyzing alternatives without providing actual information about the alternative is evident where the DEIS discusses how it will address storage and delivery of conserved system and non-system water within the alternatives:

“While delivery of some existing stored water remains available after 2026 pursuant to existing agreements, Reclamation will establish guidelines for administration of a new storage mechanism as part of this public NEPA process. The guidelines will set forth Reclamation requirements for verification of the conservation action and water accounting procedures.” DEIS at 2-5 [emphasis added].

Again, the DEIS fails to present information about what these actual storage guidelines might be, simply observing that the guidelines will be developed. Without a presentation of the proposed guidelines in the DEIS, the Tribes and the public have been denied the opportunity to provide any meaningful comment on this likely highly impactful decision point. This both violates NEPA and fails to meet the basic standards for advanced, informed, and meaningful Tribal consultation. See footnote 5, *supra*.

Additionally, the DEIS represents that parts of the alternatives presented could be assembled together to form an entirely different alternative that could be adopted by Reclamation in a Final EIS and ROD. See DEIS at ES-8 (“Should a consensus emerge following the publication of this Draft EIS, Reclamation anticipates that such an agreement will incorporate elements or variations of these Draft EIS alternatives and will

⁸ The DEIS fails to provide the underlying information necessary to allow Tribes and the public to meaningfully comment at multiple points. See, e.g., DEIS at 2-16 (“If Lake Powell’s physical elevation is projected to go below 3,525 feet, CRSP Upper Initial Units would increase their releases within their RODs to increase elevations at Lake Powell contingent on hydrologic conditions. Reclamation would identify triggers for when additional Upper Basin actions would be required to protect critical infrastructure.”) [emphasis added].

be fully analyzed in the Final EIS.”). If Reclamation plans to later assemble a totally different hybrid preferred alternative not analyzed in the DEIS for adoption in a Final EIS and ROD, this too violates NEPA. Indeed, it is well documented that NEPA requires that Reclamation, as the acting agency, take a “hard look” at the environmental consequences of its proposed actions, including direct, indirect, and cumulative impacts to all potentially affected resources. *Idaho Sporting Cong. v. Rittenhouse*, 305 F.3d 957, 973 (9th Cir. 2002); 42 U.S.C. §4332(2)(C). This includes Reclamation’s obligation to ensure that it carefully considers information about significant environmental impacts, and that it “guarantees relevant information is available to the public.” *N. Plains Res. Council, Inc. v. Surface Transp. Bd.*, 668 F.3d 1067, 1072 (9th Cir. 2011) [emphasis added].

In short, Reclamation may not simply defer the substance of its decision or assemble a materially different alternative after public review without violating NEPA’s core purpose of informed decision-making and meaningful public participation. See *Muckleshoot Indian Tribe v. U.S. Forest Service*, 177 F.3d 800, 813 (9th Cir. 1999). And, as noted above, these failures also fall short of basic standards for advanced, informed, and meaningful Tribal consultation. See footnote 5, *supra*.

B. The DEIS Fails to Demonstrate Compliance with the Law of the River

The DEIS fails to provide information to the public regarding how Reclamation intends to comply with the Law of the River. For instance, the DEIS asserts that the Department “intends to adopt and implement the guidelines in a manner consistent with the Law of the River,”⁹ which includes the Colorado River Compact of 1922.¹⁰ Yet, the DEIS goes on to recite that:

Article II(2) of the LROC states the “objective shall be to maintain a minimum release of water from Lake Powell of 8.23 [maf].” Reclamation recognizes that entities in the Basin have different legal positions regarding how this LROC statement incorporates other Law of the River elements to determine annual releases. Reclamation also recognizes that variation in releases of water above and below the minimum objective release of 8.23 maf can, in appropriate circumstances, be adopted.

⁹ DEIS at ES-6.

¹⁰ The DEIS also states that “[t]he full extent of Reclamation’s operational authority has not been tested to date – either operationally or through legislative or judicial review” which seems to indicate that Reclamation has not taken any position on how it views the Law of the River applying to its operational authority. See DEIS at ES-8. This makes it impossible for the Nation and the public to provide meaningful review and comment on the alternatives in the DEIS, and therefore violates NEPA.

DEIS at Table ES-1, Footnote 1 [emphasis added].

While the DEIS ambiguously “recognizes” various positions, it does not actually explain what the position of Reclamation is with respect to the Law of the River and how it will be applied to each alternative.

Fundamentally, for the Lower Basin, the DEIS does not acknowledge the mandatory requirement for the Upper Basin to deliver at least 82.5 million acre-feet of Colorado River water to the Lower Basin in any 10-year period under the Colorado River Compact. The alternatives wrongly assume that the Upper Basin does not have a duty to comply with this delivery obligation which would impose disproportionate and inequitable reductions on the Lower Basin states, including Arizona, which implicates the reliability of the Nation’s CAP allocation.

