

**Tribal Consultation Session
on the
Bureau of Reclamation's
Indian Policy
and
P.L. 93-638 Directive and Standard (D&S)**

February 2014

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TODAY'S AGENDA

- **Opening prayer (invited)**
- **Overview of Reclamation**
- **What is the Reclamation Manual**
- **Overview of the Draft Indian Policy**
- **Discussion and comments**
- **Overview of the Draft P.L. 93-638 D&S**
- **Discussion and comments**
- **Closing remarks**

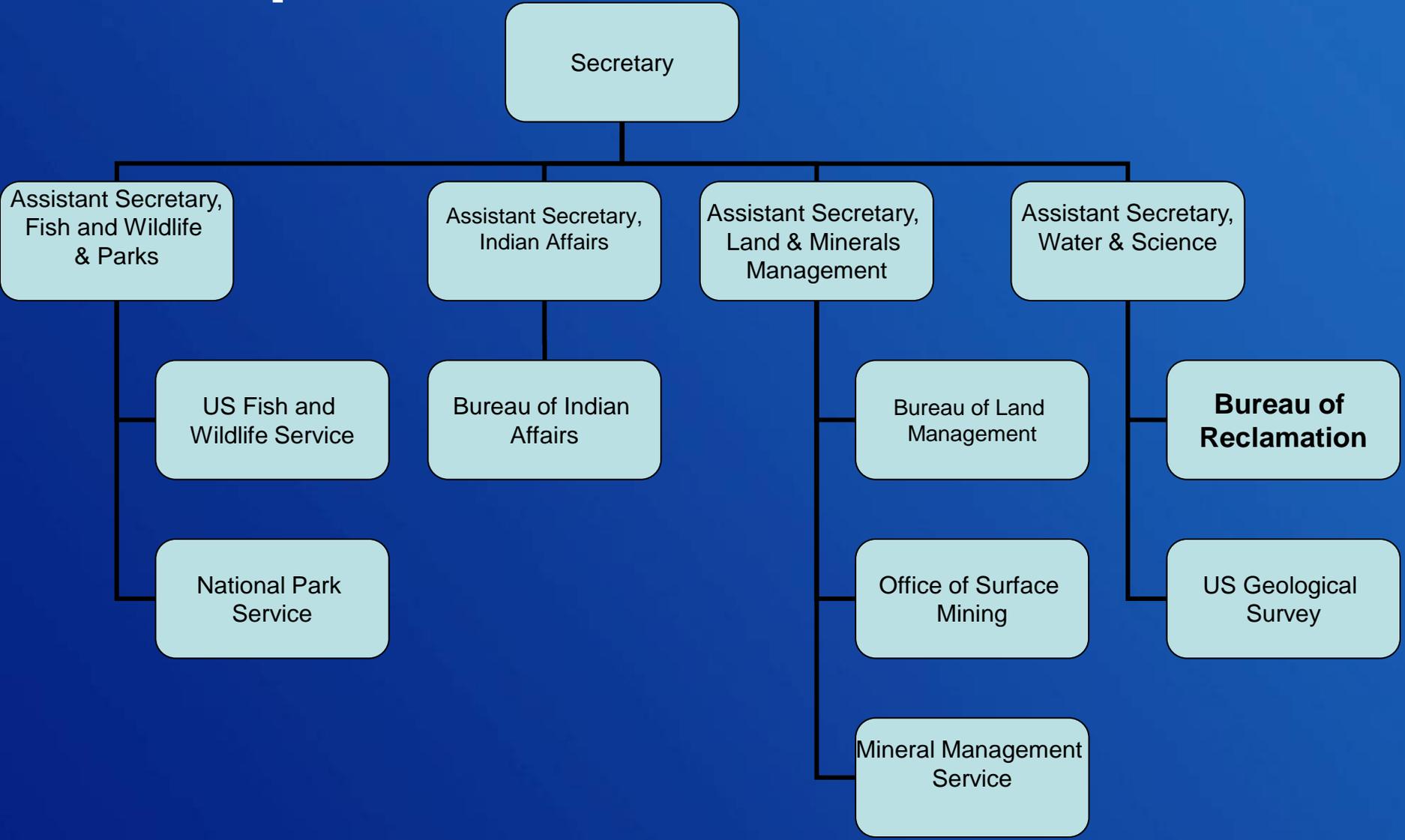
What is the Bureau of Reclamation?

