

# [***ARTICLES: Voices of the River: The Rise of Indigenous Women Leaders in the Colorado River Basin***](https://advance.lexis.com/api/document?collection=analytical-materials&id=urn:contentItem:68YN-3K61-F0R8-C466-00000-00&context=1516831)

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**Highlight**

Abstract

Climate change is one of the leading challenges facing tribes today. Traditionally, Indigenous women played significant roles in tribal decision-making and governance. However, European contact and colonization shifted gender dynamics, imposing male-dominated leadership. Recently, Native American women are reclaiming leadership positions - formally within tribal government, as well as informally in prominent community roles. These women are poised to lead the way in protecting their communities against climate change impacts, but support is critical to sustaining pathways to leadership. This article discusses the disproportionate impacts of climate change on tribes and highlights the rise of Indigenous female leadership within the ***Colorado*** ***River*** Basin to confront these challenges.

**Text**

**[\*266]**

**Introduction**

Many tribes in the ***Colorado*** ***River*** Basin ("Basin") are matrilineal.[[2]](#footnote-3)1 In these communities, women historically played a significant role in holding and dispensing traditional knowledge. Women also held positions of leadership, shared in decision-making, and helped direct the future of their tribal communities. For example, women in the Ute society "participated in councils, were active in warfare, and provided leadership and power in spiritual matters."[[3]](#footnote-4)2 However, due to colonization, the traditional role of women was disrupted and displaced, in part through the patriarchal social structure imposed by the United States. It is only more recently, beginning at the end of the twentieth century and continuing to present day, that Indigenous women have begun to reclaim their decision-making authority to improve the well-being of their people.[[4]](#footnote-5)3 As tribal communities continue to heal and restore kinship traditions, more women are serving in leadership roles and having an impact on important issues, including climate change.

Tribal communities are experiencing the first and worst consequences of climate change.[[5]](#footnote-6)4 As stewards of this land since time immemorial, tribes have a deep understanding of the environment. Referred to as Traditional Ecological Knowledge, or Indigenous science, tribes possess local knowledge of the natural environment that provides a **[\*267]**holistic view of the ecosystem and insight into relationships between people, plants, animals, and the broader landscape.[[6]](#footnote-7)5 Endowed with such knowledge, tribes are poised to lead the way in responding to a changing climate. "[I]ndigenous peoples interpret and react to the impacts of climate change in creative ways, drawing on traditional knowledge and other technologies to find solutions which may help society at large to cope with impending changes."[[7]](#footnote-8)6 Indeed, several tribes have established climate change adaptation and mitigation plans that incorporate traditional knowledge.[[8]](#footnote-9)7

Tribes within the Basin are not exempt from the effects of climate change. Prolonged droughts are compounding water scarcity in the Basin, which in turn has significant health and cultural impacts to tribal communities.[[9]](#footnote-10)8 Although each of the thirty tribal nations within the Basin are unique and independent, many of the tribes view water as sacred and have a special relationship with the ***Colorado*** ***River***.[[10]](#footnote-11)9 "As climate change threatens to dramatically change the environment, culture and tradition that is tied to environmental occurrences is threatened."[[11]](#footnote-12)10 The Law of the ***River*** (i.e., the collective rules, regulations, laws, and agreements governing the ***Colorado*** ***River***) and its history adds another layer of complication. Beginning with the ***Colorado*** ***River*** Compact of 1922, tribes were generally excluded from decisions made regarding ***river*** management.[[12]](#footnote-13)11 And yet, tribes have significant rights to the ***River***.[[13]](#footnote-14)12 As the gap between water supply and demand expands - in part due to a **[\*268]**warming climate - ***Colorado*** ***River*** stakeholders and policymakers increasingly recognize that tribes need to be a part of the decision-making process and that they can contribute to creative solutions.[[14]](#footnote-15)13 Indigenous women are stepping forward in a variety of leadership roles to ensure tribal representation and inform tribal responses to climate change. While addressing current threats to their community, Indigenous women are simultaneously healing from the past and restoring traditional roles.

This article highlights the rise of Indigenous female leadership in the Basin. It begins by providing a background of the important role that women historically played in many tribal communities until they were displaced by patriarchal colonization. Next, this Article discusses disproportionate tribal impacts of climate change, along with the history of federal policies that have left tribes vulnerable to such impacts. With that context in place, the article then utilizes a storytelling approach to share tribal perspectives on the traditional and cultural values within the Basin and how those values and traditions are threatened by climate change. The article concludes by featuring several distinct Indigenous female voices in the Basin and reflecting upon how these women are restoring matrilineal leadership roles to protect tribal interests generally, and more specifically, within the context of climate change.

**I. A Sanctioned Patriarchy**

Prior to colonization, Indigenous women enjoyed a significant amount of respect and autonomy within their communities.[[15]](#footnote-16)14 While the role of women varied based upon the specific tribe to which they belonged,[[16]](#footnote-17)15 "[i]n many tribes, women have played an important role in day-to-day tribal operations, tribal governance, and the practice of the **[\*269]**tribe's religious traditions."[[17]](#footnote-18)16 But, the arrival of European settlers brought deep, long-lasting changes to Native societies.[[18]](#footnote-19)17 Under the ideology of Manifest Destiny, "[t]he Europeans and their descendants were ordained by destiny to rule all of America. They were the dominant race and therefore responsible for the [Indigenous population] - along with their lands, their forests, and their mineral wealth."[[19]](#footnote-20)18 This belief stemmed from the Doctrine of Discovery, which served as the legal basis for Euro-Americans to acquire property rights over the lands of Native peoples.[[20]](#footnote-21)19 "Under the ethnocentric justifications of Discovery, Americans possessed the only valid religions, civilizations, governments, laws, and cultures, and Divine Providence intended these people and their institutions to control and own North America."[[21]](#footnote-22)20

The elevation of settler societies over Indigenous ones continued after establishment of the United States and through treaties entered into between the federal government and tribes.[[22]](#footnote-23)21 While tribes were recognized as sovereign nations, they were also coined "domestic dependent nations," reliant upon the federal government for protection.[[23]](#footnote-24)22 Their relationship to the United States has been described as that of a ward to his guardian.[[24]](#footnote-25)23**[\*270]**"Since our nation's founding, the United States and Native Americans have committed to and sustained a special trust relationship, which obligates the federal government to promote tribal self-government, support the general wellbeing of Native American tribes and villages, and to protect their land and resources."[[25]](#footnote-26)24 However, the federal government has largely failed in this responsibility.[[26]](#footnote-27)25 Moreover, as discussed further below, through gender-related policies and other actions, the federal government unsettled tribal communities and disrupted longstanding practices, including the traditional role of Indigenous women.

There are 574 federally recognized tribes in the United States today.[[27]](#footnote-28)26 Historically, up to an estimated one-fourth of tribes were matrilineal.[[28]](#footnote-29)27 The organization of these tribes generally reflected "a system of gendered checks and balances that strove to ensure that women's voices could always be heard and respected on all issues of tribal policy."[[29]](#footnote-30)28 As a result, women were allowed to take on additional community responsibilities, including active involvement in the political life of the tribe.[[30]](#footnote-31)29 While limited examples of women serving as chiefs or principal leaders exist, "women were consulted about important decisions that affected all of their people on matters that extended to the economic and the political."[[31]](#footnote-32)30 In some communities, the women selected and had authority to remove the tribe's chief.[[32]](#footnote-33)31 "[W]omen held the power to initiate or end warfare and, even more importantly, had the ability to name tribal council members."[[33]](#footnote-34)32 Oral histories recount that Navajo women were present in council proceedings and that they influenced decisions male leaders made on behalf of their people.[[34]](#footnote-35)33 Similarly, Ute women participated in tribal decision-making, providing "leadership and power in **[\*271]**spiritual matters[.]"[[35]](#footnote-36)34 In matrilineal societies, Native women often owned and controlled wealth, possessing property rights and substantial property interests.[[36]](#footnote-37)35 For example, Navajo women's traditional rights included land-use rights as well as property and livestock rights.[[37]](#footnote-38)36

Even in patrilineal tribes, women provided communal support and served important roles integral to the tribe.[[38]](#footnote-39)37 For example, Fort Mojave women bear their family or clan name - names that were given to them by the creator *Matavilya*, and handed down by their ancestors since time immemorial.[[39]](#footnote-40)38 In contrast, the men are silent carriers: "[Matavilya] gave the names to the men, not to use, but to carry to their daughters to use."[[40]](#footnote-41)39 In many Native communities, gender roles were more flexible and viewed as complementary rather than hierarchal.[[41]](#footnote-42)40 Overall, "women made decisions that affected the survival and well-being of their communities."[[42]](#footnote-43)41

However, colonization dramatically changed traditional ways of life. Aside from dispossessing Indigenous peoples of their lands, settlers brought their own concepts of gender roles and governance. "When Europeans came to the shores of America, their culture was structured on Judeo-Christian values, which traditionally emphasized the importance of a patriarchal family and community."[[43]](#footnote-44)42 Under such beliefs, women were created to be a companion to men, not their equal.[[44]](#footnote-45)43 As a result, women were viewed as property - belonging to their husband or male relatives - without their own legal rights.

**[\*272]**

When a man and woman were married in Western countries, the "two became one," in accordance with Christian religious traditions. The unity of marriage resulted in the wife losing her ability to control her own property and other assets she could not sue or be sued, enter into contracts without the consent of her spouse, pursue a profession or even have legal custody over her children. Essentially, once a woman was married, European and American legal systems placed her under the dominion and control of her husband.[[45]](#footnote-46)44

At the time of the United States' formation, civic responsibilities were exclusively under the control of men and women generally did not participate in the legal system.[[46]](#footnote-47)45 The Declaration of Independence established Western governance based on the "idea of equality" and "principles of democracy."[[47]](#footnote-48)46 But, certain groups continued to be excluded, including women and Native Americans.[[48]](#footnote-49)47

Early U.S. Supreme Court cases reflect these inequities and established legal precedent for applying sexist and racist views. When presented with a case where a woman sought to engage in the practice of law, the Supreme Court enforced patriarchal values and Euro-American gender roles.[[49]](#footnote-50)48 In *Bradwell v. State of Illinois,* Myra Bradwell alleged that the Illinois Supreme Court violated the Fourteenth Amendment by dening her a license to practice law solely because she was a woman.[[50]](#footnote-51)49 The U.S. Supreme Court upheld the Illinois Supreme Court decision, and with it, sanctioned barriers to equal opportunities for women. In support of its decision, the Supreme Court stated: "That God designed the sexes to occupy different spheres of action, and that it belonged to men to make, apply, and execute the laws, was regarded as an almost axiomatic truth."[[51]](#footnote-52)50

With respect to Native Americans, "steadfast beliefs in white superiority and Indian savagery became central organizing principles in the decisions made by the Supreme Court when addressing questions **[\*273]**related to Indian rights."[[52]](#footnote-53)51 In a seminal case establishing the basic principles underlying federal Indian law, the Supreme Court described "the tribes of Indians inhabiting this country [as] fierce savages, whose occupation was war, and whose subsistence was drawn chiefly from the forest. To leave them in possession of their country, was to leave a wilderness, to govern them as a distinct people, was impossible."[[53]](#footnote-54)52

From its earliest interactions with Native Americans, the federal government imposed patriarchal views and practices.[[54]](#footnote-55)53 "[F]or nearly the first century of its history, the United States continued prior colonizers' practices of negotiating with tribes for land cessions."[[55]](#footnote-56)54 By 1869, the federal government had entered into 375 treaties with tribes.[[56]](#footnote-57)55 These treaties typically established a reservation as a permanent homeland for the tribe and its people in exchange for relinquishment of the tribe's aboriginal territory.[[57]](#footnote-58)56 During treaty negotiations, the federal government generally ignored Native women and their role within the tribe. For example, in the Navajo Nation Treaty of 1868, only men were referred to as heads of household and eligible for 160 acres, even though Navajo women were eligible to and did own land.[[58]](#footnote-59)57 Such action equated "to forcibly convert[ing] matrilineal societies to patrilineal ones by reassigning land ownership to men and changing inheritance laws."[[59]](#footnote-60)58

Following the end of the treaty making era in 1871, a series of federal policies were subsequently enacted to assimilate Native Americans into Euro-American society.[[60]](#footnote-61)59 Through the General Allotment Act of 1887 **[\*274]**(commonly known as the "Dawes Act"), Congress divided up and allotted tribal lands to individual tribal members on the presumption that tribal members would cultivate the land and assimilate into mainstream American society as farmers.[[61]](#footnote-62)60 The Dawes Act "was designed for two purposes: to open more land for settlement and to destroy tribes as distinct political communities."[[62]](#footnote-63)61 Less than fifty years after the Dawes Act was passed and the allotment policy abandoned, tribal lands had been reduced from 138 million acres to forty-eight million acres.[[63]](#footnote-64)62 Relocation and assimilation policies also threatened the interdependence of extended family networks, which had enabled cooperative gender roles.[[64]](#footnote-65)63 With the traditional, complementary nature of female-male relations destroyed, Indigenous women were subjected to greater male control.[[65]](#footnote-66)64

In a shift from forced assimilation to greater tolerance of tribal sovereignty, Congress passed the Indian Reorganization Act of 1934 (IRA).[[66]](#footnote-67)65 However, the IRA still sought to impose Euro-American values on Native Americans by encouraging tribes to adopt new forms of governance, which generally conflicted with traditional forms of Native governance.[[67]](#footnote-68)66 "In effect, the federally sanctioned "reforms' imposed a structural hierarchy upon tribes and actually limited the political participation of tribal members, who, in many cases, had previously enjoyed a greater role."[[68]](#footnote-69)67 Women, in particular, "found their political influence diminished."[[69]](#footnote-70)68 Although some tribes, such as the Navajo Nation, rejected the IRA, they remained subject to government rule based on Western democratic principles, which looked to men to fill leadership roles.[[70]](#footnote-71)69 As a result, women continued to lose power politically.[[71]](#footnote-72)70

Indigenous family structures and traditional societal roles were further disrupted by the boarding school era. Between 1819 to 1969, the **[\*275]**United States removed Native children from their homes and communities under the guise of education and placed them into over 400 federal Indian boarding schools across thirty-seven states (or then territories).[[72]](#footnote-73)71 "Federal Indian boarding schools "were designed to separate a child from his reservation and family, strip him of his tribal lore and mores, force the complete abandonment of his native language, and prepare him for never again returning to his people.'"[[73]](#footnote-74)72 Children were forbidden from speaking their tribal language, conducting cultural practices, and exercising their religion.[[74]](#footnote-75)73 They were taught "Western values, including notions of "proper' gender roles."[[75]](#footnote-76)74 "This separation from family and community led to a decrease in women having leadership roles in most Native societies."[[76]](#footnote-77)75 Boarding schools also emphasized gendered tasks for girls, such as needlework and cleaning, which contributed to the disparity "between the roles women once held and now hold in Native communities," including decreased economic independence.[[77]](#footnote-78)76

