August 11, 2023

Via Email (crbpost2026@usbr.gov)

Bureau of Reclamation
Attn: Post-2026 (Mail Stop 84-55000)
P.O. Box 25007
Denver, CO 80225

Re: The Hopi Tribe’s Comments on the Development of Post-2026 Operational Guidelines and Strategies for Lake Powell and Lake Mead

Dear Post-2026 Colorado River Operational Strategies Manager

The Hopi Tribe submits the following comments in response to the “Notice of Intent to Prepare an Environmental Impact Statement and Notice to Solicit Comments and Hold Public Scoping Meetings on the Development of Post-2026 Operational Guidelines and Strategies for Lake Powell and Lake Mead,” dated June 16, 2023 (88 Fed. Reg. 39455)

Modeling and Demand Assumptions

Consistent with the United States’ trust obligations, the modeling approach developed by the United States for post-2026 operational strategies should account for undeveloped and unsettled Hopi water rights.

The Hopi Tribe asserts rights to water from the Colorado River (including a share of Arizona’s 50,000 acre foot Upper Basin Colorado River entitlement) and other off-reservation resources to fulfill the homeland purpose of the Reservation. According to 2020 provisional numbers, approximately 39,000 afy of Arizona’s Upper Basin Colorado River entitlement is not currently being used. The modeling approach developed by the United States for post-2026 operational strategies should assume that this Upper Basin water will ultimately be used on the Hopi and Navajo Reservations in Arizona, and that pending use Hopi and Navajo will control the water for purposes of marketing and creation of intentionally created surplus. In addition, the Arizona Water Settlement Agreement among the United States of America, the State of Arizona, and the Central Arizona Water Conservation
District dated August 16, 2004 sets aside 3,500 acre feet of uncontracted Arizona fourth priority mainstream Colorado River water for use in a future Navajo-Hopi Indian water rights settlement. As with the unused Arizona Upper Basin Colorado River water, the modeling approach developed by the United States for post-2026 operational strategies should assume that this Lower Basin water will ultimately be used on the Hopi and Navajo Reservations in Arizona, and that pending use Hopi and Navajo will control the water for purposes of marketing and creation of intentionally created surplus. The unused tribal water has value in the system. The United States should account for the unsettled federal reserved water rights, including the Hopi Tribe’s federal reserved water rights.

Tribal Consultation

The Hopi Tribe has numerous tribal trust assets, resources, and interests in the Colorado River Basin that may be affected by a change in operations. All alternatives must address any potential impacts to Hopi trust assets, resources, or interests. Potential impacts disclosed and analyzed must be direct and indirect. Reclamation has an obligation to disclose to Hopi in government-to-government consultation the potential impacts to Hopi of any proposed changes in operations.

Tribal Engagement

As the Hopi Tribe has stated previously, the Tribe is committed to being part of the solution to the Colorado River system crisis. Water is LIFE to the people of Hopi. The Grand Canyon River corridor is a place of paramount sanctimony and sacredness. It is the place of emergence and where Hopi return when they pass on. It is the place where we made our covenant to be stewards of the land, including the land encompassing the Grand Canyon. Being stewards is the most important core value of Hopi. Involvement in managing this precious resource allows us to be stewards on behalf of our ancestral lands and allows us to fulfill our sacred covenant.

The Hopi Tribe supports the recent efforts of the Bureau of Reclamation to create a forum for the Federal Government, the States, and the Basin Tribes to share information and find solutions for the future operations of the system. The Hopi Tribe wishes for continued fair and equal consultation among other stakeholders in this process.

Sincerely,

[Signature]
Timothy L. Nuvangyaoma, Chairman
Hopi Tribe

Cc: File