In 2006 the Arizona Water Institute funded a proposal submitted by the ASU American Indian Policy Institute, formerly the American Indian Policy and Leadership Development Center, (Policy Institute) that was developed jointly with the Inter Tribal Council of Arizona (ITCA), William Auberle of Northern Arizona University and Bonnie Colby of the University of Arizona. The project, “Arizona Tribal Approaches to Water Management,” focused on developing research and analysis to support tribal water resources management.

The project workplan included development of a core project team including:

- Dr. Pat Mariella, Director of the American Indian Policy Institute
- Dr. William Auberle, Northern Arizona University
- John Lewis, Executive Director, ITCA
- Alberta Tippeconnic, Assistant Director, ITCA
- Norm DeWeaver, policy advisor to ITCA on water infrastructure and climate change
- Margaret Vick, legal advisor to ITCA on water supply issues.

In addition the workplan called for ITCA to identify a group of tribal leaders to serve as a Working Group to identify water management issues and to plan this project. This group participated in two full-day meetings. The meetings included presentations of research reports by the project team and substantive discussions of the reports by the tribal leader working group members. In addition, the Working Group of tribal leaders developed the topics and the agenda for the Tribal Leaders Roundtable Conference. The Roundtable Conference was designed as the culminating element of this 12 month project.

**PROJECT FUNDING, MOU AND MATCHING/LEVERAGED RESOURCES**

The award from the AWI did not provide funding for the full proposal request. Pat Mariella (ASU Policy Institute) and Prof. Auberle (NAU) worked with their respective AWI university coordinators, Jim Holway at ASU and Abe Springer at NAU, to identify
additional AWI university funding to be able to conduct all the project tasks. This effort took several months. After full funding was secured, the Policy Institute completed the required ASU Memorandum of Understanding with the project ending date of January 31, 2008, 12 months after completion of the MOU.

Leveraged Resources brought to the Project

Yates Scholarship Intern: $8000
The Policy Institute requested a Yates Scholarship intern to be assigned to the Policy Institute to work on the AWI Project. The Yates Scholarships are funded by the Bureau of Reclamation for law students who are interested in and internship in water and Indian law. The Yates Scholarships are managed by the ASU Sandra Day O'Connor College of Law Indian Legal Program which assigned this internship to the Policy Institute to support the AWI project during the summer of 2007. The internship is worth approximately $8,000 which is an additional resource brought to the project by the ASU Policy Institute. The Policy Institute selected Samuel Doncaster for the summer internship. Samuel was ranked second in his class at the ASU law school and completed considerable policy and legal research that was incorporated into the research and policy papers prepared for the Roundtable Conference that was held at the end of November, 2007.

Heard Museum: $8,000 (estimate)
The Heard Museum provided use of the Steele Auditorium for two days for the Roundtable Conference without charge. This is a central and familiar location for tribal leaders across Central Avenue from the offices of the Inter Tribal Council of Arizona, Inc. making it a uniquely suitable location for this conference. This cost-savings is a matching/leveraged resource for the project worth approximately $8,000.

ITCA and Tribal Leaders: unquantified amount
The matching funds listed in the project proposal were provided by ITCA executive staff, tribal leadership and tribal staff time. In addition ITCA staff provided support for all meetings and the Roundtable Conference.

Sharing Information about the Arizona Water Institute with Tribal Leadership and Staff

At both of the Working Group meetings and the Roundtable Conference, participants were provided handout information about the AWI. The role of AWI as a sponsor of the project was included on the notices and project materials. John Lewis, Executive Director of ITCA and AWI Advisory Board member, and Prof. William Auberle, NAU and founding participant of AWI, also discussed the role of the AWI as well as its development and importance at each of the meetings.

Pat Mariella, John Lewis and Alberta Tippeconnic met with Jim Holway (ASU AWI Coordinator) on August 28 to discuss the project work and discuss the agenda for the Roundtable Conference. Jim Holway provided a number of useful insights for preparing the final report and for the Roundtable Conference.
First Project Working Group Meeting (March 17, 2007) and Project Progress Report

The Policy Institute submitted a project progress report on July 27, 2007 that included information on:
- development of the project team
- meeting and discussions with Chuck Graf, the ADEQ AWI coordinator
- Complete report on the first Tribal Leaders Working Group meeting held March 17, 2007 including copies of all research reports, power point presentations and support documents
- additional project activities including hiring of summer Yates intern (match to the project); presentation by Pat Mariella at the WRRC Symposium on the 20th Anniversary of the Environmental Quality Act; writing of a chapter on “Tribes, Land Use and Growth” by project team members Norm DeWeaver and Pat Mariella for the 2007 Arizona Town Hall Background Book developed by ASU.