Up until the early 1970s, federal policies systematically displaced traditional Indigenous practices, including the role of women. "Patriarchal institutions and social systems supplanted those previously indigenous forms."[[78]](#footnote-79)77 As new, Euro-American value systems were adopted, disagreements within tribes began to occur regarding who was most qualified to lead and resulted in the degradation of the role and status of Native women.[[79]](#footnote-80)78 Within the United States broadly, obtaining the right to vote was crucial to providing women with a "voice in the laws that would affect them" and "open[ing] the door to their ability to dismantle the patriarchal legal and societal system which had oppressed them."[[80]](#footnote-81)79 Although women were granted the right to vote with the passage of the Nineteenth Amendment in 1920,[[81]](#footnote-82)80 greater gender equality has remained **[\*276]**elusive. Women - Native and non-Native - continue to be underrepresented in political positions[[82]](#footnote-83)81 and women rights continue to be challenged.[[83]](#footnote-84)82

In a message to Congress on July 8, 1970, President Nixon set a new direction for federal Indian policy, ushering in the self-determination era.[[84]](#footnote-85)83 This modern era brought a strong emphasis on Native American decision-making and an acknowledgment that tribes should be the primary driver of Indian policy through the exercise of their inherent sovereign powers.[[85]](#footnote-86)84 Federal laws enacted during the self-determination era allowed tribes to take greater control over their communities.[[86]](#footnote-87)85 "[T]ribes in the current era of self-determination expect and demand government-to-government relations, rather than assuming the earlier role of a dependent subject to paternalistic management by non-Indian governments."[[87]](#footnote-88)86 This change in federal policy also allowed tribes to better protect their cultural sovereignty, to reclaim their culture and traditions.[[88]](#footnote-89)87 Overall, the self-**[\*277]**determination era brought a new wave of tribal leadership, this time including women.[[89]](#footnote-90)88 "Since the 1970s, an increasing number of women have held a variety of elected or appointed positions in their tribal governments."[[90]](#footnote-91)89 Additionally, many tribes, such as the Navajo Nation, are recognizing women's traditional rights as part of their tribal laws.[[91]](#footnote-92)90

**II. Protecting Indigenous Ways of Life in a Changing Climate**

Indigenous peoples are part of the front-line communities experiencing the first and worst impacts of climate change.[[92]](#footnote-93)91 "Colonization by the United States, coupled with its subsequently enacted federal policies, have exacerbated tribal vulnerabilities to climate change by creating systemic inequities."[[93]](#footnote-94)92 Indeed, the federal government's failure to uphold its treaty and trust responsibilities has contributed to various factors - such as low socioeconomic status, health disparities, and degraded infrastructure - that increase exposure and lower resilience in many Native American communities.[[94]](#footnote-95)93 To better understand how Indigenous women are stepping up to protect their people and homelands, this Part first identifies the climate-related challenges experienced in the Basin.

In the West, climate change impacts include extreme drought, reduced snowpack, and flooding events.[[95]](#footnote-96)94 Such impacts affect "tribal **[\*278]**communities and tribal waters in unique ways due to the deep connections between indigenous people and the environment, as well as the strong land-based values and subsistence activities practiced by many indigenous peoples."[[96]](#footnote-97)95 A warming climate negatively affects "ecological and landscape health, economic livelihoods, water quality and quantity, and traditional and cultural practices."[[97]](#footnote-98)96 Protecting water is important not only to human health, but it is also part of traditional knowledge systems governing the mutual relationship between Indigenous peoples and water.[[98]](#footnote-99)97

Climate change is threatening the lifeblood of the Southwest: the ***Colorado*** ***River***. "The ***Colorado*** ***River*** is the single most important water resource in the Southwestern United States and Northwestern Mexico[.]"[[99]](#footnote-100)98 The ***River*** supports forty million people, 4.5 million acres of irrigated land, twenty-two National Parks/Wildlife Refuges/Recreation Areas, and uncounted wildlife across seven states and thirty tribal nations before crossing into Mexico.[[100]](#footnote-101)99 The ***River*** is in crisis, with aridification and megadroughts contributing to a decreased supply and over-allocation.[[101]](#footnote-102)100 In the past twenty years, ***river*** flows have been reduced by almost twenty percent and studies predict an additional twenty to thirty percent decrease by 2050.[[102]](#footnote-103)101

When the federal government established and removed tribes onto reservations, it did so with the promise that the reservation would be a **[\*279]**permanent homeland for the tribe.[[103]](#footnote-104)102 "In the arid West, it is clear - no lands can be a permanent homeland without an adequate supply of water."[[104]](#footnote-105)103 In *Winters v. United States*, the U.S. Supreme Court held that tribes have a reserved right to water sufficient to fulfill the purposes of their reservation.[[105]](#footnote-106)104 Indeed, tribal water rights can be a matter of life or death in the Basin, given that "most of the [reservation] lands were of the desert kind - hot, scorching sands - and .… water from the [***Colorado***] ***river*** would be essential to the life of the Indian people and to the animals they hunted and the crops they raised."[[106]](#footnote-107)105

At present, twenty-two of the thirty federally recognized tribes in the Basin have established rights to approximately twenty-two to twenty-six percent of the Basin's average annual water supply.[[107]](#footnote-108)106 Unresolved water rights claims of twelve tribes will likely increase the overall volume of tribal water rights in the Basin to thirty percent.[[108]](#footnote-109)107 Despite having considerable interests in the Basin, tribes were not included in the original discussions and decisions governing the ***River***, including the 1922 ***Colorado*** ***River*** Compact that established and allocated water between the Upper Basin (***Colorado***, New Mexico, Utah, and Wyoming) and the Lower Basin (Arizona, California, and Nevada).[[109]](#footnote-110)108 "This should not come as a surprise. Federal Indian policy at that time was characterized by an assimilationist agenda so overbearing and destructive that it might best be described as domestic imperialism."[[110]](#footnote-111)109

However, there is an increasing recognition that tribes must be a **[\*280]**part of ***Colorado*** ***River*** management decisions going forward.[[111]](#footnote-112)110 In 2021, the Utah legislature established the ***Colorado*** ***River*** Authority of Utah in anticipation of the renegotiation of ***Colorado*** ***River*** operating guidelines.[[112]](#footnote-113)111 The Authority is composed of seven authority members: five members representing ***Colorado*** ***River*** authority areas, one representing the governor, and one representing tribal interests.[[113]](#footnote-114)112 While the tribal interest member does not legally represent any tribal nation or government, the representative's role is intended to ensure that a "tribal voice is heard when necessary."[[114]](#footnote-115)113 The Authority is also required to consult with tribes regarding the ***Colorado*** ***River*** system.[[115]](#footnote-116)114 "In past legal struggles, the United States Supreme Court has described states as the deadliest enemy of tribes."[[116]](#footnote-117)115 Inclusion of a Native voice and statutorily mandated consultation can facilitate state-tribal partnerships.

Additionally, in the fall of 2022, and for the first time in history, states and tribes in the Upper ***Colorado*** ***River*** Basin began formally meeting to jointly discuss ***river*** negotiations.[[117]](#footnote-118)116 Referred to as the Upper Basin Tribal State Dialogue, these meetings have been critical in bringing together tribal, state, and federal perspectives and building relationships.[[118]](#footnote-119)117 The discussions led to development of a joint framework for near and long-term operations of the ***River*** by the Upper Basin States and four (out **[\*281]**of six) of the Upper Basin Tribes.[[119]](#footnote-120)118 Near-term actions identified include supporting a conservation pilot program with tribal involvement and exploring ways for tribes to benefit from recognized water rights that have not been fully deployed.[[120]](#footnote-121)119 A primary long-term action is to consider new management guidelines that promote reliable water supplies for all water users, resources and sectors and rules that adaptable, implementable, sustainable, and equitable.[[121]](#footnote-122)120 Transmitted to the Secretary of the Interior in November 2022, the framework is the first time that tribes and states have jointly proposed an operational scenario for the Basin.[[122]](#footnote-123)121 An oral response to the framework was provided on the Secretary's behalf at a Tribal State Dialogue meeting on May 9, 2023.[[123]](#footnote-124)122 According to Anne Castle, U.S. Commissioner to the Upper ***Colorado*** ***River*** Commission, "the Commissioner of Reclamation has been fully supportive and has directed her staff to continue to work with the Upper Basin Tribal State Dialogue to develop processes and mechanisms for carrying out the activities addressed in the framework."[[124]](#footnote-125)123

At the ***Colorado*** ***River*** Water Users Association 2022 Annual Conference, ***Colorado*** ***River*** Indian Tribal Councilman Amelia Flores reflected on the need to overcome conflict and build partnerships: "The [***Colorado*** ***River***] compact is a huge puzzle, and that puzzle is dividing us. It's dividing people today the same way the writers of the compact divided water users 100 years ago. Now is the time for us to give back to the ***river***, to keep the ***river*** flowing, and it's going to take all of us to do that."[[125]](#footnote-126)124**[\*282]**Nascent state-tribal partnerships, such as the ***Colorado*** ***River*** Authority of Utah and Upper Basin Tribal State Dialogue, create optimism that past harms will be alleviated and tribal interests will be protected.[[126]](#footnote-127)125

In the meantime, tribes are not simply waiting around to be included. Formed in 1992, "[t]he Ten Tribe Partnership is a coalition of Upper and Lower Basin Tribes that have come together to claim their seat at the table and raise their voices in the management of the ***Colorado*** ***River*** as water challenges persist."[[127]](#footnote-128)126 The Partnership recognizes that "[w]ater is the giver and sustainer of life" and roots stewardship of the ***River*** in a spiritual mandate "to ensure that this sacred water will always be protected, available and sufficient."[[128]](#footnote-129)127 The goal of the Partnership "is to increase the influence of tribes in ***Colorado*** ***River*** management and provide support for the protection and use of tribal water resources."[[129]](#footnote-130)128 The Partnership also collaborated with the Bureau of Reclamation to produce a first-of-its-kind report analyzing current tribal water use and projected future water development to improve planning and decision-making in the Basin.[[130]](#footnote-131)129 The report recognized climate impacts as a key consideration in ***River*** management: "[E]ven under the most favorable of circumstances for rapid tribal water development, the amount of water that will be used by the Tribes is dramatically overshadowed by the effect of climatic conditions on the overall supply of water in the Basin. Nature is still in charge."[[131]](#footnote-132)130

Tribal involvement in ***Colorado*** ***River*** governance is particularly important to protect the unique values and cultural significance that the ***River*** holds for many tribes. "The ***Colorado*** ***River*** system is the very place of origin for several Native American communities.… [N]ot only are the ***river*** system's corridors places of emergence and migration for Native peoples, they are also places to which tribal members will return when **[\*283]**they pass on."[[132]](#footnote-133)131 Navajo leaders consistently emphasized the importance of water in connection with their traditional homelands: "When Navajos were first created, four mountains and four ***rivers*** were pointed out to us, inside of which we should live, that was to be our country, and was given to us by the first woman of the Navajo tribe."[[133]](#footnote-134)132 Water, in general, is viewed as a sacred element of life to be respected, honored and protected.[[134]](#footnote-135)133 It is "the lifeline of Indigenous cultures, ceremonies, livelihood, and beliefs."[[135]](#footnote-136)134 In particular, the confluence of the ***Colorado*** and Little ***Colorado*** ***Rivers*** is a sacred area to seven tribes: Hopi, Zuni, Navajo, Havasupai, Southern Paiute, Apache, and Hualapai.[[136]](#footnote-137)135 Reduced water supply is threatening the confluence water sources, including the Hopi *Sipapuni* (also known as *SIpapu*) - a central and sacred place for the Hopi.[[137]](#footnote-138)136 "*Sipapuni* is the umbilical cord to the ***Colorado*** Plateau .… There's less and less water feeding *SIpapu* to keep the heart beating, the heart of the mother earth."[[138]](#footnote-139)137 Unless action is taken, climate change will further adversely affect this sacred water source.

Tribes across the country "have been able to respond to climate change by crafting their own self-governed approach to climate resiliency and mitigation practices."[[139]](#footnote-140)138 Within the Basin, the Gila ***River*** Indian Community ("GRIC") has become a leader in water management.[[140]](#footnote-141)139 Almost a decade ago, GRIC collaborated with one of Arizona's largest utilities--the Salt ***River*** Project--to create the Gila ***River*** Water Storage LLC, building up long-term water storage credits that may be used for future developments and help address the challenges created by water scarcity.[[141]](#footnote-142)140 Most recently, GRIC stepped up as the first tribe to participate in drought mitigation measures under the Inflation Reduction Act.[[142]](#footnote-143)141 GRIC **[\*284]**will conserve 125,000 acre-feet of water in exchange for $50 million in funding, with the option to do so again in 2024 and 2025 for an additional $50 million each year.[[143]](#footnote-144)142 As noted by GRIC's legal counsel, "Tribes are central to the dialogue and the solutions and coming up [with a system conservation plan] before anybody else just confirms that."[[144]](#footnote-145)143 Recognizing that climate change is impacting the community's health, water, food sovereignty, and cultural resources, GRIC is also currently developing a climate change adaptation and resiliency plan.[[145]](#footnote-146)144

Indigenous women can be - and in many cases, already are - at the forefront of efforts to address climate change. In general, women have contributed to better outcomes for nature and people because they are more likely to "make decisions that support public good and nature, work out compromises, stand up for their beliefs, and provide fair pay and benefits."[[146]](#footnote-147)145 "On average, women are slightly more likely than men to be concerned about the environment and have stronger pro-climate opinions and beliefs."[[147]](#footnote-148)146 Women leaders also are more likely to foster climate policy solutions. Research has shown that when women are in positions of leadership, climate action increases and can help drive reductions in greenhouse gas emissions.[[148]](#footnote-149)147 For example, in one study, women in government positions "were more likely to sign on to international treaties to reduce global warming than men."[[149]](#footnote-150)148

Although these studies did not distinguish between Indigenous **[\*285]**and non-Indigenous women, in ongoing conversations on climate change, some Indigenous women have taken on responsibilities in this realm as part of collective action to support the continuance of their communities.[[150]](#footnote-151)149 For many, their land is at the "core of their spiritual identity."[[151]](#footnote-152)150 Considered a divine gift, these women have "felt a strong religious duty to protect their land in honor of their ancestors and to preserve it for future generations."[[152]](#footnote-153)151

