

Glen Canyon Dam Adaptive Management Work Group
Agenda Item Information
February 25-26, 2015

Agenda Item

Renewing the AMWG Charter which expires on August 23, 2015

Action Requested

✓ Information and possible action.

Presenter

Beverley Heffernan, Co-Chair, Charter Ad Hoc Group

Previous Action Taken

August 28, 2014: Ms. Anne Castle directed formation of a new Charter Ad Hoc Group, charged with reviewing the August 2013 charter and recommending revisions, if necessary, such that AMWG approval can be obtained, and the renewal process through DOI to GSA, can occur before the charter expires on August 23, 2015.

October 2014-February 2015: In the first conference call on October 17, 2014, the group reviewed suggested items for revision. The following were identified prior to the meeting and included on the agenda:

- o A paragraph stating that TWG is our most significant subcommittee, paragraph should clarify TWG's responsibilities to make technical recommendations to AMWG
- o Clarification of the ability to furnish compensation consistent with FACA if, for example, the TWG chair is not with a Federal or state agency, and therefore reasonable compensation is appropriate
- o Review of the ex-officio, non-voting status of DOI agencies and recommendation on whether to continue this current arrangement

Other documents were reviewed as follows:

- o Review last Charter Ad Hoc Group findings to see if other items should be revisited (see file on website: http://www.usbr.gov/uc/rm/amp/amwg/mtgs/11feb09/Attach_03.pdf)
- o Review current charter and other documents as needed, including GSA guidelines for FACA charters, older AMWG charters and ad hoc group reports, and the Grand Canyon Protection Act.

Based on this review, additional items were identified for consideration:

- Revisit whether an AMWG Executive Director or some corresponding position within Reclamation is needed
- Revisit TWG nominating process
- Consider whether and where (4g suggested) to codify the annual memorandum to the Secretary from the Secretary's Designee, forwarding AMWG findings and recommendations.
- Consider whether any recommendations for the DFO are warranted, such as potential for the ASWS to delegate that responsibility

Renewing the AMWG Charter, continued

These issues were discussed and suggested revisions made in monthly calls from October 2014 thru February 2015, with details captured in meeting notes. DOI Solicitor review and input was sought throughout the process as appropriate for certain issues. Suggested revisions are identified in the 'track changes' version of the Charter which will be attached to this AIF as soon as possible. Additionally, both procedural and editorial items in the existing charter were identified during conference calls as warranting revision or clarification:

- Editorial changes to paragraph 3
- Renumbering of paragraphs to restore lost formatting
- Corrections of listings of AMWG and DFO duties and deletion of obsolete language
- Revisions to paragraph 13 for clarity, or possible deletion to conform with GSA guidelines

Relevant Science

N/A

Background Information

The Federal Advisory Committee Act limits approved charters to a 2-year duration and thus requires review and request for renewal every two years. The AMWG Charter was renewed in August 2013 after deliberation by the AMWG at its May 2013 meeting, based upon deliberations and recommendations by the Charter Ad Hoc Group. This charter expires on August 23, 2015. Secretary's Designee Anne Castle called for formation of a new Charter Ad Hoc Group at the August 2014 AMWG meeting, and this group has conducted a series of conference calls leading to recommended revisions to the existing charter as part of the charter renewal process.

Additional information will be posted as an attachment to this AIF as early as possible prior to the February 25-26 meeting.

Attachment for Agenda Information Form: Charter Ad Hoc Group

The Charter Ad Hoc Group (Group) was formed during and following the August 2014 AMWG meeting, charged with reviewing the existing charter and recommending revisions to that charter for approval before it expires in August 2015. Group membership is as follows:

Co-Chairs: Beverley Heffernan, Bureau of Reclamation
Chris Harris, Colorado River Board of California

Members: Mike Yeatts, Hopi Tribe
Steve Wolff, Wyoming State Engineer's Office
Jason Thiriot, Colorado River Commission of Nevada
Ted Rampton, Utah Associated Municipal Power Systems
Leslie James, Colorado Energy Distributers Association
Jayne Harkins, Colorado River Commission of Nevada
Evelyn Erlandsen, Arizona Department of Water Resources
Shane Capron, Western Area Power Administration

