United States Department of the Interior

BUREAU OF RECLAMATION
Washington, D.C. 20240

IN REPLY REFER TO:

APR 23 1996

W-6100

MEMORANDUM

To: All Regional Directors
All Area Managers
Director, Policy and External Affairs
Director, Operations
Director, Program Analysis
Director, Reclamation Service Center

From: Eluid. L. Martinez
Commissioner

Subject: Native American Program Assessment

On March 21, 1996, the Reclamation task group charged with assessing the Native American Program submitted their report, Assessment of Reclamation's Native American Program. I have accepted and approved the conclusions and recommendations of the report. I am attaching a copy for your reference.

The report is first and foremost an assessment of the roles and responsibilities of the several organizational elements working corporately within Reclamation to serve the water resource needs of Indians and Indian tribes. The report focuses primarily on the relationships among the Office of Native American Affairs, the Regional offices, and the Area offices; as well as the Department.

The report establishes a productive balance between the policy and coordination roles of the Office of Native American Affairs, the roles of program implementation and technical support from the Regions and Area offices, and the importance of technical support by the Reclamation Service Center, particularly the Management Services Office. This model is suggestive for all policy and program processes in Reclamation.

During the course of its deliberations, the task group was asked to expand its original charge and evaluate the potential for a future Reclamation Native American Program. The report identifies the range and elements for a Native American Program; including a minimal mandatory

legislative authority at the other extreme. In addition, the report makes a case for maintaining the current program with its current focus and rate of growth.

Therefore, I am announcing the following policy for the Native American Program for the Bureau of Reclamation in accordance with the conclusions and recommendations contained in the Assessment of Reclamation's Native American Program, dated March 21, 1996.

1. The Bureau of Reclamation, through the leadership of the Office of Native American Affairs, will continue to support the Department in the settlement of Indian water rights claims.

2. Reclamation will continue to maintain a Native American Program which funds authorized projects managed by the appropriate Regional or Area office.

3. Reclamation will continue a technical assistance program to help Indian tribes assess their water needs and resources for future development on Indian reservations. The Office of Native American Affairs will coordinate the program with the field so that the funds will go to the most needful tribes for maximum effect.

4) Reclamation reaffirms its adherence to the Administration's and Reclamation's policies and procedures regarding protection of trust assets and government-to-government relationships with Indian tribes.

I thank the task group for its efforts and the report.

Attachment

Assessment of Reclamation's Native American Program

Prepared for
Commissioner Eluid Martinez

by
Native American Assessment Team

March 21, 1996

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Assignment

The Acting Commissioner requested that the Special Assistant to the Commissioner work with the Native American Affairs Office Acting Director to make an assessment of our Native American Program (NAP). We agreed on the following tasks as a way to focus this assessment:

Task 1

Evaluate the working relationships, coordination, and program responsibilities of the Native American Affairs Office (NAAO) vis-a-vis Regional/Area Office roles and responsibilities.

Objective:

Recommend to the Commissioner any changes that are necessary to improve Reclamation's ability to deliver water and related resource management services to our Indian customers.

Task 2

Evaluate the function and organization of a proposed Native American Affairs Office in Denver.

Objective:

Identify and evaluate available alternatives and develop a recommended course of action to the Director of Operations and the Commissioner.

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Assignment Technique

Each Regional Director was asked to appoint member (s) to a team to assist in developing recommendations for the Commissioner's consideration on this important assignment. The team members are as follows:

Name	*Location*
John "Chip" Bruss	MP, Sacramento
Richard Dent	Phoenix Area Office
John Dooley	PN, Boise
Darrell Ewing	Commissioner's Office, Denver
Eric Glover	Lower Columbia Area Office Vancouver WA
Lorri Gray (Team Facilitator)	LC, Boulder City
Larry Hancock (Team Leader)	Commissioner's Office, Boulder City
Katherine Jabs	Mt Area Office, Billings
Kib Jacobson	UC, Salt Lake City
Chris Kenney	Commissioner's Office, Washington, D.C.
Adrienne Marks	Commissioner's Office, Washington, D.C.
Debbie Saint	LC, Phoenix
Mike Whittington	GP, Billings

We addressed these tasks by developing the appropriate responsibilities of the NAP within the Bureau of Reclamation and the role of each organizational level in carrying out these responsibilities. The working relationships, coordination, and the delivery of customer services will function smoothly when all of the participants understand their responsibilities and roles. In addition, this responsibility identification process clarified the request to form a Native American Affairs Office in Denver, Colorado.

In order to provide the Commissioner with a vision of the possible future NAP within the Bureau of Reclamation we developed three options with pros and cons for his consideration.

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Organizational Roles and Responsibilities

Organizational Overview

Reclamation's NAP is headed by the Director of the Native American Affairs Office in the Commissioner's Office. This office is physically located in Washington with a staff member in Denver. Each Reclamation Regional Office has a Native American Program Manager who reports to the Regional Director or his designee. Many Area Offices also have a Native American Program Manager.

Funding for Reclamation programs that benefit Indians comes from various sources: Reclamation's line items for its Native American Affairs Program; Congressionally authorized Reclamation projects and other opportunistic programs such as the General Investigations and Water Management and Conservation Programs.

Monies from Reclamation's Native American line items are managed by the Native American Affairs Director, who allocates most of the funds to Regional and Area Office program managers, and to Reclamation settlement and implementation team members for various activities as described later in this document. A significant amount is also used for special Commissioner initiatives. Administrative costs for the Commissioner's Office, Regional and Area Offices are supported in full or in part by these dollars. Funds from Congressionally authorized programs and projects that include benefits for Indian tribes are under the control of the pertinent Regions and Area Offices. These specific project funds represent the largest portions of Reclamation's funding benefitting Indians.

