

Water & Tribes in the Colorado River Basin

Basin-wide Workshop

February 13-14, 2019

TABLE 9-A

Opportunities for Potential Future Action Identified by the Ten Tribes Partnership and the Bureau of Reclamation

The ordering of these lists does not imply a priority

Category	Ten Tribes Partnership	Bureau of Reclamation
Partnerships	<ul style="list-style-type: none"> • Establish mechanisms with federal partners to include tribes in the formal and informal discussions among the Basin States and between the Basin States and DOI concerning the management and operation of the Colorado River. • Work to obtain tribal participation with the Upper Colorado River Commission. • Work to obtain greater tribal input in Reclamation's long-term planning for the Lower Basin. • Work with federal, state and local governments to include tribal representation in water management agencies. • Foster and strengthen stakeholder relationships with non-governmental organizations working within the Basin. • Foster and strengthen stakeholder relationships to facilitate local and regional planning as future tribal water development occurs. • Create model programs for tribal development in cooperation with neighboring communities and entities. 	<ul style="list-style-type: none"> • Build on the momentum and dialogue of the Tribal Water Study to increase the effectiveness of partnerships when new challenges and opportunities arise. • Facilitate planning efforts among Basin water users, stakeholders, and tribes to develop regional and local water management solutions, thereby reducing the likelihood of conflict. • Facilitate tribal involvement with DOI/Reclamation and Basin States discussions concerning management and operation of the Colorado River System. • Continue to improve relations with tribes at a regional and local level with respect to water issues of mutual concern. • Foster and strengthen stakeholder relationships with non-governmental organizations working within the Basin.
Conservation and Drought Management	<ul style="list-style-type: none"> • Develop and implement on-reservation conservation measures consistent with protecting the full extent of Indian reserved water rights for tribal benefit. • Develop tribal drought management plans including response actions consistent with tribal priorities for the use of their water rights. 	<ul style="list-style-type: none"> • Continue to include tribes as additional drought mitigation tools are explored in the Basin, including infrastructure improvements. • Explore opportunities to assist tribes in water conservation efforts and system efficiency improvements, including targeted outreach and partnerships. • Increase the integration of water/energy-efficiency programs and resource planning.

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Category	Ten Tribes Partnership	Bureau of Reclamation
Recognition and Use of Federal Indian Reserved Water Rights in the Basin	<ul style="list-style-type: none"> Fully adjudicate or otherwise secure full legal recognition of federal Indian reserved water rights in the Basin. The Partnership Tribes will pursue appropriate legal, policy and regulatory avenues which allow tribes the flexibility to fully use their water and realize full economic benefit therefrom. 	<ul style="list-style-type: none"> Work with agencies and tribes to prioritize the identification of legal, policy, and regulatory constraints to full use of tribal water. Explore opportunities that enhance tribes' ability to put their water to full beneficial and economic use.
Continuous and Sustainable Funding	<ul style="list-style-type: none"> Use existing studies and conduct additional economic and engineering assessments as needed to determine long-term tribal water infrastructure needs. Explore options for generating dedicated revenue to finance infrastructure development and operation, maintenance and replacement costs. This could include: <ul style="list-style-type: none"> Determining whether operation and maintenance (O&M) fees and project funding for tribal and BIA-managed facilities are adequate to maintain irrigation facilities; and Evaluating opportunities to increase tribal management and oversight of BIA Indian irrigation projects. Enhance access of Partnership Tribes to WaterSMART and other federal funding programs, including establishing tribal waivers for cost-share matching funds. 	<ul style="list-style-type: none"> Conduct comprehensive outreach to ensure that tribes are informed of Reclamation's technical assistance programs and WaterSMART funding opportunities. Partner with other federal agencies to understand and communicate funding opportunities available to tribes to develop the expertise, funding and/or resources for comprehensive water management planning and implementation. Facilitate enhanced coordination among existing programs, such as with U.S. Department of Agriculture. Explore ability to build tribal capacity regarding grant writing to increase competitiveness when applying for federal assistance.
Environmental Water Uses	<ul style="list-style-type: none"> Work with state and federal partners to ensure that environmental flows are included in water management plans to help protect ecosystems and cultural values. Work with federal partners to address the Partnership Tribes' preferred approach of including existing Indian reserved water rights and future settlements in the environmental baselines developed as part of Endangered Species Act Section 7 consultations with the U.S. Fish and Wildlife Service so tribes are not disproportionately burdened with further compliance. 	<ul style="list-style-type: none"> Investigate opportunities for tribes to participate in water management for the protection or restoration of flows for environmental, recreational, and cultural purposes.