The Group met approximately monthly via conference call from October 2014 to February 2015, with additional coordination via email. The Group was charged with reviewing three specific items by the Secretary's Designee, listed below with recommended action as noted in italics:

1. A paragraph stating that TWG is our most significant subcommittee, paragraph should clarify TWG's responsibilities to make technical recommendations to AMWG. *A new paragraph to this effect was added in Section 3 of the charter.*
2. Clarification of the ability to furnish compensation consistent with FACA if, for example, the TWG chair is not with a Federal or state agency, and therefore reasonable compensation is appropriate. *The current charter states that 'AMWG members will serve without compensation,' which is problematic relative to the Federal acquisitions process when the TWG chair does not work for a government agency. The Federal Advisory Committee Act does provide for compensation in appropriate circumstances. Accordingly, working with the DOI Solicitor's Office, we recommend revised language in the last paragraph of Section 12.*
3. Review of the ex-officio, non-voting status of DOI agencies and recommendation on whether to continue this current arrangement. *The group discussed this issue and also reviewed past AMWG discussions on the matter. The concern expressed when voting status was previously discussed, that having non-voting status might tend to limit discussion by DOI agencies, is still a concern of the Group. DOI prefers that the non-voting status be retained, and the Group was in agreement with that preference but emphasizes the importance of the DOI agencies participating in discussions to inform the AMWG on matters that relate to their jurisdiction and expertise.*

In addition to the above, the Group reviewed recommendations of past Charter Ad Hoc Groups and other action items from past AMWG meetings, including but not limited to the 2009 and 2011 Group reports and presentations to AMWG. This research yielded the following action items, again with recommended action noted in italics:

1. Review the issue of whether an Executive Director position should be established for the Glen Canyon Adaptive Management Program. *This matter was considered by the 2009 Charter Ad Hoc Group, and the current Group noted that their findings remain valid as to the benefits of staffing such a position as well as potential obstacles, principally funding for such a position. The Group recommends not pursuing such a position at this time; upon completion of LTEMP it would make sense to revisit whether there is a need.*
2. Review the TWG nominating process. *The Group reviewed this issue and found no concerns with the current process, and therefore recommends no changes.*

Finally, in reviewing the current charter, the Group identified the following topics for consideration:

1. Should the annual memorandum from the Designated Federal Officer to the Secretary of the Interior be codified in the charter? *The Group sees great value in the memorandum that Assistant Secretary Anne Castle transmitted annually to the Secretary, assuring that AMWG recommendations are transmitted and that the Secretary's approval of recommendations is communicated back to AMWG members. This ensures that the purposes of the Federal Advisory Committee Act are met. In the current charter, this DFO task is listed as an AMWG duty in item 4g, and erroneously references the Grand Canyon Protection Act as the basis for ensuring that recommendations are transmitted to the Secretary. The Group recommends deleting this reference and adding the appropriate language, as shown in the charter markup, in Section 8, which covers the role and duties of the Designated Federal Officer.*
2. Should Section 8 of the charter be revised to allow for Designated Federal Officer responsibilities to be delegated by the Secretary's Designee, the Assistant Secretary for Water and Science? *The Group analyzed and discussed this issue and believes that existing language need not be revised to specify delegation authority.*

**U.S. Department of the
Interior**

Bureau of Reclamation

Glen Canyon Dam Adaptive Management Work Group

CHARTER

- 1. Committee's Official Designation.** Glen Canyon Dam Adaptive Management Work Group (AMWG).
- 2. Authority.** The Grand Canyon Protection Act (Act) of October 30, 1992, Public Law 102-575, Sections 1802, 1804, and 1805, Federal Advisory Committee Act, as amended, 5 U.S.C. Appendix 2.