The program elements in the subsection on policy and program in this document are only applicable to the funding under the control of the Native American Affairs Office in Washington. The other portion of the NAP formulation and direction remains under the management of the Area and Regional Offices. It is essential that these two segments of this important program be closely coordinated during formulation and execution.

This section of the report doesn't show any roles or responsibilities for the Denver Technical Services Center since it has no program responsibility. However, the Technical Services Center should be utilized as a resource on a reimbursable basis by other Reclamation Offices, other agencies, or the tribes.

Policy and Program Direction

Description

The policy and program direction element within Reclamation's NAP includes the translation and dissemination of Administration policy and initiatives for Native American issues, coordination of budget activities in support of technical assistance to Indian tribes, coordination of overall Native American policy in Reclamation, coordination with other Federal agencies, the development of standards and guidelines for the NAP, and evaluation of Reclamation programs for consistency with Departmental and Reclamation Native American policy.

As the Administration, the Department, and the Commissioner formulate and implement initiatives affecting Indians, the Native American Affairs Office will contact the Regional and Area Offices to explain and clarify initiatives. In return, the Native American Affairs Office will solicit guidance and input from the Regional and Area Offices in order to properly inform the Commissioner of the needs of Indian tribes and reservations within the respective Regions and Area Offices. In this way, program formulation will be an integrated and coordinated activity within Reclamation.

As a general principle, Reclamation's NAP has the same goal inherent in the original 1902 Reclamation Act: to develop water and related resources in the West. However, Reclamation will have to formulate its NAP by integrating Reclamation law with Congressional Native American development of policy and law, becoming true partners with Indian tribes in the development efforts, and working within contemporary environmental requirements.

Roles and Responsibilities

Department

The Department will provide guidance and direction on Administration initiatives in NAP.

Washington

The Native American Affairs Office will take the lead in soliciting and incorporating contributions and input from Regions and Area Offices. In this way, the Native American Affairs Office will serve as the central coordination point for Reclamation's NAP by being responsible for:

1. Developing recommended policy positions to the Commissioner for support of programmatic activities with Indian tribes which are consistent with Departmental policy positions and reflect the initiatives of the Administration.

2. Soliciting and incorporating the contributions and input from, and providing guidance to, the field on policy positions for Reclamation to insure consistent application of Reclamation Native American policies.

3. Coordinating and integrating the development of annual budgets for all activities related to the Native American Affairs Office Program, including budgets for negotiation and implementation of water rights settlements, technical assistance to tribes, and training programs.

4. Coordinating Reclamation's response to legislative and Congressional inquiries on Native American issues.

5. Coordinating and interfacing with the Department on policy and legal matters and with the Office of Management and Budget in the development of the Program.

Regions and Area Offices

The Native American Affairs Office will look to the Regions and Area Offices for guidance as to the appropriateness and effectiveness of current efforts for Indian tribes and reservations within their respective Regions and Area Offices, and to provide timely and specific input for program formulation and direction by being responsible for:

1. Contributing recommendations and input to the Native American Affairs Office annual budget formulation process based upon its outreach and technical assistance to Indian communities.

2. Contributing technical assistance and review to the Native American Affairs Office to support responses to Congressional and Administration inquiries, as well as legislative development.

3. Evaluating through appraisal-level assessments the water resource needs on Indian reservations to coordinate and assist the Native American Affairs Office in program formulation.

4. Acting as lead for those authorized programs and projects providing benefits to Indians for which their offices have responsibility. Keeping Washington Office informed of Native American issues that arise.

Management Services Office

The Management Services Office will develop and recommend to the Commissioner acquisition and financial assistance policy associated with implementation of Public Law 93-638, as amended. This policy includes those actions involving direct contracts, grants

and cooperative agreements, and annual funding agreements between Reclamation and Indian tribes and tribal organizations. The Management Services Office responsibilities, conducted in partnership with the NAAO, include:

1. Providing acquisition/financial assistance and technical advice.

2. Reviewing related contracts and agreements for the NAAO and all acquisition and technical offices.

3. As requested by NAAO, representing Reclamation on Departmental rulemaking committees to develop regulations relating to Titles I and IV of Public Law 93-638, as amended, including participation in the implementation of these rules.

Water Rights Settlements

Description

It is the policy of the Department of Interior to resolve Indian water claims through negotiation rather than litigation. Negotiated Indian Water Rights Settlements are made up of two separate and distinct components: 1) negotiation, and 2) implementation. The Working Group on Indian Water Rights Settlements (Working Group), chaired by the Counselor to the Secretary, was created to assist the Secretary in resolving Indian water claims. Other members include the Solicitor, Assistant Secretaries of Fish and Wildlife and Parks; Indian Affairs; Land and Minerals; Policy, Budget, and Administration; and Water and Science.

The Working Group establishes Federal negotiation and implementation teams, appoints a team chairperson, and selects team members from the agencies within the Department that are involved with the settlement, which typically includes the Bureau of Indian Affairs, Fish and Wildlife Service, Bureau of Reclamation, and the Department of Interior Solicitor's Office, in addition to the Department of Justice. Settlement of claims often involves water supplies and/or facilities of the Bureau of Reclamation.

Roles and Responsibilities

Department

The Working Group establishes Departmental policy, principles, and guidelines to guide settlement negotiation and implementation. The Working Group establishes Federal negotiation and implementation teams, provides guidance for individual negotiations, and represents the Secretary in establishing terms of settlements. The Chairperson of the Working Group and his or her staff interacts directly with the Federal teams in formulating terms of settlements.

Bureau of Reclamation

Reclamation Team Members:

Team Members (including Chairperson) may be selected from any of the offices of Reclamation (Commissioner's, Reclamation Service Center, Regions, and Area Offices). Regardless of the office from which they are selected, all team members are responsible for keeping Regional Directors, Area Managers and the Native American Affairs Office informed of key issues that could affect Reclamation facilities or ability to implement other Reclamation functions. Also, team members act as program managers with respect to authorizing charges to the Reclamation cost authority associated with particular settlement negotiation or implementation.

