

# AK-CHIN INDIAN COMMUNITY

## Community Government

42507 W. Peters & Nall Road • Maricopa, Arizona 85138 • Telephone: (520) 568-1000 • Fax: (520) 568-1001



June 8, 2020

Terrance J. Fulp  
Regional Director  
Bureau of Reclamation, Lower Colorado River Basin  
P.O. Box 61470  
Boulder City, NV 89006-1470

Re: Bureau of Reclamation Review of the of the 2007 Interim Guidelines –  
Proposed Scope

Dear Regional Director Fulp:

I write to you on behalf of the Ak-Chin Indian Community to provide comments on the Bureau of Reclamation's (Reclamation) proposed scope of review of the 2007 Interim Guidelines (IGs). The Community appreciates the opportunity to comment.

The stated objective of the review of the IGs is for Reclamation to prepare a "succinct" technical report that evaluates the effectiveness of the IGs, with a narrow scope, focused on adherence to common themes of the IGs, effectiveness of the purposes and operation elements. We firmly believe that any evaluation of the effectiveness of the IGs, by necessity, also should include a detailed analysis of the Drought Contingency Plan (DCP), which has been described as an "overlay" on the IGs. More specifically, the Community urges Reclamation to fully consider within the scope of the review the adequacy of consultations with parties directly impacted by the DCP, including Native American tribes in Arizona, as well as the negative consequences of the DCP.

Ak-Chin is a prosperous self-sustaining farming community located roughly 35 miles south of downtown Phoenix, Arizona. Ak-Chin obtained the first congressionally approved tribal water settlement which Congress passed to redress the United States' failure to protect Ak-Chin from off-Reservation groundwater pumping that had depleted the aquifer underlying the Ak-Chin Reservation to the point Ak-Chin's agrarian way of life and economic self-sufficiency were seriously threatened. The Ak-Chin Settlement Act of 1984 guarantees Ak-Chin an annual right to 75,000 acre-feet of high priority Central Arizona Project (CAP) water, plus an additional 10,000 acre-feet of CAP water when it is available. Ak-Chin relies upon its full 85,000 AF allocation each year to meet the needs of Ak-Chin Farms, its Community members, and commercial operations.

Through the DCP, the irrigation districts surrounding Ak-Chin have agreed to forgo using CAP water in order to increase storage at Lake Mead. As a result, non-Indian farmers in the Pinal AMA will, once again, be nearly solely reliant on groundwater pumping to meet their water needs. The irrigation districts serving these farms already pump low quality groundwater into the canal

used to deliver Ak-Chin's CAP water, thereby degrading the water that is ultimately delivered to Ak-Chin. This increased reliance on groundwater will result in even more dramatic degradation of Ak-Chin's CAP water. In addition, increased groundwater pumping will lower groundwater levels and worsen existing groundwater quality degradation. Ak-Chin fears that groundwater pumping will also lead to subsidence on the Ak-Chin Reservation as it has the past.

While the process leading to the DCP improved upon the historic exclusion of tribes from consultations in the management of the Colorado River, from Ak-Chin's perspective, the DCP consultations were still inadequate. The Arizona Steering Committee included only three tribes in a state with 22 tribes, and Ak-Chin, was excluded. Despite the fact that Ak-Chin voiced its concerns regarding the DCP's impact on Ak-Chin's water quality, our concerns remained unaddressed and remain unresolved. A review of the DCP and its direct impact on Ak-Chin's water quality and groundwater over-extraction in Central Arizona is consistent with Reclamation's plan to review the IGs in light of one of the three stated purposes, namely, to improve management of the Colorado River by considering the impact of reductions in water deliveries and storage in Lake Mead on "environmental resources."

The report also must include an acknowledgement that Reclamation shall not diminish existing settlements and that tribes with senior water rights should not be faced with shouldering the burden of potential shortages versus junior water users, to whom Reclamation bears no trust responsibility. The United States' trust responsibility must be expressly recognized.

While Ak-Chin believes it is important for Reclamation's final review document to acknowledge that certain tribal and regional needs were overlooked in past, it is encouraged by Reclamation's recent steps to build a more inclusive approach to governing. Ak-Chin, as a senior right holder to CAP water, has a strong vested interest in meaningful participation in that process.

We appreciate your consideration and look forward to a thorough review of the draft technical report.

Sincerely,

AK-CHIN INDIAN COMMUNITY

A handwritten signature in blue ink, appearing to read 'R. Miguel'.

Robert Miguel, Chairman