



# INTER TRIBAL COUNCIL of ARIZONA

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Derrick Moe

November 30, 2009

- MEMBER TRIBES**  
 AK-CHIN INDIAN COMMUNITY  
 COCOPAH TRIBE  
 COLORADO RIVER INDIAN TRIBES  
 FORT MCDOWELL YAVAPAI NATION  
 FORT MOJAVE TRIBE  
 GILA RIVER INDIAN COMMUNITY  
 HAVASUPAI TRIBE  
 HOPI TRIBE  
 HUALAPAI TRIBE  
 KAIBAB-PAIUTE TRIBE  
 PASCUA YAQUI TRIBE  
 PUEBLO OF ZUNI  
 QUECHAN TRIBE  
 SALT RIVER PIMA-MARICOPA  
 INDIAN COMMUNITY  
 SAN CARLOS APACHE TRIBE  
 TOHONO O'ODHAM NATION  
 TONTO APACHE TRIBE  
 WHITE MOUNTAIN APACHE TRIBE  
 YAVAPAI APACHE NATION  
 YAVAPAI-PRESCOTT INDIAN TRIBE

Tim Meeks, Administrator  
 Western Area Power Administration  
 P.O. Box 281213  
 Lakewood, CO 80225

RE: Boulder Canyon Project Power Output Reallocation

Dear Mr. Meeks:

On behalf of the Inter Tribal Council of Arizona (ITCA) I write to provide you with a copy of the position adopted by the ITCA members in relation to the reallocation of electrical power output from the Boulder Canyon Project (BCP or Hoover). ITCA represents 20 tribes in Arizona.

The electrical energy output of this public power project is scheduled to be reallocated as of October 1, 2017. Due to the complexities of this process, the Western Area Power Administration initiated its administrative action for this purpose on November 20, 2009. Additionally, ITCA understands that, separate from the Federal administrative process, the Arizona Power Authority, Colorado River Commission of Nevada and individual California contractors of BCP (collectively hereinafter "Existing Customer Group") have organized to propose legislation to Congress that will control the BCP's reallocation process and beneficiaries.

It is important to note that Native American tribal interests do not receive any direct electrical power output under the presently existing BCP contracts. Furthermore, to our knowledge, Indian tribes did not participate in the development of the legislation being proposed by the Existing Customer Group.

In that proposed legislation a new user power pool is contemplated where 5% of available Hoover electrical power output will be apportioned to all new customers. Of that allocation, ITCA understands that two-thirds of the pool is to be set aside for tribes and other entities qualifying to receive Hoover output in the original statutory language of Section 5, while one-third of the pool will be allocated equally among other new customers in the BCP marketing area within Arizona.

California and Nevada. We believe that opportunities for Indian tribes are underemphasized in the proposed legislation. As such, Indian tribes with lands inside the BCP marketing area are seeking a tribal-only pool of 10% of the total Hoover electrical power output. Consistent with the government to government dealings required of the Department of Energy as set out in its own agency policies and in accordance with overarching Federal Indian policy, tribes should receive this power through and according to criteria developed in consultation with the Western Area Power Administration, exclusive of input from or influence of any existing customer or state interest.

Furthermore, Indian tribes are entitled to participate in the discussion regarding the allocation of Hoover power, and will benefit greatly from being able to contract for that power. In the recent past, tribes have been authorized to contract for output from Glen Canyon, Parker-Davis and other public power projects.

In the wake of recent economic conditions, Hoover power pricing makes the resource especially critical to tribal economies, and access to BCP power will also allow Indian tribes an opportunity to better plan and manage their own energy needs, something increasingly essential for future generations.

Establishment of a tribal-only pool and tribal allocation guidelines among potential tribal customers is needed to ensure that all tribes with lands inside the BCP marketing area that wish to contract for Hoover power will receive fair allocations. Tribes can then work together and with the Western Area Power Administration officials to develop and apply fair tribal allocation criteria.

ITCA appreciates your attention to this issue and that you will support tribal interests in the upcoming process for the allocation of Hoover power. ITCA looks forward to working with you and the Existing Customer Group on this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Shane Lewis', with a stylized, cursive script.

Shane Lewis  
President, Inter Tribal Council of Arizona  
Vice-Chairman, Fort Mojave Indian Tribe

Attachment: Tribal Position Paper

**INTER TRIBAL COUNCIL OF ARIZONA**  
**Boulder Canyon Project (BCP)**  
**Tribal Position Paper**

**Issue**

The Boulder Canyon Project (BCP or Hoover) hydroelectric power contracts are set to expire at midnight on September 30, 2017. Hoover power will be reallocated as of October 1, 2017. The Western Area Power Administration (WAPA or Western) is preparing to initiate an administrative process for this purpose possibly by the end of 2009. Additionally, current BCP customers in the states of Arizona, Nevada and California (Existing Customer Group) have organized to seek renewal of existing contracts through a legislative process rather than through a regulatory process administered by Western. The Existing Customer Group has drafted legislation and is preparing to introduce the legislation, possibly by the end of this year or in 2010.

The Existing Customer Group's draft legislation contains references to the ability of tribes within the BCP marketing area to access hydro-electric power. However, tribes did not participate in the Existing Customer Group's development of the legislation.

**Tribal Position**

Tribes recognize the importance for energy development and for self-governance through obtaining an allocation of Hoover power. Tribes seek the same opportunity to contract for Hoover power as they have been extended in recent years with respect to output from Glen Canyon, Parker-Davis and other public power projects. Tribes seek direct participation in the Hoover reallocation process.

**Detail Tribal Position**

Tribes have held discussions regarding the Hoover reallocation. Below is the position of the member tribes of the Inter Tribal council of Arizona (ITCA) within the BCP marketing area.

- Establish a Tribal Pool of 10% for allocation to tribes within the BCP marketing area.
- Include tribes in the legislative process.
- Follow the "Colorado River Storage Project (CRSP) approach" that no "Utility Responsibility" is required of tribes to receive a BCP allocation.
- Allocate based upon energy sold at the customer meter for tribal and/or Electric Tribal Utility Authority (ETUA) (Tribal Load) with no tribe's percent of the total Tribal Load exceeding 10.0% and irrespective of other Federal Resources contracted for by a Tribe and/or ETUA.
- Establish a Tribal Benefit Credit Pool (Tribal Pool) comprised of ETUA's. Tribes without an ETUA will enter into a Tribal Benefit Credit Agreement (TBCA) with the Tribal Pool to ensure that the BCP benefits remain within the tribal community.
- Any tribe that creates an ETUA automatically becomes a member of the Tribal Pool and becomes a participant in the TBCA.
- Allocate in kilowatts and not whole megawatts to allow tribes with smaller loads to participate.