

The following pages portray two conference calls with Tribal and TWG members regarding tribal funding and the anticipated FY 2001 budget for tribal participation and the Programmatic Agreement cultural resource activities. The word "anticipated" includes the uncertainty associated with both FY 2001 appropriated funding of tribal participation and the results of the Protocol Evaluation Panel review of cultural activities currently scheduled for FY 2000.

At the last AMWG meeting, a motion successfully passed recommending to the Secretary of the Interior that appropriated funds be used to support tribal participation. For FY 2000, Reclamation drafted a memo from the Department of the Interior to each of the agencies involved in the Adaptive Management Program, essentially billing them for their share of the appropriated tribal participation funds. While the Department did significantly reduce the funding amount to a total of \$75,000 in a revision of the memo, their support of this effort was indicated in their willingness to commit to tribal funding. The limited funding does not preclude each individual agency from pursuing additional appropriated funds for this purpose, and several agencies have indicated a willingness to find additional appropriations.

We expect a similar Departmental approach in FY 2001, but the potential certainly exists for the funding amount to be higher or lower. For the purposes of the budget analysis, an appropriation of \$75,000 was assumed.

As noted in the conference call summaries, funding from the PA budget allocation of those tribal participation needs in excess of appropriations was deemed acceptable for FY 2001. However, in succeeding years, this funding in excess of appropriations should be listed as an administrative expense. This would likely result in an adjustment of the remainder of the AMP budget items. After the PEP review is completed, the specific activities required for the cultural resource program will be better defined and the budget can be more accurately determined. In the interim for FY 2001, we have transferred \$400,000 of PA funds into program administration for tribal participation and monitoring trips, as shown in the attached table.

Nov.24, 1999

## Record of Telephone Conference Call

Present: Western Area Power Administration (Clayton Palmer), NPS (Bob Winfree), GCMRC (Barry Gold), Environmental (Dave Cohen), and Reclamation (Randall Peterson and Nancy Coulam)

The purpose of the conference call was to discuss possible options for FY 2001 funding of tribal participation, given the uncertainty of the appropriate funds proposal. Specific topics included the amount of funding for the tribes, the products required as the result of this funding, the concept of "set aside" funds for tribal science activities, and the tribal monitoring river trips.

We reviewed the status of the current proposal for appropriations. Reclamation has drafted a letter for Departmental signature proposing \$250,000 in appropriations, shared equally between the 5 Interior agencies. This was a reduction from the original \$475,000 request as a result of Department concern with the amount requested.

The conference call participants believed that the Federal trust responsibility needs to be better defined. They were comfortable with the \$80,000 per tribe for AMP participation and with the funding of \$15,000 per tribe for annual monitoring trips. The products of the participation funding should be preparation, attendance and involved participation at each meeting, while the product of the monitoring trips should be a professional report.

We discussed the potential sources of funding to make up the difference between the \$475,000 participation need and the \$250,000 appropriations request, as well as the possibility of not receiving any appropriated funds.

The following options were discussed if the \$250,000 in appropriations occurs:

- 1) Take \$225,000 for tribal participation as an administrative cost of the AMP. We all felt that this seemed like a reasonable approach, but that other options might make more sense.
- 2) Continue to take the \$225,000 out of the PA funds, which are currently set at \$973,000 for FY 2001. All the participants were comfortable with this option as the PA/cultural program currently is not clearly defined in FY 2001 since the PEP review has not yet occurred. Until 2002, it would be acceptable to use PA funds for tribal participation.
- 3) Establish some level of financial set-asides for science and monitoring projects conducted by the tribes. The participants were less comfortable with this option, but Barry felt additional conversations with Betsy Reike (Reclamation manager in Carson City, NV) or Rebecca Tsosie would be helpful in understanding what trust responsibilities actually exist and how set aside science contracts might fit within this definition.
- 4) Combinations of the above 3 options. Many combinations were mentioned, but one of the main discussion points was that if there was \$250,000 from appropriated funds,

then \$150,000 could be set aside for monitoring or science projects that the Center would administer and compete amongst the tribes. The remaining \$75,000 for monitoring river trips could come out of the PA or come out of a mixture of PA and GCMRC funds.