KEY FEDERAL WATER MANAGEMENT AGENCIES

- **Bureau of Reclamation**
- **U.S. Army Corps of Engineers**
- **Tennessee Valley Authority**
- **Natural Resources Conservation Service (USDA)**

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U.S. Department Of The Interior



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Mission Statement

- To manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.



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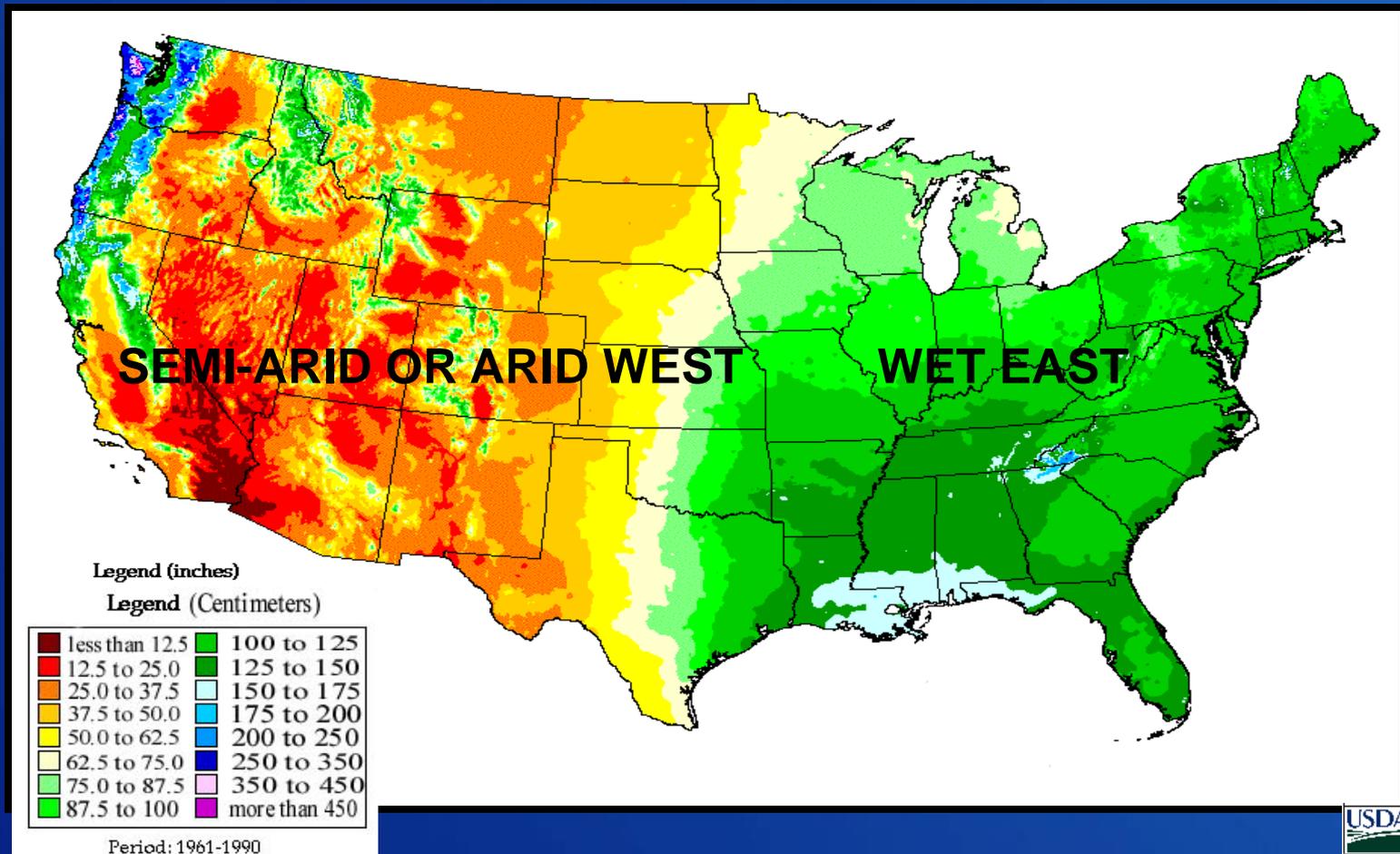
History of Reclamation