Second Tribal Leaders Workgroup Meeting: August 22, 2007

The Project Team met three times to prepare for the second Tribal Leaders’ Workgroup meeting which was held at the ITCA offices on August 22, 2007. One of the pre-meetings included a visit by the project team to the ASU Decision Theater on June 20, 2007. Jessica Block narrated a number of the water-related presentations available at the Decision Theater. The planning team discussed ways to enhance the presentations including identifying tribal lands in the Decision Theater demonstrations and approaches for clarifying how tribal data might change the presentations. The Project Team shared information about the Decision Theater at the WorkGroup meeting.

In addition, in August 2007, Pat Mariella met with Bennett Curry, AWI coordinator for the AZ Department of Commerce, providing him with an overview of the project activities. Dr. Mariella and Mr. Curry discussed potential collaborations on a number of issues including water and energy development. The project team also regularly updated Marnie Hodahkwen, Governor Napolitano’s tribal policy advisor, on project activities. Ms. Hodahkwen also attended the August 22 meeting as well as the Roundtable Conference held in November.

The Project Team completed the research and developed follow-up papers and presentations on water supply, water quality and water capacity for the August 22 Working Group meeting. In addition, the tribal leaders and staff at the meeting developed the agenda topics and tentative dates for the Roundtable Conference; the culminating project event. Tribal leaders stressed that the conference needed to begin with a recognition of the cultural and spiritual significance of water and that this value be a major theme of the discussions. The following research and project materials from the August 22 meeting are attached:
ROUNDTABLE CONFERENCE HELD NOVEMBER 29 AND 30 AT THE HEARD MUSEUM, STEELE AUDITORIUM

"We have made water an insignificant part of our life. Unless we get back to respecting the water as a giver of life. Then the water problems will continue."
Vincent Randall, Yavapai-Apache, Introductory Speaker

A detailed report on the Roundtable Conference is included in the attached Conference Binder under the first tab. The following is a highlight summary:

The Roundtable Conference provided a forum for tribal leaders to hear expert presentations and project research reports and, then, to have an opportunity to discuss their specific tribal issues, concerns and needs related to the topics. The tribal leaders also discussed joint tribal policy development concerning water topics.

The Inter Tribal Council of Arizona developed a flyer for a 'save the date’ mailing with a blue, water-themed graphic. ITCA sent out a follow up notice with a detailed agenda and prepared the Roundtable binder that featured the same water-graphic theme.

The Roundtable was well attended by tribal leaders, tribal attorneys and key tribal staff from throughout the state. Approximately 18 of the 22 tribal governments within Arizona were represented at the Roundtable. The discussions were substantial, lengthy and collaborative.

The first day began with a profound statement (see above) on the cultural and spiritual significance of water to native peoples by Vincent Randall, former Chairman and current Councilman of the Yavapai-Apache Nation. Raphael Bear, President of the Fort McDowell Yavapai Nation and President of ITCA, Inc. joined John Lewis in welcoming the participants and summarizing the two-days of the Roundtable Conference.

John Echohawk, Executive Director of the Native American Rights Fund, gave an up-to-date summary of tribal water rights, settlements, litigation and the effects of growth on tribal water resources in the Southwest. He was followed by Michael Pearce, former Chief Counsel of the Arizona Department of Water Resources and founding attorney of the firm Maguire & Pearce, provided an overview of water law and regulation in Arizona, focusing on to the relationship between Arizona water law and growth. The luncheon speaker was Tom O’Halleran, state legislator from District 1 who talked about the legislative perspective on growth and the management of water resources in Arizona.

In the afternoon, there was a panel on development that included a presentation by a development consultant and a representative of the Ak Chin Indian Community. Kurt Culbertson, Principle and Chairman of Design Workshop gave an overview of the
development process and provided information regarding opportunities for tribal review and participation in decisions regarding off-reservation development. This was followed by Kendra Tso from Ak Chin who discussed their successful efforts to change the discharge permit for a waste water treatment facility that borders their land. The mid-afternoon session was an ‘interview’ with Joan Card, Water Quality Division Director of the Arizona Department of Environmental Quality about AZPDES, the *Rapanos v. United States* decision by the United States Supreme Court and proposed response by the EPA regarding jurisdiction under the Clean Water Act. Ms. Card also discussed growth related water quality issues in Arizona. The day concluded with a presentation by Prof. William Auberle, NAU who then led the discussion by tribal leaders about the current and potential role of the state universities in providing support to enhance tribal capacity to manage water related matters.

The Second day began with a moderated panel on key water supply issues. Dr. Greg Garfin of the U of A CLIMAS provided information on the possible effects of climate change on tribal water supplies. Guy Carpenter from HDR Engineering spoke about water re-use, reclamation and re-charge. Margaret Vick presented the research papers she developed throughout the project on issues having to do with Colorado River shortage criteria, CAP deliveries, groundwater depletion and growth on the boundaries of tribal lands. The final lunch speaker was Alan Stephens, former Chief of Staff for Governor Napolitano and current director of Western Progress. Mr. Stephens talked about the future of water in the West including the politics and economics of water transfers.

