

Memo

To: Members of the Glen Canyon Dam Adaptive Management Program

From: Mary Orton, Facilitator

CC: AMWG alternates, TWG members and alternates, interested persons

Date: July 11, 2003

Re: Report from the Strategic Plan Ad Hoc Group (SPAHG)

Jan Balsom	Mary Barger	Kerry Christensen	Wayne Cook
Norm Henderson	Amy Heuslein	Leslie James	Dennis Kubly
Andre Potochnik	Ted Rampton	Nikolai Ramsey	Sam Spiller
Gerry Zimmerman			

Charge from the AMWG to the SPAHG

At your May 2003 meeting, the AMWG charged the Strategic Plan Ad Hoc Group (SPAHG) "to review and comment on the Tribal Consultation Plan and report to the AMWG on the inclusion of that plan in the AMP Strategic Plan."

On June 16, 2003, the SPAHG met in conference call and generated a list of issues for in-depth discussion. On July 1 and 2, 2003, the SPAHG met in Phoenix for a face-to-face discussion of the issues. In addition to SPAHG members, Dean Suagee, consultant to the Hualapai Nation who wrote the draft Plan, attended both the conference call and the meeting. Loretta Jackson (AMWG member from the Hualapai Tribe) participated in the conference call, and Brenda Drye (AMWG member from the Southern Paiute Consortium) attended the meeting in Phoenix. GCMRC staff attended both.

Background Information

The Tribal Consultation Plan reviewed by the SPAHG is still in draft form. Before the final draft is complete, the plan will undergo review by the Tribes, the Programmatic Agreement group, and various solicitors including those of the federal agencies who are part of the AMP.

The following agencies submitted detailed written comments to Dean Suagee about the Plan:

- Arizona State Historic Preservation Office
- Bureau of Reclamation
- Colorado River Energy Distributors Association
- Grand Canyon National Park
- Glen Canyon National Recreation Area
- Western Area Power Administration

In addition to the concerns outlined below, the SPAHG transmitted to Dean Suagee 26 comments generated during the conference call that were not discussed in depth by the SPAHG and are not included in this report.

Recommendation for Action

The SPAHG recommends to AMWG the following:

1. That you direct the SPAHG to review the Tribal Consultation Plan for a final recommendation to you on whether it should be included in the AMP Strategic Plan, after all reviews are complete and the plan is in final draft form.
2. That you direct the SPAHG to draft for your approval an amendment to one of two sections of the approved strategic plan narrative, "Tribal Consultation and Coordination Within the Adaptive Management Program" or "Tribal Trust Responsibilities and the Adaptive Management Program." These sections are on pages 44-45 of the current version of the AMP Strategic Plan. This amendment would define and distinguish between two kinds of consultation: consultation between the Secretary of the Interior and the AMP as mandated in the Grand Canyon Protection Act, and consultation between federal agencies and Tribes.
3. That AMWG and TWG procedures be altered in the following ways, in order to make it easier for tribal representatives to fully participate in the meetings:
 - a. That the Bureau of Reclamation maintain a standing offer to meet with tribal representatives as a group before each AMWG and TWG meeting to review the agenda, in order to facilitate more participation in the meetings. It may be appropriate for other federal agencies to participate in these meetings.
 - b. That Chairpersons of AMWG and TWG make a practice of asking quiet members to participate in discussions.
 - c. That the subject and results of consultation with Tribes be reported to the full AMWG or TWG, excepting any confidential information.
 - d. That the tribal representatives be asked during AMWG and TWG meetings if each agenda item or issue raised will require consultation.
 - e. That time be set aside at each AMWG and TWG meeting for one AMP member to briefly describe the agency mission and interest in the AMP. This is to assist in mutual understanding among AMP members.
 - f. That AMWG and TWG members be assisted to understand the distinction between FACA consultation and government-to-government consultation.
 - g. That a person be designated to track all AMP tribal consultation issues.

- h. That consideration be given to having TWG and AMWG meetings on Indian reservations, coupled with field trips or other cultural events.
- 4. That you include the Tribal Consultation Plan as an appendix to the AMP Strategic Plan only if the following additions and changes are made:
 - a. Two types of consultation are described and distinguished: consultation between the Secretary of the Interior and the AMP as mandated in the Grand Canyon Protection Act, and consultation between federal agencies and Tribes.
 - b. Sections that apply to the AMP and the sections that specifically apply to the Historic Preservation Plan are clearly delineated and distinguished.
 - c. AMP relationships and the Programmatic Agreement relationships are distinguished.
 - d. More detail is included on the protocols and less detail on NHPA and NAGPRA.
 - e. A flowchart to show the consultation process is added.
 - f. A definitions/glossary section is added.
 - g. More detail is added on the responsibilities of the Tribes, federal agencies, and non-federal agencies that are members of the AMP.
 - h. A list of broad categories of issues and activities that will require consultation or information sharing with Tribes is added.
 - i. A description is added of Memoranda of Understanding to be executed between federal agencies and each Tribe, in which will be identified the program and the calendar for that consultation process.
 - j. A note is added that some existing laws prescribe consultation (e.g., ESA, NHPA, NAGPRA), and that in other cases, either the federal agency or the Tribe can initiate/request consultation.
 - k. Consultation for every river trip is eliminated.
 - l. The schedule of meetings in Part 8 of the draft Tribal Consultation Plan is replaced by the following:
 - 1. An annual government-to-government consultation meeting of all federal agencies and all Tribes to be integrated into the annual calendar for review of the draft GCMRC workplan for the coming year. If necessary, individual consultations will follow immediately between one or several agencies and one or several Tribes. Explicit time limits are included.
 - 2. At an annual TWG meeting, the upcoming year's workplan is discussed and there is an opportunity to identify issues that will require consultation. This meeting can be combined with the meeting described above.
 - 3. An annual meeting between GCMRC and all Tribes.

4. As unanticipated actions arise, the agency initiating the action will offer to meet/consult with affected Tribes before the AMWG or TWG meeting at which the action will be discussed. Timely notice of and action on these unanticipated actions is important. The Plan should include the minimum notice required.
5. Special meetings may be required when a project (e.g., a recovery plan) is brought to the AMP from the outside and the AMP has no control over the schedule of addressing the issue.

Questions

Please feel free to contact SPAHG members or me if you have any questions.