Indigenous women also have traditional knowledge that can contribute to climate research and planning. "While, over the centuries, Tribal Nations have carried the painful scars of stolen land, forced removal, and genocide, they've also endured, survived, and proudly held on to the sacred traditions, unique traditional ecological knowledge, and the wisdom they inherited from their ancestors."[[153]](#footnote-154)152 Indeed, under the Biden Administration, the White House Office of Science and Technology Policy and Council on Environmental Quality jointly issued a memorandum recognizing Indigenous Traditional Ecological Knowledge (ITEK) as "one of the many important bodies of knowledge that contribute to the scientific, technical, social, and economic advancements of the United States and to our collective understanding of the natural world."[[154]](#footnote-155)153 The memorandum recognized that ITEK should inform federal decision making and is particularly important for developing climate responses.[[155]](#footnote-156)154 "Given that many indigenous women live close to the land, they may be acute observers of local manifestation of ecological changes, have knowledge of long time-scales of the environment where their communities have lived for generations, and have key insights for understanding the best strategies to adapt."[[156]](#footnote-157)155 With respect to water specifically, Indigenous peoples have a repository of knowledge related to its use as well as its spatial and temporal distribution.[[157]](#footnote-158)156 Overall, "Indigenous women carry the knowledge of their ancestors while also leading their communities into a resilient future. When indigenous women engage, climate policies and actions at every level benefit from their **[\*286]**holistic, nature-focused knowledge and leadership[.]"[[158]](#footnote-159)157

**III. Indigenous Women Rising**

Indigenous leadership is needed to protect tribal communities from the effects of climate change. Over the past few decades, Native women have increasingly stepped forward to assume leadership positions and restore their traditional, matrilineal roles. In 1998, LeNora Fulton became the second woman to run for president of the Navajo Nation, the highest leadership position within the tribe.[[159]](#footnote-160)158 In response to criticism that "Navajo women should not be leaders," she stated:

I know that we live in a time where every Navajo person is needed to fight for the survival of our Nation. Navajo women do have a place in politics, in the world of business, in education, in law and the judicial system, and it is time for Navajo women to take their place of leadership.[[160]](#footnote-161)159

Fulton's words remain true today, particularly in the fight to protect scarce water resources in a dry climate. Native women across the Basin are heeding the call to take their place of leadership.

As previously noted, the early 1970s launched a new federal policy era of tribal self-determination,[[161]](#footnote-162)160 which is premised on the principle that tribes should be the primary drivers of policy affecting their communities.[[162]](#footnote-163)161 During this time, there was a resurgence of cultural pride and renewal of traditional ways, which may have re-emphasized the important social and political role of women in some matrilineal tribes.[[163]](#footnote-164)162 For some tribes, such as Navajo Nation, the contemporary feminist movement impacted gender dynamics "by providing women with more economic opportunities."[[164]](#footnote-165)163 While few Native Americans participated in the movement, Native women benefited from changes in national policies that brought greater opportunities to women in general.[[165]](#footnote-166)164 For example, the feminist movement led to passage of federal laws that improved **[\*287]**women's education, including Native women.[[166]](#footnote-167)165 Since the mid- to late 1970s, Navajo female students have increasingly surpassed the number of male students, particularly in higher education.[[167]](#footnote-168)166 This trend is also seen on a broader scale across all Native American student enrollment.[[168]](#footnote-169)167 Improvements in education created more employment opportunities, which in turn led to greater economic independence.[[169]](#footnote-170)168 Native American women-owned business grew and Native women outpaced their male counterparts in the private sector as well.[[170]](#footnote-171)169 However, male dominance of tribal leadership remained prominent until the twenty-first century.[[171]](#footnote-172)170

More recently, Indigenous women have begun to reclaim leadership roles within their communities.[[172]](#footnote-173)171 These women are restoring balance to protect tribal interests generally, and more specifically within the context of climate change. Indigenous women leadership is often "forged by their passionate commitment to improving the lives of tribal people and conditions for their tribal communities."[[173]](#footnote-174)172 Many Native women point to their tribal spirituality and traditions as inspiration and justification for their positions as leaders.[[174]](#footnote-175)173 "[T]aking leadership roles is a way of regaining the prestige and power their female ancestors once held and of assuming responsibility for the welfare of their tribes."[[175]](#footnote-176)174

Limited studies address the role of Indigenous women, historically or contemporarily, and even fewer pertain specifically to tribes in the West. However, in a 2004 study, researchers interviewed twenty-one women holding leadership positions in their tribal government.[[176]](#footnote-177)175 The women represented twenty-one tribal nations in Arizona, New Mexico, **[\*288]**Nevada, and Utah - ten of which were Basin tribes.[[177]](#footnote-178)176 The most commonly cited reason for becoming politically active was the value of giving back to the community, followed by the goal of improving the quality of life for tribal members.[[178]](#footnote-179)177 The findings mirrored previous studies on Native women in that a majority seek leadership to "make things better, find solutions to tribal problems, and work toward tribal self-determination."[[179]](#footnote-180)178 Although conducted with Native women leaders in the northern plains area, a 2011 study similarly found that Native American female leaders believed tribal culture and spirituality were important.[[180]](#footnote-181)179 Given the significant threat climate change poses to tribal communities, it is not surprising that Native women are increasingly emerging as leaders in this field.

**A. The Face of Indigenous Leadership**

Native women are informing all aspects of climate change responses, from Indigenous science to community advocacy and tribal governance. This section highlights four female leaders in the Basin and the important work they are doing to address climate change through an indigenous lens. Crystal Tulley-Cordova, Nora McDowell, Bidtah Becker, and Lorelei Cloud represent three different tribes in the Basin and the different ways that women can lead.[[181]](#footnote-182)180

Climate change action must be informed by science. Indigenous women are contributing to these efforts in STEM (Science, Technology, Engineering, and Math). Dr. Crystal Tulley-Cordova is a principal hydrologist with the Navajo Nation Department of Water Resources.[[182]](#footnote-183)181 Water is integrated into her identity. She is TodIch'II'nii (of the Bitter Water clan), born for the Ta'neeszahnii (Tangle **[\*289]**People Clan). Her maternal grandfather's clan is Hashk'aan hadzohi *(*Yucca Fruit-Strung-Out-In-A-Line) and her paternal grandfather's clan is Tó'aheedlIinii (Water That Flows Together). As a Din´ woman, some of Crystal's earliest memories are of water. She vividly remembers the silver basin that her grandmother used to heat bathwater on the stove and how her family struggled to obtain clean water for their day-to-day activities, including bathing and drinking. Today, race is the number one predictor of water insecurity, with Native Americans facing the greatest disparity.[[183]](#footnote-184)182 Native Americans are nineteen times more likely than white households to lack indoor plumbing with running water.[[184]](#footnote-185)183 Within the Basin, the Navajo Nation has the most households without piped water access - up to an estimated forty percent of residents must haul water long distance to meet their basic household needs.[[185]](#footnote-186)184

In Navajo, "*Tó ´I iiná át´*," which means *water is life*. Crystal has devoted her career to ensuring that everyone living in the Navajo Nation has access to clean water. That work requires knowledge about water-related science and research, and flexibility to meet community needs. She has represented the Nation in water rights meetings to access funding, worked with multiple partners to plan, design, and implement water projects, and helped educate the community about water issues. During the COVID-19 pandemic, the lack of clean water access created a crisis on the Navajo Nation.[[186]](#footnote-187)185 The recommended precautions against COVID-19 required reliable water access. Reflecting on the pandemic, Crystal stated, "we knew it's important to wash our hands for 20 seconds. But if there's no piped water at a home and you use a single basin for everyone to wash their hands and dump it out after each round, that means more trips to gather water."[[187]](#footnote-188)186 As part of the Navajo Nation Water Access Coordination Group, Crystal helped coordinate the rapid construction of fifty-nine transitional water points to increase water access for many community members.[[188]](#footnote-189)187 These additional water points reduced the average travel time to access safe water by thirty-eight minutes.

As a hydrologist, Crystal is intimately familiar with the effect climate change is having on water resources. She has published research on precipitation variability throughout the Navajo Nation.[[189]](#footnote-190)188 In responding to climate change, **[\*290]**Crystal has emphasized the resilience and long-term vision of the Navajo people.

It's always about the next generation in our thinking. It's never about putting self above others, but about the welfare of the community.… [I] think about my son and daughter and when they have kids one day. What am I doing now to create a better future for them?[[190]](#footnote-191)189

Thinking and planning are integral components of Navajo traditional problem-solving. The first step is *nitsáhákees*, which "involves critical thinking, and more broadly, to give direction and guidance to the issue at hand, in a constant cycle of examining and analyzing issues for growth and development."[[191]](#footnote-192)190*Nahat'a*, (planning) follows and "is intended to craft the details of a solution that puts a toe on every stone in the creek to get across."[[192]](#footnote-193)191 Crystal exemplifies how Native leaders are integrating traditional teachings with modern science to solve climate-related challenges.

Indigenous women are also contributing to climate change action as bearers of traditional knowledge and protectors of sacred sites. Nora McDowell is a member of the Fort Mojave Indian Tribe.[[193]](#footnote-194)192 She has a long history of public service, acting as the Chairperson of her tribe and other tribal organizations for over twenty-five years and now as the project manager for the Tribe's AhaMakav Cultural Society. Fort Mojave tribal lands are located along the ***Colorado*** ***River*** in three states: California, Arizona, and Nevada. Nora educates others about and has worked to protect the sacred values of the ***Colorado*** ***River*** and broader environment. This work includes helping develop the Tribal Vision for Protecting the ***Colorado*** ***River***. The Tribal Vision was developed by the Lower Basin Tribes and is used as guidance for water matters.[[194]](#footnote-195)193 It recognizes that the ***River*** is the origin of their people and must be viewed holistically.[[195]](#footnote-196)194

Nora believes that knowledge is everything and information can be a powerful tool to educate and inform the tribal community. The Fort Mojave **[\*291]**Tribe's traditional name is Aha MaKav, meaning "People of the ***River***." According to tribal tradition, the world was created at Avi Kwa Ame, Spirit Mountain, the highest point of the Newberry Mountains located along the ***Colorado*** ***River***.

This has always been home to our people, and this has been an area that was given to us by our Creator Matavilya and our primary responsibility is to live and take care of the land that we were given and to protect the water, where all life comes from. It's a great responsibility for us.[[196]](#footnote-197)195

Armed with cultural and traditional knowledge, Nora has worked with others to prevent actions that would contaminate the ***Colorado*** ***River*** and surrounding environment. For example, Nora has managed the Topock remediation project for over a decade. For years, a gas facility located in the area released contaminants, which percolated into the soil and eventually into the water table.[[197]](#footnote-198)196 Topock is a sacred area to the Mojave people, who believed it to be the passageway to the spirit world. Contamination to the area creates spiritual disturbance, impacting the journey into the next world. Protecting their sacred landscapes has been a priority for decades.[[198]](#footnote-199)197 In March 2023, President Biden finally listened to tribal voices, including the Mojave people, and designated Avi Kwa Ame as a national monument.[[199]](#footnote-200)198

Nora has recognized that there is "a reawakening now of who we are as people. Even though a lot was taken from us, we always managed to survive and to be able to rebuild.… Never forget who you are and where you come from."[[200]](#footnote-201)199 Nora's leadership shows how traditional knowledge can be utilized to protect nature and the broader community. Continuing traditional practices and the passage of oral histories, sharing that information and knowledge, is part of honoring ancestors and ensuring a health environment for future generations.

Caring for it.

Praying for it.

The earth, the people and the land.

The water especially.

We have to care for it.

**[\*292]**

We have to speak for it.[[201]](#footnote-202)200

Some indigenous women are using their voice for their communities as legal advocates. Bidtah Becker is a Din´ asdzáán (Navajo woman) trained as an attorney.[[202]](#footnote-203)201 She is Kin"lichiinii' (Red House People clan) born for Biligaana and TodIch'II'nii (Bitter Water clan), born for Biligaana. She currently serves as Chief Legal Counsel for the Navajo Nation Office of the President and Vice-President. She has held a variety of positions working for the Nation since 2002: Executive Director of the Division of Natural Resources, Assistant Attorney General for the Water Rights Unit under the Department of Justice, and Associate Attorney for Navajo Tribal Utility Authority (NTUA). In all of these positions, she used her legal training to protect tribal resources, including securing the Nation's legal rights to water, developing water management frameworks and assisting with long term water supply solutions. While at NTUA, she helped advance development of the Navajo Gallup Water Supply Project, a $2 billion project to provide clean water to tribal and rural communities.[[203]](#footnote-204)202

Protecting tribal resources often involves holding the federal government accountable. "[T]he United States owes a special obligation to its Indigenous citizens. The federal government appropriated their lands in exchange for the promise that the tribes would have permanent, livable homelands where they could prosper and thrive. That promise has gone unfulfilled in countless ways, and it is meaningless if Native American homes do not have clean water."[[204]](#footnote-205)203 To address the problem, Bidtah helped found the Universal Access to Clean Water Initiative, which seeks to achieve universal access to clean, safe drinking water **[\*293]**for all Native communities.[[205]](#footnote-206)204 The Initiative has focused on the federal government's treaty and trust responsibility to provide clean water access to tribes. Several federal agencies have various programs that can support tribal water related projects, but they historically have been underfunded.[[206]](#footnote-207)205 The Infrastructure Investment and Jobs Act appropriated significant funding that can help fill the gap.[[207]](#footnote-208)206 Bidtah is on the frontline to ensure that these funds are deployed efficiently to have maximum impact.

Finally, Indigenous women are serving in formal tribal leadership positions to engage in policy at a local, regional, and national level. Lorelei Cloud is a member of the Southern Ute Indian Tribe and currently serves as the Vice-Chairman of her tribe.[[208]](#footnote-209)207 Lorelei is actively engaged in discussions surrounding ***Colorado*** ***River*** management and has pushed for tribal inclusivity.

We are a sovereign government. We should be considered just as a state would be. If you think that we shouldn't be involved, then don't include our 30% allocation for anyone else's use .… We need to be included in every one of these conversations. My reservation was established in 1868. We are first in time first in line. You cannot discount us.[[209]](#footnote-210)208

Advocating for tribal water rights for the Southern Ute Indian Tribe, Lorelei previously served as the Chairman of the Ten Tribes Partnership from 2017-2018. She currently sits on the leadership team for the Water & Tribes **[\*294]**Initiative and is a Board Trustee for The Nature Conservancy for ***Colorado***.[[210]](#footnote-211)209

In the face of dwindling water supplies due to hotter, drier conditions, Lorelei has voiced the need to accelerate the pace and scale of collaborative solutions to secure sustainable water supplies for communities and ecosystems within the Basin.[[211]](#footnote-212)210 For Lorelei, as a tribal representative, collaboration begins with recognizing the role that tribal nations play in shaping the future of the ***River*** and respectfully engaging tribes in the ***River***'s governance.