Other concerns raised were:

The approach to the funding should be 1) management objectives and information needs, 2) tasks that need to be accomplished, 3) best qualified applications should get the work, it should not be set-asides.

Concern that each agency should shoulder the financial costs of the trust responsibility. Also concern over the question of set-asides in the GCMRC program.

General discussion of the PA and ESA as stand-alone programs, part of the AMP, etc. There is a critical need to resolve how these compliance-driven programs relate to other programs of the AMP.

Approx. \$1.3 million is spent on cultural when the PA is combined with the GCMRC budget. There needs to be better establishment of priorities, functions, and responsibilities for such a large sum of money.

Concern over including science into participation funding. They should be separated.

After discussion, the group reached the following recommendations:

- I. A total of \$475,000 is reasonable for tribal participation costs.
2. If the \$250,000 should come in from appropriations, it should be strictly used for participation which is defined as preparation, attendance, and participation in meetings and other AMP discussions/groups.
3. River trips currently are funded in the PA at a cost of \$75,000 to \$80,000 and they should continue to come out of the \$973,000 total program costs of the PA program.
4. While the remaining \$150,000 should not be considered uniquely a cultural program, in the interim until the PEP review is completed, this amount should be taken from the PA program.
5. If the \$250,000 does not come in, the entire \$475,000 could be funded from the PA program, but we should also look at the GCMRC program for flexibility.

Dec. 2, 1999

## Record of Telephone Conference Call

Present: Hopi Tribe (Kurt Dongoske), Hualapai Tribe (Loretta Jackson and Kerry Christensen), Navajo Nation (Tim Begay and later Robert Begay), Paiute Consortium (Brenda Drye), Pueblo of ZuAi (Loren Panteah); and Reclamation (Randy Peterson and Nancy Coulam)

We summarized the results of both the previous conference call and the status of the appropriations proposal currently in the Department of the Interior for review. The several options discussed in the November conference call for making up the difference between the proposed \$250,000 in appropriations and the \$475,000 need were presented to the conference call participants.

### Comments:

Tribal funding should come off the top as an administrative cost. It should be separate from the PA and all other AMP programs. Funding is for attending meetings, commenting on reports, and making tribal views known. It is difficult for some tribes to fully participate due to staff size and personnel continuity.

The TWG should not feel that the tribal programs are "special" and not subject to review. The river trips need to be funded after each tribe submits a proposal of exactly what they want to do, although certain areas or resources need not be specified if the knowledge is confidential and sacred. The tribes need to submit proposals that identify their programs. The proposals should be structured, they should detail what the tribe will get out of the monitoring or other work, what results they expect, and how these results and information are funneled back to the GCMRC and TWG. The GCMRC then needs to incorporate the tribal results into the "State of the Canyon" report. Also, the programs and results should be peer reviewed through the GCMRC.

The PA Program needs a five-year plan and needs peer review and good science. Don't set aside money for the tribes to compete. If the tribe has a proposal they need to associate it with a specific information need and management objective and submit the proposal to the GCMRC. The tribes want to be treated equally, they don't want to be thought of as a special population, but they do want some form of funding to ensure full participation, and each tribe's definition of participation varies. Reclamation has only begun the discussion of what is needed by each tribe. Reclamation responded that the estimate for participation was based not on just one meeting, but involved 10 years of discussion starting back in GCES days. The files are full of discussions of this issue, and the proposals from tribes indicate that \$80,000 is sufficient to cover one full time and a half time position for each tribe, even though overhead and rates vary.

The tribes need to design and propose their monitoring or research projects/proposals, and then they need to demonstrate to the TWG and GCMRC that they are getting results from their trips. They need the monitoring programs to firmly establish targets or thresholds that serve to identify when a management action is needed.

