



March 2, 2026

Bureau of Reclamation  
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**Re: Navajo Nation's Comments on Draft Environmental Impact Statement (DEIS) of Post-2026 Operational Guidelines and Strategies for Lake Powell and Lake Mead**

To Whom It May Concern:

The Navajo Nation respectfully submits these comments on the Colorado River Post-2026 Operational Guidelines and Strategies for Lake Powell and Lake Mead DEIS. At the outset, we thank Assistant Secretary for Water and Science Andrea Travnicek and the Bureau of Reclamation (BOR) for the robust government to government meeting we had on February 20, 2026.

**Introduction**

Colorado River Reservoir Operations directly and greatly impact the Navajo Nation and its people in numerous ways. Life-sustaining water resources, energy production, food production, economic development, along with cultural and traditional practices are impacted by reservoir operations. Given the current and forecasted hydrologic conditions, impacts to the Navajo Nation are broader than previously anticipated, making paramount the need for active and meaningful engagement with the Navajo Nation throughout the development, selection, and implementation of Colorado River Post-2026 Operational Guidelines, including an adequate description of the impacts to the Navajo Nation.

It is critical for the Navajo Nation to secure and develop its water rights. The Northeastern Arizona Indian Water Rights Settlement Act (NAIW RSA; S. 953 / H.R. 2025) is pending in Congress and is stalled due to a lack of consensus among the seven Colorado River Basin states on NAIW RSA. The Navajo Nation has unquantified water rights in the Upper and Lower Colorado River Basins, and these rights are Indian Trust Assets that are not adequately addressed in the DEIS.

At Lake Powell, the Navajo Nation has energy, water, and economic concerns. Large projects like the Navajo Indian Irrigation Project and the Navajo-Gallup Water Supply Project rely on the Colorado River Storage Project for water and power. The LeChee Chapter and the surrounding communities' water supply are extracted from Lake Powell. Fluctuating Lake Powell reservoir

elevation levels have impacted operations at Antelope Point Marina and other tourism initiatives, and fluctuating reservoir elevation levels have cultural and environmental consequences. The Navajo Nation has the largest amount of trust land and the largest Indian population in the Colorado River Basin. The Navajo Nation will feel the great impacts from Post-2026 operations. Yet those impacts are not reflected in the DEIS.

To ensure that the foreseeable impacts on the Navajo Nation and its people are adequately addressed, and that meaningful engagement is realized, the Navajo Nation requests the very basic legal expectation of the trustee over our federal property rights. What will happen to our people and property rights based on the proposed federal actions (reserved water rights, land, cultural resources)? The Bureau of Reclamation (BOR) operations of the Colorado River must include mitigating the impacts on the Tribes. Therefore, the Navajo Nation submits these comments on the Draft Environmental Impact Statement regarding Post-2026 Operational Guidelines and Strategies for Lake Powell and Lake Mead.

### **Northeastern Arizona Indian Water Rights Act**

The Navajo Nation respectfully requests that the BOR acknowledge S. 953 / H.R. 2025 in the final Environmental Impact Statement. The mechanisms in NAIWRSA that address Colorado River operations can be overlaid on all alternatives described in the DEIS. NAIWRSA provides at least two key mechanisms. The first is a water savings pool that would be in Lake Powell, which could accumulate up to 341,000 acre-feet of water after twenty years. This pool would be used to mitigate or offset impacts demonstrated in all of the model alternatives. This pool could also help with elevation levels in Lake Powell. Importantly, the water that would be placed in the pool is the firmest water in the entire Colorado River system. The second is the potential tribal leasing of Upper Basin water into the Lower Basin in Arizona. The leasing allows water to continue moving through hydropower turbines so long as the elevation in Lake Powell continues to support hydropower and allows for the backfill of Colorado River shortages in Arizona in the short term as the system transitions to drier hydrology.

In addition to these two mechanisms, the enactment of S. 953 / H.R. 2025 reduces complexity and brings certainty to resolving outstanding Tribal claims, which reflect Indian Trust Assets.

### **Navajo Nation supports the purpose and need of storage**

The Navajo Nation supports the third operational element identified for the proposed federal action of storage and delivery of water in both Lake Powell and Lake Mead to increase flexibility to meet the water demands from both reservoirs. As suggested above, NAIWRSA provides a pool for the BOR that supports this operational element.