Having served as stewards of the lands and waters of the Upper Basin for millennia, Tribal Nations are among the most important leaders and partners in efforts to find lasting solutions to the water scarcity and ecological challenges facing the ***Colorado*** ***River***. Native peoples believe that each and every person has a spirit, as do other living beings such as plants, animals, air, dirt and soil, and water. Water is an instrumental part of Tribal prayers and ceremonies and Tribal members maintain a relationship with it. When that relationship disappears, so does life itself.[[212]](#footnote-213)211

As part of a working group (comprised of six tribes and ten conservation groups in the Upper Basin), Lorelei helped ensure tribal values were incorporated in development of a shared vision for the ***River***'s future.[[213]](#footnote-214)212 That vision recognizes that water is life, "a precious, life-giving resource .… essential for spiritual, cultural, and ecological purposes, as well as for sustaining human populations and economies."[[214]](#footnote-215)213 In April 2023, Lorelei also became the first tribal member appointed to the ***Colorado*** Water Conservation Board since its creation in 1937.[[215]](#footnote-216)214 Commenting on her position, Lorelei stated, "For many years, tribes have been asking for a seat at the policymaking table, and this is just a small part of what that could be." Going back a century to when the ***Colorado*** ***River*** Compact was created in 1922, tribes were excluded from negotiations regarding the ***River***.[[216]](#footnote-217)215 Confronted with the realities of climate change, tribal voices can no longer be ignored and Native women, including those highlighted above, are changing history.

**[\*295] B. Supporting Indigenous Women Now and In The Future**

Notwithstanding the important role that women play in many tribes, Native women are often not sufficiently prepared to navigate the various challenges they will inevitably face in their professional career. With an increasing number of women stepping into leadership roles within their community, it is essential that current and future leaders receive support to succeed. In 2021, the Indigenous Women's Leadership Network ("IWLN") was formed to help meet this need within the Basin.[[217]](#footnote-218)216 The IWLN recognizes that "Native American women serve as the backbone for many tribal communities."[[218]](#footnote-219)217 IWLN provides a platform for Indigenous women working on tribal water issues to mentor and inspire each other, exchange information, build and refine skills in leadership, and facilitate a succession of Native women in positions of leadership in their community.[[219]](#footnote-220)218

As part of its planning phase, IWLN reached out to Indigenous women in the Basin to clarify their perceived needs, interests, and priorities related to leadership development.[[220]](#footnote-221)219 Fifty-three women provided responses, representing twenty-four different tribes, including eight Basin tribes. Thirty-three of the women (sixty-two percent) self-identified as an emerging leader and twenty women (thirty-eight percent) as an established leader. At a glance, the respondents appear to reflect the increase in education among Native women. Forty-three (ninety-three percent) of the women held a bachelor's degree, with twenty-eight (sixty-three percent) also having a graduate degree (e.g., master's degree, J.D., or Ph.D).[[221]](#footnote-222)220 While education helps develop subject matter expertise and other skills, additional training and support is often needed to succeed.

Based upon responses received, the following themes arose with respect to emerging leader needs:

(1) Mentoring to help make connections and provide feedback

(2) Support to build confidence/perseverance/motivation and provide safe healing spaces to work with other Indigenous women to address internalized oppression/trauma

(3) Networking opportunities

(4) Skill trainings on communication (including public speaking), time management, grant writing, and financial planning and

(5) Ongoing training/education, including funding for conferences, **[\*296]**leadership building workshops, seminars/deep dives into topics to support content knowledge related to natural resources/water and emerging tribal issues.

The following themes arose with respect to established leader needs:

(1) Mentorship opportunities to train the next generation

(2) Skills training, including critical thinking/problem solving, communication skills, and time management/delegation

(3) Ongoing training/education on how to influence policy and conflict management

(4) Networking opportunities for relationship/team building with community, partners, and funders

(5) Platforms to present and

(6) Funding for projects and professional development.

While some of the specifics differed, the identified needs among emerging and established leaders overlap. Both groups of women are looking for connection to other Indigenous women and would like additional training to acquire certain skills, such as effectively communicating. One respondent noted, "I don't think there's a huge division between established/emerging. We all need the same things! But I want to highlight that I crave a place to just be unapologetically Native, and be a leader, and get training/have a place to communicate with those who are just like me."[[222]](#footnote-223)221

The responses also suggest that more can be done to support Native women working in the environmental field. Approximately half of the respondents identified an organization that they felt supported Native women. Most of these organizations are either engaged in education (e.g., University of Arizona Indigenous Food, Energy, & Water Security and Sovereignty Northern Arizona University Institution for Tribal Environmental Professionals American Indian Science and Engineering Society) or community advocacy and outreach (e.g., Tó NizhónI AnI, Water Warriors, NDN Collective).[[223]](#footnote-224)222 However, the majority of the organizations identified were not specific to the environmental field.[[224]](#footnote-225)223 Several respondents said that they were not aware of any programs targeting Native women working in environmentally related fields, even though there are a number of organizations that have women working in these areas.[[225]](#footnote-226)224 One individual commented, "This is a tough question, I don't really know. The [tribal] government as a whole is not supportive to women in this field. But, there are a number of organizations that have women working in these areas."[[226]](#footnote-227)225

In general, tribes often have limited capacity that can hinder their ability **[\*297]**to comprehensively engage in Basin-wide policy and decision making.[[227]](#footnote-228)226 Indigenous women can help fill the gap in tribal capacity. Prior research found that "[t]here is a pattern of having strong women as mentors in the lives of Native American women leaders."[[228]](#footnote-229)227 Both emerging and established IWLN leaders value and want to be a part of a mentor-mentee relationship.[[229]](#footnote-230)228 Through mentoring, emerging leaders can gain a better understanding of the players involved and likely have more successful networking opportunities. Mentorship also provides an opportunity for women to gain knowledge of their tribal history, culture, spirituality, and values - something Native American women have identified as contributing to success.[[230]](#footnote-231)229 "One must have a sense of responsibility to tribal people and families."[[231]](#footnote-232)230

Finally, respondents indicated that both emerging and established leaders can benefit from skills training, including communication and time management.[[232]](#footnote-233)231 Additionally, established leaders are in need of specialized training, such as conflict management and team building.[[233]](#footnote-234)232 Resources are also needed to help established leaders secure funding for projects and to promote themselves. The Infrastructure Investment and Jobs Act and Inflation Reduction Act represent historic investment in tribal communities. However, that funding is primarily project based and cannot be used to meet the needs identified by Native women to become successful leaders. Philanthropic funding can help build tribal capacity by supporting a pathway of Indigenous women leaders. In 2020, the total charitable giving in the United States was approximately $471 billion.[[234]](#footnote-235)233 But, only 0.4 percent of funding by large foundations was directed to Native communities.[[235]](#footnote-236)234 As demonstrated during the COVID-19 pandemic, philanthropic organizations can be successful partners to meet some of the most pressing tribal needs.[[236]](#footnote-237)235 In fact, IWLN would not be possible without philanthropic support.[[237]](#footnote-238)236

**[\*298] Conclusion**

Many tribes, including several within the Basin, are matrilineal. Traditionally, women served an important social and political role in these communities. However, colonization and subsequent federal policies forced Western notions of gender roles onto tribes and Euro-American forms of governance that were male dominated. As a result, Native women were sidelined. The economic, political, and social status of Native American women "suffered immeasurably."[[238]](#footnote-239)237

The civil rights, women rights, and Native rights movements all helped move toward a more just society. However, more work is necessary to truly overcome past (and ongoing) racist and discriminatory policies in order to achieve true equality. Climate change and its related impacts have created an opportunity for Native women to reclaim leadership roles in their communities. Tribal communities are particularly vulnerable to climate impacts. Within the Basin, prolonged droughts are further reducing water supply in an already over-allocated system. Historically left out of ***Colorado*** ***River*** management decisions, tribes are asserting their voice and demanding a seat at the table.

Indigenous women are increasingly engaging in leadership roles in the Basin and are poised to lead the way in protecting their communities against climate change impacts. Indeed, women such as Dr. Tulley-Cordova, Ms. McDowell, Ms. Becker, and Vice-Chairman Cloud are already established leaders and are helping to pave the way for future leaders. These strong women exemplify the diverse ways in which leadership can take place. For many communities, women remain gatekeepers of traditional knowledge, including cultural practices. Indigenous scientists are providing valuable data, building on traditional ecological knowledge, to ensure informed decision-making in a changing world. Native attorneys are navigating complex legal systems to advocate for their homeland and people. Women are also serving in formal tribal leadership roles on tribal council, engaging in government-to-government relations with state and federal partners.

Initiatives, such as the IWLN, can provide a space for established and emerging leaders to connect and support one another. While Native women are increasingly obtaining a higher education, successful leadership requires more than a degree. Mentorship can help connect emerging leaders with strong role models and provide an opportunity for Indigenous women to connect with their culture and traditions. Women must be provided not only with an opportunity to lead, but with the necessary support to succeed.

