



Lamar B. Keevama
Chairman

Mikah H. Kewanimptewa, Sr.
Vice-Chairman

Via Mail and Email

Bureau of Reclamation
Attn: BCOO-1000
P.O. Box 61470
Boulder City, NV 89006
crbpost2026@usbr.gov

Re: Comment of the Hopi Tribe on the Post-2026 Operational Guidelines and Strategies for Lake Powell and Lake Mead – Draft Environmental Impact Statement

Dear Secretary Burgum, Assistant Secretary Travnicsek, and Reclamation Acting Commissioner Cameron:

The federal deadline for a consensus agreement on managing the Colorado River after 2026 passed without resolution. The stakes could not be higher—for the Basin States and for the Tribal Nations who are sustained by the river.

As the Lower Basin Governors stated recently, “future management of the Colorado River must be built on a foundation of shared contribution and innovation,” with all Colorado River water users working together to ensure the long-term sustainability of this vital resource. The Hopi Tribe, alongside the Navajo Nation and the San Juan Southern Paiute Tribe, stands ready to contribute through the Northeastern Arizona Indian Water Rights Settlement Act (NAIW RSA), Senate Bill 953 (119th Congress) and House Bill 2025 (119th Congress).

NAIW RSA would authorize new tools for system protection and for the mitigation of shortage impacts in Arizona’s Lower Basin. Through NAIW RSA, the Navajo Nation and Hopi Tribe would contribute a portion of their Upper Basin Water—formerly used by the Navajo Generating Station—to Lake Powell to help protect reservoir elevations for the benefit of both the Upper Basin and the Lower Basin. The Navajo Nation and Hopi Tribe would also have authority to lease a portion of their Upper Basin Water into Arizona’s Lower Basin. The water leased would be additive to the regular annual release, providing a supplemental supply of water with a long history of use to Arizona’s Lower Basin.



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This framework benefits both the Upper Basin and the Lower Basin: every acre-foot leased into Arizona's Lower Basin can be matched by contributions to Lake Powell in the Upper Basin.

NAIWRSA can be implemented now, providing immediate benefits to the entire Colorado River Basin. We urge the Department to acknowledge NAIWRSA in the Final EIS as a parallel and complementary action that can advance system storage at Lake Powell and mitigate shortage impacts for Central Arizona water users. We respectfully urge all stakeholders in the Basin to view NAIWRSA not as a complication to Post-2026, but as an opportunity—a chance to take an incremental step forward that benefits tribal communities and the Colorado River system alike.

NAIWRSA represents progress that can be achieved now.

Respectfully,

A handwritten signature in black ink, appearing to read "L. Keevama". The signature is fluid and cursive, written over a horizontal line.

Lamar Keevama, *Chairman*
The Hopi Tribe

Enclosure:
Hopi Tribe's Comments on Post-2026 Draft EIS



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Hopi Tribe's Comments on the Post-2026 Draft EIS

Chapter 1: Purpose and Need

The Law of the River (§ 1.8 and § 3.4)

The crisis facing the Colorado River is a shared one, and stabilizing the system requires every part of the basin, Upper and Lower alike, to make meaningful, proportionate contributions to restoring the river's health. No operational framework that asks only the Lower Basin to bear the burden of shortage, while leaving the Upper Basin's Compact obligations unanalyzed, can achieve the kind of durable, basin-wide stewardship that water as a living thing demands and that the law requires.

The Post-2026 Draft EIS fails to include any substantive analysis of the Upper Basin's Compact compliance obligations under Article III(d) of the 1922 Colorado River Compact. The DEIS acknowledges the existence of this obligation in its description of the Law of the River (DEIS § 1.8.2.2), but nowhere does the document analyze whether any of the proposed alternatives adequately ensures that the Upper Basin will be able to satisfy that obligation under the range of hydrologic futures modeled nor does it analyze impacts to the Upper Basin. This is a fundamental deficiency in the DEIS.

The Hopi Tribe respectfully urges Reclamation to correct this and analyze the hydrologic conditions under which a Compact call becomes possible within the Post-2026 planning horizon and the potential impacts to the Upper Basin.

Related Actions (§ 1.9)

NAIWRSA is a complementary federal action that would help achieve the goals of Post-2026: a more reliable, sustainable, and legally certain Colorado River System. The Tribe urges the Department to acknowledge NAIWRSA in the Final EIS as a parallel action that can advance system storage at Lake Powell and mitigate shortage impacts for Arizona Lower Basin water users. It is a mechanism that can be used to advance and pilot new storage and mitigation tools that align with the Post-2026 DEIS's core objections even in the absence of Basin State consensus on Post-2026 operations.



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Chapter 2: Description of Alternatives

The history of Colorado River management has been built on negotiated agreements. The Hopi Tribe continues to hope that a consensus-based framework will emerge. In the absence of consensus, however, the Hopi Tribe urges Reclamation to lean fully into its existing operational authorities and to pursue in parallel complementary actions—including the enactment of NAIWRSA—that provide the tools and authorities needed to protect the Colorado River’s long-term reliability.

