



A Common Vision for the Colorado River System: Toward a Framework for Sustainability

Introduction

The purpose of this policy brief is to inspire and inform a robust conversation about the future of the Colorado River system. This process of seeking consensus on a vision should be instructive in defining the purpose and scope of the framework that replaces the 2007 Interim Guidelines. It might also be useful in guiding other activities in the Basin related to water development, use, and conservation.

The brief starts by presenting several tribal visions for the River system's future. It then draws on visions presented in *Toward a Sense of the Basin*, a report prepared by the Water & Tribes Initiative (WTI) in 2020 based on interviews and workshops with more than 100 tribal and other leaders in and around the Basin. The intent is to learn from these visions, synthesize prevailing values, and integrate themes into an overarching common vision. The brief concludes with offering several observations on challenges and opportunities associated with implementing and realizing this common vision.

Tribal Visions

Ten Tribes Partnership Vision Statement

The Ten Tribes Partnership (TTP) was created in 1992 by ten tribes with reserved water rights in the Colorado River system to "develop and protect tribal water resources and to address technical, legal, economic, and practical issues related to the operation of the Colorado River."¹ Since its origin, the TTP has served as a regular forum for these ten tribes to exchange information, build relationships, and work together on issues of common interest. It has also facilitated tribal participation at the annual Colorado River Water Users Association conference. Perhaps its most notable achievement to date is the *Tribal Water Study*, which was completed jointly with the U.S. Bureau of Reclamation in 2018.²

The vision of the TTP includes five elements:

- Water is life;
- Water is the giver and sustainer of life;
- Water is a sacred and spiritual element to the partnership tribes;

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- The Creator instilled in the First Peoples the responsibility of protecting the delicate, beautiful, balance of Mother Earth for the benefit of all living creatures; and
- The TTP will embrace and own the stewardship of the Colorado River system and lead from a spiritual mandate to ensure that this sacred water will always be protected and available and sufficient for each tribe's homeland.

Tribal Vision for Protecting the Colorado River

From 2012 to 2015, five tribes in the Lower Basin of the Colorado River—Cocopah, Colorado River Indian Tribes, Fort Mojave, Chemehuevi, and Hualapai—jointly developed the *Tribal Vision for Protecting the Colorado River* (see Box 1).³ The tribes reaffirmed the Vision in 2019, and the Quechan Tribe also signed on at that time. To develop the vision, each tribe provided information on their connections to the River. This information included

Box 1: Tribal Vision for Protecting the Colorado River

This vision was developed and ratified in 2015 by the Cocopah, Chemehuevi, Fort Mojave, Hualapai, and Colorado River Indian Tribes, and endorsed by the Quechan Tribe in 2019.

"The Colorado River is sacred, water is life, the peoples are the keepers of the River, and we take full responsibility to care for the River. The River is integral to our past as peoples, our present, and our future. The River is the Chemehuevi, Cocopah, Fort Mojave, Hualapai, Quechan and Colorado River Indian Tribes (Mohave, Chemehuevi, Navajo, and Hopi). In alignment with our respect for the River, we assert the following principles:

The Colorado River is necessary for tribal subsistence, culture, and ceremonial practices. Clean water is vital and necessary for our peoples' health, the vibrancy and diversity of the plants and animals, and all life that depends on it.

The River is spiritual—there is a timeless flow of oral traditions and cultural connections to the River that needs to be passed on to preserve our cultures and languages for our future generations. There is a responsibility to our stewardship of the River, and our children must understand this so they can be caretakers of the River as their ancestors have been. The River is crucial to restoring the native plants and wildlife that are the roots of our oral traditions, cultural practices, and well-being.

The Colorado River is the origin of our peoples. The River must be viewed holistically.

As tribes, we have a responsibility to the River, the land, and all resources. Just as we have a responsibility to the River, the federal government has a trust responsibility to consult with and listen to us about how the River should be managed and protected. There needs to be a balance between our traditional lifeways, reliance on the River and the economic uses of the River. We call upon all peoples to learn about and understand our historical and present connections to the River and to make a *shift in thinking about the River* -- tribal traditional values must be taken into equal account along with western science in relationship to the management of the River.

There are many threats to the River: climate change, resource depletion, over-allocation, and contamination. As a result, those that depend on the River—animals, plants, tribes, farmers, and communities—are suffering. This trajectory of increasing anguish must be changed.