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2. 1Matrilineal societies are those based on kinship with the mother or female line. In contrast, patrilineal societies connect through the father or male line. *Matrilineal*, Merriam-Webster Dictionary [*https://www.merriam-webster.com/dictionary/matri*](https://www.merriam-webster.com/dictionary/matri) lineal (last visited Feb. 15, 2023) *Patrilineal*, Merriam-Webster Dictionary https:// [*www.merriam-webster.com/dictionary/patrilineal*](http://www.merriam-webster.com/dictionary/patrilineal) (last visited Feb. 15, 2023). [↑](#footnote-ref-3)
3. 2Katherine M. B. Osburn, Southern Ute Women: Autonomy and Assimilation on the Reservation, 1887-1934 23 (2009). [↑](#footnote-ref-4)
4. 3*See infra* Part III, discussing contemporary female leadership. *See also* Crystal Miller, *Reclaiming Indigenous Women's Roles in the 21st Century*, 4 IdeaFest J.: Interdisc. J. Creative Works & Rsch. 65, 68-70 (2020) (discussing the recent shift in balance to restore gender equality and the resulting increase of Indigenous women leadership). [↑](#footnote-ref-5)
5. 4U.S. Glob. Change Res. Program, Fourth National Climate Assessment, Volume II: Impacts, Risks, and Adaptation in the United States 1062 (2018), [*https://nca2018.globalchange.gov/downloads/NCA4\_2018\_FullReport.pdf*](https://nca2018.globalchange.gov/downloads/NCA4_2018_FullReport.pdf) [hereinafter NCA4] ("Communities on the front lines of climate change experience the first, and often the worst, effects .… including tribes and Indigenous peoples."). [↑](#footnote-ref-6)
6. 5Rebecca Tsosie, *Indigenous Sustainability and Resilience to Climate Extremes: Traditional Knowledge and the Systems of Survival*, [*51 Conn. L. Rev. 1009, 1036 (2019)*](https://advance.lexis.com/api/document?collection=analytical-materials&id=urn:contentItem:60H9-F6V1-FC6N-X3GM-00000-00&context=1516831). [↑](#footnote-ref-7)
7. 6*Climate Change,* United Nations, Dept. of Econ. and Soc. Affs., Indigenous Peoples , [*https://www.un.org/development/desa/indigenouspeoples/climate-change.html*](https://www.un.org/development/desa/indigenouspeoples/climate-change.html) (last visited Mar. 5, 2023). [↑](#footnote-ref-8)
8. 7Env't L. Inst., Law of Environmental Protection 776-77 (2022). *See also Tribal Climate Change Guide: Adaptation Plans*, Univ. of Or., [*https://tribalclimateguide.uoregon.edu/adaptation-plans*](https://tribalclimateguide.uoregon.edu/adaptation-plans) (last visited Mar. 6, 2023) (providing an online portal of tribal climate change adaptation plans and other tribal climate-related resources). [↑](#footnote-ref-9)
9. 8Heather Tanana, *Protecting Tribal Public Health from the Climate Change Impacts*, 15 Ne. L. Rev. 89 (forthcoming 2023). [↑](#footnote-ref-10)
10. 9*See infra* Part II discussing tribes within the Basin and their relationship with the ***Colorado*** ***River***. [↑](#footnote-ref-11)
11. 10Randall S. Abate & Elizabeth Ann Kronk, Climate Change and Indigenous Peoples: The Search for Legal Remedies 12 (2013). [↑](#footnote-ref-12)
12. 11Matt McKinney et al., *First in Time: The Place of Tribes in Governing the* ***Colorado******River*** *System,in* Cornerstone at the Confluence: Navigating the ***Colorado*** ***River*** Compact's Next Century 172 (Jason Anthony Robison ed., 2022). [↑](#footnote-ref-13)
13. 12*See* Water & Tribes Initiative, Policy Brief #4: The Status of Tribal Water Rights in the ***Colorado*** ***River*** Basin 1 (2021), [*https://www.waterandtribes.org/\_files*](https://www.waterandtribes.org/_files)/ ugd/17c3c8\_1fa6790c664842249959f156b927d10d.pdf. [↑](#footnote-ref-14)
14. 13For example, during an Upper ***Colorado*** ***River*** Commission meeting, ***Colorado*** Commissioner Rebecca Mitchell reaffirmed the state's commitment to tribal engagement: "In recognition of their status as fellow sovereigns .… a critical element as we move into negotiations for post-2026 reservoir operations interim guidelines is meaningful engagement with the Tribal Nations in the ***Colorado*** ***River*** Basin, and that creating a framework for this engagement should be the first step as the negotiations begin." *Commissioner Mitchell Reaffirms Commitment to Tribes for* ***Colorado******River*** *Matters,* ***Colo.*** Water Conservation Bd. (Dec. 14, 2021), [*https://cwcb.****colorado****.gov/news-article/commissioner-mitchell-****colorado****-****river****-tribes-statements*](https://cwcb.colorado.gov/news-article/commissioner-mitchell-colorado-river-tribes-statements). *See also* Anna V. Smith et al., *Tribal nations fight for influence on the* ***Colorado******River***, High Country News (Nov. 16, 2022), [*https://www.hcn.org/issues/54.12/indigenous-affairs-****colorado****-****river****-tribal-wat*](https://www.hcn.org/issues/54.12/indigenous-affairs-colorado-river-tribal-wat) er-rights-could-decide-the-future-of-the-***colorado***-***river***. [↑](#footnote-ref-15)
15. 14Jennifer Denetdale, *Chairmen, Presidents, and Princesses: The Navajo Nation, Gender, and the Politics of Tradition*, 21 Wicazo Sa Rev. 9, 10 (2006). [↑](#footnote-ref-16)
16. 15Kathleen A. Ward, [*Before and After the White Man: Indian Women, Property, Progress, and Power, 6 Conn. Pub. Int. L.J. 245, 254 (2007)*](https://advance.lexis.com/api/document?collection=analytical-materials&id=urn:contentItem:4PW5-2W60-01TH-N07P-00000-00&context=1516831). [↑](#footnote-ref-17)
17. 16[*Id. at 245*](https://advance.lexis.com/api/document?collection=analytical-materials&id=urn:contentItem:4PW5-2W60-01TH-N07P-00000-00&context=1516831). [↑](#footnote-ref-18)
18. 17*See* Roxanne Dunbar-Ortiz, An Indigenous Peoples' History of the United States 32-44 (2014) *see also generally* Ned Blackhawk, Violence Over the Land (2006) *see also* Dee Brown, Bury My Heart at Wounded Knee: An Indian History of the American West 1-12 (1971). [↑](#footnote-ref-19)
19. 18Brown, *supra* note 17, at 8. [↑](#footnote-ref-20)
20. 19Robert J. Miller, *American Indians, the Doctrine of Discovery, and Manifest Destiny*, [*11 Wyo. L. Rev. 329, 330 (2011)*](https://advance.lexis.com/api/document?collection=analytical-materials&id=urn:contentItem:545N-M0B0-00SW-60DT-00000-00&context=1516831). "The English colonists in North American and then the American colonial, state, and federal governments all utilized the Doctrine [of Discovery] and its religious, cultural, and racial ideas of superiority over Native Americans to stake legal claims to the lands and property rights of indigenous peoples. Ultimately, the United States enforced the Doctrine against the Indian nations as American Manifest Destiny led the United States' expansion across the continent." *Id*. at 330-31. [↑](#footnote-ref-21)
21. 20*Id*. at 348. [↑](#footnote-ref-22)
22. 21Between 1789 and 1871, the United States entered into 375 treaties with tribal nations, the vast majority of which resulted in the surrender of tribal lands. U.S. Comm'n on C.R., Broken Promises: Continuing Federal Funding Shortfalls for Native Americans 1, [*https://www.usccr.gov/files/pubs/2018/12-20-Broken-Promises.pdf*](https://www.usccr.gov/files/pubs/2018/12-20-Broken-Promises.pdf) [here inafter Broken Promises]. *See also* McKinney et al., *supra* note 11, at 172 (providing a brief history of the treaty-making era). [↑](#footnote-ref-23)
23. 22[*Cherokee Nation v. Georgia, 30 U.S. 1, 17 (1831)*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:3S4X-KK10-003B-H531-00000-00&context=1516831). Adopting the Doctrine of Discovery, the U.S. Supreme Court established the basic framework of federal Indian law through a series of cases known as the *Marshall* trilogy: [*Johnson v. M'Intosh, 21 U.S. 543 (1823)*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:3S4X-KPV0-003B-H09W-00000-00&context=1516831), [*Cherokee Nation v. Georgia, 30 U.S. 1 (1831)*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:3S4X-KK10-003B-H531-00000-00&context=1516831), and [*Worcester v. Georgia, 31 U.S. 515 (1832)*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:3S4X-KJW0-003B-H52F-00000-00&context=1516831). *See* Matthew L.M. Fletcher, *A Short History of Indian Law in the Supreme Court,* ABA (2014), https:// [*www.americanbar.org/groups/crsj/publications/*](http://www.americanbar.org/groups/crsj/publications/) (providing a history of federal Indian law, beginning with the *Marshall* trilogy). [↑](#footnote-ref-24)
24. 23[*Cherokee Nation, 30 U.S. at 17*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:3S4X-KK10-003B-H531-00000-00&context=1516831) ("They look to our government for protection rely upon its kindness and its power appeal to it for relief to their wants and address the President as their great father."). [↑](#footnote-ref-25)
25. 24Broken Promises, *supra* note 21, at 1. [↑](#footnote-ref-26)
26. 25*Id.* [↑](#footnote-ref-27)
27. 26Indian Entities Recognized and Eligible To Receive Services From the United States Bureau of Indian Affairs, [*86 Fed. Reg. 7554*](https://advance.lexis.com/api/document?collection=administrative-codes&id=urn:contentItem:61W8-S301-JSJC-X3GC-00000-00&context=1516831) (Jan. 29, 2021). [↑](#footnote-ref-28)
28. 27Ward, *supra* note 15, at 256. [↑](#footnote-ref-29)
29. 28Spenser M. Sullivan, *The Importance of Being a Woman: A Historical Comparison of Female Political Involvement in Early Native America and the U.S.*, 13 Elon L. J. 334, 373 (2020) (quoting Robert A. Williams, Jr., *Gendered Checks and Balances: Understanding the Legacy of White Patriarchy in an American Indian Cultural* Context, [*24 Ga. L. Rev. 1019, 1040 (1990)*](https://advance.lexis.com/api/document?collection=analytical-materials&id=urn:contentItem:3S3V-43B0-00CW-G33N-00000-00&context=1516831)) (internal citations omitted). [↑](#footnote-ref-30)
30. 29Ward, *supra* note 15, at 255. [↑](#footnote-ref-31)
31. 30Denetdale, *supra* note 14, at 10. "Although written reports do not mention women as leaders or chiefs, Navajo oral tradition and other accounts make note that it was not unheard of for women to serve as headmen or chiefs." [*Id. at 11*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:3S4X-KK10-003B-H531-00000-00&context=1516831). [↑](#footnote-ref-32)
32. 31Ward, *supra* note 15, at 260. [↑](#footnote-ref-33)
33. 32[*Id. at 260*](https://advance.lexis.com/api/document?collection=analytical-materials&id=urn:contentItem:4PW5-2W60-01TH-N07P-00000-00&context=1516831). [↑](#footnote-ref-34)
34. 33Denetdale, *supra* note 14, at 11. [↑](#footnote-ref-35)
35. 34Margo Hill & Mary Ann Keogh Hoss, *Reclaiming American Indian Women Leadership: Indigenous Pathway to Leadership*, 7(3) Open J. Leadership 225, 226 (2018). "While men generally held leadership positions for intertribal meetings and led wars and raids, the Navajo at that time were not held together by a centralized government but by clans, and within the clans women had an equal, and even over-riding say in all decisions." Holly Kearl, *Elusive Matriarchy: The Impact of the Native American and Feminist Movements on Navajo Gender Dynamics, Historical Perspectives*, 11 Santa Clara Univ. Undergraduate J. Hist. 103, 109 (2006). [↑](#footnote-ref-36)
36. 35*See* Ward, *supra* note 15, at 254-55 *see also* Sullivan, *supra* note 28, at 371. [↑](#footnote-ref-37)
37. 36Denetdale, *supra* note 14, at 13. [↑](#footnote-ref-38)
38. 37"Additionally, those tribes with patrilineal organization were generally more egalitarian than in colonizing European societies and experienced low rates of gender-based violence." Jessica L. Liddell et al., *"She's the Center of My Life, the One that Keeps My Heart Open": Roles and Expectations of Native American Women*, 36(3) Affilia 357, 359 (2021). [↑](#footnote-ref-39)
39. 38Lorraine M. Sherer, *The Clan System of the Fort Mojave Indians: A Contemporary Survey*, 47 S. Cal. Q. 1, 10 (1965). [↑](#footnote-ref-40)
40. 39[*Id. at 12, 56*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:3S4X-KK10-003B-H531-00000-00&context=1516831). [↑](#footnote-ref-41)
41. 40Liddell et al., *supra* note 37, at 359. [↑](#footnote-ref-42)
42. 41Diane Michele Prindeville, *Feminist Nations? A Study of Native American Women in Southwestern Tribal Politics.* 57 Pol. Res. Q. 101, 102 (2004). [↑](#footnote-ref-43)
43. 42Ward, *supra* note 15, at 262. [↑](#footnote-ref-44)
44. 43*Id.* [↑](#footnote-ref-45)
45. 44[*Id. at 247*](https://advance.lexis.com/api/document?collection=analytical-materials&id=urn:contentItem:4PW5-2W60-01TH-N07P-00000-00&context=1516831). *See also* Sullivan, *supra* note 28, at 339-40, 345-53 (discussing the theory of coverture and early caselaw limiting women's rights). [↑](#footnote-ref-46)
46. 45Ward, *supra* note 15, at 250-51. [↑](#footnote-ref-47)
47. 46[*Id. at 252*](https://advance.lexis.com/api/document?collection=analytical-materials&id=urn:contentItem:4PW5-2W60-01TH-N07P-00000-00&context=1516831). [↑](#footnote-ref-48)
48. 47*Id*. [↑](#footnote-ref-49)
49. 48[*Bradwell v. Illinois, 83 U.S. 130 (1872)*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:3S4X-JM90-003B-H12Y-00000-00&context=1516831) (upholding the Supreme Court of Illinois's refusal to grant a woman a license to practice law on the grounds that females are not eligible under state law). [↑](#footnote-ref-50)
50. 49[*Id. at 131*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:3S4X-JM90-003B-H12Y-00000-00&context=1516831). [↑](#footnote-ref-51)
51. 50[*Id. at 132*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:3S4X-JM90-003B-H12Y-00000-00&context=1516831). "[C]ivil law, as well as nature herself, has always recognized a wide difference in the respective spheres and destinies of man and woman. Man is, or should be woman's protector and defender. The natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many of the occupations of civil life." [*Id. at 141*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:3S4X-JM90-003B-H12Y-00000-00&context=1516831) (Bradley, J., concurring). [↑](#footnote-ref-52)