Native American Affairs Office - Washington:

The Director of the Native American Affairs Office leads Reclamation's water rights settlement participation, including recommending Reclamation personnel, with input from the appropriate Reclamation office(s), to the Working Group for appointment to a Federal team. The Native American Affairs Office serves as point of coordination between the Working Group and Reclamation management, recommends Reclamation policy consistent with Department and Reclamation policies, and provides program and budget support for field office participation in negotiation and implementation processes. The Native American Affairs Office advises the Commissioner and Regional Directors on negotiation or implementation positions that may affect Reclamation facilities or resources.

Regions and Area Offices:

Provide technical support to the settlement negotiation and implementation process as requested by the Reclamation team member. The Regional Director and Area Manager will have input to negotiation and implementation positions that involve Reclamation facilities or resources. The Regional and Area Offices have a responsibility to communicate any of their activities that could have an impact on the negotiations to the Reclamation team member to work with the team to integrate the issue within the negotiation process.

Trust Responsibility

Description

The United States Government has a unique legal relationship with Native American tribal governments as set forth in the Constitution of the United States, treaties, statutes, executive orders, and court decisions. Native American tribal governments have a domestic sovereign status with the U.S. Government. This trust relationship was not created within a single document nor is its scope defined in a single treaty or statute. Court decisions, statutes, and Secretarial orders issued by the Secretary of the Interior help define and outline the trust responsibility and Federal obligation. The essence of the

trust responsibility is that when dealing with Indian trust assets, representatives for the United States Government should take those measures prudent persons would to protect and maintain their own property. The trust responsibility extends to those assets and rights of Indian tribes and Indian individuals that are held in trust by the United States.

The Bureau of Reclamation, as an Interior agency, must carry out this trust responsibility throughout its operating areas in the 17 Western states. Reclamation has a special relationship with these tribes as the result of this responsibility. As defined by Reclamation's Indian trust asset policy, trust responsibility includes government-to-government consultation with the tribes. Tribal relations depend on communication, outreach, cultural awareness, and funding assistance.

Fulfilling and discharging these trust responsibilities include taking reasonable measures to protect Indian trust assets and resources, including Federal reserved rights. Trust assets may include physical assets such as water, land, mineral, and natural resources. Tribes often have broader definitions of trust assets which may include culturally and religiously significant assets; however, the United States Government does not extend the trust relationship to anything which it cannot define as a traditional trust relationship. Fulfilling this trust responsibility also includes assessment of impacts of Federal Government plans, projects, programs, and activities on trust assets. Most trust assets are found on Indian reservations; however, they can be found off-reservation as well. National Environmental Policy Act compliance and other Federal regulations are tools used to protect trust assets, including Federal reserved rights, as well as non-trust cultural resources.

Roles and Responsibilities

Department

The Department establishes and develops the Administration's policies on trust responsibility and ensures that those policies are complied with by communicating with, and soliciting information from, Reclamation.

Washington

The Washington Office serves as the focal point for the development and implementation of Reclamation's trust responsibility. On behalf of the Commissioner, the Washington Office monitors Reclamation's trust responsibility, coordinating with the Office of American Indian Trust and the Assistant Secretary for Indian Affairs, when required. The Washington Office, in coordination with Regional Offices, prepares responses to Congressional and Administration inquiries on trust responsibility and counsels with Regional and Area Offices on day-to-day issues and responses regarding trust assets and trust responsibility.

Regional Offices

The Regional Offices are responsible for ensuring that its programs are in compliance with Reclamation's trust responsibility and related laws and regulations and where

necessary, counseling on day-to-day issues with Area Offices regarding trust issues and trust responsibility. The Regional Offices are responsible for providing technical assistance, advice, and information relative to trust responsibility. Unless the responsibility is delegated elsewhere, the Regional Offices are responsible for the preparation of Indian Trust Asset Assessment reports. At the request of the Washington Office, the Regional Offices may respond or coordinate responses to Congressional and Administration inquiries on trust responsibility.

Area Offices

The Area Offices are responsible for developing programs and measures for protecting trust assets, and for monitoring, evaluating, and controlling activities, on a continuing basis, to ensure Reclamation's trust responsibilities are fulfilled. In doing so, the Area Offices must consult, coordinate, and cooperate with tribal governments and others, as noted in Reclamation trust procedures, in the planning and implementation of Reclamation programs which may affect trust assets. At the request of the Regional and/or Washington Office, the Area Offices will respond to Congressional and Administration inquiries on trust responsibility and prepare Indian Trust Asset Assessment reports as required.

Technical Assistance to Tribes

Description

Reclamation's NAP provides technical assistance to Indian tribes in the field of water resource development and management through direct participation, training, and partnering. The goal of Reclamation is to establish working relationships with the tribes whereby it can cooperatively share its technical resources to their benefit. This could include assisting tribes' technical experts or directly providing the technical data necessary to assess, plan and develop water resources.

Assistance can also be provided through training to enhance tribes' knowledge and expertise in the use, protection and development of resources. Reclamation can provide training (formal and informal) in more effectively administering tribes' projects/programs and it can assist in complying with the various administrative, legal and contractual requirements. There are opportunities to join as a partner in pursuing programs, which will serve to protect, develop and more effectively use its water related assets through existing authorizations, outreach funds, or new initiatives.

This assistance, including training, is sometimes provided through special initiatives of the Native American Affairs Office, and sometimes provided by other projects and programs under the control of Regional and Area Offices.

Roles and Responsibilities

Department

The Department refers inquiries for technical assistance to the appropriate agency staff.