The Tribes all supported the concept of having peer reviewed monitoring, but did not want a set aside fund in the GCMRC budget that would be competed among the Tribes. They also were comfortable with using \$225,000 in PA funds to augment appropriated funds for FY 2001 tribal participation.

If no appropriated funds come through, the general recommendation was to take the \$475,000 from the AMP as a whole, including the GCMRC, but that the TWG should reconvene the budget ad hoc group, and put the question to them to resolve. Certainly the PEP will help determine the budget and questions for FY2002 and out, but it will not help in the short term, FY2000 and 2001 need to be decided now since the PEP will not be done in time to resolve the questions in time for the December TWG and January AMWG meetings.

Tribal Participation  
Budget Detail

FY 2001 Tribal Participation Budget

Appropriations	\$75,000
AMP Administrative Costs	\$400,000
(Funds transferred from the PA program)	
(This funding covers participation and tribal monitoring trips)	
Total	\$475,000

PA Budget - FY 2001

Historic Preservation Plan	\$50,000
USBR Administration	\$50,000
Monitoring and Mitigation	\$473,000
Total	\$573,000

Notes

I - The original PA funding amount has been \$973,000 which included funds for tribal participation, monitoring, and mitigation activities. Specific definition of PA work items in FY 2001 will be highly dependent on the PEP review and preparation of the HPP. There is concern that the PEP review scheduled for FY 2000 may not be concluded in time for completion of the preparation of the HPP in FY 2000, thus the inclusion of additional FY 2001 funds for completion of the HPP. It is also likely that adjustment of PA work items during FY 2001 will be needed.

2 - The transfer of \$400,000 in FY 2001 from the PA budget to AMP administrative costs would cover those tribal participation needs in excess of funding available from appropriated funds, and would also cover tribal monitoring trips.

3 - If additional appropriations for tribal participation become available after approval of the FY 2001 budget (either from individual agencies or Departmentally directed), the amount of funds transferred from the PA budget to administrative costs would be reduced by a like amount in an effort to restore the PA budget back up to the original \$973,000. This restoration is dependent on the identification of specific cultural resource work items, otherwise, other AMP funding needs would be addressed through the TWG budget ad hoc group.

4 If the PEP review and HPP result in a definition of the AMP cultural resource program responsibilities and specific FY 2001 work items that exceed the PA funds available in FY 2001 (estimated to be \$573,000), the TWG budget ad hoc group would be reconvened in an effort to discuss options for reprogramming AMP funds or acquiring additional funds.

Key principles:

- \$475,000 annual cost is reasonable - monitoring trips are appropriately charged to PA/cultural programs (\$75,000) - tribal participate spans all resource areas - the PEP review will help focus FY 2002 PA work items, but may not be completed in time to direct FY 2001 work items - Tribal participation should be funded as an administrative cost (\$400,000)

Tribal Participation Request - FY 2000

April 1999 - Mark Schaeffer memo (Request)  
\$95,000 / Tribe & Each DOI Agency

Oct 1999 - draft Dave Hayes memo  
Same \$

Nov. 1999 - Directed, not requested  
Redrafted Hayes Memo  
\$50,000 / Tribe  
Department budget staff comfortable

Dec 6, 1999 - Decision by David Hayes to limit DOI - directed \$ to \$15,000/Tribe

Randy said that this is a departmental reprogramming for existing funds in FY 2000. We have taken steps to include it in our 2000 budget as a specific line item. This is our proposal.

Tribal Participatio - FY 2001

Appropriations - \$ 7500  
AMP Administrative Costs - \$325,000  
Tribal Monitoring Trips - \$ 75,000  
(PA) \$475,000

PA Budizet - FY 2001

Tribal Monitoring Trips - \$ 75,000  
HPP Completion - \$ 50,000  
Monitoring - ? \$(200,000)  
USBR Admin - \$ 0  
Tribal Participation,  
Mitigation, Monitoring \$600,000  
\$975,000