52. 51Joubin Khazaie, *Fanon, Colonial Violence, and Racist Language in Federal American Indian Law*, 12 Univ. Mia. Race & Soc. Just. L. Rev. 297, 297, 302 (2022). ("[R]acist language enshrined in foundational Supreme Court decisions involving Native tribes continuously enacts a form of colonial violence that seeks to preserve a white racial dictatorship."). *S*ee *also* Adam Crepelle, *Lies, Damn Lies, and Federal Indian Law*, [*44 N.Y.U. Rev. Law & Soc. Change 529 (2021)*](https://advance.lexis.com/api/document?collection=analytical-materials&id=urn:contentItem:626X-SP91-FGCG-S22V-00000-00&context=1516831) ("Most of the jurisprudence dealing with Indians in the 1800s is flagrantly racist and based upon grossly erroneous stereotypes about Indians."). Notably, "blatantly racist nineteenth-century judicial language of Indian savagery and white supremacy" has continued to be used by the Court to justify holdings that Native Americans possess diminished and inferior rights. Robert A. Williams, Jr., Like a Loaded Weapon: The Rehnquist Court, Indian Rights, and the Legal History of Racism in America xxiii (2005). [↑](#footnote-ref-53)
53. 52[*Johnson v. M'Intosh, 21 U.S. 543, 590 (1823)*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:3S4X-KPV0-003B-H09W-00000-00&context=1516831). [↑](#footnote-ref-54)
54. 53Notably, some scholars have proposed that changes in gender structure were deliberate strategies of colonization. Liddell et al., *supra* note 37 at 360. [↑](#footnote-ref-55)
55. 54McKinney et al., *supra* note 11, at 172. [↑](#footnote-ref-56)
56. 55*Id.* [↑](#footnote-ref-57)
57. 56*Id.* [↑](#footnote-ref-58)
58. 57Kearl, *supra* note 34, at 116. [↑](#footnote-ref-59)
59. 58Liddell et al., *supra* note 37, at 360. [↑](#footnote-ref-60)
60. 59For a history of the federal Indian policies, *see generally* Felix S. Cohen, Cohen's Handbook of Federal Indian Law §1 (2019). [↑](#footnote-ref-61)
61. 60Indian General Allotment Act of 1887 (Dawes Act), [*24 Stat. 388*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:5C7R-80N0-01XN-S3Y1-00000-00&context=1516831) (repealed 1934) McKinney et al., *supra* note 11, at 172 Cohen, *supra* note 59, at §1.04. [↑](#footnote-ref-62)
62. 61McKinney et al., *supra* note 11, at 172. [↑](#footnote-ref-63)
63. 62Cohen, *supra* note 59, at §1.04. [↑](#footnote-ref-64)
64. 63Liddell et al., *supra* note 37, at 360. [↑](#footnote-ref-65)
65. 64Tarrell Awe Agahe Portman & Roger D. Herring, *Debunking the Pocahontas Paradox: The Need for a Humanistic Perspective*, 40 J. Humanistic Counseling, Educ. And Dev. 185, 193 (2001). [↑](#footnote-ref-66)
66. 65Wheeler-Howard Act (Indian Reorganization Act), [*48 Stat. 984*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:5CBP-FXF0-01XN-S3K6-00000-00&context=1516831)-988 (1934) (codified as amended at 25 U.S.C.) Cohen, *supra* note 59, at §1.05. [↑](#footnote-ref-67)
67. 66Prindeville, *supra* note 41, at 103. [↑](#footnote-ref-68)
68. 67*Id*. [↑](#footnote-ref-69)
69. 68*Id*. [↑](#footnote-ref-70)
70. 69Denetdale, *supra* note 14, at 13. [↑](#footnote-ref-71)
71. 70Kearl, *supra* note 34, at 117 (Indeed, "[w]hen the United States helped organize the Navajo Tribal Council in 1923, women were not allowed to vote for the first several years."). [↑](#footnote-ref-72)
72. 71*See* Bryan Newland, Assistant Secretary - Indian Affairs, Federal Indian Boarding School Initiative Investigative Report 6 (2022) (providing a history of Indian child removal as part of federal policy), [*https://www.bia.gov/sites/default/files/*](https://www.bia.gov/sites/default/files/) dup/inline-files/bsi\_investigative\_report\_may\_2022\_508.pdf. [↑](#footnote-ref-73)
73. 72[*Id. at 51*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:3S4X-KK10-003B-H531-00000-00&context=1516831) (quoting Committee on Labor and Public Welfare, Indian Education: A National Tragedy - A National Challenge, S. Rep. No. 91-501 at 12 (1969)). [↑](#footnote-ref-74)
74. 73[*Id. at 53*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:3S4X-KK10-003B-H531-00000-00&context=1516831). [↑](#footnote-ref-75)
75. 74Denetdale, *supra* note 14, at 13. [↑](#footnote-ref-76)
76. 75Mary Jo Tippeconnic et al., *American Indian Female Leadership*, 30 Wicazo Sa Rev. 82, 83 (2015). [↑](#footnote-ref-77)
77. 76[*Id. at 83*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:3S4X-KK10-003B-H531-00000-00&context=1516831). [↑](#footnote-ref-78)
78. 77Prindeville, *supra* note 41, at 102. [↑](#footnote-ref-79)
79. 78*Id*. Ward, *supra* note 15, at 264. [↑](#footnote-ref-80)
80. 79Sullivan, *supra* note 28, at 355-56. [↑](#footnote-ref-81)
81. 80U.S. Const. amend. XIX, §1 ("The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex."). The Nineteenth Amendment afforded women the right to vote in national elections. Eventually all states either ratified the amendment or passed similar legislation. Notably, Native Americans were not guaranteed the right to vote until 1924. Indian Citizenship Act, [*Pub. L. No. 68-175*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:5C9D-VNG0-01XN-S4CX-00000-00&context=1516831), ***43 Stat. 253*** (1924). Even then, New Mexico and Arizona continued to deny Native American voting rights in state and local elections until challenged in court. *See* Trujillo v. Garley, No. 1353 (D.N.M. 1948) [*Harrison v. Laveen, 196 P.2d 456 (Ariz. 1948)*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:3RRH-GK80-003F-S2R5-00000-00&context=1516831). Similarly, Utah law prohibited Native Americans who resided on a reservation from voting in the state. While litigation was pending, Utah repealed the law in 1957, becoming the last state to affirm the right to vote to Native Americans. [↑](#footnote-ref-82)
82. 81"Although women constitute around one-half of the national population, they hold an estimated one-third or less of most political positions." Sullivan, *supra* note 28, at 381-82. According to the National Congress of American Indians, Native women leadership accounts for approximately twenty percent of its tribal membership. Tippeconnic et al., *supra* note 75, at 82. [↑](#footnote-ref-83)
83. 82*See, e.g.,* [*Dobbs v. Jackson Women's Health Org, 142 S. Ct. 2228 (2022)*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:65S9-1N11-JYYX-652W-00000-00&context=1516831) (overturning *Roe v. Wade* and the constitutional right to abortion). [↑](#footnote-ref-84)
84. 83Message from the President of the United States Transmitting Recommendations for Indian Policy, H.R. Doc. No. 91-363 (July 8, 1970). [↑](#footnote-ref-85)
85. 84Cohen, *supra* note 59, at §1.07 Justin B. Richland & Sarah Deer, Introduction to Tribal Legal Studies 96-101 (2016). [↑](#footnote-ref-86)
86. 85For example, the Indian Self-Determination and Education Assistance Act allows tribes to enter into agreements with the federal government in order to assume management and implementation of various federal programs and services within their tribal communities. Indian Self-Determination and Education Assistance Act, [*Pub. L. No. 93-638*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:5CD7-HSF0-01XN-S3SY-00000-00&context=1516831), [*88 Stat. 2203*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:5CD7-HSF0-01XN-S3SY-00000-00&context=1516831) (1975) (codified as amended at 25 U.S.C). [↑](#footnote-ref-87)
87. 86Broken Promises, *supra* note 21, at 15 (quoting Stephen Cornell & Joseph P. Kalt, *American Indian Self-Determination: The Political Economy of a Successful Policy* 3 (Harv. Kennedy Sch. Fac. Rsch. Working Paper Series, Paper No. RWP10-043, 2010)). [↑](#footnote-ref-88)
88. 87*See* Wallace Coffey & Rebecca Tsosie, *Rethinking the Tribal Sovereignty Doctrine: Cultural Sovereignty and the Collective Future of Indian Nations*, 12 Stan. L. & Pol. Rev. 191 (2001) (discussing what cultural sovereignty means and how it can be used to protect the collective future of Indigenous people). [↑](#footnote-ref-89)
89. 88*A Brief History of Civil Rights in the United States: Indigenous Peoples' Civil Rights: The Self Determination Era (1968 - Present)*, Howard Univ.: Vernon E. Jordan L. Libr., [*https://library.law.howard.edu/civilrightshistory/indigenous/selfdetermination*](https://library.law.howard.edu/civilrightshistory/indigenous/selfdetermination) (last visited Feb. 22, 2023). [↑](#footnote-ref-90)
90. 89Prindeville, *supra* note 41, at 101. This increase falls in line with the rise and expansion of Native advocacy, which tracked "the civil rights movement and larger push to create a more inclusive, just society." Daniel McCool, *Searching for Equity, Sovereignty, and Homeland, in* Cornerstone at the Confluence: Navigating the ***Colorado*** ***River*** Compact's Next Century 152 (Jason Anthony Robison ed., 2022). [↑](#footnote-ref-91)
91. 90Denetdale, *supra* note 14, at 15. [↑](#footnote-ref-92)
92. 91NCA4, *supra* note 4, at 1062. [↑](#footnote-ref-93)
93. 92Tanana, *supra* note 8, at 95. [↑](#footnote-ref-94)
94. 93*See* Broken Promises, *supra* note 21, at 1 (discussing the federal government's failure to adequately support the social and economic wellbeing of Native Americans and the negative impact on health, education, employment and other outcomes) *see also* Christine Martin et al., *Change Rippling through Our Waters and Culture,* 169 J. Contemp. Water Rsch. & Educ. 61, 61 (2018). [↑](#footnote-ref-95)
95. 94Helen M. Fillmore et al., *Assessing Tribal College Priorities for Enhancing Climate Adaptation on Reservation Lands*, 163 J. Contemp. Water Rsch. & Educ. 64, 64 (2018). *See also* Tanana, *supra* note 8, at 103-27 (discussing climate change impacts to tribes, with a special emphasis on water). [↑](#footnote-ref-96)
96. 95Karletta Chief, *Emerging Voices of Tribal Perspectives in Water Resources*, J. Contemp. Water Rsch. & Educ 1, 3 (2018). [↑](#footnote-ref-97)
97. 96Fillmore et al., *supra* note 94, at 64. [↑](#footnote-ref-98)
98. 97Sibyl Diver, *Native Water Protection Flows Through Self-Determination: Understanding Tribal Water Quality Standards and "Treatment as a State",* 163 J. Contemp. Water Rsch. & Educ 6, 6 (2018). [↑](#footnote-ref-99)
99. 98Sec'y of the Interior, Order No. 3344, Actions to Address Effects of Historic Drought on ***Colorado*** ***River*** Water Supplies 1 (Jan. 18, 2017), https://www.doi .gov/sites/doi.gov/files/uploads/signed\_so\_3344\_***co***\_***river***.pdf. [↑](#footnote-ref-100)
100. 99Daniel Craig McCool, *As climate change parches the Southwest, here's a better way to share water from the shrinking* ***Colorado******River***, The Conversation (Nov. 17, 2022), [*https://theconversation.com/as-climate-change-parches-the-southwest-heres-a-bet*](https://theconversation.com/as-climate-change-parches-the-southwest-heres-a-bet) ter-way-to-share-water-from-the-shrinking-***colorado***-***river***-168723. Although the Basin is home to thirty federally recognized tribes, some reports only identify the twenty-nine tribes that have reservations. The San Juan Southern Paiute does not have a reservation of its own and resides on their traditional territory within the Navajo reservation. *About the Tribe*, San Juan S. Paiute Tribe, [*https://www.sanjuanpaiute-nsn.gov/about*](https://www.sanjuanpaiute-nsn.gov/about) (last visited Apr. 14, 2023) Water & Tribes Initiative, *supra* note 12, at 1 n.2 (identifying all thirty federally recognized tribes within the ***Colorado*** ***River*** Basin). [↑](#footnote-ref-101)
101. 100McCool, *supra* note 99. [↑](#footnote-ref-102)
102. 101*Id*. [↑](#footnote-ref-103)
103. 102Water & Tribes Initiative, Universal Access to Clean Water for Tribes in the ***Colorado*** ***River*** Basin 23 (2021), [*https://tribalcleanwater.org/wp-content/uplo*](https://tribalcleanwater.org/wp-content/uplo) ads/2021/09/WTI-Full-Report-4.20.pdf. [↑](#footnote-ref-104)
104. 103*The Navajo Utah Water Rights Settlement Act of 2019: Hearing on H.R. 644 Before the U.S. H. Nat. Res. Comm.*, 116th Cong. 3 (2019) (testimony of Jonathan Nez, President, Navajo Nation). *See also* [*Navajo Nation v. U.S. Dep't of the Interior, 26 F.4th 794, 809-10 (9th Cir.)*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:64T7-RN31-JGBH-B546-00000-00&context=1516831), *cert. granted sub nom.* ***Dep't of Interior v. Navajo Nation, 143 S. Ct. 398 (2022)***, and *cert. granted sub nom.* ***Arizona v. Navajo Nation, 143 S. Ct. 398 (2022)*** ("It is clear that the Reservation cannot exist as a viable homeland for the Nation without an adequate water supply."). [↑](#footnote-ref-105)
105. 104[*207 U.S. 564 (1908)*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:3S4X-9WV0-003B-H241-00000-00&context=1516831). The court noted that the reservation lands "were arid, and, without irrigation, were practically valueless." [*Id. at 576*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:3S4X-9WV0-003B-H241-00000-00&context=1516831). [↑](#footnote-ref-106)
106. 105[*Navajo Nation v. Dep't of the Interior, 26 F.4th 794, 803 (9th Cir. 2022)*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:64T7-RN31-JGBH-B546-00000-00&context=1516831) (quoting [*Arizona v. California, 373 U.S. 546, 599 (1963))*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:3S4X-H3B0-003B-S2D7-00000-00&context=1516831). [↑](#footnote-ref-107)
107. 106Water & Tribes Initiative, *supra* note 12, at 1. [↑](#footnote-ref-108)
108. 107*Id*. McKinney et al., *supra* note 11, at 171. [↑](#footnote-ref-109)
109. 108Daniel McCool, *Searching for Equity, Sovereignty, and Homeland, in* Cornerstone at the Confluence: Navigating the ***Colorado*** ***River*** Compact's Next Century 145, 145, 147 (Jason Anthony Robison ed., 2022). [↑](#footnote-ref-110)
110. 109[*Id. at 145*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:3S4X-JM90-003B-H12Y-00000-00&context=1516831). [↑](#footnote-ref-111)
111. 110*See* Debra Utacia Krol, *Their pleas for water were long ignored. Now tribes are gaining a voice on the* ***Colorado******River***, Ariz. Republic (Aug. 8, 2022), https://ww w.azcentral.com/in-depth/news/local/arizona/2022/08/08/century-after-***colorado***-***river***-divided-tribes-gain-voice/7792315001/. [↑](#footnote-ref-112)
112. 111*Mission & Vision,* The ***Colo.*** ***River*** Auth. of Utah, [*https://cra-utah.org/about/mission-vision*](https://cra-utah.org/about/mission-vision) (last visited Mar. 8, 2023). *See also* ***Colorado*** ***River*** Authority of Utah Act, S.B. 160, 2022 Gen. Sess. (Utah 2022), [*https://le.utah.gov*](https://le.utah.gov) /~2022/bills/static/SB0160.html. [↑](#footnote-ref-113)