Washington

The Director of the Native American Affairs Office will annually solicit from the Regional/Area Offices proposals for technical assistance to be considered in the annual Washington Native American Affairs Office budget formulation process. The Washington Office may work with the appropriate Regional/Area Offices to fund and implement special initiatives of the Commissioner. Additionally, the Washington staff is responsible for establishing and/or interpreting agency and Departmental policy as it applies to technical assistance generally and disseminating that information as appropriate.

Regions

Depending on how the Area Offices have been structured, responsibilities may overlap between the Regional and Area Offices. The Regional Offices will primarily serve as technical and/or advisory resources to the Area Offices providing the technical assistance to the tribes. When technical assistance transcends the borders of Area Offices or is of a Region wide nature, Regional Offices may serve as the lead in managing, administering, processing and/or soliciting opportunities for technical assistance. In those cases, Regional Offices will consult and coordinate with the affected Area Offices. During the Washington Native American Affairs Office and Regional budget formulation processes, Regional Offices will coordinate and consolidate Regional and Area Office proposals for technical assistance and other outreach funding requests. Regional Offices evaluate the implementation of projects and programs in their Regions to insure that Indians receive intended benefits in a timely manner.

Area Offices

Area Offices will serve as the lead in offering technical assistance to tribes. Area Office staff will have the primary responsibility for establishing working relationships with each tribe or tribal division, assessing water resource needs and identifying areas in which Reclamation might be willing and able to provide technical assistance. Area Office staff will prepare scope of work, justification and funding needs for each technical assistance or outreach proposal under consideration. Area Offices evaluate the implementation of projects and programs under their control to insure that Indians receive intended benefits in a timely manner.

Training of Reclamation Officials

Description

Reclamation will need to train its managers and staff to more effectively interact with members from different Indian cultural backgrounds. Reclamation officials dealing with Indians or Native American Programs should understand the cultures they are dealing with, including some understanding of communication differences, protocol, government structure, and tribal decision-making processes. The degree of training will depend on the nature of the individuals dealing with Indian tribes and the complexity of the tribes.

Reclamation officials also need to understand how laws, regulations and applicable policies affect Reclamation's programs. As new laws and regulations take effect, there will be a continuing need to educate Reclamation officials in how to comply with those laws. In addition, growth and change will require ongoing training. Reclamation officials need to know how to interpret laws, regulations, guidance, and policies that determine how Reclamation will assist Indians. They must understand the laws that govern the tribes and the tribal organizations. The training should result in guidance for officials in making informed decisions on matters affecting or potentially affecting Indians.

Training may be offered on an informal or formal basis, depending on the subject matter. For formal training courses contracted through private vendors, the subject matter should be tailored to the specific needs of each Region.

Finally, in general, employees involved know the NAP is concerned with working with tribes, but they may not be aware of its structure, function, and priorities. With the establishment and empowerment of the Area Offices comes a need for training Area Managers and staff on the way the Native American Program does business. The tribes also need to be educated about the NAP, as well as about other aspects of Reclamation's program. Training on the way the NAP conducts business can consist of informal briefings conducted by the Regional/Area Office Native American Affairs Coordinators with appropriate guidance by the Washington Office and relevant staff members.

Roles and Responsibilities

Washington

The Washington Office will assess training needs by evaluating past problem areas, new policies, laws, and requests. Where required or requested, the Washington Office will develop and test new training programs for subjects such as self-determination or for filling "special needs" identified by Reclamation staff. They will also work with Regions, as requested, to provide general guidelines on course materials.

Regions

The Regional Offices will identify training needs within the Regions and locate or develop training programs which will fill those needs. Where the Washington Office is taking the developmental lead in specific training programs, the Regions will provide review and input during the development of such courses. For those programs being developed by the Washington Office, each Regional Office will coordinate the logistics necessary for holding those courses such as identification of training location and registration requirements. The Regional Native American Affairs Coordinators will provide informal training to Area Offices on NAP issues relevant to their program when appropriate.

Area Offices

Area Offices will be responsible for identifying the training needs within their respective areas and coordinating with the Regional Native American Affairs Office in determining how to most effectively meet those needs. Where training opportunities have been identified or located, Area Offices should announce or distribute the relevant information, ensuring that appropriate parties are aware of those opportunities. If training courses are provided by a vendor specifically for Reclamation employees or are being facilitated by the Washington and/or Regional Offices, Area Offices will provide the necessary logistics.

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Native American Program Vision

The team discovered that Reclamation employees at all levels have various expectations for the Native American Program. These differences reflect reasonable differences about what Reclamation has been, is, and should become. The differences certainly reflect background, position, and location in the organization. Employees clearly understand that with fixed budget and staffing the definition of the "extent" of the NAP will affect the allocation of resources within the agency.

The team believes that Reclamation needs a clearly articulated vision of its NAP. This vision will provide policy guidance to all levels of the organization and assist it to make internal resource decisions. The team offers three alternative visions (a minimum, intermediate, and a maximum option) for consideration, representing points on a continuum of commitment. All of these options fulfill the Secretary's trust responsibility, including support for Indian water rights settlement. The minimum vision only fulfills statutory requirements, and the maximum vision provides for proactive action to effect water resources development on reservations. The intermediate vision represents a position more consistent with Reclamation's resource capabilities.

Vision Option Number 1

Fulfill the Secretary's responsibility to protect Indian trust assets from adverse impacts of Reclamation projects.

- *This level of the Native American Program support is less than we are currently conducting and would be the minimum support required to meet our statutory responsibility.*

Pros:

- Minimizes controversy with traditional Reclamation constituents who may oppose Reclamation serving a larger tribal constituency
- Allows some budget reductions in Native American Program initiatives
- No increase in personnel to implement this Native American Program

Cons:

- Minimizes Reclamation program benefits to tribes
- Contributes to the perception that the Reclamation program is not available to Indians
- Will not fulfill tribal expectations raised by the Blueprint for Reform and Reclamation program activities over the last few years

Vision Option Number 2

Offer Bureau of Reclamation support and expertise to Indian communities throughout the entire process of developing and managing water resources on tribal lands.