The BOR must recognize that Tribal water rights are still being developed, including the Navajo Nation's water rights. The Navajo Nation requests that un-decreed water rights in the Upper Basin that were not modeled should be modeled to at least include 44,700 acre-feet per year of water uses in the Final Environmental Impact Statement (EIS).

### **Alternatives**

The identified alternatives greatly vary in the operational rules. The Post-2026 DEIS alternatives are unacceptable based on the current rules for operational guidelines. A number of the alternatives have unacceptable model forecasts that will likely reach deadpool in Lake Powell. Deadpool levels in Lake Powell will have serious impacts, including but not limited to: no hydropower generation, exposure of cultural resources, impacts to recreational facilities, water temperature, fish populations, visual aesthetics, and tourism. The Navajo Nation recognizes that the more mechanisms available to the BOR for the operations of the Colorado River reduces the likelihood of deadpool levels in both Lake Powell and Lake Mead and will establish stability for the future.

In contrast to the annual releases determined through the Interim Guidelines, the Operation of Glen Canyon Dam – Long-Term Experimental and Management Plan (LTEMP) determines sub-annual releases from Glen Canyon Dam. The LTEMP identifies specific options for dam operations (including hourly, daily, and monthly release patterns), non-flow actions, and appropriate experimental and management actions that meet the Grand Canyon Protection Act's requirements and maintain or improve hydropower production to the greatest extent practicable, consistent with improvement of downstream environmental and cultural resources, including those of importance to tribes. While the Post-2026 process will consider LTEMP's implications for Glen Canyon Dam management, it will not modify decisions made in the LTEMP Record of Decision (ROD). Decisions made in the LTEMP ROD will likely be revisited following the signing of the Post-2026 ROD.

## **Hydropower**

The Navajo Nation relies on hydropower to power itself, as well as the Navajo Tribal Utility Authority (NTUA), a Colorado River Storage Project (CRSP) firm power customer, and other Navajo customers, including Alamo, Ramah, and Tó'Hajiilee Navajo Chapters, and Navajo Agricultural Products Industry. They all benefit greatly when the CRSP facilities, especially the Glen Canyon Dam, generate adequate power, which reduces the need to purchase replacement power in the open market at higher costs. The Navajo Nation supports keeping electric costs down for the Navajo Nation. With high unemployment rates and low family incomes, Navajo residents struggle to keep the lights on. Thus, the alternatives should thoroughly consider impacts on hydropower and ways to mitigate adverse impacts.

Hydropower generation is helpful to the Navajo Nation, and as suggested above NAIWRSA can assist in power generation. NAIWRSA leasing provisions and pool provisions support hydropower production.

As such, the Nation supports the BOR's analysis in the Final Environmental Impact Statement of the tools necessary to ensure continued hydropower production.

## **Releases from Upper Initial Units**

In the past, CRSP Upper Initial Units, namely the Navajo Reservoir, have shown that unprecedented drought response emergency releases were considered without consultation with

the Navajo Nation. Notification to the Navajo Nation after decisions are made and effectuated is unacceptable, especially when Navajo Nation's water access may be impacted. Water storage in the Navajo Reservoir is important to the Navajo Nation's Contract No. 10-WC-40-384 with the BOR for the San Juan-Chama Project, the Navajo Indian Irrigation Project, the Navajo-Gallup Water Supply Project, municipal and domestic uses, Hogback-Cudei Irrigation Project, Fruitland-Cambridge Irrigation Project, and all the provisions thereto. In times of water supply shortage in the Navajo Reservoir, to meet demands under contracts for delivery of water from said supply, the Navajo Nation will share in the available water supply in the manner outlined in Section 11 of the Act of June 13, 1962 (76 Stat. 96) as amended by Section 10402(b) of the Navajo Settlement Act. Thus, the use of water from the Navajo Reservoir for the Powell Infrastructure Protection based on emergency releases raises concern for recovery at the Navajo Reservoir and whether such uses may contribute to future shortages, impacting the Navajo Nation's access to contract water.

Today, the Drought Response Operations Plan Framework identifies in Section 7.2 Participation of Upper Basin Tribes an opportunity for each Upper Basin Tribe to be a part of the decision-making process to help draft, develop, implement, and analyze proposals for, or monitor any Drought Response Operation. The Navajo Nation recommends that similar participation opportunities in work groups determining releases from the CRSP Upper Initial Units be considered in the Final EIS.