- 3. Objectives and Scope of Activities.** The Glen Canyon Dam Adaptive Management Program (AMP) provides for monitoring the results of the operating criteria and plans adopted by the Secretary, and for research and studies to suggest appropriate changes to those operating criteria and plans.

The AMP includes the AMWG. The Secretary's designee is the Assistant Secretary for Water and Science who will serve as the Chair and the Designated Federal Officer (DFO) to the AMWG. The AMWG will recommend suitable monitoring and research programs and make recommendations to the Secretary. The AMWG may recommend research and monitoring proposals outside the Act which complement the AMP process, but such proposals will be funded separately, and shall not deter from the focus of the Act.

The AMWG will provide advice and recommendations to the Secretary of the Interior (Secretary) relative to the operation of Glen Canyon Dam. Under the Act, "[t]he Secretary shall operate Glen Canyon Dam in accordance with the additional criteria and operating plans specified in section 1804 [of the Act] and exercise other authorities under existing law in such a manner as to protect, mitigate adverse impacts to, and improve the values for which Grand Canyon National Park and Glen Canyon National Recreation Area were established, including, but not limited to natural and cultural resources and visitor use. . . . The Secretary shall implement this section [of the Act] in a manner fully consistent with and subject to the Colorado River Compact, the Upper Colorado River Basin Compact, the Water Treaty of 1944 with Mexico, the decree of the Supreme Court in Arizona v. California, and the provisions of the Colorado River Storage Project Act of 1956 and the Colorado River Basin Project Act of 1968 that govern allocation, appropriation, development, and exportation of the waters of the Colorado River basin.

Comment [BOR1]: We recommend reordering the paragraphs in section 3. What we propose here is leading with previous paragraphs 2 and 3, with old paragraph 1 becoming new paragraph 3. The 4th paragraph regarding TWG is new.

Comment [BOR2]: This was the original 1st paragraph. With SOL input, we recommend simply quoting the relevant section of the Act rather than the previous paraphrased language.

Draft recommended revisions by Charter Ad Hoc Group for presentation at AMWG Meeting

The Technical Work Group (TWG) is an important ongoing subcommittee of the AMWG, comprised of technical representatives from each organization represented in the AMWG. The TWG performs a substantial amount of ongoing science-based review and planning, in order to make technical recommendations to the AMWG.

Comment [BOR3]: Suggested addition to recognize the value of TWG.

4. Description of Duties. The duties or roles and functions of the AMWG are in an advisory capacity only. They are to:

- a. Establish AMWG operating procedures.
- b. Advise the Secretary in meeting environmental and cultural commitments including those contained in the Glen Canyon Dam Environmental Impact Statement Record of Decision (GCDEIS ROD) and subsequent related decisions.
- c. Recommend the framework for the AMP policy, goals, and direction.
- d. Recommend resource management objectives for development and implementation of a long-term monitoring plan, and any necessary research and studies required to determine the effect of the operation of Glen Canyon Dam on the values for which Grand Canyon National Park and Glen Canyon National Recreation Area were established, including but not limited to, natural and cultural resources, and visitor use.
- e. 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. ~~This annual report will include discussion on dam operations, the operation of the AMP, status of resources, and measures taken to protect, mitigate, and improve the resources defined in the Act.~~
- f. Annually review long-term monitoring data to provide advice on the status of resources and whether the Desired Future Conditions and 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 Act.~~
- g. ~~Facilitate input and coordination of information from stakeholders to the Secretary to assist in meeting consultation requirements under Section 1804(c) of the Act.~~
- h. Monitor and report on all program activities undertaken to comply with applicable laws, including permitting requirements.

Comment [BOR4]: Minor edits here to clarify. Charter Ad Hoc Group members recommended reinstating review of draft report to AMWG members for a two week period as was done in 2010 and 2011. Sentence one does not specify draft or final report. Moving forward if it is decided there is no need to circulate draft for review, AMWG members retain the option to provide feedback on the report as submitted to Congress and the Governors.