- *This level of the Native American Program is what we are doing now with some of the Indian communities. It includes providing some technical assistance, training, and environmental compliance.*

Pros:

- Assists tribes in developing additional capability to provide water resources' services for themselves
- Constituency base will include tribes as a customer
- Should be reasonably comfortable to traditional Reclamation constituents, as change would be incremental
- Focuses Reclamation technical expertise in water resources management currently lacking by other Federal agencies
- Improved relationships between Reclamation and tribes
- Develops more partnership opportunities among Reclamation and other Federal agencies

Cons:

- In some Reclamation Offices, reallocation of staff resources may be required
- Creates frustration when tribal hopes are raised by Reclamation assistance with studies, only to stop short of implementation assistance

Vision Option Number 3

Seek Secretarial approval and Congressional authorization, where required, to expand the Bureau of Reclamation capabilities for water resources development and management to include Indian communities.

- *This level of the Native American Program would include all the activities in Options One and Two, and support of infrastructure development.*

Pros:

- Increases Reclamation assistance to tribes in developing the capability to provide water resources' services to themselves and in establishing a water-based economy
- Broadens Reclamation constituency base to more fully incorporate Indian tribes, as envisioned in Reclamation Blueprint for Reform
- Provides a method to work towards water resources' solutions to reduce conflict between tribes and non-Indians
- Focuses Reclamation expertise in water infrastructure development currently lacking by other Federal agencies
- Increases opportunities for tribes to develop partnerships and to obtain funds from other Federal agencies as well as non-Federal entities
- Improved relationships between Reclamation and tribes

Cons:

- Increases Federal budget requirements for the Native American Program, thereby competing with non-Indian projects for funding
- Increases out year Operation and Maintenance budget requirements during a period when we are looking for a way to get non-Federal funding for O&M activities
- Viewed with suspicion by some traditional Reclamation constituents who would prefer to see constituency base left unexpanded
- Could require an increase in Reclamation staff
- Will increase risk of conflict with other agencies
- Critics will view this level of a program as a substitute for declining Reclamation construction program
- Could be perceived as inconsistent with Reclamation construction policy of not aggressively pursuing major infrastructure development, but looking for nonstructural water management solutions

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Conclusions and Recommendations

Conclusions

- The current Federal budget constraints make it highly improbable to obtain the necessary Secretarial approval and Congressional authorization for a substantial expansion of Reclamation's budget to accommodate a major increase in the Native American Program. However, a moderate expansion in this program could be accommodated by using some of the planned budget reductions in the construction appropriation account.
- It is essential that Reclamation, under the leadership of the NAAO, continue to provide support and service to the Department for water rights settlements.
- The Native American Program lead responsibility is divided now between the NAAO and the Regional and Area Offices. Therefore, close coordination of this Program's formulation and execution activity is required. The NAAO is essential to the successful implementation of the NAP. The NAAO long term goal is to continue to equip the Area and Regional Offices to implement all of the Program responsibilities not retained by the NAAO. The NAAO will retain the lead on water rights settlements and development of Reclamation's policies and procedures.
- The Denver Technical Services Center has no program responsibility for the NAP, but it serves as a resource available on a reimbursable basis to other Reclamation offices, other agencies, or the tribes in coordination with the appropriate Area/Regional Office.

Recommendations

Recommendations One and Two address the task one assignment, and, if these recommendations are implemented, improved coordination and working relationships in the execution of Reclamation's NAP will result. This information will also provide the individuals responsible for the implementation of this program with a clear vision of its scope and who is responsible for the different components to assure program successes.

Recommendations Three and Four address the task two assignment by providing the framework and guidance on how any major request for organizational changes and staff increases should be analyzed in the future.

Recommendation 1

- We recommend the Commissioner approve and distribute the roles and responsibilities for each organizational component as outlined in this report.

Recommendation 2

- We recommend the Commissioner inform Reclamation leadership that the NAP vision is a practical approach to providing technical assistance and infrastructure development to tribes. The following specific guidance is provided for the NAP formulation process:

  (a) In areas where Reclamation has the necessary Secretarial approval, Congressional authority, and budget flexibility, it will offer assistance to Indian communities for a full range of water and related resource development including infrastructure development.

  (b) In areas where Reclamation lacks only the budget flexibility, it will determine the level of involvement on a case-by-case basis during the normal budget cycle.

  (c) In areas where Indian communities would like to obtain Secretarial approval and/or Congressional authority, Reclamation will offer assistance when it has the budget flexibility and the proposal has reasonable assurance of the Administration's support.

Recommendation 3

- Based on the roles and responsibilities statements as they relate to the NAAO, we recommend the director evaluate the program staffing needs and present a plan to the

Director of Operations and the Commissioner. We also recommend the Commissioner inform the NAAO that any proposal to increase its staff capability, resulting in replacing services provided by the Reclamation Service Center, will follow existing policy guidance in effect for Reclamation Offices.

Recommendation 4

- Based on the roles and responsibilities statements, we recommend that the NAAO have overall programmatic responsibility for policy and guidance related to Public Law 93-638, as amended. The Management Services Office will develop and recommend to the Commissioner policy regarding acquisition and financial assistance matters associated with implementation of Public Law 93-638.

Vision

Working as partners with Native Americans to meet tribal water resource and related needs.