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Data Collection and Tools for Water Management	<ul style="list-style-type: none"> • Seek to implement state-of-the-art technology for collecting tribal water supply and use data. • Develop coordinated and accurate water accounting systems among Partnership Tribes, state and federal entities in the Upper Basin. • Refine CRSS to account for water use by the Partnership Tribes on a finer spatial resolution and to improve the understanding of the specific areas of the Basin likely to experience effects of future state and tribal water development. • Work with state and federal partners to install additional stream flow gages using cost-sharing agreements among the Partnership Tribes, U.S. Geological Survey, Reclamation, BIA, and state entities to further the understanding of the effects of changing water supply on Partnership Tribes and future water development to non-tribal users. 	<ul style="list-style-type: none"> • Explore developing or revising models to incorporate a finer spatial resolution than is currently represented in CRSS, which would more accurately locate tribal diversions. • Explore developing the capability to track senior priority federal Indian reserved water rights of the Partnership Tribes and their use on a per-user basis. • Facilitate coordinated and defensible water accounting throughout the Basin. • Assist tribes to develop state-of-the-art technology to help with monitoring and measuring water supply and use data.
Educational Opportunities	<ul style="list-style-type: none"> • Seek venues to educate all Basin stakeholders about Indian reserved water rights and development. • Partner with existing educational programs or develop new programs to teach or enhance farming and ranching techniques, and create related job opportunities. • Partner with existing programs or develop new programs to encourage and train tribal participants in operating, monitoring, maintaining and replacing agricultural irrigation systems and municipal sanitation and distribution systems. Existing programs include: <ul style="list-style-type: none"> ○ WaterOperator.org ○ Native American Water Masters Associations (NAWMAs) ○ BIA Water Resources Technician Training Program • Establish an online mechanism to provide a central location for Partnership Tribes to learn about educational and funding opportunities. 	<ul style="list-style-type: none"> • Assist tribes to increase their capacity in water management, including partnering with other federal agencies providing water-related training and services for tribes.

Tribal Action Survey: Priorities Across Ten Tribes

1. Explore ways for Partnership Tribes to use their water that otherwise may be constrained by the Law of the River or other legal impediments
2. Advocate for tribal waivers of the requirement for matching funds in federal water-related funding programs
3. Pursue full resolution and implementation of all Indian reserved water rights claims
4. Draft and propose appropriate legislation to authorize the interstate use of a Indian reserved water rights

5. Inform other communities that a substantial amount of tribal water is going to be re-directed for tribal use; coordinate efforts to work with Partnership Tribes to develop regional solutions to reduce conflict
6. Work with BIA to develop programmatic right-of-way agreements to simplify obtaining rights-of-way for domestic, commercial, municipal, and industrial projects
7. Explore the installation of more gages and water meters, including using cost-sharing agreements among Partnership Tribes, U.S. Geological Survey, Reclamation, and state entities
7. Broaden the access to federal expertise to finance water infrastructure through specialized programs within the DOI and within the Environmental Protection Agency such as the Natural Resource Investment Center and Tribal Infrastructure Task Force
8. Support rigorous accounting of water use throughout the Basin

9. Examine and, if deemed helpful, propose changes to 25 CFR Part 171 to improve tribal participation in BIA irrigation operations
10. Work with environmental organizations and other NGOs to pursue water related projects
11. Engage in public outreach/education to demonstrate the economic value of healthy waterways – including commercial, environmental, cultural, and recreational values
11. Encourage the use of measurement-based automation to help with the priority-based administration of diversions
12. Consider developing a tribal loan program specifically for agricultural infrastructure development, rehabilitation, and storage development

13. Solidify base funding and training opportunities for tribal program staff to develop and implement domestic and municipal water and waste water programs
14. Expand the use of categorical exclusions to reduce the burden of National Environmental Policy Act compliance on Partnership Tribes
14. Consider including all adjudicated and settled federal Indian reserved water rights in the environmental baselines developed as part of consultations with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act

Organizing the Priorities

- **Legal/Policy/Administrative**

1 – 3 - 4 – 6 – 8 – 9 - 14

- **Financing**

2 – 7 – 12 - 13

- **Communications**

5 – 11

- **On-the-Ground**

7 – 10 - 11

Individual Tribal Needs, Interests, & Priorities

- What is your single most important need, interest, or priority?
- What is your next step to address this issue?
- What, if anything, do you need to address this issue?