



COLORADO RIVER INDIAN TRIBES

Colorado River Indian Reservation

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Kathleen Callister
Adaptive Management and Water Quality Division Manager
Bureau of Reclamation
Attn: LTEMP SEIS Project Manager
125 South State Street, Suite 800
Salt Lake City, UT 84138

Sent via email to: LTEMPSEIS@usbr.gov

Re: Comment Letter on Notice of Intent to Prepare a Supplemental Environmental Impact Statement for the December 2016 Record of Decision Entitled Glen Canyon Dam Long-Term Experimental and Management Plan

October 30, 2023

Dear Ms. Callister,

The Colorado River Indian Tribes (CRIT) are aware of and have studied the water, fish, and habitat management issues on the Colorado River, including those related to Lake Powell and the Glen Canyon Dam. The Mohave and Chemehuevi people have always lived along the banks of the River in what is now called the Lower Basin. The Ancestors of all four CRIT Tribes lived with the animals and plants and have used and managed them sustainably since time immemorial.

We thank the Bureau of Reclamation (Reclamation) for conducting this Supplemental Environmental Impact Study (SEIS) to review the impacts on endangered fish species in Lake Powell behind the Glen Canyon Dam and in downstream areas from the Long-Term Experimental and Management Plan (Plan). We understand that Reclamation initially conducted an Environmental Assessment for changes to operations and is now conducting an SEIS, due in part to comments from Tribal Nations regarding impacts to cultural resources including culturally significant fish species. CRIT shares the concerns of other Tribal Nations for the protection of the River and culturally significant flora and fauna impacted by Reclamation's management of the River.

CRIT has two main concerns which we urge Reclamation to address in the SEIS: (1) impacts of operational changes on water deliveries and avoidance of impacts to CRIT's water rights, and (2) impacts to culturally significant flora, fauna, and cultural landscapes.

1. Impacts of operational changes on water deliveries and protection of CRIT's water rights and agricultural operations.

We expect that Reclamation will prepare its Plan with the full knowledge of the unique aspects of CRIT's water rights. We do not have a Reclamation contract, our water is not delivered

through a Reclamation facility, and we are not part of the state water rights system. Reclamation, as part of the United States Government, has a trust obligation to protect our first-priority decreed water rights for CRIT's present and future use. CRIT has federal Indian reserved water rights to divert water from the mainstream of the River as they have done throughout millennia. The CRIT water rights were adjudicated and quantified by the United States Supreme Court in (*Arizona v. California* (373 U.S. 546 (1963)) and included in the 1964 decree (*Arizona v. California* 376 U.S. 340, 344 (1964))) and subsequent Consolidated Decree 547 U.S. 150 (2006) . Any operational changes must not impact or impair CRIT's water rights. Changes to the quantity, timing, temperature, salinity, and quality of water may potentially impact CRIT's ability to fully exercise, use, and enjoy its water rights. Reclamation must ensure that CRIT's water rights are respected and protected in full.

CRIT Farms and farmers on CRIT land use River water for irrigation. Any changes in water temperature, quality, salinity, or timing must not impact existing agricultural operations or the ability of CRIT to manage and plan for future water uses.

2. Impacts to Culturally Significant Species and Cultural Landscapes

CRIT's membership includes people of Mohave, Chemehuevi, Hopi, and Navajo descent. The Lake Powell area, the River canyon, and the River are cultural resources for our people. The River and the River basin are a traditional cultural landscape and traditional historical property that are culturally significant to CRIT.

While it is commendable that Reclamation seeks to restrict invasive smallmouth bass from establishing a population below the Dam, CRIT urges Reclamation to avoid management techniques which may harm culturally significant, endangered or threatened species. For example, "shocking" fish may impact not only the smallmouth bass but also other species. Reclamation should also address striped bass issues.

The Razorback sucker, Bonytail and Humpback chub are all culturally significant fish to CRIT. Our Ancestors caught and ate these fish for countless generations. As recently as the prior generation, our Elders fished for these species while running cattle below the Dam. We know that these fish need warm water; temperatures below 50 degrees Fahrenheit are fatal to them. They also need shallow pools with slow moving water for breeding. In any analysis of management tools for controlling smallmouth bass, Reclamation should also analyze whether there are impacts to the Colorado pikeminnow, Razorback sucker, Bonytail, or Humpback chub.

In addition, birds such as storks, hawks, and sandhill cranes are used for traditional ceremonies. As part of a migratory bird floyway, this habitat is important for these birds. Big game such as desert mule deer, big horn sheep, and geese and ducks were and are hunted for food, and plants such as arrowweed and several types of gourds are gathered for ceremony. CRIT urges Reclamation to consider the well-being of all of these culturally significant species in its management actions at Glen Canyon Dam.

Tribal Nations, including CRIT, have cultural knowledge which can help inform Reclamation in its development of appropriate, effective management tools. Tribes must have a seat at the table and their cultural knowledge must be considered and included in the SEIS. For example, The White House Council on Environmental Quality issued Guidance for Federal Departments and Agencies on Indigenous Knowledge and Traditional Ecological Knowledge on November 30,

2022.¹ Use of this guidance, and consultation with Tribal Nations, can help Reclamation have a more complete perspective on the culturally significant fish, flora, fauna, and traditional cultural properties related to the River, Lake Powell, and the Glen Canyon Dam area.

Finally, we are concerned about the costs of forgone hydropower generation- which must be made up by purchasing fossil fuel-generated power on the spot market- being passed on to power customers, which include many tribal communities. In our view, it is nonsensical for the costs of actions to safeguard culturally significant tribal resources like native fish to be ultimately passed on to tribal communities who rely on the federal power program. We believe the costs of actions to address our cultural needs must be non-reimbursable. The potential costs of these management actions to tribal communities must be disclosed in the SEIS.

Please direct any correspondence regarding these comments to: Rebecca Loudbear, Attorney General, Colorado River Indian Tribes: rloudbear@critdoj.com.

Sincerely,
COLORADO RIVER INDIAN TRIBES



ACTING

Chairwoman Amelia Flores

CC:
Honorable Kyrsten Sinema
Honorable Mark Kelly

¹ Available at: <https://www.whitehouse.gov/wp-content/uploads/2022/12/OSTP-CEQ-IK-Guidance.pdf>