CRIT EXHIBIT 16

Written Testimony of Dennis Patch, Colorado River Indian Tribes Tribal Council Member

The Colorado River Indian Reservation was established in 1865 for the "Indians of said river and its tributaries." Mohaves and Chemehuevis have been relocated from their aboriginal lands to the Reservation. In 1942, lured by promises of irrigated land allotments, Hopis and Navajos were also encouraged to move to the reservation (Flores 1994). Today, Mohaves, Chemehuevis, Hopis and Navajos live side by side on the reservation. Total enrollment in the Colorado River Indian Tribes is approximately 3,400; tribal membership is composed of Mohaves, Chemehuevie, Hopis and Navajos.

Reservation lands include 225,995 acres in Arizona and 42,696 acres in California (See CRIT exhibit 10). Tribal lands are low and arid desert and river bottom with abrupt mountain ranges. The Colorado River provides 90 miles of shoreline, running north to south along the reservation. The Tribes' economic interests include: agriculture, recreation, small businesses and homesite leases are bound by the accessibility of water. The Tribes' major economic enterprise is agriculture with 85,000 acres under cultivation farmed by the Tribal government, individual tribal members and non-Indians. Primary crops include: cotton; alfalfa, wheat, feed grains, lettuce and melons. In addition to agriculture, the Colorado River is the basis for a thriving recreation and tourism industry on the reservation.

As early as 1604, when a Spanish expedition led by Juan de Oñate encountered the Mohaves and clearly since the mid-nineteenth century, Native American territory has been systematically confiscated through military force, invasion by colonists, and legal maneuvers. The ways in which indigenous people are portrayed and perceived also contribute to their exploitation. Native American culture has been invalidated by underestimates of pre-contact population sizes, underestimates of the longevity of their occupation of a given area and the minimization of the contributions of indigenous peoples to society. All these factors have contributed to political disenfranchisement and the subsequent loss of aboriginal territory (Lyons and Mohawk 1992).

Prior to European settlement in the late 1800s and early1900s, the Lower Colorado River Valley was an ever-changing, dynamic riparian ecosystem. The river supported vast expanses of gallery forests of cottonwood and willow, mesquite bosques and wetlands. River flows ranged from modest winter flows to 250,000 cfs between May and July. The untamed river eroded and deposited sediment, created and displaced riparian forests and wetlands, and constantly changed its course in a never-ending cycle of disruption and mending. It provided habitat for an abundance of birds, mammals, amphibians, reptiles and fish.

For the tribes the river was the center of their existence, providing them with everything they needed for their livelihood. The native plants, including the mesquite, cottonwood and willow provided the tribes with fuel and food and with materials they used to make shelter, baskets and tools, medicine, clothing and even dyes and paints. Valued from birth until death, wood from the mesquite was used for cremation ceremonies. The entire way of life of the Mohave depended on their utilization and care of the resources available in the Colorado River and the desert

environment. (See CRIT exhibit 14). It is important that these resources be preserved for present and future generations.

Since settlement, dams, agriculture, and the introduction of exotic plant species have forever altered the lower Colorado ecosystems and the traditional ways of life that depended upon the river. The reservations river corridor, adjacent wetlands and riparian areas bordering the river also serve as habitat for hundreds of species of flora and fauna, including several that have been designated as threatened or endangered pursuant to the Endangered Species Act. Dams restrict the life-giving floods that deposited soils necessary for the creation of the forests and wetlands. Levees now control the river and cut off historic wetlands and sloughs from seasonal floods necessary for their survival. Agriculture and exotic plant species have replaced the mesquite bosques and gallery forests. Backwaters, beaches and forests that were cherished by the tribes for hunting, recreation and home sites have both diminished and deteriorated. The southwest willow flycatcher, razorback sucker and yuma clapper rail are endangered due to loss of habitat. In less than under a hundred years the historic Colorado River has been transformed from a wild, meandering river to something resembling the west's largest drainage ditch.

Throughout history the Mohave people have considered themselves as the original conservationists. The Colorado River Indian Tribes have carried on this tradition through significant capital contributions, time and effort by many tribal and non-tribal members. The preservation and conservation of culture and native lands are at the forefront of the CRIT way of life. One example of the tribes' endeavors is the creation of the Ahakhav Tribal Preserve in 1995. (See CRIT exhibits 11, 12, and 13). Since its inception the Preserve along with state, federal and private agencies have partnered in significant capital and in-kind contributions. Land contributions for the Ahakhav preserve alone are in excess of 1,200 acres with an additional 13,800 acres either under current development or earmarked for future projects. The Ahakhav Preserve currently supports 11 completed or ongoing revegetation projects that total approximately 460 acres consisting of 29,000 trees. A variety of plant species that include Cottonwood, Honey Mesquite, Chilean Mesquite, Wolfberry, Quail Bush, Gooding willow, Sandbar Willow, Screwbean Mesquite, Palo Verde, Cats Claw, Ironwood, and Desert Willow. Additional activities on the Preserve include bird surveys of revegetation areas, plant growth and mortality monitoring, water quality examination, sediment mapping, fish and invertebrate population inventories.

For the Colorado River Indian Tribes, cultural, spiritual and economic viability is dependent upon the protection of their water and lands. The indigenous people, the Mohave, have long farmed the banks of the Colorado River, using the seasonal flooding of the river lowlands to irrigate and fertilize fields of beans, corn, melons, pumpkins and a variety of wild seeds (Stewart 1983). (See CRIT exhibit 15). Even the name "Mohave" comes from translations of *Hamakhav* or *Aha Macav*, which refers to the water or the Colorado River, *Ahamakhav*, or *Pipa Aha Macav* which is translated as the "People Who Live Along the River" (Butler 1994; Lopez 1996). The historical exploitation of indigenous lands by non-Indians has resulted in a cultural and spiritual crisis for a people who define themselves so profoundly by their natural landscape.

The proposed transfer and its related federal projects will reduce river flows through the Colorado River Indian Reservation and impact our biological and cultural resources. The

impacts of these projects cannot be considered in isolation. By itself each diversion, dam, and transfer has only a small impact on the riparian ecosystem. However, when the projects are viewed as a whole, one can see that the entire ecosystem of the Colorado River has been permanently altered. Today, native riparian habitat exists only in isolated pockets. The proposed transfer and its accompanying federal actions will impact both the remaining pockets of native habitat and the habitat restoration projects of the Colorado River Indian Tribes. These cumulative impacts have not been adequately studied.

Moreover, if the transfer is implemented, our reaches of the River will face the greatest fluctuations in water surface elevation on the lower Colorado River due to the location of the Reservation between the MWD pumping plant at Lake Havasu and the Imperial Dam. While the average fluctuations in water surface elevation have been estimated, their duration and timing have not. Without a determination of the duration and timing of the additional reductions in water surface elevation, the environmental effects of the proposed transfer cannot be accurately determined.

The Colorado River Indian Tribes must oppose the transfer until there has been a complete analysis of the impacts of the transfer on our biological and cultural resources. If the Board approves the transfer based on the data currently before it, the Colorado River Indian Tribes request that any such approval be contingent upon full mitigation of projected cultural and biological impacts and monitoring for the life of the transfer.