### **Traditional Cultural Property (TCP) Recognition and Landscape Integrity**

The DEIS appropriately acknowledges that the Colorado River corridor, including the Grand Canyon, is considered a Traditional Cultural Place/Property by multiple Tribes. The Navajo Nation supports this recognition. However, landscape-scale TCP significance here is rooted in landscape integrity, including the relationship among vegetation, wildlife, water levels, geomorphic processes, access, ecological condition, and ongoing cultural use. The phrase "incorporated as it becomes available" does not clearly explain how this framework will guide planning and implementation. Given the longstanding but incomplete TCP nomination efforts (e.g., the Grand Canyon TCP), the final EIS should clarify how consultation outcomes and TCP documentation efforts will translate into concrete planning and reporting actions.

While formal eligibility determinations and adverse effects findings are appropriately addressed through the Section 106 Programmatic Agreement (PA), the National Environmental Policy Act (NEPA) document should: (1) acknowledge that landscape-scale TCPs may be in-progress, recommended eligible, listed, etc.; (2) clarify that documentation status does not diminish cultural significance; and (3) commit to tracking progress on TCP documentation efforts during implementation of the Programmatic Agreement (PA)/Historic Preservation Plan (HPP).

The Navajo Nation recommends that the Final EIS reference the Grand Canyon TCP nomination effort as an example of an overarching landscape-scale TCP (noting National Park Service (NPS) jurisdiction) and clarify that Reclamation will coordinate with the NPS and Tribes where appropriate to ensure consistent recognition. Several key comments are highlighted below.

*- Support for PA Pathway; Request for Clear Cross-Reference.*

“Because TCPs are a specific category of historic property, adverse impacts on TCPs would be addressed through the project’s programmatic agreement developed in compliance with Section 106...” (Chapter 3, Section 3.11 (Cultural Resources), p. 3-156)

The Navajo Nation agrees that eligibility determinations, adverse effects analysis, and treatment measures for TCPs are appropriately addressed through the Section 106 PA process.

To improve clarity, the Final EIS should include a brief cross-reference explaining how key NEPA tribal resource issues identified in Chapter 3 and TA-13 will be carried forward into the PA/HPP. This cross-referencing could be accomplished through a short narrative explanation rather than a detailed table. For example, the EIS could explain that TCP identification and documentation efforts, adaptive monitoring of exposed cultural resources during low reservoir conditions, and annual summaries of inventory and consultation results will be carried forward through the Programmatic Agreement implementation process.

- *Chapter 3, Tribal Resources: Qualitative Analysis Requires Trackable Outcomes.*

“Accordingly, the analysis of impacts is largely a qualitative analysis of issues that is driven by ongoing tribal consultation efforts.” (Chapter 3, Section 3.13 (Tribal Resources), p. 3-173)

The Navajo Nation recognizes that TCP analysis is necessarily qualitative and consultation-driven, particularly where confidentiality is required. However, the Final EIS should clarify how consultation outcomes are carried forward into implementation through the Programmatic Agreement and associated preservation planning. This could include advancement of TCP documentation efforts, identification of priority landscape-scale TCPs, development of monitoring commitments tied to reservoir conditions, or annual reporting of implementation actions under the PA/HPP.

Rather than establishing numeric quotas, we recommend identifying documentation of priority landscape-scale TCPs, such as the Colorado River corridor and major confluences, as a qualitative benchmark for implementation progress. This approach provides accountability without disclosing sensitive information or imposing rigid targets.

- *Low Survey Coverage and Exposure Conditions Warrant Trigger-Based Monitoring.*

“Survey coverage... is very low, [and] there is potential for additional undocumented sites to exist...” (Chapter 3, Section 3.11 (Cultural Resources), p. 3-154)

“Previous survey covers approximately 5 percent of the study area in Nevada.” (Technical Appendix 11 (TA-11), Cultural Resources, p. 11-6)

The DEIS acknowledges limited survey coverage and the likelihood of undocumented resources. In combination with fluctuating reservoir levels, drawdown exposure, and increased visitation to newly exposed sites, this condition increases risk to archaeological and tribal resources.