113. 112[*Utah Code Ann. §63M-14-202(1)(c)*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:652H-2C03-GXJ9-33GY-00000-00&context=1516831). [↑](#footnote-ref-114)
114. 113Elle Cabrera, *Paul Tsosie appointed as 1st tribal voice on Utah's* ***Colorado******River*** *Authority board*, KUER (Oct. 3, 2022), [*https://www.kuer.org/health-science-environ*](https://www.kuer.org/health-science-environ) ment/2022-10-03/paul-tsosie-appointed-as-the-1st-tribal-voice-on-utahs-***colorado***-***river***-authority-board. [↑](#footnote-ref-115)
115. 114[*Utah Code Ann. §63M-14-203(5)*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:652H-2BV3-CH1B-T31S-00000-00&context=1516831). [↑](#footnote-ref-116)
116. 115*Id*. (internal quotations omitted). [↑](#footnote-ref-117)
117. 116Jerd Smith, *Tribal breakthrough? Four states, six tribes announce first formal talks on* ***Colorado******River*** *negotiating authority*, Water Educ. ***Colo.*** (Sept. 21, 2022), [*https://www.watereducationcolorado.org/fresh-water-news/tribal-breakthrough-four-states-six-tribes-announce-first-formal-talks-on-****colorado****-****river****-negotiating-authority/*](https://www.watereducationcolorado.org/fresh-water-news/tribal-breakthrough-four-states-six-tribes-announce-first-formal-talks-on-colorado-river-negotiating-authority/). (All ten sovereigns in the Upper Basin are included: four states (New Mexico, Utah, Wyoming, and ***Colorado***) and six tribes (Jicarilla Apache Nation, Navajo Nation, Ute Indian Tribe of the Uintah and Ouray reservation, Paiute Indian Tribe of Utah, Ute Mountain Ute Indian Tribe, and Southern Ute Indian Tribe).). [↑](#footnote-ref-118)
118. 117Interview with Anne Castle, U.S. Commissioner, Upper ***Colorado*** ***River*** Commission, (May 18, 2023) (notes on file with author). [↑](#footnote-ref-119)
119. 118*Id*. [↑](#footnote-ref-120)
120. 119Framework for Upper Basin Tribes-States Dialogue (Oct. 24, 2022) (on file with author). [↑](#footnote-ref-121)
121. 120[*Id. at 2*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:3S4X-KK10-003B-H531-00000-00&context=1516831). [↑](#footnote-ref-122)
122. 121*Id*. Also for the first time in history, the Upper Basin tribes now have a recognized role in the formation of the annual Drought Response Operations Plan. Pursuant to the Drought Response Operations Agreement (DROA), "Each upper Basin Tribe (Ute Indian Tribe, Paiute Indian Tribe of Utah, Southern Ute Indian Tribe, Ute Mountain Ute Tribe, Navajo Nation, and Jicarilla Apache Nation) may separately designate one representative to participate in and provide recommendations to any working group established by the DROA Parties to help draft, develop, implement, analyze proposals for, or monitor any Drought Response Operation." Upper Division States, Bureau of Reclamation, and Upper ***Colorado*** ***River*** Commission, *2023 Drought Response Operations Plan* at 23 (2023), [*https://www.usbr.gov/dcp/docs/DROA/20230510-2023DROAPlan-DraftFramework-508-UCRO.pdf*](https://www.usbr.gov/dcp/docs/DROA/20230510-2023DROAPlan-DraftFramework-508-UCRO.pdf). DROA is one component of the 2019 ***Colorado*** ***River*** Drought Contingency Plan, which was agreed upon by the Basin states and provides tools to address drought. [*Id. at 2*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:3S4X-KK10-003B-H531-00000-00&context=1516831). Although still in draft form, a final, fully executed DROA is expected soon. Interview with Anne Castle, *supra* note 117. [↑](#footnote-ref-123)
123. 122Interview with Anne Castle, *supra* note 117. A written response is anticipated to follow in the near future. [↑](#footnote-ref-124)
124. 123*Id*. [↑](#footnote-ref-125)
125. 124Hunter Bassier, *Difficult decisions have to be made: Updates from day 2 of the nation's largest water conference,* 12 News (Dec. 15, 2022), [*https://www.12news.com*](https://www.12news.com)/ article/news/local/water-wars/live-updates-at-the-***colorado***-***river***-water-users-association-conference-crwua/75-c3921d2c-da10-45ca-854f-7579b22dbbb4. [↑](#footnote-ref-126)
126. 125*See id*. [↑](#footnote-ref-127)
127. 126Ten Tribes Partnership, [*https://tentribespartnership.org*](https://tentribespartnership.org)/ (last visited May 16, 2023). Member tribes include the Ute Indian Tribe, Ute Mountain Ute Tribe, Southern Ute Indian Tribe, Jicarilla Apache Nation, Navajo Nation, Chemehuevi Indian Tribe, ***Colorado*** ***River*** Indian Tribes (CRIT), Fort Mojave Indian Tribe, Quechan Indian Tribe and Cocopah Indian Tribe. Ten Tribes Partnership, *Tribes of the* ***Colorado******River*** *Basin*, [*https://tentribespartnership.org/tribes-of-the-****colorado****-****river****-basin*](https://tentribespartnership.org/tribes-of-the-colorado-river-basin)/ (last visited May 16, 2023). [↑](#footnote-ref-128)
128. 127Ten Tribes Partnership, [*https://tentribespartnership.org*](https://tentribespartnership.org)/ (last visited May 16, 2023). [↑](#footnote-ref-129)
129. 128*Id. See also* ***Colorado*** ***River*** Water Users Association, *Ten Tribes*, [*https://www.crwua.org/ten-tribes.html*](https://www.crwua.org/ten-tribes.html) (last visited May 16, 2023). [↑](#footnote-ref-130)
130. 129U.S. Bureau of Reclamation, ***Colorado*** ***River*** Basin Ten Tribes Partnership Tribal Water Study Report (2018), [*https://tentribespartnership.org/wp-content/uploads/2019/12/WaterStudy.pdf*](https://tentribespartnership.org/wp-content/uploads/2019/12/WaterStudy.pdf). [↑](#footnote-ref-131)
131. 130*Id*. at iii. [↑](#footnote-ref-132)
132. 131McKinney et al., *supra* note 11, at 173 (internal citations omitted). [↑](#footnote-ref-133)
133. 132Indian Treaty Comm., Minutes of the Navajo Treaty Negotiations, Council With The Navajo Nations, at 2-3 (May 28, 1868). [↑](#footnote-ref-134)
134. 133*See* Din´ Natural Law, 1 N.N.C. §205, [*https://courts.navajo-nsn.gov/dine.htm*](https://courts.navajo-nsn.gov/dine.htm). [↑](#footnote-ref-135)
135. 134Karletta Chief, *Water in the Native World*, 169 J. Contemp. Water Rsch. & Educ. 1, 1 (2020). [↑](#footnote-ref-136)
136. 135Rachel Ellis & Denielle Perry, *A Confluence of Anticolonial Pathways for Indigenous Sacred Site Protection*, 169 J. Contemp. Water Rsch. & Educ 8, 8 (2020). [↑](#footnote-ref-137)
137. 136*Id*. [↑](#footnote-ref-138)
138. 137[*Id. at 8-9*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:3S4X-KK10-003B-H531-00000-00&context=1516831) (quoting Vernon Masayesva, Executive Director of Black Mesa Trust). [↑](#footnote-ref-139)
139. 138*Tribal Voices, Tribal Wisdom: Strategies for the Climate Crisis: Hearing Before the H. Select Comm. on the Climate Crisis*, 117th Cong. 8 (2021) (statement of Hon. Fawn Sharp, President, National Congress of American Indians). [↑](#footnote-ref-140)
140. 139[*Id. at 10*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:3S4X-KK10-003B-H531-00000-00&context=1516831). [↑](#footnote-ref-141)
141. 140*Id.* [↑](#footnote-ref-142)
142. 141The Inflation Reduction Act appropriated $4 billion for grants, contracts, or financial assistance agreements that support activities to mitigate the impacts of drought, including: (1) voluntary reductions in diversion of water or consumptive water use (2) voluntary system conservation projects and (3) ecosystem and habitat restoration projects. ***Pub. L. No. 117-169***, tit. III, §50233, ***136 Stat. 1818***, 2027 (2022). [↑](#footnote-ref-143)
143. 142Press Release, U.S. Dept. of Interior, Biden-Harris Administration Announces Up to $233 Million in Water Conservation Funding for Gila ***River*** Indian Community (Apr. 6, 2023), [*https://www.doi.gov/pressreleases/biden-harris-administration-announces-233-mil*](https://www.doi.gov/pressreleases/biden-harris-administration-announces-233-mil) lion-water-conservation-funding-gila. [↑](#footnote-ref-144)
144. 143Jake Bittle, *US turns to tribes to help Arizona survive* ***Colorado******River*** *cuts*, Grist (Apr. 11, 2023), [*https://grist.org/indigenous/****colorado****-****river****-arizona-tribes-wategila-****river****-conservation-deal-biden/*](https://grist.org/indigenous/colorado-river-arizona-tribes-wategila-river-conservation-deal-biden/). [↑](#footnote-ref-145)
145. 144*Climate Change*, Gila ***River*** Indian Cmty. Dep't of Envtl. Quality, [*https://www.gricdeq.org/climate-change*](https://www.gricdeq.org/climate-change) (last visited Feb. 23, 2023) Nat'l Indian Health Bd., Tribal Climate Champions: Spotlight on Gila ***River*** Indian Community 1 (2019), [*https://www.nihb.org/docs/01282019/Gila%20River%20Climate%20Spotlight*](https://www.nihb.org/docs/01282019/Gila%20River%20Climate%20Spotlight). pdf. [↑](#footnote-ref-146)
146. 145Planet Women, *CEOs and Rising Leaders Team Up to Transform Environmental Movement*, [*https://www.planetwomen.org/blog*](https://www.planetwomen.org/blog)/ (referencing Craig Leiser et al. *Does the gender composition of forest and fishery management groups affect resource governance and conservation outcomes? A systemic map*, 5 Environ. Evid. 6 (2016)). [↑](#footnote-ref-147)
147. 146Matthew Ballew et al., *Gender Differences in Public Understanding of Climate Change,* Climate Note (Nov. 20, 2018), [*https://climatecommunication.yale.edu/publicat*](https://climatecommunication.yale.edu/publicat) ions/gender-differences-in-public-understanding-of-climate-change/. [↑](#footnote-ref-148)
148. 147Hayley Morris, *Women's Leadership Can Help Drive Climate Solutions: Gender Equity Helps Reduce CO2 Emissions,* UC Davis (Aug. 16, 2022), https://www.ucdavis .edu/climate/blog/womens-leadership-can-help-drive-climate-solutions. [↑](#footnote-ref-149)
149. 148*Id*. [↑](#footnote-ref-150)
150. 149Kyle Powys Whyte, *Indigenous Women, Climate Change Impacts, and Collective Action*, 29 Hypatia 599, 599 (2014). [↑](#footnote-ref-151)
151. 150Ward, *supra* note 15, at 263. [↑](#footnote-ref-152)
152. 151*Id*. [↑](#footnote-ref-153)
153. 152*Tribal Voices, Tribal Wisdom: Strategies for the Climate Crisis: Hearing Before the H. Select Comm. on the Climate Crisis*, 117th Cong. 3 (2021) (statement of Kathy Castor, Chair, H. Select Comm. on the Climate Crisis). [↑](#footnote-ref-154)
154. 153Executive Office of the President, *Indigenous Traditional Ecological Knowledge and Federal DecisionMaking* 1 (Nov. 15, 2021), [*https://www.whitehouse.gov/wp-content/uploads/2021/11/111521-OSTP-CEQ-ITEK-Memo.pdf*](https://www.whitehouse.gov/wp-content/uploads/2021/11/111521-OSTP-CEQ-ITEK-Memo.pdf). [↑](#footnote-ref-155)
155. 154[*Id. at 2*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:3S4X-KK10-003B-H531-00000-00&context=1516831). [↑](#footnote-ref-156)
156. 155Whyte, *supra* note 149, at 610. [↑](#footnote-ref-157)
157. 156Chief, *supra* note 134, at 1. [↑](#footnote-ref-158)
158. 157United Nations Climate Change, *Indigenous Women Vital to Climate Action*, [*https://unfccc.int/news/indigenous-women-vital-to-climate-action*](https://unfccc.int/news/indigenous-women-vital-to-climate-action) (quoting UN Climate Change Executive Secretary, Patricia Espinosa). [↑](#footnote-ref-159)
159. 158Denetdale, *supra* note 14, at 15. [↑](#footnote-ref-160)
160. 159*Id.* (quoting LeNora Y. Fulton, *Women Can Lead*, Navajo Times (May 7, 1998)). [↑](#footnote-ref-161)
161. 160Cohen, *supra* note 59, at §1.07. [↑](#footnote-ref-162)
162. 161*Id.* [↑](#footnote-ref-163)
163. 162Kearl, *supra* note 34, at 103. [↑](#footnote-ref-164)
164. 163*Id.* at 103-4. [↑](#footnote-ref-165)
165. 164*Id.* at 124. [↑](#footnote-ref-166)
166. 165*Id.* at 126-27 (e.g., Title IX of the Education Act Amendment). [↑](#footnote-ref-167)
167. 166*Id.* at 127. [↑](#footnote-ref-168)
168. 167Nat'l Council of Am. Indians, A Spotlight on Native Women & Girls 1 (May 2015), [*https://www.ncai.org/policy-research-center/research-data/prc-publications/*](https://www.ncai.org/policy-research-center/research-data/prc-publications/) A\_Spotlight\_on\_Native\_Women\_-\_Girls.pdf ("Over the 30 years between 1976 and 2006, the number of American Indian/Alaska Native (AI/AN) women enrolled in colleges and universities increased by nearly 200 percent, from 27,600 to 111,000."). [↑](#footnote-ref-169)
169. 168Kearl, *supra* note 34, at 128. [↑](#footnote-ref-170)
170. 169Nat'l Council of Am. Indians, *supra* note 167, at 1. [↑](#footnote-ref-171)
171. 170Annie Wauneka was the first female elected to the Navajo Nation Tribal Council. However, the overall number of women on the Council continued to lag behind men. *See* [*id. at 3-4*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:3S4X-KK10-003B-H531-00000-00&context=1516831). The current 25[su'th'] Navajo Nation Council has an unprecedented number of female representatives - nine out of twenty-four delegates are women. *See Council: Council Delegates,* 25[su'th'] Navajo Nation Council, [*https://www.navajonationcouncil.org/council*](https://www.navajonationcouncil.org/council)/ (last visited Mar. 9, 2023). [↑](#footnote-ref-172)
172. 171Hill & Hoss, *supra* note 34, at 226. [↑](#footnote-ref-173)
173. 172[*Id. at 228*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:3S4X-JM90-003B-H12Y-00000-00&context=1516831). [↑](#footnote-ref-174)
174. 173Denise K. Lajimodiere, *Ogimah Ikwe: Native Women and Their Path to Leadership*, 26 Wicazo Sa Rev. 57, 60 (2011). [↑](#footnote-ref-175)
175. 174*Id*. [↑](#footnote-ref-176)
176. 175Prindeville, *supra* note 41, at 103. [↑](#footnote-ref-177)
177. 176*Id.* at 104. [↑](#footnote-ref-178)
178. 177*Id.* at 105. [↑](#footnote-ref-179)
179. 178*Id.* at 107 (internal citations omitted). [↑](#footnote-ref-180)
180. 179Lajiimodiere, *supra* note 174, at 64. [↑](#footnote-ref-181)
181. 180I am fortunate to know these women as colleagues and friends. They have inspired my own work on tribal issues in the Basin. This section is informed by my personal discussions with these women, their public speaking engagements, and interviews by third parties. [↑](#footnote-ref-182)