Clean and abundant water must be available for the health and well-being of human, animal, and plant communities. Our tribal perspectives must be respected, valued, and taken into full account in how the River is managed. We are the River Keepers and our youth must be provided the knowledge to become the future keepers of the River. We call on our fellow sovereign tribes to unite. Under our tribal leadership, we ask federal and state natural resource agencies, water managers, local communities, and recreational industries to join and actively support us in meeting these objectives of our tribal vision."

the value of water for subsistence, plants and wildlife, oral traditions and ceremonies, traditional ecological knowledge and tribal languages, and medicine and food.

Based on this knowledge sharing, a working group identified that all participating tribes share a belief in the River's cultural and ecological values. These common values form the foundation of the vision statement, as illustrated by two provisions:

- "The Colorado River is sacred, water is life, the peoples are the keepers of the River, and we take full responsibility to care for the River."
- "Clean and abundant water must be available for the health and well-being of human, animal, and plant communities."

By creating and affirming this vision, the participating tribes sought to establish a voice of solidarity for protecting the River, with cultural and ecological values at the forefront. This vision emphasizes the need to leave water in the River for cultural and ecological benefits, and to seek a more sustainable balance between instream and out-of-stream uses of water. The tribes hope the vision will strengthen their collective voice to influence how the River is viewed, managed, and utilized.

Bluff Principles

The Bluff Principles emerged from a series of conversations among Hopi and other tribal leaders in Moab and Bluff, Utah in 2016 (see Box 2).⁴ Like the TTP vision statement and the *Tribal Vision for Protecting the Colorado River*, these principles emphasize the sacred value of water, the value of water as a precious life-giving resource, and the value of leaving the earth and its water systems in better shape than we found them.

The principles also call for a more collaborative and less adversarial process to develop policy and solve common problems; integration of traditional knowledge and western science to better understand the River system; and an equitable allocation of water.

Box 2: The Bluff Principles

The Bluff Principles emerged from a series of conversations among Hopi and other tribal leaders in Moab and Bluff, Utah in 2016:

1. Clean water for all peoples.
2. Honoring sacred sites and the religious beliefs of all peoples.
3. A holistic approach to water management that focuses on the ecosystem.
4. Educating the public on the value of water: water is life.
5. Using science to improve our understanding of water quality and quantity.
6. A focus on collaborative, inclusive policymaking.
7. A water regime free of racism and prejudice.
8. An ethic that emphasizes concern and caring for everyone, downstream and upstream.
9. A goal of stewardship; leave the Earth and its water systems better than we found them.
10. Equity and fairness should be basic features in all water allocation decisions.
11. Understand that traditional wisdom, especially from the Elders, is critical.
12. A sense of urgency; we must act now before the problems become overwhelming.
13. We must think of the welfare of future generations, not just for our own time.
14. Value water as a precious life-giving resource; we should not take it for granted.
15. Water is a gift provided by the Creator and should be sacred, shared, and loved.
16. Water policymaking should embody more spirituality and kindness, and less confrontation.

Tribal Water Study

The *Ten Tribes Partnership Tribal Water Study* (TWS) was completed in 2018 by the TTP and the U.S. Bureau of Reclamation. The study's intent was to document current and future uses of Colorado River system water by the ten tribes, and to craft strategies to address tribal needs and perspectives, while seeking to ensure sustainability for other water users in and around the Basin.

Each TTP tribe provided data on water use and management, including information on water supply; usage amounts, types, and locations; infrastructure; operations, efficiency, and conservation; and water's historical and cultural importance. The study grouped water use into four categories: (1) domestic, municipal, and industrial; (2) irrigated agriculture and livestock; (3) transfers, leases, and exchanges; and (4) environmental, cultural, and recreational use. The study likewise identified six dominant factors influencing water use and development: demographic, infrastructure development, economic development, governance, land use and natural systems (including environmental values and needs), and social (including cultural and spiritual values).

The TTP tribes uniformly ranked cultural and spiritual connections to water as very important, and tribal feedback during the study's development reinforced those priorities and values.⁵ Similar to the TTP vision statement, the *Tribal Vision for Protecting the Colorado River*, and the Bluff Principles, the TWS emphasized the value of water to tribes for religious, cultural, and spiritual purposes.⁶ Water, particularly the Colorado River system, is foundational to the tribes' identities and an intrinsic connection to their homelands. Taken together, the *Tribal Water Study* and preceding three vision statements reinforce a common belief among tribes that the River system and water are sacred, "Water is life," and tribes are "Keepers of the River."

Toward a Sense of the Basin

A complimentary source to inform the process of shaping a vision for the Colorado River system's future

is *Toward a Sense of the Basin*, the report completed in 2020 by the WTI based on interviews and workshops with over 100 tribal and other leaders in and around the Basin. The participants identified both "process-oriented" and "policy-oriented" visions.