Comment [BOR5]: No changes here, but the group discussed how this review should occur: The AMWG should review the annual progress made on the workplan and consider whether the research and monitoring being conducted is helping us to reach the DFCs and to meet the objectives in the AMP Strategic Plan. The TWG and GCMRC should be responsible for a first review of the information as part of the Annual Reporting meeting in January, and make recommendations on progress made to the AMWG at its winter meeting. The AMWG should then take some time in reviewing the DFCs and the progress made toward each one, and discuss the importance of projects, the priorities, and potentially projects that are not being helpful in meeting program goals within the adaptive management context so that changes can be made (or not) as part of the annual budget and workplan considerations.

Comment [BOR6]: Deleted, given that LTEMP is in process.

Comment [BOR7]: Move to 8 below, this is a DFO responsibility.

5. Agency or Official to Whom the Committee Reports. The AMWG reports to the Secretary through the Secretary's Designee.

6. Support. The logistical and support services for the meetings of the AMWG will be provided by the Bureau of Reclamation.

7. Estimated Annual Operating Costs and Staff Years. The estimated annual operating costs associated with supporting the AMWG's functions are \$600,000, including all direct and indirect expenses. It is estimated that five FTE's will be required to support the AMWG.

8. Designated Federal Officer. The DFO is the Assistant Secretary for Water and Science who is a full-time Federal employee appointed in accordance with Agency procedures. The DFO will approve or call all AMWG and subcommittee meetings, prepare and approve all meeting agendas, attend all AMWG and subcommittee meetings, adjourn any meetings when the DFO determines adjournment to be in the public interest and chair meetings when directed to do so by the Secretary. The DFO will facilitate input and coordination of information from AMWG to the Secretary to ensure that advice and recommendations are communicated in accordance with the Federal Advisory Committee Act. This will be accomplished by memoranda annually or more often if appropriate from the Designated Federal Officer to the Secretary of the Interior.

Comment [BOR8]: Recommended revision for correct statutory reference, and the committee recognizes the value of these memoranda and wants to ensure their continuation.

9. Estimated Number and Frequency of Meetings. The AMWG is expected to meet approximately twice a year, and at such other times as designated by the DFO.

10. Duration. Continuing.

11. Termination. The AMWG will terminate 2 years from the date the charter is filed, unless prior to that date, it is renewed in accordance with the provisions of Section 14 of the FACA. The AMWG will not meet or take any action without a valid current charter.

12. Membership and Designation. Members and alternate members of the AMWG appointed by the Secretary will be comprised of, but not limited to, the following:

- a. Secretary's Designee, who will serve as Chairperson for the AMWG.
- b. One representative each from the following entities:
 - (1) The Secretary of Energy (Western Area Power Administration)
 - (2) Arizona Game and Fish Department
 - (3) Hopi Tribe
 - (4) Hualapai Tribe
 - (5) Navajo Nation
 - (6) San Juan Southern Paiute Tribe
 - (7) Southern Paiute Consortium
 - (8) Pueblo of Zuni
- c. One representative each from the Governors from the seven basin States:
 - (1) Arizona
 - (2) California
 - (3) Colorado
 - (4) Nevada
 - (5) New Mexico
 - (6) Utah
 - (7) Wyoming

Draft recommended revisions by Charter Ad Hoc Group for presentation at AMWG Meeting

- d. Two representatives each from:
 - (1) Environmental organizations
 - (2) Recreation industry
 - (3) Contractors who purchase Federal power from Glen Canyon Powerplant
- e. One representative from each of the following DOI agencies as ex-officio nonvoting members:
 - (1) Bureau of Reclamation
 - (2) Bureau of Indian Affairs
 - (3) U.S. Fish and Wildlife Service
 - (4) National Park Service

Members will be appointed to the AMWG by the Secretary, with input and recommendations from the above-referenced agencies, States, tribes, contractors for Federal power from Glen Canyon Dam, environmental organizations, and other stakeholders. ~~Each member~~~~These stakeholders~~ may also recommend an alternate member for appointment by the Secretary. Members and alternates of the AMWG will be appointed for a 4-year term.

