

## **Glen Canyon Dam Adaptive Management Work Group Proposed Motion and Background Information from Grand Canyon Trust**

### **Proposed Motion**

There are several duties and reporting requirements related to the Glen Canyon Dam Adaptive Management Program. These duties and reports include:

1. Operating Criteria for Glen Canyon Dam;
2. Periodic Review of the Operating Criteria;
3. Annual Report to Congress;
4. Annual Plan of Operations;
5. Annual Allocation of Costs report;
6. Annual review of resource status;
7. Annual review of program status;
8. Annual coordination between the AMP and the AOP;
9. Annual Comprehensive Review for a FACA committee.

The AMWG recommends to the Secretary of the Interior that he direct the relevant agencies in the Department of the Interior to complete items 1-8, with review and input by the AMWG, by the end of calendar year 2009. The AMWG further recommends that item 9, conducted by the General Services Administration, be shared with the AMWG.

### **Background Information**

There are several duties and reporting requirements related to the Glen Canyon Dam Adaptive Management Program that are not being met, or not being shared with the Adaptive Management Work Group. Without these documents, the AMP cannot provide sound advice to the Secretary of the Interior on how best to implement the Grand Canyon Protection Act. These duties and reports include (but may not be limited to):

1. Operating Criteria for Glen Canyon Dam;
2. Periodic Review of the Operating Criteria;
3. Annual Report to Congress;
4. Annual Plan of Operations;
5. Annual Allocation of Costs report;
6. Annual review of resource status;
7. Annual review of program status;
8. Annual coordination between the AMP and the AOP;
9. Annual Comprehensive Review for a FACA committee.

The duties and reporting requirements are described in part as follows:

1. Operating Criteria for Glen Canyon Dam
  - a. The 1997 Operating Criteria for Glen Canyon Dam (62 FR 9447-9448) states, "Pursuant to the Grand Canyon Protection Act of 1992, the Bureau of Reclamation (Reclamation) is required to prepare formal Operating Criteria and an Annual Plan of Operations...." And, "The Operating Criteria specify the requirements for an annual

report of operations under the Grand Canyon Protection Act, a periodic review of Operating Criteria, and details regarding operational constraints.” And, “These Operating Criteria are separate and apart from the Criteria for Coordinated Long-Range Operation of Colorado River Reservoirs prepared according to the Colorado River Basin Project Act of 1968.”

- b. GCPA Section 1804(c)(1)(A) states, “Adopt criteria and operating plans separate from and in addition to those specified in section 602(b) of the Colorado River Basin Project Act of 1968....”
- c. GCPA Section 1804(c)(3) states, “In preparing the criteria and operating plans described in section 602(b) of the Colorado River Basin Project Act of 1968 and in this subsection, the Secretary shall consult with the Governors of the Colorado River Basin States and with the general public, including-(A) representatives of academic and scientific communities; (B) environmental organizations; (C) the recreation industry; and (D) contractors for the purpose of Federal power produced at Glen Canyon Dam.”

## 2. Periodic Review of the Operating Criteria

- a. The 1997 Operating Criteria states, “The Secretary of the Interior shall review these Operating Criteria as the result of actual operating experiences to determine if the Operating Criteria should be modified to better accomplish the purposes of the Grand Canyon Protection Act. Such a review shall be made at least every 5 years in consultation with the appropriate Federal agencies, Governors of the Colorado River Basin States, Indian Tribes, representative of academic and scientific communities, environmental organizations, the recreation industry and contractors for the purchase of Federal power produced at Glen Canyon Dam.”

## 3. Annual Report to Congress

- a. Section 1804(c)(2) of the GCPA states, “Each year ... the Secretary shall transmit to the Congress and to the Governors of the Colorado River Basin States a report, separate from and in addition to the report specified in section 602(b) of the Colorado River Basin Project Act of 1968 on the preceding year and the projected year operations undertaken pursuant to this Act.”
- b. Section 3(e) of the Charter states, “Review and provide input on the report identified in Section 1804(c)(2) of the Act to the Secretary, the Congress, and the Governors of the Colorado River Basin States. The report will include discussion of dam operations, the operation of the AMP, status of resources, and measures taken to protect, mitigate, and improve the resources defined in the Act.”
- c. The 2002 AMWG Operating Procedures state, “The Annual Report (AR) required by the Grand Canyon Protection Act shall be reviewed by the AMWG. The State of the Natural and Cultural Resources in the Colorado River Ecosystem report developed by the Grand Canyon Monitoring and Research Center will be attached to the AR and shall contain information on the condition of the resources impacted by the operation of Glen Canyon Dam. The AR shall be concise, containing critical resource issues and recommendations to the Secretary on future dam operations.”
- d. The 1997 Operating Criteria states, “Annual Report: As required in the Grand Canyon Protection Act, a report shall be prepared and submitted to Congress annually. This report will describe the operation of Glen Canyon Dam for the preceding water year and the expected operation for the upcoming water year.