From a process perspective, the sense among interviewees is (1) to use collaboration as the method of first resort, in contrast to litigation and other adversarial processes; (2) to move from ad hoc collaboration to more intentional, ongoing systems of collaborative problem-solving and decision-making; (3) to move toward a more adaptive governing framework; (4) to continue moving in the direction of a unified system of management; and (5) to articulate a broad, comprehensive vision for the next 25-years (or longer) and then to achieve that vision incrementally (a sort of "pragmatic idealism" as one interviewee commented). This approach is consistent with the vision of a more adaptive system of planning and decision-making and contemplates adapting operations according to changing circumstances year-to-year.

From a policy perspective, the most common goal that emerged among the participants is to promote and support sustainable/resilient use of the River for people and nature (some participants even referred to the next set of guidelines as "sustainability" guidelines). Another common policy-oriented goal is to maximize certainty and reliability. A third policy-oriented goal is to move beyond operating guidelines for the River system to a more comprehensive, integrated resource management plan. The idea here is to manage the Basin as a natural system for multiple outcomes—i.e., to manage the River system holistically as an ecosystem, rather than just a set of plumbing. In contrast, other interviewees suggested operating guidelines should focus exclusively on the coordinated operations of Lake Powell and Lake Mead, and perhaps some of the other reservoirs in the system. Some interviewees offered a vision of the River system where all future policy is oriented around a water ethic and incentives to use less water and to allow for more creative, flexible arrangements and tools within the Law of the River (e.g., strategies to reduce demand,

augment supply, modify operations, and facilitate governance and implementation).

While there seems to be significant convergence around these policy-oriented themes, divergent viewpoints exist regarding how to equitably share risk, particularly between the Upper Basin and Lower Basin. Some interviewees suggested the development of the next set of guidelines provides a timely opportunity to revisit and refine the core policy objective of the Colorado River Compact: “to provide for the equitable division and apportionment of the use of the waters of the Colorado River System.”⁷

Common Values and Themes: A Resolution for Sustainability

Several overlapping values and themes emerge within the five vision statements. They are integrated below into a common vision for the Colorado River system that is presented as a resolution for consideration by tribes and other leaders:

Whereas water is life; it is a precious, life-giving resource;

Whereas water is sacred; it is valued for spiritual, cultural, and ecological purposes as well as for sustaining human populations and economies;

Whereas water is foundational to the identities of tribes in the Basin and provides an intrinsic connection to their wellbeing and homelands;

Whereas water in the Colorado River system is essential to urban and rural communities; municipal, agricultural, industrial, recreational, and other uses; and to more than 40 million people in two countries, seven states, and 29 sovereign Indian nations; and

Whereas natural and cultural resource conservation are connected.

Now, therefore, be it resolved that the next framework

to govern the Colorado River system should:

- Promote and support the sustainable, resilient use of the River system for people and the rest of nature;
- Ensure the spiritual, cultural, and ecological integrity of the River system while providing water for human use and consumption;
- Equitably allocate water by considering the contemporary diversity of needs, interests, and priorities; historical use patterns; and the realities of drought and climate change;⁸
- Promote and support reliable access to clean water for all residents of the Colorado River system;
- Leave the earth and its water systems better than we found them;
- Honor, respect, and realize the federal government’s trust responsibility toward the Basin’s tribes in a manner that acknowledges their sovereignty and human right to self-determination;
- Engage in collaboration as the action of first resort to develop policy and solve problems; and
- Integrate traditional indigenous knowledge with western science to better understand the River system and the consequences of alternative management scenarios.

Challenges and Opportunities to Realize this Vision

As tribes and other leaders in the Basin consider this resolution for sustainability guidelines, and for moving from vision to action, several challenges and opportunities should be acknowledged and addressed. These challenges and opportunities are presented here in the form of questions for consideration and discussion:

- What is the best way to affirm this comprehensive vision for the River system and subsequently realize the vision incrementally? In other words:
 - Which elements of this common vision are most appropriate to guide the development of whatever framework emerges to replace the 2007 Interim Guidelines for the Colorado River (e.g., a framework for sustainability), and what elements can or should be addressed in other forums or processes?
 - Which elements of this vision can be addressed sooner rather than later, and which elements require a longer-term plan?
- How can cultural and ecological values be integrated into modeling and decision-making processes during the development of the next governing framework that will replace the 2007 Interim Guidelines?⁹ How can we strike a balance between consumptive uses (e.g., drinking water, municipal supply, agriculture, and ranching, to name a few) and cultural and ecological uses (e.g., instream flows, water for fish and wildlife, sustaining plants for traditional and subsistence purposes, and ceremonial and spiritual uses)?
- How can tribal and other leaders in and around the Basin foster full and open engagement with all sovereigns and stakeholders in the Basin to consider the consequences and trade-offs associated with these tough choices?