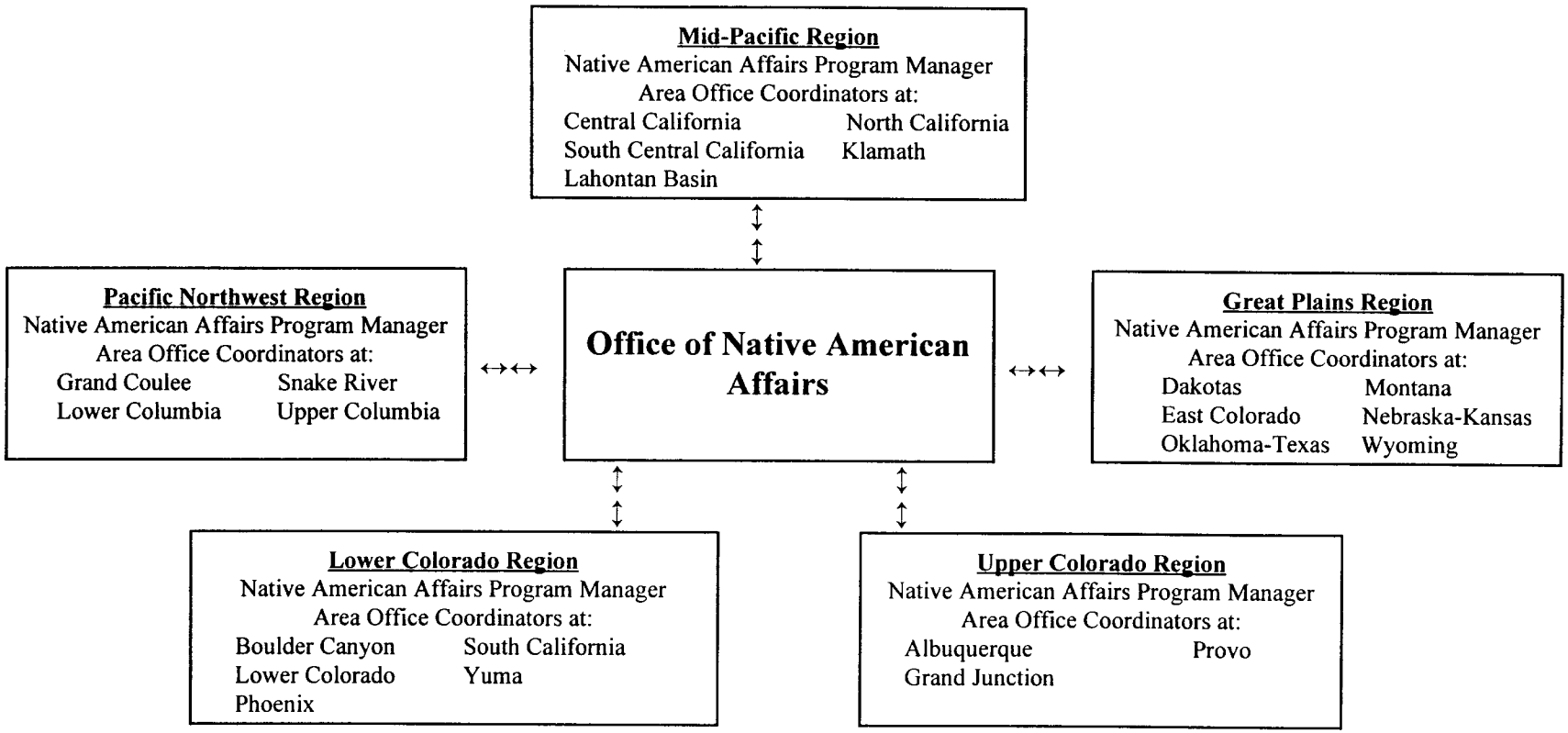
Mission

The mission of the Native American Program in Reclamation is:

- To make the benefits of the Reclamation program available to Indian Tribes.
- To fulfill Reclamation's Indian Trust Responsibilities

Native American Affairs Program Organization (9/16/97)

The Native American Affairs Program is a collaborative coordinated integrated activity within Reclamation. The Commissioner's Office, the Regional Offices and the Area Offices all have important roles in the program formulation and execution . The Office of Native American Affairs (NAAO) in the Commissioner's Office in Washington D.C. serves as the central coordination point for Reclamation's Native American Affairs (NAA) Program. During program formulation, the NAAO solicits guidance and input from the Regional and Area Offices in order to properly inform the Commissioner of the needs of Indian tribes and reservations within the respective Regions and Areas. Each Reclamation Regional Office has a Native American Affairs Program Manager who reports to the Regional Director or his designee. Many Area Offices also have a Native American Affairs Program Coordinator. Once formulated, program execution largely occurs at the Regional and Area Office level.



Indian Tribe Funding Agreements
Native American Affairs Office

updated per Barb McDowell on September 25, 1998, had to get more information on Mni Wiconi from GP Region.

