

Restoring Access to Water: The long road



Commission for Environmental Cooperation
Joint Public Advisory Committee
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Felicia Marcus, Moderator

Overview

- ▶ Introduction
 - ▶ Felicia Marcus
- ▶ Panel presentations
 - ▶ Kathy Hodgson Smith
 - ▶ Rodrigo Gutierrez Rivas
 - ▶ James Hopkins
- ▶ Discussion
- ▶ Q&A



Our panelists

Me →



Felicia Marcus



Kathy Hodgson Smith



Rodrigo Gutierrez Rivas



James Hopkins

United States—brief overview

- ▶ Federally recognized tribes: Western United States Water Rights built on “seniority system” also referred to as “first in time, first in right”
 - ▶ Winters decision: Seniority set by date of treaty signing
 - ▶ But:
 - ▶ Not all all federally recognized tribes have signed treaty
 - ▶ E.g., California/Nevada post gold and silver rushes
 - ▶ Even with signed treaty and priority date, tribes still need to “settle” with states they are co-located in.
 - ▶ Takes decades; often resolved with trading water amounts for dollars to build the infrastructure to take advantage of the water.
- ▶ Not all tribes are federally recognized (some have “state” issued water rights; many or most do not.





Colorado River example

- ▶ 30 Federally recognized tribes on mainstem and tributaries
 - ▶ 22 have settled rights but not all can access those rights
 - ▶ Of those, some tribal nations are able to use their allocations, and others are selling water to urban areas to support communities and gain ability to build necessary infrastructure.
- ▶ Tribal allocations come out of the state in which they are co-located, leading to intense political pressure
 - ▶ E.g., opposition to Navajo Nation v. United States
 - ▶ E.g., 22 of thirty tribes located in Arizona

Thank you!

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