Created in 1902 to help address the development of the semi-arid/arid American West through the development of water projects for irrigation



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The Landscape - annual precipitation



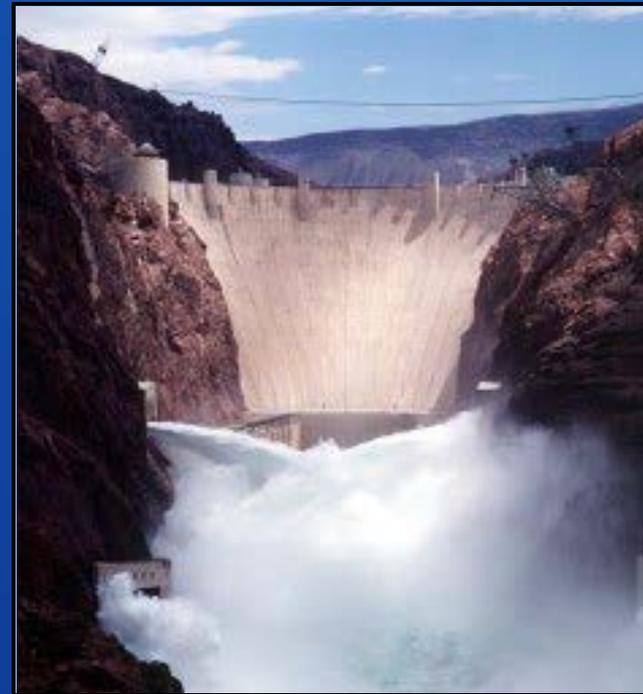
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Reclamation Today

Extensive infrastructure - more than 475 dams in 180 projects in the West; many are multi-purpose facilities (e.g., water supply, hydropower, flood control, etc.)

Emphasis in recent decades has shifted from development to management of water resources

Hoover Dam



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Reclamation Program Activities



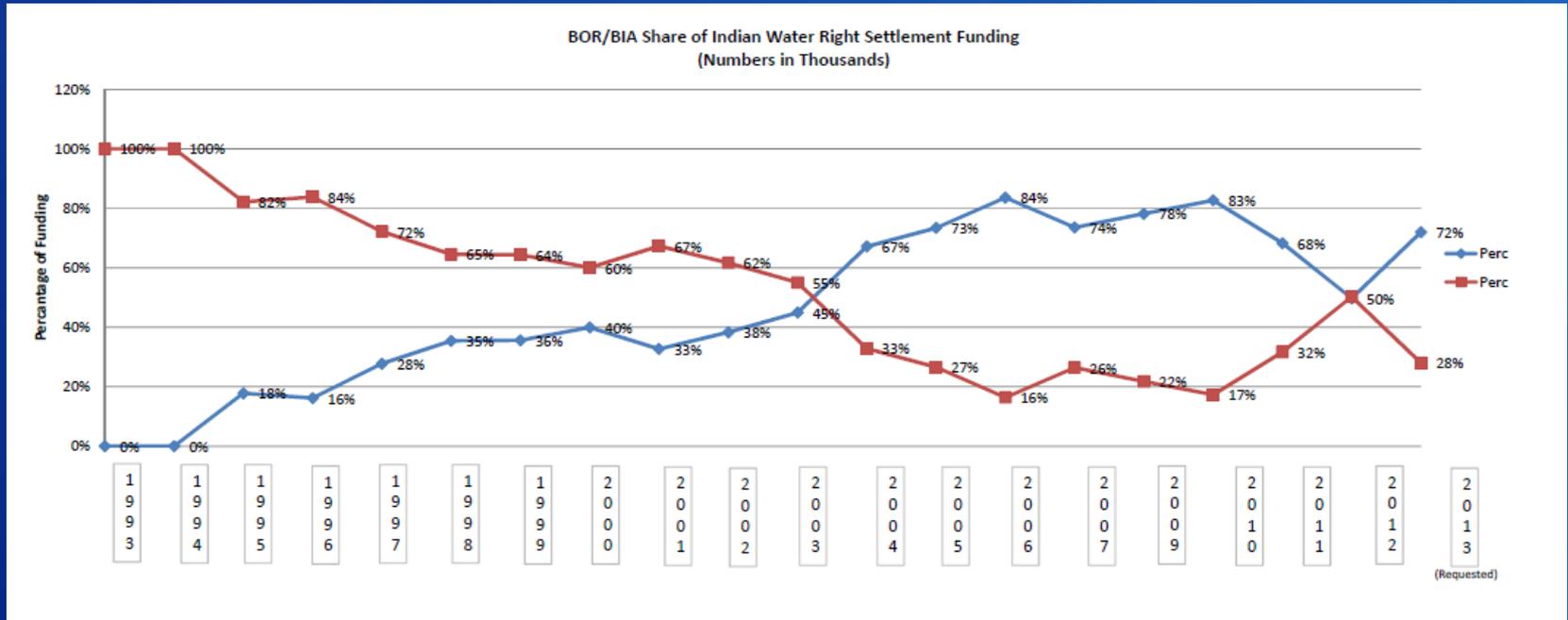
- Delivering Water and Power
- Indian Water Rights Settlement Projects
- Rural Water Projects – with Tribal and Non-Tribal components
- Ecological Restoration