Additionally, the alternatives do not consider the possibility for more substantial releases from the Upper Initial Units (UIUs) of the Colorado River Storage Project reservoirs of the Upper Basin to satisfy the delivery requirements of the Colorado River Compact.¹¹

Without Reclamation adequately explaining its position regarding how it would comply with the Law of the River, and its analysis of the alternatives throughout the DEIS that do not appear to include ways in which Reclamation could exercise its authorities to require Upper Basin compliance with the Colorado River Compact and Law of the River, the DEIS has improperly excluded a reasonable range of alternatives in violation of NEPA.

C. The DEIS Fails to Analyze Socio-Economic Impacts to CAP Tribes for On-Reservation CAP Water Use and Off-Reservation Leasing and Water Storage

The DEIS provides several tables to show potential amounts of reductions to CAP Water supplies that would be delivered to CAP Tribes under the alternatives but does not quantitatively analyze the actual socio-economic impacts to the CAP Tribes as a result of these reductions. Yet, this is a fundamental requirement of NEPA. See 42 U.S.C. §4331.

For the Nation, leasing its available CAP Water allocation has provided important economic revenue that is used to support Tribal government operations, the needs of Tribal members, and on-Reservation water management programs. Under the various DEIS alternatives, the imposition of deeper shortages to Indian Priority CAP Water supplies will have a substantial economic impact on the Nation if it does not have access to those revenues. This will have a “ripple” effect for the Nation, deepening economic challenges being experienced by the Nation and making it harder for the Nation to meet basic Tribal needs on the Reservation. Moreover, it is critical to understand that the Nation

¹¹ Section 602(a) of the Colorado River Basin Project Act requires that federal infrastructure be operated to ensure Compact deliveries to the Lower Basin. This includes the UIUs.

agreed to a Tribal water rights settlement that included CAP Water based upon our understanding that this important source of water would be available into the future to meet the permanent Tribal homeland needs of our People. Under the DEIS, however, it appears that when the Nation's CAP Water supply is needed for full build out of the Reservation, development on the Reservation could be stalled or stopped entirely unless substitute water supplies (that to date have not been identified) are located. This will lead to a cascade of detrimental economic impacts for the Nation and for our Tribal members as a whole. Yet, the DEIS makes no mention of this concern, and indeed it fails to analyze the long term socio-economic and related impacts of Reclamation's decision-making. This violates NEPA. An EIS that relies on misleading economic information or fails to include all relevant costs in its economic analysis cannot fulfill NEPA's purpose of providing decisionmakers and the public a valid foundation on which to judge proposed projects. See *NRDC v. U.S. Forest Serv.*, 421 F.3d 797, 811 (9th Cir. 2005) (inaccurate economic information may defeat the purpose of an EIS by "impairing the agency's consideration of the adverse environmental effects" and by "skewing the public's evaluation" of the proposed agency action).

Reclamation, which is a signatory to all Tribal CAP leases and receives the annual CAP Water orders from the Tribes, has the data available to quantitatively analyze the economic and socio-economic impacts to the CAP Tribes, including the impacts to the Nation, based on reductions in water supply for each of the alternatives, yet the DEIS fails to provide any information on this concern other than to acknowledge that there will be economic impacts on a broad scale for Arizona and the CAP Tribes. This is insufficient under the "hard look" requirements of NEPA and must be corrected.

D. The DEIS Fails to Analyze Impacts to Tribes Related to Increased Use of Alternative Water Sources in Arizona

In Arizona, the introduction and use of CAP Water was intended to reduce reliance on pumping groundwater, which is a scarce resource in most parts of the state. Prior to the CAP Project, excessive pumping of groundwater had severely depleted the groundwater supplies and caused subsidence on and near several Tribal reservations. CAP Water was viewed as a means to not only provide Tribes with an alternative water supply for the reservations, but also to provide a renewable water supply for non-Tribal use that would help to avoid detrimental groundwater depletion. However, with the potential deep shortages contained in the DEIS alternatives, the threat that non-Tribal water users in Arizona will once again turn to groundwater is very real, and indeed, we have seen this reality already in areas like Pinal County, Arizona, where farmers have returned to pumping groundwater as an alternative source of supply.

For Tribes with reservations near non-Tribal population centers that have relied on CAP Water, these Tribal reservations, including our Reservation, are now, once again, threatened with impacts from groundwater depletion, including, but not limited to, declining water tables, reductions in baseflow to local rivers and streams, spring and seep depletion, aquifer storage loss from compaction, altered groundwater flow direction,

riparian and wetland habitat loss and degradation, water quality degradation, land subsidence, earth fissures, infrastructure damage, and increased pumping costs. The DEIS fails to acknowledge or evaluate these direct impacts from increased groundwater depletion. This violates NEPA.

In addition, with steep reductions in CAP Water, non-Tribal water users will also turn back to and place increased pressure on local surface water sources within Arizona, including those water sources which the Tribes have relied on since time immemorial. Many of these surface waters are included in Tribal water rights settlements, including the Nation's own rights to Verde River water. Reductions in CAP Water availability under the various alternatives of the DEIS will contribute to additional conflicts among the various users, including with Tribes, and will require the United States, as a federal trustee, to engage in actions to protect these Tribal surface water resources and Indian Trust Assets from further depletion by non-Tribal interests.