Consistent with prior Navajo Nation comments (2022; 2025), the Nation recommends that the Final EIS acknowledge the need for trigger-based inventory and monitoring tied to operational conditions. While specific triggers will be finalized through the PA/HPP, the DEIS should recognize that: (1) Sustained low reservoir elevations; (2) Newly exposed terraces, deltas, or shorelines; and (3) Increased visitation windows during low water periods may warrant targeted inventory and condition assessments.

“None Formally Recorded” Language Should Not Imply Lack of Association  
“Diné (Navajo) – None formally recorded within Grand Canyon...” (Technical Appendix 13 (TA-13), Table 13-1, p. 13-8)

The statement that no Navajo TCPs are “formally recorded” within the Grand Canyon should not be interpreted as an absence of association or significance.

Ethnohistoric research has identified numerous locations that would likely qualify, and the Navajo Nation’s cultural association with the Grand Canyon landscape is well established. The Final EIS should clarify that the lack of formal listing reflects documentation status, not a lack of tribal connection. Rainbow Bridge, as a listed TCP, provides an example of formal recognition; however, many landscape-scale TCPs remain in-progress or undocumented. The DEIS should encourage advancement of multi-tribal and Navajo TCP documentation efforts where appropriate through the PA pathway.

### **Economic Development / Tourism**

The Antelope Point Marina is a recreational site on Lake Powell with a long history of cooperation between the Navajo Nation and the United States. The waters impounded behind Glen Canyon Dam and certain surrounding lands are administered, among other purposes, for public recreation as the Glen Canyon Recreation Area. The recreation area includes lands transferred to the United States from the Navajo Nation for federal development of Glen Canyon Dam. The Nation is contiguous to certain portions of the recreation area, and both parties have coordinated and cooperated in the development of Antelope Point Marina. This is consistent with a 1994 Memorandum of Understanding among the Navajo Nation, Bureau of Indian Affairs, and the National Park Service to develop for the enhancement of economic growth on the Nation, so the Nation and its people may have the opportunity to realize the income-producing potential of their lands.

Accordingly, it is critical to the Navajo Nation to ensure the water levels and water quality at Lake Powell are adequately maintained for the continuation of Antelope Point Marina operations and recreational uses. In addition to sharing the beauty of the Navajo Nation with marina visitors and tourists, the Antelope Point Marina and related development provide critical employment and revenue for the Navajo Nation. As such the Navajo Nation requests that the Final EIS include a robust discussion on the economic conditions that are impacted by Lake elevations.

### **Future Consultation and Involvement**

There was no Tribal participation in the 1922 Compact, the 1948 Upper Colorado River Basin Compact, and the 1963 U.S. Supreme Court Decision between *Arizona v. California*, even though Tribes sought their own representation. The Navajo Nation recognizes and supports the BOR's efforts to include Tribes in the process for the proposed federal actions in the Post-2026 Operational Guidelines and Strategies for Lake Powell and Lake Mead. To meaningfully include the Navajo Nation in the Final EIS, we reiterate our request that BOR acknowledge S.953 / H.R. 2025 in the EIS.

The Navajo Nation also sees the need for a permanent, formalized structure for government-to-government Tribal participation in implementing the Post-2026 Operational Guidelines and Strategies for Lake Powell and Lake Mead, and in any future Colorado River governance and policy-making processes. As suggested above, we believe the Drought Response Operations Plan Framework Section 7.2 provides a nice model to build upon.

**Conclusion**

The Navajo Nation requests Table TA 18-1, Upper Basin Native American Water Rights be corrected to reflect the 81,500 AFY of Utah decreed depletion rights.

The Navajo Nation requires a comprehensive understanding of the impacts associated with Post-2026 strategies, especially impacts to NAIWRSA.

The Navajo Nation is hopeful that the Non-Governmental Organizations and Upper Basin Tribes Joint Pool Concepts Paper will be considered for workable pool solutions, which can provide benefits to the Post-2026 Operational Guidelines.

For the reasons set forth above, the Navajo Nation will remain active and meaningfully involved in the development of Post-2026 Operational Guidelines and Strategies regarding the management of reservoirs in the Colorado River Basin.

Sincerely,



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**THE NAVAJO NATION**



Richelle Montoya, *Vice President*  
**THE NAVAJO NATION**



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