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Reclamation Work with Indian Tribes

- Tribal portion of work growing since 1980s
- Indian water rights settlement projects
- Rural water projects
- Ecosystem restoration projects
- Native American Affairs Program technical assistance
- Other program activities (e.g., Drought assistance, WaterSMART)

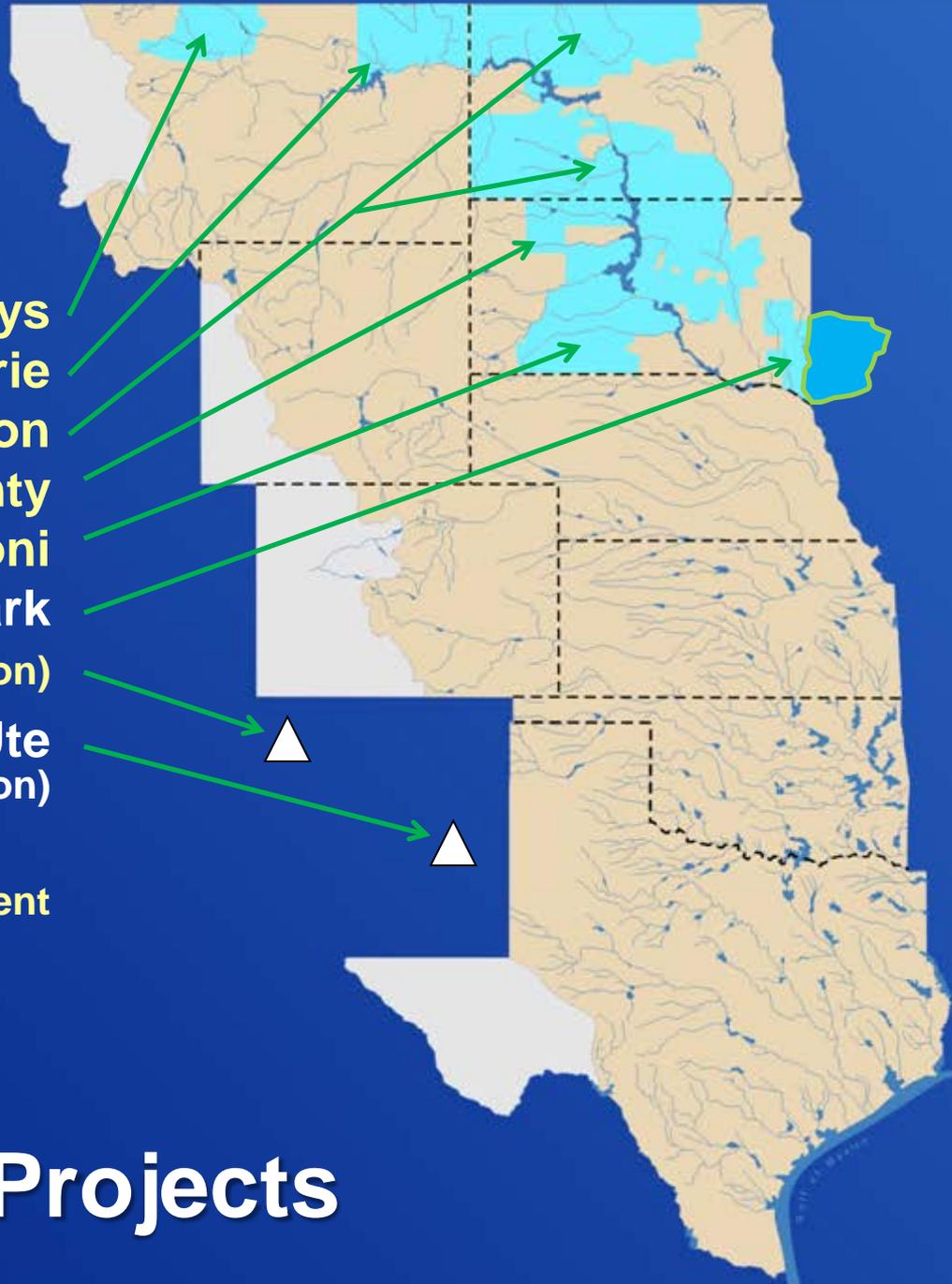
BOR/BIA Share of Water Rights Settlement Funding 1993-2013