The Roundtable Conference participants spent considerable time developing the follow-up strategies and steps. The key points of direction are discussed in the section of Roundtable and Project Results below.

Included with this report are the following Roundtable Conference materials:
- announcement flyers
- Roundtable binder with Summary Report
- additional handouts provided at the Roundtable Conference:
  - Summary of GRIC Waste Water Management Ordinance
  - AZ Daily Star article (11/28/07) on proposed Pima County rules to manage development and water supply
  - Draft Interim Guidelines for the Operation of Lakes Powell and Mead.

**KEY ROUNDTABLE AND PROJECT RESULTS**

Identification of Growth Related Water Issues as a Key Area of Common Interest and Direction to Establish a *Tribal Water Policy Council*

Tribal Leaders identified growth-related water issues affecting tribes as the key topic for the Project. The growth-related water issues included the effects of growth on water supplies and the importance of careful management of water quality and wastewater
discharges. These issues shaped the urgency of the discussion regarding the need to develop physical, managerial and technical capacity related to water.

A key result of the project was the directive from tribal leaders to ITCA to develop an Arizona Tribal Water Policy Council. This on-going effort fulfills the objective of the AWI to have its project money seed continuing, developing efforts. In the past, individual tribes generally focused on tribal water issues, particularly when related to water rights and water supply. The directive to realize the concept of a Tribal Water Policy Council is a significant decision in tribal policy development concerning water, given the diverse water interests of tribal governments. It suggests that tribal leaders recognize the need to coordinate their concerns on common water policy issues, while continuing to address their respective water priorities. This effort will facilitate policy work among tribes, non-tribal governments and other interests.

New and Strengthened Collaborations
One of the goals of the Arizona Water Institute is to establish and strengthen relations between water researchers in the three state universities. This was fully realized in this project. The new American Indian Policy Institute and ITCA built contacts and relationships with the AWI coordinators at all 3 universities and with water and water-related researchers, including Greg Garfin, Bonnie Colby, Anna Spitz from the U of A; William Auberle and John Mead from NAU; and Paul Westerhoff and Kerry Smith from ASU. Relationships were also built and strengthened with the AWI coordinators in DOC, ADEQ and ADWR. Tribal leaders and staff were also introduced to many of these coordinators and researchers. These relationships have already produced additional proposals, meetings and discussions and activities. The project facilitated the development of working relationships between tribal governments and the state universities.

Western Progress developed and sent out a press release on tribal water rights and the need for the federal government to provide leadership and resources in resolving unquantified claims following the Roundtable Conference where their director, Alan Stephens, was a luncheon speaker.

Research Reports and Policy Papers
A number of significant reports and papers were generated as part of the project. Two project core team members, Pat Mariella and Norm DeWeaver, authored an article on “Growth, Tribes and Land Use” published in Land Use Challenges and Choices for the 21st Century, developed by an ASU Team for the 2007 Arizona Town Hall. This article, posted on the American Indian Policy Institute website is a substantive policy discussion with specific strategic and tactical recommendations for tribal planning and for tribal and near-by jurisdictions to learn about and respect each others values and needs in a time of intense population growth and development.

The project also produced a major index and summary of key points from the tribal water settlements in Arizona. A tribal attorney at the Roundtable Conference stated that this
reference document was one of the most useful pieces of information he had ever received at a conference.

The Project reports also tracked and analyzed the effect on tribes of and potential tribal role in the AZPDES program, particularly in areas of substantial housing growth near reservation boundaries. During the project, the Supreme Court of the United States decided a major case regarding the US EPA delegation of the national discharge permit program to ADEQ. The project team is aware of no other analysis of this program from a tribal perspective. The project discussions and meetings assisted ADEQ to refine its permit development protocols to notify tribes including identification of affected tribes. Tribal and state water quality officials shared concerns and strategies in responding to the guidance drafted by the US EPA on Clean Water Act jurisdictional issues following the decision in *Rapanos v. US*.

The Project Team also developed a series of reports and presentations on climate change and its potential effects on tribal water supply and tribal water rights. Tribal leaders directed ITCA and the proposed Tribal Water Policy Council to continue to research and analyze climate change impacts on water and tribal governments.

**Emerging Topics for Tribal Water Policy Council**

Major emerging topics for a Tribal Water Policy Council identified by tribal leaders and staff include the impact of water transfers upstream of tribal lands, tribal participation in shaping groundwater management in the state and protection of tribal groundwater resources. The Roundtable participants discussed the need to disseminate state and federal information on the hydrology of the state’s groundwater basins, particularly for basins that lie beneath tribal lands.

Tribal leaders, speakers and participants also discussed the need to support ways to expedite the settlement of unresolved tribal water rights. In addition, the project provided specific tools to tribal leaders, including a discussion of a comprehensive waste water management ordinance developed by the Gila River Indian Community permitting them to make effective use of reclaimed water as part of their water settlements and to conserve reclaimed water within tribal lands.