Conclusion

The Colorado River system's future should be guided by a common vision, a common set of values, goals, and aspirations. A quick read of the tribal vision statements presented here, along with the visions of other leaders in and around the Basin as captured by *Toward a Sense of the Basin*, reveals there is much common ground and a reason to celebrate as we move forward.

That said, it is also important to acknowledge that "we can have it all, but we can't have it all at once." In other words, it is one thing to agree on a common vision and another thing to realize that vision. As suggested above, tribes and other leaders in and around the Basin need to clarify which elements of this common vision can and should be addressed in the next framework for governing the Colorado River system, and which elements can and should be addressed in other forums or processes. Some parts of the common vision might be achievable more quickly, while other elements are likely to take more time.

The important thing is that we recognize that we are all in this together, and that we will shape the best possible future for the River system by working together.

Endnotes

- ¹ Colorado River Basin Tribes Partnership, *Founding Document* (1992).
- ² Ten Tribes Partnership and U.S. Department of the Interior Bureau of Reclamation. *Colorado River Basin Ten Tribes Partnership Tribal Water Study*. December 2018.
- ³ Chemehuevi Tribe, Cocopah Tribe, Colorado River Indian Tribes, Fort Mojave Tribe, and Hualapai Tribe. "Tribal Vision for Protecting the Colorado River." 2016.
- ⁴ Jason Robison, Barbara A. Cosenz, Sue Jackson, Kelsey Leonard & Daniel McCool, *Indigenous Water Justice*, 22 Lewis & Clark L. Rev. 841, 871-72 (2018), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3013470.
- ⁵ The survey of tribes ranked feedback in two categories: importance (on a scale of 1 to 5, with 5 being most important) and uncertainty (on a scale of 1 to 5, with 5 being most uncertain). Cultural and spiritual values ranked low on uncertainty, indicating that those values were unlikely to change over time.
- ⁶ The study's sub-chapters on each tribe emphasize water for the environment. For instance, the Ute Indian Tribe highlights their belief "in maintaining sufficient natural flow for instream cultural and wildlife habitat purposes," while tribes such as the Southern Ute stress the importance of instream flows and water quality for the well-being and conservation of endangered species, other fish and wildlife, and plant communities. Similarly, the Ute Mountain Ute highly value river health for fish, wildlife, and riparian plants, while emphasizing the significance of water quality for traditional ceremonies, cultural use, and community members health. For the Jicarilla Apache, water isn't just a commodity, but a "sacred element that requires respect, reverential

treatment, and efficient use," which couples with an emphasis on the need to protect their homeland, including water, animals, and plants. The Chemehuevi Tribe, Cocopah Tribe, and Colorado River Indian Tribes (CRIT), among others, have actively restored riparian habitat, removing invasive plants to foster native plant growth, protecting habitat, conserving water, and ensuring access for cultural use. As CRIT explains in their sub-chapter, their connection to the Creator is tied to taking care of the environment and balancing "their use of water so people, plants, and animals all have enough to live well, for generations to come."

⁷ Colorado River Compact, Article I (1922).

⁸ As noted above, the Colorado River Compact's core policy objective is to provide for an "equitable apportionment" of the river system. Rather than interpret this policy objective in a stationary way—as a static outcome determined by the compact's initial allocation scheme—perhaps it is more instructive to realize that it is a dynamic goal that should be periodically reconsidered in light of inevitable social, economic, and environmental changes. An equitable apportionment of the River system in the twenty-first century should include not only the current dominant uses of the River—agricultural, municipal, and industrial—but also the needs and interests of the basin's sovereign tribes (such as universal access to clean water, for example, particularly in light of COVID-19), as well as those of the river ecosystems themselves.

⁹ Along these lines, what lessons can be learned from other places that have done something similar—e.g., Canada, Australia, and New Zealand. See endnote 4. What would it mean to establish a minimum stream flow for the Colorado River per the public trust doctrine or some other legal mechanism?

For More Information

The Water & Tribes Initiative was catalyzed in 2018 to enhance the capacity of tribes to advance their needs and interests with respect to water management in the Basin, and to advance sustainable water management through collaborative decision-making. The Initiative is guided by a broad-based Leadership Team and funded through in-kind contributions of tribes and many other people as well as funding from the Babbitt Center for Land and Water Policy and the Walton Family Foundation. For more information, please go to <http://naturalresourcespolicy.org/projects/water-tribes-colorado-river-basin.php>.

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