BIA (red) = \$792 million
BOR (blue) = \$889 million

- North Central / Rocky Boys
- Fort Peck / Dry Prairie
- Garrison
- Perkins County
- Mni Wiconi
- Lewis and Clark
- Jicarilla Apache (UC Region)
- Eastern New Mexico – Ute Reservoir (UC Region)

*Yellow = tribal component



Current Rural Water Projects

Bureau of Reclamation - Funding for Native American Programs(\$ in thousands)

Bureau of Reclamation	FY 2011	FY 2012	FY 2013	FY 2014
Native American Projects and Programs	Enacted	Actual	Full Yr. Ops pln	President's Budget
Ak Chin Water Rights Settlement Act	11,438	12,554	12,075	12,375
Animas La-Plata Project	6,387	14,595	2,334	2,204
Arizona Water Rights Settlement Act	-	-	-	-
Central Arizona Project (CAP) ^{1/}	-	-	-	-
Columbia/Snake River Salmon Recovery (Nez Perce)	17,964	18,206	18,000	18,000
Ft Peck Reservation/Dry Prairie ^{3/}	1,420	6,741	5,325	3,053
Garrison Diversion Unit ^{3/}	13,389	11,698	9,699	6,275
Jicarilla Apache Reservation Rural Water System	499	2	500	
Klamath Project ^{3/}	11,698	10,116	17,205	8,942
Klamath Basin Restoration Agreement ^{4/}	0	0	0	0
Lahontan Basin Project	3,909	4,051	4,223	4,547
Mni Wiconi Project ^{3/}	23,696	22,374	28,300	12,000
Navajo-Gallup Water Supply Project	9,980	28,956	28,954	60,497
Aamodt Litigation Settlement		7,323	5,000	4,664
Taos Indian Water Rights Settlement			4,000	4,000
Crow Tribe Water Rights Settlement ^{3/}		8,236	10,000	7,500
White Mountain Apache		5,624	2,500	2,000
Rio Grande Pueblos		243	250	250
Rocky Boys/North Central Montana Rural Water System ^{3/}	760	3,369	3,040	4,104
S. Arizona Water Rights Settlement Act ^{1/}	-	-	-	-
San Carlos Apache Tribe Settlement Act	243	58	78	52
Soboba	4,000			
Trinity River Division, Central Valley Project ^{2/}	4,488	4,815	5,636	5,587
Umatilla Project	75	75	80	80
Yakima Project	5,534	0	225	225
Yakima River Basin Water Enhancement Project ^{3/}	12,370	11,640	10,900	8,016
Milk River Project	29	25	31	31
Native American Affairs Program	7,450	7,424	6,493	7,412
Total Bureau of Reclamation Funding	135,329	178,125	174,848	171,814

1/ CAP FY 2012 zero "0" the work done for NAA is now moved to the AWSA and is funded through Revenues. Reclamation does not request appropriations.