- e. The House Report on the GCPA states, "Section [1804 (c)(2)] requires the Secretary to prepare an annual report to Congress regarding the operation of Glen Canyon Dam during the preceding year and the anticipated operations over the next year with respect to the requirements of this title. The annual report by the Secretary should reflect the results of the ongoing monitoring and studies required under section [1805]. As more information is developed, the Secretary will be able to decide on an annual basis whether dam operations at Glen Canyon should be further adjusted to carry out the purposes of this title more effectively."
- f. At the March 2008 AMWG meeting, Reclamation made a commitment to produce the Annual Report to Congress for 2003-2007. The minutes state, "After much discussion and the fact that the report is in draft along with Reclamation's commitment to provide the report [] annually and in a timely manner for the AMWG's review, Mr. Lash withdrew his motion."

#### 4. Annual Plan of Operations

- a. The 1997 Operating Criteria states, "Pursuant to the Grand Canyon Protection Act of 1992, the Bureau of Reclamation (Reclamation) is required to prepare ... an Annual Plan of Operations...."
- b. The 1997 Annual Plan of Operations states, "This plan is prepared in conformance with section 1804(c)(1)(A) of the Grand Canyon Protection Act. Any changes to the plan would require reconsultation in accordance with this Act."
- c. GCPA Section 1804(c)(1)(A) states, "Adopt criteria and operating plans separate from and in addition to those specified in section 602(b) of the Colorado River Basin Project Act of 1968...."
- d. GCPA Section 1804(c)(3) states, "In preparing the criteria and operating plans described in ... this subsection, the Secretary shall consult with the Governors of the Colorado River Basin States and with the general public, including-(A) representatives of academic and scientific communities; (B) environmental organizations; (C) the recreation industry; and (D) contractors for the purpose of Federal power produced at Glen Canyon Dam."

#### 5. Annual Allocation of Costs report to Congress

- a. Section 1804(e) of the GCPA states, "The Secretary shall determine the effect of all the provisions of this Act and submit a report to the appropriate House and Senate committees by January 31 of each fiscal year, and such report shall contain for that fiscal year a detailed accounting of expenditures incurred pursuant to this Act, offsetting receipts generated by this Act, and any increase or reduction in net offsetting receipts generated by this Act."

#### 6. Annual review of resource status

- a. Section 3(f) of the AMWG Charter states, "Annually review long-term monitoring data to determine the status of resources and whether the AMP Strategic Plan goals and objectives are being met. If necessary, develop recommendations for modifying the GCDEIS ROD, associated operating criteria, and other resource management actions pursuant to the Grand Canyon Protection Act."

7. Annual review of program status
  - a. Section 3(h) of the AMWG Charter states, "Monitor and report on all program activities undertaken to comply with applicable laws, permitting requirements, and the Act."
  
8. Annual coordination between the AMP and the AOP
  - a. Section 3(g) of the Charter states that one of the functions of the AMWG is to, "[F]acilitate input and coordination of information from stakeholders to the Secretary to assist in meeting consultation requirements under Section 1804(c)(3) ..."
  - b. The section on the Adaptive Management Work Group in the 1995 EIS (incorporated by reference in the 1996 ROD) states that the AMWG would, "Ensure coordination of operating criteria changes into the Annual Operating Plan for Colorado River Reservoirs and other ongoing activities."
  - c. The minutes of the 10 September 1997 AMWG meeting includes discussion and a flowchart of the relationship between the AMP and the AOP.
  
9. Annual Comprehensive Review for a FACA committee
  - a. Section 7 of the Federal Advisory Committee Act states, "The Administrator shall, immediately after October 6, 1972, institute a comprehensive review of the activities and responsibilities of each advisory committee to determine--(1) whether such committee is carrying out its purpose; (2) whether, consistent with the provisions of applicable statutes, the responsibilities assigned to it should be revised; (3) whether it should be merged with other advisory committees; or (4) whether it should be abolished. The Administrator may from time to time request such information as he deems necessary to carry out his functions under this subsection. Upon the completion of the Administrator's review he shall make recommendations to the President and to either the agency head or the Congress with respect to action he believes should be taken. Thereafter, the Administrator shall carry out a similar review annually. Agency heads shall cooperate with the Administrator in making the reviews required by this subsection."