182. 181*See* Chris Warren, *Dr. Crystal Tulles-Cordova, Professional of the Year Awardee, Din*´*,* Winds of Change (Oct. 19, 2021), [*https://woc.aises.org/content/dr-crystal-tulley-cordova-professional-year-awardee-din&#180;*](https://woc.aises.org/content/dr-crystal-tulley-cordova-professional-year-awardee-din&#180) *see also* Water Underground Talks, *Crystal Tulles-Cordova - Navajo Water*, YouTube (July 22, 2022), [*http://www.youtube.com*](http://www.youtube.com) /watch?v=n2NbH4L - z4 *see also* Crystal Tulles-Cordova, *The Navajo Nation and Clean Water: The Story of Two Sisters*, Mrs. Green's World (Mar. 1, 2021), https:// [*www.mrsgreensworld.com/podcast/the-navajo-nation-and-clean-water-the-story-of-two-sisters/*](http://www.mrsgreensworld.com/podcast/the-navajo-nation-and-clean-water-the-story-of-two-sisters/) *see also* Science Moab, *Water Sustainability on the Navajo Nation: Science Moab talks to Dr. Crystal Tulley-Cordova about sustainable water practices in Navajo communities,* Moab Sun News (Jan. 14, 2022), [*https://moabsunnews.com/2022/01/14/*](https://moabsunnews.com/2022/01/14/) water-sustainability-on-the-navajo-nation-science-moab-talks-to-dr-crystal-tulley-cordov a-about-sustainable-water-practices-in-navajo-communities/. [↑](#footnote-ref-183)
183. 182Water & Tribes Initiative, *supra* note 102, at 14-15. [↑](#footnote-ref-184)
184. 183[*Id. at 15*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:3S4X-KK10-003B-H531-00000-00&context=1516831) (citing U.S. Water All. & DigDeep, Closing the Water Access Gap in the United States: A National Action Plan 22 (2019)). [↑](#footnote-ref-185)
185. 184*Id*. [↑](#footnote-ref-186)
186. 185*Navajo Safe Water: Protecting You and Your Family's Health,* Navajo Nation Water Access Coordination Gp., [*http://www.navajosafewater.org*](http://www.navajosafewater.org) (last updated Feb. 16, 2023). [↑](#footnote-ref-187)
187. 186Warren, *supra* note 181. [↑](#footnote-ref-188)
188. 187*Navajo Safe Water: Protecting You and Your Family's Health,* Navajo Nation Water Access Coordination Gp., [*http://www.navajosafewater.org*](http://www.navajosafewater.org) (last updated Feb. 16, 2023). *See also* Cathy Puvis Lively, *Covid-19 in the Navajo Nation Without Access to Running Wate*r, 7 Voices In Bioethics 1, 3 (2021). [↑](#footnote-ref-189)
189. 188*See, e.g.,* Crystal L. Tulley-Cordova et al., *Navajo Nation, USA, Precipitation Variability from 2002 to 2015*, 163 J. Contemp. Water Rsch. & Educ. 109 (2018)*.* [↑](#footnote-ref-190)
190. 189Warren, *supra* note 1815. [↑](#footnote-ref-191)
191. 190Brief for the Din´ Hataalii Assoc., Inc. as Amicus Curiae, p. 16, Arizona v. Navajo Nation (No. 21-1484) and Dept. of Interior v. Navajo Nation (No. 22-51) (2023) (citing 2 Navajo Nation Code ("N.N.C.") §110(q)), [*https://sct.narf.org/documents/arizona\_v\_navajo/amicus\_dine.pdf*](https://sct.narf.org/documents/arizona_v_navajo/amicus_dine.pdf). [↑](#footnote-ref-192)
192. 191*Id*. (internal quotations omitted). [↑](#footnote-ref-193)
193. 192*Nora McDowell*, A Peace of My Mind, [*https://apomm.net/2022/06/09/nora-mcdowell/*](https://apomm.net/2022/06/09/nora-mcdowell/) (last visited Feb. 13, 2023) Tracy Perkins, *Nora McDowell speaking about women's environmental leadership at the Smithsonian Castle,* Tracy Perkins: Scholar, Tchr., Digit. Sociologist (Aug. 25, 2019), [*https://tracyperkins.org/2019/08/25/nora-mcdowell-speaking-about-womens-environmental-leadership-at-the-smithsonian-castle/*](https://tracyperkins.org/2019/08/25/nora-mcdowell-speaking-about-womens-environmental-leadership-at-the-smithsonian-castle/) West Cliff Creative, *Interview with Fort Mojave - Nora McDowell*, Vimeo (May 4, 2021) [*https://vimeo.com/549479948*](https://vimeo.com/549479948) Associated Press, *Project aims to preserve an Arizona tribe's cultural history*, KTARNEWS (Oct. 17, 2021), [*https://ktar.com/story/4730*](https://ktar.com/story/4730) 334/project-aims-to-preserve-an-arizona-tribes-cultural-history/. [↑](#footnote-ref-194)
194. 193*A Common Vision for the* ***Colorado******River*** *System: Toward a Framework for Sustainability*, Univ. of Mont.: Ctr. for Nat. Res. & Env't Pol'y 2 (2020), [*https://naturalresourcespolicy.org/docs/policybrief3finalweb.pdf*](https://naturalresourcespolicy.org/docs/policybrief3finalweb.pdf). [↑](#footnote-ref-195)
195. 194*Id*. [↑](#footnote-ref-196)
196. 195A Peace of My Mind, *supra* note 206. [↑](#footnote-ref-197)
197. 196*Toprock Mediation, Overview*, PG&E, [*https://topockremediation.pge.com*](https://topockremediation.pge.com)/ (last visited Feb 13, 2023). [↑](#footnote-ref-198)
198. 197Jennifer Yachnin, *Nevada dilemma: Renewable energy or national monument?* E&E News (Oct. 19, 2021), [*https://www.eenews.net/articles/nevada-dilemma-renewable-energy-or-national-monument/*](https://www.eenews.net/articles/nevada-dilemma-renewable-energy-or-national-monument/). [↑](#footnote-ref-199)
199. 198Presidential Proclamation No. 10533 (Mar. 21, 2023), https://www.federal register.gov/documents/2023/03/27/2023-06387/establishment-of-the-avi-kwa-ame-national-monument. [↑](#footnote-ref-200)
200. 199A Peace of My Mind, *supra* note 206. [↑](#footnote-ref-201)
201. 200*Id*. [↑](#footnote-ref-202)
202. 201*See* Audacious Water, *How Water is Different on the Navajo Reservation,* [*https://www.audaciouswater.org/episodes/episode-02-bidtah-becker*](https://www.audaciouswater.org/episodes/episode-02-bidtah-becker) *see also* The Takeaway, *Deep Dive: Water*, [*https://www.wnycstudios.org/podcasts/takeaway/segments/*](https://www.wnycstudios.org/podcasts/takeaway/segments/) deep-dive-water *see also* Climate One, ***Colorado******River*** *Reckoning: Drought, Climate and Equal Access*, [*https://www.climateone.org/people/bidtah-becker*](https://www.climateone.org/people/bidtah-becker) *see also Addressing Tribal Needs Through Innovation and Investment in Water Resources Infrastructures through the U.S. Bureau of Reclamation: Hearing Before the U.S. H. Comm. on Appropriations*, 117th Cong. (2021) (testimony of Bidtah N. Becker, Associate Attorney, Navajo Tribal Utility Authority) *see also Navajo Nation Announces Leadership Appointments*, Indian Gaming (Sept. 20, 2022), [*https://www.indiangaming.com/navajo-nation-announces-leadership-appointments*](https://www.indiangaming.com/navajo-nation-announces-leadership-appointments)/ *see also* Bidtah Becker & Anne Castle, *Opinion: Washington has a big chance to correct a shameful state of affairs for Native Americans*, Washington Post (July 21, 2021), [*https://www.washingtonpost.com*](https://www.washingtonpost.com)/ opinions/2021/07/21/this-infrastructure-fix-is-simple-pipe-clean-water-native-americans/ *see also Zoya Teirstein, Western tribes already lacked water access. Now there's a megadrought, GRIST (May 5, 2021),* [*https://grist.org/politics/why-hope-might-be-on-the-horizon-for-western-tribes-wat*](https://grist.org/politics/why-hope-might-be-on-the-horizon-for-western-tribes-wat) *er-woes/ see also California* Environmental Protection Agency, Press Release: Bidtah N. Becker joins CalEPA as Deputy Secretary for Environmental Justice, Tribal Affairs and Border Relations, Dec. 3, 2021, [*https://calepa.ca.gov/2021/12/03/press-release-bidtah-n-becker-joins-calepa-as-deputy-secretary-for-environmental-justice-tribal-affairs-and-border-relations/*](https://calepa.ca.gov/2021/12/03/press-release-bidtah-n-becker-joins-calepa-as-deputy-secretary-for-environmental-justice-tribal-affairs-and-border-relations/). [↑](#footnote-ref-203)
203. 202California Environmental Protection Agency, *supra* note 215. [↑](#footnote-ref-204)
204. 203Becker & Castle, *supra* note 215. [↑](#footnote-ref-205)
205. 204Universal Access to Clean Water for Tribal Communities, [*https://tribalcleanwater.org*](https://tribalcleanwater.org)/ (last visited May 16, 2023). [↑](#footnote-ref-206)
206. 205Water & Tribes Initiative, *supra* note 102, at 28-49 (discussing the primary federal agencies involved in funding tribal water infrastructure). [↑](#footnote-ref-207)
207. 206Universal Access to Clean Water for Tribal Communities, *Solutions*, [*https://tribalcleanwater.org/solutions/*](https://tribalcleanwater.org/solutions/). [↑](#footnote-ref-208)
208. 207*SeeBarry and Pinnecoose Take Oath of Office*, S, Ute Drum (Dec. 16, 2021), [*https://www.sudrum.com/eEditions/DrumPDF/2022/SUDrum-20221216.pdf*](https://www.sudrum.com/eEditions/DrumPDF/2022/SUDrum-20221216.pdf) *see also* Water Education ***CO***,***Colorado*** *Ute Tribal Water Rights & Access*, YouTube (June 9, 2022) [*https://www.youtube.com/watch?v=X9PYvhKk4BE&#38;embeds\_euri=https%3A%2F*](https://www.youtube.com/watch?v=X9PYvhKk4BE&#38) %2Fcoyotegulch.blog%2F&feature=emb\_imp\_woyt *see also* Jim Mimiaga, *Native American tribes assert water rights on* ***Colorado******River*** *Basin*, The J. (Apr. 7, 2022), [*https://www.the-journal.com/articles/native-american-tribes-assert-water-rights-on-****colorado****-****river****-basin/*](https://www.the-journal.com/articles/native-american-tribes-assert-water-rights-on-colorado-river-basin/) *see also* Michael Elizabeth Sakas, *Tribes push for a bigger role in managing the shrinking* ***Colorado******River****'s water,* NPR (Dec. 29, 2021), https://www. npr.org/2021/12/29/1068895461/tribes-push-for-a-bigger-role-in-managing-the-shrinkin g-***colorado***-***rivers***-water *see also* Celene Hawkins & Lorelei Cloud, *Opinion: Tribal Nations must be at the table to find the West's water solutions*, The ***Colo.*** Sun (June 16, 2022), [*https://coloradosun.com/2022/06/16/tribal-nations-****colorado****-****river****-water-allocation*](https://coloradosun.com/2022/06/16/tribal-nations-colorado-river-water-allocation) -drought-opinion/ *see also* Shannon Mullane, *Lorelei Cloud is the first-ever tribal member on* ***Colorado****'s top water board. Here's how she plans to tackle her new role,* The ***Colo.*** Sun (Apr. 26, 2023), [*https://coloradosun.com/2023/04/26/lorelei-cloud-southern-ute-first-tribal-member-****colorado****-water-board/*](https://coloradosun.com/2023/04/26/lorelei-cloud-southern-ute-first-tribal-member-colorado-water-board/). [↑](#footnote-ref-209)
209. 208Jerd Smith, *A breakthrough on tribal water rights?,* Big Pivots (Sept. 21, 2022), [*https://bigpivots.com/a-breakthrough-on-tribal-water-rights/?utm\_source=rss&#38;utm\_med*](https://bigpivots.com/a-breakthrough-on-tribal-water-rights/?utm_source=rss&#38) ium=rss&utm\_campaign=a-breakthrough-on-tribal-water-rights. [↑](#footnote-ref-210)
210. 209Water & Tribes Initaitive, *Who We Are*, [*https://www.waterandtribes.org/about-us*](https://www.waterandtribes.org/about-us) (last visited May 16, 2023). [↑](#footnote-ref-211)
211. 210*See* Hawkins & Cloud, *supra* note 221 *see also* Mullane, *supra* note 221. [↑](#footnote-ref-212)
212. 211Hawkins & Cloud, *supra* note 221. [↑](#footnote-ref-213)
213. 212*Shared Vision for the Upper Basin of the* ***Colorado******River*** *Basin: A Resolution for Sustainability*, Univ. of Mont.: Ctr. for Nat. Res. & Env't Pol'y (May 10, 2022), [*https://naturalresourcespolicy.org/docs/upper-basin-shared-vison-final.pdf*](https://naturalresourcespolicy.org/docs/upper-basin-shared-vison-final.pdf). [↑](#footnote-ref-214)
214. 213*Id.* [↑](#footnote-ref-215)
215. 214Mullane, *supra* note 221. The ***Colorado*** Water Conservation Board "sets water policy within the state, funds water projects statewide and works on issues related to watershed protection, stream restoration, flood mitigation and drought planning." *Id*. *See also* ***Colorado*** Water Conservation Board, *About Us*, [*https://cwcb.****colorado****.gov/about-us*](https://cwcb.colorado.gov/about-us) (last visited May 16, 2023). [↑](#footnote-ref-216)
216. 215Mullane, *supra* note 221. *See also* McKinney et al., *supra* note 12, at 175-77. [↑](#footnote-ref-217)
217. 216This section is informed by my work as the coordinator for the Indigenous Women's Leadership Network since its formation, some of which is identified on the network's website. *See generally* Indigenous Women's Leadership Network, http:// iwln.org (last visited Feb. 23, 2023). [↑](#footnote-ref-218)
218. 217*Id*. [↑](#footnote-ref-219)
219. 218*Id*. [↑](#footnote-ref-220)
220. 219Responses from IWLN members (on file with author) [hereinafter IWLN Responses]. [↑](#footnote-ref-221)
221. 220Forty-four women disclosed their educational background, with thirteen women holding bachelor degrees and twenty-eight women having graduate degrees. Three women had some level of training or course work completed. *Id*. [↑](#footnote-ref-222)
222. 221*Id*. [↑](#footnote-ref-223)
223. 222*Id*. [↑](#footnote-ref-224)
224. 223*Id*. Notably, there are some entities that focus on women to promote leadership, such as Women Empowering Women for Indigenous Nations, Native Action Network, and Native Women Lead. However, a gap still exists when it comes to Native women engaged in the environmental sector. [↑](#footnote-ref-225)
225. 224*Id*. [↑](#footnote-ref-226)
226. 225*Id*. [↑](#footnote-ref-227)
227. 226*See* Water & Tribes Initiative,, Toward a Sense of the Basin: Designing a Collaborative Process to Develop the Next Set of Guidelines for the ***Colorado*** ***River*** System 10 (2020), [*http://www.naturalresourcespolicy.org/docs/****colorado****-****river****-basin/basin-report-2020.pdf*](http://www.naturalresourcespolicy.org/docs/colorado-river-basin/basin-report-2020.pdf). [↑](#footnote-ref-228)
228. 227Lajiimodiere, *supra* note 174, at 167. [↑](#footnote-ref-229)
229. 228Notably, prior studies have found that Native women utilize leadership styles that are more inclusive, collaborative, and participatory. Tribal culture and spiritually also impacts their leadership. *See* Tippeconnic et al., *supra* note 75, at 92-94, 96. [↑](#footnote-ref-230)
230. 229Lajiimodiere, *supra* note 174, at 172. [↑](#footnote-ref-231)
231. 230*Id*. [↑](#footnote-ref-232)
232. 231IWLN Responses, *supra* note 233. [↑](#footnote-ref-233)
233. 232*Id*. [↑](#footnote-ref-234)
234. 233Native Americans in Philanthropy, *Our Mission*, [*https://nativephilanthropy.org/our-mission*](https://nativephilanthropy.org/our-mission)/ (last visited May 16, 2023). [↑](#footnote-ref-235)
235. 234*Id*. [↑](#footnote-ref-236)
236. 235Nancy Peterson et al., *Respectful Tribal Partnership: What Philanthropy Can Learn from the Navajo Nations' Collaborative Response to the COVID-19 Crisis*, 14 Found. Rev. 93, 93 (2022). [↑](#footnote-ref-237)
237. 236IWLN is financially supported by grants through Planet Women and the Catena Foundation. [↑](#footnote-ref-238)
238. 237Portman & Herring, *supra* note 64, at 195. [↑](#footnote-ref-239)