	Funding Type *	FY 1997	FY 1998	FY 1999	FY 2000
Drought Emergency Assistance					
list by Tribes:					
San Carlos Lake Drought Study	*	100,000			
Navajo Nation Drought Planning	*	3,000			
Hopi Tribe	*	100,000			
Hualapai Tribe	*	150,000			
Zuni Drought Contingency Planning	*	27,000			
Kaibab Paiute	*	50,000			
Endangered Species Program					
list by Tribes:					
Colorado River Indian Tribes					
Revegetate Ahakhav Wilderness Preserve	638 Contract	18,000	18,000	18,000	18,000
Install Fencing, Ahakhav Tribal Preserve	*	32,000			
Habitat Protection, Boardwalk Trail	638 Contract		17,500	17,500	
Pyramid Lake	*	77,267			
Hualapai Tribe	*	310,000	119,000	105,000	10,000
Recreation/Fish & Wildlife					
list by tribes:					
Burnts Paiute Tribe	*	75,000	70,000	85,000	85,000
Burnt-Shoshone	*	75,000	35,000	85,000	85,000
Colville Confederated Tribes	*	5,000	3,000	7,000	7,000
Lower Elwha Klallum	*	50,000	5,000		
Lummi Indians	*	38,000			
Shoshone-Pauite	*	70,000	70,000	70,000	70,000
Umatilla Indians	*	248,000	244,000	200,000	250,000
Yakama Indian Nation	*	50,000	8,000		
Navajo Nation Reservoir Recreation Plan	*	20,000			
Southern Ute	638 Contract	26,000	40,000	60,000	10,000
Southern Ute Under Negotiation	638 Contract		50,000	30,000	30,000
Ute Mountain Ute	638 Contract		25,000	10,000	
Yurok Tribe	*	45,753			
Klamath Tribe	*	200,000			
Wetlands Development					
list by Tribes:					
Yakama Indian Nation	*	5,000			
Shoshone Bannock Tribes	*	110,000			
Warm Springs, John Day	*	30,000	75,000		
Colorado River Indian Tribe Parker Dam	*	35,000			
Blackfeet Restore/Enhance Bird Habitat	*	15,000			
Chippewa Cree Riparian Enhancement	*		20,000	20,000	20,000
Blackfeet Tribe Outdoor Classroom	*		15,000	14,000	16,000
Yankton Sioux Tribe	638/Coop Agree	4,000			
Lower Brule Sioux Tribe	638/Coop Agree		115,000	20,000	
Crow Creek Sioux Tribe	638/Coop Agree		4,000	10,000	
Oglala Sioux Tribe	638/Coop Agree	10,000	6,000	10,000	
Sisseton-Wahpeton Sioux Tribe	638/Coop Agree			74,000	
Navajo Nation	*	33,000	45,000	30,000	
Zuni Tribe	*	5,000	605,000	30,000	30,000

*** Funding type is either Grant, Cooperative Agreement Act, or Technical Assistance.**

	Funding Type *	FY 1997	FY 1998	FY 1999	FY 2000
Technical Assistance Agreements					
list by Tribes:					
Coquille	*	2,000	2,000		
Elwha	*	9,000			
Fort Hall	*	17,000			
Lummi	*		82,000		
Samish & Suquamish	*		65,000		
Tulalip	*	2,000	23,000		
Other Tribes	*		35,000		202,000
Colorado River Indian Tribes					
Install Canal Data Collectors	*	7,500	7,500	7,500	7,500
Mobile Natural Resources Lab	*	99,900			
Dredging at Backwater	*		381,000		
Canal Automation	*	60,000			
Cocopah Indian Tribe					
Develop Cultural Resource Plan	*		12,500	37,500	
Well & Pump Repair	*	19,000			
Well Connection	*	35,000			
Quechan Water Measurement Demo	*	5,000			
Fort Mojave Water Measurement Imprvmnt	*		35,000	35,000	35,000
Ute Mountain Ute	638 Contract	37,000	85,000	45,000	
Southern Ute	638 Contract		270,000		
Southern Ute Stollsteimer Creek	*		38,000		
Southern Ute Oxford Tract	*		5,000		
Navajo Nation NIIP O&M	638 Contract		115,000		
Crow Elk Study	*		5,000		
Mni Sose Coalition Guidebook	*		100,000		
Blackfeet MR&I Wastewater Mgmt Study	*	88,000			
Crow/N. Cheyenne Water Conveyance Study	*	23,000			
Ft. Belknap Flooding & Erosion	*			15,000	
Ft. Belknap Residential Water Supply	*		29,000	16,000	
Blackfeet Fish Hatchery	*		9,000		
Blackfeet Greenhouse Project	*		10,000		
Blackfeet Mission Lake	*		25,000	15,000	
Ft. Peck Irrigation Management Plan	*			20,000	20,000
Tribes Coop Education Program	*				24,000
Ft. Belknap Res. Groundwater Study	*				56,000
No. Cheyenne Cultural Spring Survey	*				80,000
Rocky Boys Watershed Prot/Admin Monitor	*				200,000
Ft. Belknap Water Treatment for Homes	*				144,000
Assiniboine & Sioux Fort Peck Resv. Study	*	160,000	183,000	200,000	200,000
Santee Sioux Wetland Protection	*	36,000			
Kickapoo & Potawatomi Rural Wtr Supply	638 & Tech Asst		31,000	29,000	
Well Closure (5 Tribes)	638 Contract		22,000	30,000	25,000
NB/KS Tribes Environmental Mgmt Trng	*			6,000	10,000
Potawatomi WQ Protection	*			7,000	7,000
Omaha Wastewater Rehabilitation	*			50,000	50,000
Potawatomi/Kickapoo Streamside Buffer	638 & Grant			16,000	
Potwatomi Wetland Protection & Dev.	*				25,000
Kickapoo Tribe of KS Wastewater Trtmt	*				40,000
Winnebago Wetland Prot & Develop	*				35,000
Caddo Water Quality Training	*		5,000		
Kaw Wetland Develop	*				40,000
Pawnee Water Supply Study	*		36,000	43,000	
Shoshone/Arapahoe Watershed Protection	*			44,000	31,000
Wind River Wetland Dev & Ed Proj Plng	*			30,000	30,000
Standing Rock Sioux Tribe	638/Coop Agree	58,000	20,000	40,000	50,000
Cheyenne River Sioux Tribe	638/Coop Agree	165,000	14,000		
Rosebud Sioux Tribe	638/Coop Agree		50,000	40,000	50,000