Flexible tools and strategies for conservation, savings, and protection pools are the linchpin to a sustainable system. The Post-2026 DEIS alternatives demonstrate that the alternatives that rely solely on Lower Basin shortage and priority-based distributions—the No Action and Basic Coordination Alternatives—are more vulnerable to dead pool conditions and deliver less water across the wide range of modeled futures than those Alternatives that incorporated flexible tools and strategies for conservation, savings, and protection pools. Pools in both Lake Powell and Lake Mead, triggered not by crisis but by forward-looking hydrology, can materially improve system storage before conditions deteriorate further.

For flexible tools and strategies to be successful, the tools must be designed from the outset to include Tribal Nations as full participants and voluntary contributors to the conservation, savings and protection mechanisms that will define Post-2026 operations. The Hopi Tribe urges all Basin stakeholders to commit to verifiable conservation, savings, and protection pools; and the Tribe urges Reclamation to identify specific tools and strategies, including NAIWRSA, and commit in the Final EIS to implementing them to the fullest extent of available authority.

Chapter 3: Affected Environment and Environmental Consequences

Hydrologic Resources, Issue 4 (River Flows)

The Hopi Tribe has a P4(i) entitlement in Cibola, Arizona. The sustained decline in river flows through the Parker Dam to Cibola Gage reach has materially altered the physical character of the river channel. The Draft EIS recognizes these flow reductions and their effect on groundwater elevations in the Cibola Valley alluvial basin, but it fails to analyze the downstream consequence that matters most to the farmers in Cibola: the physical migration of the river channel itself. Reduced flows have caused the river to shift and in places recede from established diversion points, making it increasingly difficult for farmers with entitlements to divert water at their contracted diversion points. The Final EIS must include a meaningful analysis of how each alternative will affect channel conditions in the Cibola reach and the practical ability of entitlement holders, including the Hopi Tribe, to exercise their water rights at existing diversion infrastructure.



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Cultural Resources (§ 3.11), Tribal Resources (§ 3.13), and TA 11 and 13

The Hopi Tribe has significant cultural and tribal resources in the Grand Canyon area and throughout Northern Arizona. At the Government-to-Government Consultation on February 2, 2026, the Hopi Tribe provided Reclamation staff with the Hopi Tribal Historic Preservation Officer's comments on the affected cultural resources and tribal resources. The Tribe urges Reclamation to address those comments in a Final EIS.

As stated in the THPO's comments, the Hopi Tribe is concerned about the potential damage to cultural resources caused by wave action and wet-dry cycling caused by fluctuating lake and river levels. The Tribe views flexible tools and strategies as essential and required to protect the cultural and tribal resources in the Grand Canyon area.

Indian Trust Assets (§ 3.18) and TA 18

The United States' trust responsibility to tribes requires the United States to appropriately act to protect the future water resources of the Hopi Tribe. The Hopi Tribe holds long-standing federal reserved water rights to the Colorado River, rooted in the establishment of the Hopi Reservation as a permanent homeland and recognized under the *Winters* doctrine. These rights have now been settled through the Northeastern Arizona Indian Water Rights Settlement and include an allocation of 2,300 AFY of the Arizona's Upper Basin Colorado River entitlement, which will be held in trust for the benefit of the Hopi Tribe. The Tribe urges Reclamation to include these quantified water rights in its analysis of impacts to Indian Trust Assets.

Allocation Model and Alternative Distribution Model Documentation (Appendix C)

Table C-9 of Appendix C includes the contract date for the Arizona P4(i) entitlement holders. For the Hopi Tribe's P(4)(i) entitlement, the table appears to reflect the date of the Hopi Contract and not the entitlement contract date. The Hopi Tribe asks Reclamation to review and clarify the date being reflected in the Table and consider including the entitlement contract date.

Upper Division States Depletion Schedules (Appendix L)

Appendix L includes a detailed table showing the depletion demands for the Upper Basin States by state. The footnotes should reflect that NAIWRSA allocates almost the entirety of Arizona's 50,000 AFY Upper Basin entitlement to the Navajo Nation (44,700) and the Hopi Tribe (2,300), and the table should assume full use of the entitlements by the Tribes.



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Consultation

The Hopi Tribe appreciates Reclamation's commitment to tribal consultation, including further consultation with the Tribe after a Preferred Alternative has been identified. The Hopi Tribe looks forward to the next consultation with Reclamation and expects it will include a meaningful discussion of how Reclamation's Preferred Alternative leverages its authorities and tools such as NAIWRSA to achieve a reliable and sustainable Colorado River system.

* * *

The Hopi Tribe is committed to being part of the solution to the Colorado River system crisis, and we look forward to continued consultation with the Bureau and Basin States.