2/ Includes Trinity River Restoration program funding benefitting Native American programs.

3/ Distribution of funding cannot be determined until final 2014 amounts are known.

4/ KBRA FY 2013 funding request moved to Klamath Project under full year Ops Plan

What is the Reclamation Manual?

- The Department of the Interior requires each of its bureaus to establish a directives system setting forth its bureau-wide requirements
- The Reclamation Manual consists of Policy and Directives and Standards.
- Collectively, these releases assign program responsibility and establish and document Reclamation-wide methods of doing business. All requirements in the Reclamation Manual are mandatory for Reclamation employees.

Contents – Draft Reclamation Indian Policy

- **Introduction – Reaffirms Reclamation’s February 25, 1998 Indian policy**
- **Applicability – All Reclamation employees**
- **Definitions**
- **Responsibilities**
 - **Commissioner**
 - **Director, Native American & International Affairs Office**
 - **Deputy Commissioners**
 - **Regional Directors**

Contents – Draft Reclamation Indian Policy (cont.)

- **Indian Policy – “Reclamation will carry out its programs and projects in compliance with the letter and the spirit of laws and policies relating to Indians; acknowledge and affirm the special relationship between the United States and Indian tribes; and, as appropriate, actively seek partnerships with Indian tribes to ensure that tribes have the opportunity to participate fully in the Reclamation Program as tribes develop, manage, and protect their water and related resources.”**

Contents – Draft Reclamation Indian Policy (cont.)

- **Government-to-Government**
- **Consultation**
- **Trust Responsibility**
 - **Indian Trust Asset Protection**
 - **Water Rights**
 - **Tribal Trust and the Endangered Species**
- **Self-Determination and Self-Governance**
- **Culture and Cultural Values**
 - **Indian Sacred Sites**
 - **Human Remains and Cultural Items**
 - **Cultural Resources**
- **Opportunities to Work Together**
- **Appendix A – Authorities**

Discussion and Comments

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Contents – P.L. 93-638 D&S

- **Introduction**
- **Applicability - all Reclamation employees**
- **Definitions**
- **Responsibilities**
 - **Commissioner**
 - **Director, Native American and International Affairs Office (NAIAO)**
 - **Regional Directors**
 - **Awarding Official (AO)**
 - **Awarding Official's Technical Representative (AOTR)**

Contents – P.L. 93-638 D&S (cont.)

- **Awarding Official Procedures**
 - Appointment
 - Qualifications
 - Limitations on the AO's Authority
 - Termination of AO Appointment
 - Documentation
- **Awarding Official's Technical Representative Procedures**
 - Appointment
 - Limitations on the AOTR's Authority

Contents – P.L. 93-638 D&S (cont.)

- **Pub. L. 93-638 Internal Control Plan**
 - Solicitor’s Office Pre-Award Review for Legal Sufficiency
 - NAIAO Review of Regional Implementation of Pub. L. 93-638
 - Additional Internal Control Requirements
- **Threshold Considerations**
 - Eligibility
 - Declination under Self-Determination
 - Funding
- **Timeframes for Cost Estimating and Negotiation**
 - Statutory and Regulatory Timeframes for Award
 - Cost Estimating
 - Negotiation and Arriving at a Fair and Reasonable Funding Amount

Contents – P.L. 93-638 D&S (cont.)

- **Award Process**
 - Pre-award
 - Award of the Contract or Annual Funding Agreement
- **Post-Award Monitoring and Administration**
 - Post-Award Monitoring
 - Role of Reclamation During Construction Performance
 - Payments
 - Amendments
 - Funding Amendments
- **Close Out**
 - Close Out Timeframe
 - Close Out Amendment
 - Retention of Records

Discussion and Comments

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Send comments by February 28, 2014 to :

Bureau of Reclamation

Native American & International Affairs Office

Mail Stop 7069-MIB

1849 C St., N.W.

Washington, D.C.

20240

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Closing Remarks

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