E. The DEIS Fails to Analyze Economic Impact on Reductions in Power Supplies to the Tribal WAPA Firm Electric Power Contracts

Although the DEIS acknowledges that Tribes hold firm electric service contracts with WAPA,¹² the DEIS completely fails to discuss or analyze the impacts of the various alternatives on the potential reductions in delivery of wholesale hydroelectric power to Tribes from the Salt Lake City Area Integrated Projects (SLCA-IP) and the Boulder Canyon Project. This also violates NEPA for many of the same reasons discussed above.

The economic benefit of the Nation's WAPA contracts helps the Nation offset higher electric costs on the Reservation through benefit-crediting, but the reliability of this contract is now also threatened by low reservoir levels and how Reclamation ultimately intends to manage operations and the distribution of water within the Colorado River System. Yet, the DEIS fails to analyze this impact to the Tribes, including the socio-economic impacts that the Nation will experience from the reduction in this low-cost hydroelectric power to meet Reservation power demands.

IV. CONCLUSION

While the DEIS explains how it has applied a modeling methodology to the alternatives to show relative shortage reductions under various management scenarios, the DEIS provides very little background information explaining the actual details of the alternatives themselves, and any mitigation strategies to be imposed, which further fails

¹² DEIS at Technical Appendix (TA) 15,p.15-2 ("WAPA bundles and markets power to a variety of entities including: small and medium-sized municipalities that operate publicly owned utilities; irrigation cooperatives and water conservation districts; rural electrical associations; generation and transmission co-operatives; federal facilities; universities; state agencies; and tribes (Reclamation 2016a) that, in total, serve approximately 40 million people across the following states: Nebraska, Wyoming, Utah, Nevada, Colorado, Arizona, and New Mexico.") [emphasis added].

to provide adequate analysis of the impacts that would result from selection of any alternative.

Regardless, however, the drought in the Colorado River Basin and the inability to provide enough water to meet all the demands of the Basin is becoming more dire each year. The federal government must necessarily be involved in crafting solutions, and those solutions must include the recognition of United States' trust responsibility to Tribes, and the long-standing rights of the Tribes to water to sustain their communities and economies.

Where Colorado River water deliveries to Tribes are reduced, assistance should be directly provided to Tribes to mitigate impacts, including through the replacement of those water supplies through other means,¹³ particularly in cases where the reduction to a Colorado River water supply threatens Tribal public health, will result in damage to a Tribal economy, or would impair or impede the ability of a Tribe to reach a water rights settlement or, in the case of the Nation, to see the promises of our Water Rights Settlement fulfilled, since such a reduction would destroy the foundation of our Settlement and undermine the commitment of the United States in that Settlement to ensure a long-term and abiding source of water to meet the Nation's permanent Tribal homeland needs for our Reservation. As such, any preferred alternative should incorporate mitigation for reductions in water deliveries to Tribes as a component. At minimum, the preferred alternative should include long-term programs, defined funding pathways, and monitoring mechanisms to address impacts to Tribal economies, resources and ecosystems, while also reaffirming the United States' Settlement commitments that were given in exchange for the Nation's waivers and releases against the United States and other parties as part of that Settlement.

As it develops the preferred alternative and the Final EIS, the Nation requests that Reclamation:

- Provide additional Tribal comment and consultation opportunities regarding the development and adoption of a preferred alternative;
- Clarify its legal interpretation of the Law of the River and Compact compliance under each alternative;
- Include the exercise of all available authority to ensure Colorado River Compact deliveries to the Lower Basin under the Law of the River;
- Provide quantitative socio-economic analysis of Tribal CAP Water reductions that takes into account economic losses due to reduced on-Reservation water

¹³ For the Nation, the enlargement of Bartlett Dam and Reservoir, which would create additional water storage capacity, could potentially serve as a mitigation measure to help secure the Nation's water rights that were included in its Settlement. See Verde Reservoirs Sediment Mitigation Project, Bureau of Reclamation, <https://www.usbr.gov/lc/phoenix/programs/VRSMP.html>.

deliveries and economic losses due to the lack of available CAP water to lease or store;

- Analyze the impacts specific to the Arizona Tribes from the increased use of groundwater and surface water supplies when CAP Water deliveries are reduced to Arizona non-Tribal users;
- Analyze hydropower impacts specific to Tribal WAPA contracts, including the associated economic impacts; and
- Incorporate mitigation measures in the Post-2026 guidelines to address Tribal water and economic losses.

The Nation requests that Reclamation continue to engage in government-to-government consultation regarding the development of the Post-2026 operational guidelines and consult again with the Nation prior to selecting a preferred alternative, and adopting the Final EIS and ROD.

Yours Truly,

FORT MCDOWELL YAVAPAI NATION



Sandra Pattea, President

cc: Diandra Benally, General Counsel, dbenally@fmy.n.gov
Gerry Walker, Water Resources Advisor, gwalker@fmy.n.gov
Robyn L. Interpreter, Water Counsel, rinterpreter@milawaz.com
Susan B. Montgomery, Water Counsel, smontgomery@milawaz.com