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	Funding Type *	FY 1997	FY 1998	FY 1999	FY 2000
Crow Creek Sioux Tribe	638/Coop Agree		185,000		
Tule River	*			100,000	100,000
Pyramid Lake/Fallon	*		75,000	100,000	100,000
Klamath Tribes	*		115,000	85,000	
Yurok Tribe	*			80,000	245,366
Dist. to Klamath Hoopa Karuk Yurok	*		300,000	348,000	208,000
Hoopa Valley Tribe Water Supply	*		160,000	140,000	14,000
Havasupai Tribe	*	100,000		25,000	50,000
Hopi Tribe	*	75,000	10,000	150,000	610,000
Hopi Tribe	638 Contract		451,000	320,000	85,000
Hualapai Tribe	*			351,000	
Kaibab Tribe	*	50,000	40,000	75,000	55,000
Las Vegas Paiute	*		40,000		160,000
Moapa Paiute	*	90,000	90,000		
Owens Valley Paiute	*	75,000		85,000	160,000
Pauma Tribe	*		55,000		
Zuni Indian Tribe	*	30,000	135,000		
Water Quality/Needs Assessments					
Chippewa Cree Water Needs Assessment	*		48,000	23,000	
Crow Wastewater Mgmt Assessment	*			23,000	
Confederated Tribes of Warm Springs	*	30,000			
Coquille Indian Tribe	*		80,000	20,000	
Coeur d'Alene	*			27,000	27,000
Colville Confederated Tribes	*		25,000	30,000	
Ft. Belknap Water Quality Mgmt Plan	*	35,000	40,000		
Ft. Peck Water Quality Monitoring Plan	*		9,000		
Hoh	*				50,000
Jamestown S'Klallam	*				50,000
Kalispel	*				15,000
Kickapoo Water Quality Assessment	*				50,000
Kiowa MR&I Needs Assessment	*	19,000			
Kootenai Tribe of Idaho	*	17,000	10,000	36,000	
Lower Elwha Klallam	*	115,000	65,000		100,000
Lummi Indian Business Council	*	45,000			
Makah Indian Tribe	*	12,000	141,000	75,000	75,000
Nez Perce	*				77,000
Omaha Water Needs Assessment	*			22,000	10,000
Ponca Tribe Needs Assessment	*			50,000	50,000
Ponca Water Quality Assessment	*		75,000		
Quinault Indian Nation	*	63,000	100,000		
Rocky Boys	*	18,000	115,000		
Seminole Needs Assessment	*				55,000
Shoshone Bannock Tribes	*	100,000		7,000	
Shoshone-Pauite Tribe	*	25,000			
Spokane Tribes of Indians	*	25,000	25,000	30,000	
Suquamish Tribe of Port Madison	*				75,000
Tulalip Tribes	*				50,000
Tongue River Coordinator	*	129,000	200,000	200,000	200,000
Tongue River FWS Enhancement	*		864,000	864,000	864,000
Winnebago Wat Needs Assessment	*			25,000	15,000
Yakama Indian Nation	*		246,000	393,000	203,000
(Other (ie., O&M, Trinity River Restoration, CAP, etc.)					
Colville Confederated Tribes	*	505,000	41,000		
Confederated Tribes of Warm Springs	*	90,000	90,000		
Nez Perce	*	50,000	50,000		
Shoshone-Bannock	*		38,000	52,000	60,000
Yakama Indian Nation	638 Contract	795,000	1,700,000	1,444,000	4,465,000
Blackfeet Existing Conditions for NEPA	*		10,000		

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	Funding Type *	FY 1997	FY 1998	FY 1999	FY 2000
Blackfeet Rootwads for Bank Stabilization	*		17,000		
Ponca Logoon System Study	*	30,000			
Gila River Indian Distribution System	Self Gov AFA	18,452,371	12,829,400	13,080,000	15,030,000
Gila River Indian Construction Repository	Self Gov AFA	173,000	565,000	850,000	2,000,000
Hoopa Valley Tribe	*	1,501,000	1,396,000		
Yurok Tribe	*	377,749	700,000		
Karuk Tribe	638 Contract	35,000			
San Carlos Apache Tribe	638 Contract		3,100,000		
MR&I - O&M					
Spirit Lake Sioux Tribe	638/Coop Agree	205,000	350,000	388,000	444,000
Three Affiliated Tribes	638/Coop Agree	700,000	800,000	1,028,000	1,162,000
Standing Rock Sioux Tribe	638/Coop Agree	300,000	898,000	1,067,000	1,169,000
Oglala Sioux Tribe	638/Coop Agree	1,846,000	1,706,000	2,617,000	3,170,000
Lower Brule Sioux Tribe	638/Coop Agree	431,000	380,000	519,000	629,000
Rosebud Sioux Tribe	638/Coop Agree	851,000	823,000	1,082,000	1,304,000
Ak Chin Indian Tribe	638/Coop Agree	6,575,158	5,962,000	7,080,000	6,996,000
MR&I Construction					
Standing Rock Sioux Tribe	638/Coop Agree	937,000	1,200,000		
Spirit Lake Sioux Tribe	638/Coop Agree		400,000		
Three Affilitated Tribes	638/Coop Agree		400,000		
Oglala Sioux Tribe	638/Coop Agree	17,447,000	14,769,000	14,997,000	14,297,000
Lower Brule Sioux Tribe	638/Coop Agree	1,341,000	1,413,000	702,000	1,276,000
Rosebud Sioux Tribe	638/Coop Agree	5,908,000	5,790,000	4,823,000	4,596,000
Irrigation Construction					
Standing Rock Sioux Tribe	638/Coop Agree		1,000,000		
Water Conservation					
Rosebud Sioux	638/Coop Agree		50,000		
Cheyenne-Arapaho	*		5,000		
Water Energy Mgmt. & Devel.					
Karuk Tribe	*	17,000			
Efficiency Incentive Program					
Lower Brule Sioux	638/Coop Agree		25,000		
Water Rights Settlement					
Blackfeet	*	3,000	10,000	10,000	10,000
Ft. Belknap	*	61,000	70,000	50,000	30,000
Rocky Boys Water Rights Settlement				1,000,000	17,000,000
Southern AZ Water Rights-TohonoO'odham	638 Contract		7,230,500	3,000,000	5,873,000
TOTAL:		**$62,524,698**	**$70,801,400**	**$59,094,500**	**$85,256,866**