Comment [BOR9]: Minor edit for clarity.

Members of the AMWG generally serve without compensation, except that the DFO, in his or her sole discretion, may choose to allow compensation for the TWG Chair according to applicable FACA authorities. ~~However, w~~While away from their homes or regular places of business, members engaged in AMWG or subcommittee business approved by the DFO may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service under section 5703 of Title 5 of the United States Code.

Comment [BOR10]: Revised language recommended by the solicitor's office to provide for compensation of TWG chair when warranted.

A vacancy on the AMWG will be filled in the same manner in which the original appointment was made.

13. Ethics Responsibility: Each AMWG member, alternate member and subcommittee member will comply with applicable federal ethics obligations in place during the member's tenure. ~~No AMWG member, alternate member, or subcommittee member will participate in any specific party matter including a lease, license, permit, contract, claim, agreement, or related litigation with the Department in which the member has a direct financial interest.~~

Comment [BOR11]: The Committee found the old language to be unclear and recommended this alternate language suggested by the solicitor's office. HOWEVER, per GSA guidelines, 'behavior' prescriptions should not be included in charter. Should be conveyed in appointment letters and perhaps also include in operating procedures. We have researched and understand the history behind including this clause, but **recommend its deletion** from the charter to conform with GSA FACA guidelines.

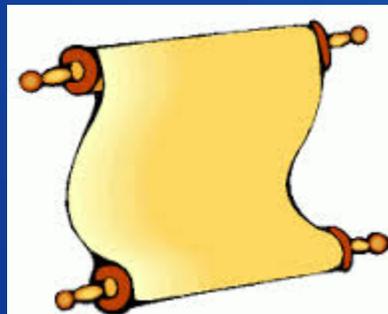
14. Subcommittees. Subject to the DFO's approval, subcommittees may be formed for the purpose of compiling information or conducting research. However, such subcommittees must act only under the direction of the DFO and must report their recommendations to the full AMWG for consideration. The AMWG Chair will appoint subcommittee members. Subcommittee members must not provide advice or work products directly to the Agency. Subcommittees will meet as necessary to accomplish their assignments, subject to the approval of the DFO and the availability of resources.

15. Recordkeeping. The records of the AMWG, and formally and informally established subcommittees of the AMWG, shall be handled in accordance with General Records Schedule 26, Item 2 and other approved Agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552.

RECLAMATION

Managing Water in the West

GCDAMP Work Group **Charter Ad Hoc Group**



February 25, 2015



U.S. Department of the Interior
Bureau of Reclamation



RECLAMATION

Managing Water in the West

Membership

Beverley Heffernan, Reclamation, Co-Chair

Chris Harris, Colorado River Board of CA, Co-Chair

Mike Yeatts, Hopi Tribe

Steve Wolff, WY State Engineer's Office

Jason Thiriot, Colorado River Commission of Nevada

Ted Rampton, Utah Associated Municipal Power Systems

Leslie James, Colorado River Energy Distributors Assn

Jayne Harkins, Colorado River Commission of Nevada

Evelyn Erlandsen, AZ Department of Water Resources

Shane Capron, Western Area Power Administration

RECLAMATION



RECLAMATION

Managing Water in the West

Task: Review Charter, recommend updates, revisions for renewal before August 2015 expiration

- **Add paragraph that the TWG is our most significant subcommittee**
- **Clarify ability for compensation consistent with FACA**
- **Review ex-officio, non-voting status of DOI agencies**
- **Review prior action items: Executive Director position, TWG nominating process**
- **Additional recommended changes/observations, detailed in AIF and attachments**

RECLAMATION



RECLAMATION

Managing Water in the West

Recommendation

- **Revise the AMWG charter as indicated in the charter markup**
- **After AMWG approval, Reclamation must gain approval through the Reclamation/DOI management chain. Revised charter must be filed with GSA before current charter expires in August 2015.**

RECLAMATION