



COLORADO RIVER INDIAN TRIBES

Colorado River Indian Reservation

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January 27, 2010

Mr. Darrick Moe
Manager, Desert Southwest Region
Western Area Power Administration
P.O. Box 6457
Phoenix, AZ 85005-6457

Subject: Comments of the Colorado River Indian Tribes on the Boulder Canyon—Post 2017 Application of the Energy Planning and Management Program Power Marketing Initiative Federal Register Notice of November 20, 2009

Dear Mr. Moe:

The following is the public comment submission of the Colorado River Indian Tribes, also known as CRIT, in response to the Western Area Power Administration (Western) request in its Federal Register Notice of November 20, 2009 regarding the Boulder Canyon Project (BCP).

The CRIT tribal reservation consists of lands on both the Arizona and California sides of the Colorado River, with tribal headquarters near Parker, Arizona. CRIT is composed of members from four tribes, the Mohave, Chemehuevi, Navajo and Hopi. Within CRIT, the Mohave are the predominant tribal group.

The reservation was established by the Federal government to provide a permanent and beneficial home for the tribes of the lower Colorado River basin. Their economy is primarily agricultural, using river bottom lands irrigated by water withdrawn from the river. Dependence on the river, for agriculture, fishing and hunting began in prehistoric times, reflecting the ancient Mohave use of the river basin from the Gulf of California to the Grand Canyon.

The public forum and this statement are about the uses and benefits of hydroelectric energy that is derived from falling river water at Hoover Dam, upstream from the reservation. Like Parker and Davis Dams, the Hoover Dam and its impounded Lake Mead now occupy lands that were the ancestral homelands of the Mohave people. Millions of non-Indian people have benefited from Hoover Dam and Lake Mead, for BCP electric power supplied from Hoover Dam to urban areas in southern Arizona and California. Unfortunately, none of the electricity has been provided to CRIT or to the other tribal residents and businesses downstream from Hoover Dam.

But we Indians now have an opportunity to get a beneficial share of the BCP electric power. The expiration of wholesale electric contracts in 2017 creates the BCP power reallocation that can bring some of the low cost electric power to all tribes with reservations in the river drainage area. We at CRIT welcome this opportunity. Our tribal members have a strong, lingering yearning for benefits from Hoover Dam. We sincerely thank Western for creating this opportunity to get a beneficial share of Hoover power.

The existing BCP wholesale power contracts were created and assigned by special Congressional legislation for use in the states of Arizona, Nevada and California. That power is sold by Western at low wholesale rates, far lower than current market prices, resulting in widespread job and economic growth in the BCP region. We again wish to thank Western for introducing the Power Marketing Initiative (known as PMI) and applying it so that tribes can get a share of federal hydro power without an operating tribal utility. At CRIT, we were thus able to get a share of the lower cost Upper Basin power in 2004 and thereby receive important and long lasting tribal benefits.

Again, regarding the BCP power, CRIT definitely wants a reasonable share to help meet growing electric loads and create favorable, long-term economic and job benefits. As noted, CRIT has been satisfied with its Upper Basin power allocation, as administered by Western, and we recommend that Western follow the same general procedure for the BCP power reallocations, as outlined in the November 20, 2009 Federal Register notice. That notice also asked for specific comments and we respond below.

(1) **PMI Use** Yes, the PMI should be applied to the Hoover reallocation, so that tribes can receive benefits without having a formal tribal utility organization.

(2) **New Customer Power** Tribes should be allocated ten (10) percent of the available BCP capacity and energy.

(3) **Existing Customer Power** Existing BCP customers should receive the balance of available BCP capacity and energy.

(4) **Excess Energy** Excess BCP capacity and energy should be available to tribal customers and the existing customers in an equivalent fashion. Integrated Resource Plans should be required for all customers, with adequate training provided to new customers, mostly to new customers without electric utility staffs.

(5) **Contract term** 30 to 50-year contracts should be required for BCP deliveries to all customers, beginning October 1, 2017.

(6) **State Administration** Arizona Power Authority (APA) is a state agency that should not influence or otherwise control power allocated by Western to Indian tribes or to tribal utilities operating on Indian lands in Arizona.

(7) **Other Comments** In conclusion, CRIT also thanks the Inter-Tribal Council of Arizona (ITCA) for its prompt attention to this BCP power reallocation matter. CRIT

clearly supports the comments and other positions of the Fort Mojave Tribe, ITCA and the Arizona Tribal Energy Association. CRIT also supports Western reallocation outlined in the November 20, 2009 Federal Register Notice.

Regarding Western's reallocation policies and procedures, CRIT appreciates Western's administration of the reallocated Upper Basin power resources since 2004. Western has made sincere and continued efforts to provide help to CRIT regarding periodic filing of an IRP, the achievement of a reasonable monetary benefit, and an introduction to energy education and other assistance programs offered by Western.

These CRIT comments are submitted to Western on or before January 29, 2010, as required by the November 20, 2009 Federal Register Notice. However, we must note that comprehensive comments are not possible at this time because we believe other tribal comments and relevant data are not yet available. Therefore, we support an extension of the January 29, 2010 deadline for meaningful comments.

The Tribes appreciate the opportunity to submit these comments in furtherance of its desire to obtain some portion of the hydroelectric power generated through the Boulder Canyon Project.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Eldred Enas".

Eldred Enas
Tribal Chairman