

MEMORANDUM

To: Technical Work Group members
Glen Canyon Dam Adaptive Management Program

From: Kurt Dongoske, Chair, Cultural Resources Ad Hoc Group

Date: 04 June 2012

Re: Report and Recommendations from the Cultural Resources Ad Hoc Group

In an AMWG motion passed at the 24-25 August 2011 meeting, the AMWG directed the TWG to reconstitute the Cultural Resources Ad Hoc Group (CRAHG) and make recommendations to the AMWG on the following at its February 2012 meeting: [AMWG indicates its intention to make a recommendation to the Secretary on the following questions: How should the program fairly treat conflicts of cultural values, specifically those involving Native American perspectives? How will tribal values be monitored and tracked in this program?](#)

The CRAHG presented a progress report to the Technical Work Group at their February 2012 meeting. The progress report is attached as appendix A. This final report of the CRAHG expands on the previous progress report and offers options for consideration and subsequent implementation.

The purpose of these recommendations is to address conflicts of cultural values within the Glen Canyon Dam Adaptive Management Program. The CRAHG believes that implementation of these recommendations will allow every stakeholder participating in the AMWG and TWG to fully participate in the process, believe that they have been heard and understood by the other stakeholders, and are satisfied that their points of view are fully considered within the program. The CRAHG believes that implementing these recommendations will result in the generation of improved and constructive recommendations to the Secretary of the Interior. The CRAHG also believes that these recommendations have the distinct potential to produce a more robust involvement and a greater sense of enfranchisement on the part of all stakeholders, as well as lessening the perceived need for litigation or seeking other avenues outside the program to obtain what stakeholders believe they need to be taken seriously.

The CRAHG strongly encourages the AMWG and TWG to engage in a dialogue about these recommendations and come to agreement on how to proceed. With the assistance of Mary Orton, the CRAHG has drawn from the *Core Values of Public Participation* developed and published by the International Association of Public Participation (<http://www.iap2.org/displaycommon.cfm?an=4>) to constructively contribute to this report. The fifth core value states: "Public participation seeks input from participants in designing how they participate" (Please see Appendix 2 for the full set of core values from IAP2.).

Consensus Building and Collaboration

The CRAHG recommends that the AMWG and TWG commit to building consensus on the difficult issues we confront. This approach necessitates changes in how each of these two groups operate. Some of these changes are described below.

1. In order to build consensus, it is imperative to understand the others' points of view and find ways to address everyone's interests. This involves deeply listening to each other during meetings, and the willingness to commit the time to explore avenues to satisfy all the interests at the table. While more time to explore differences may be uncomfortable for some stakeholders, it is crucial for others.
 - a. This may involve changes to the operating procedures to emphasize consensus.
 - b. In order to allow the time needed, agendas may need to be shorter or meetings may need to be longer and/or more frequent.
2. A commitment to consensus changes the dynamics of a group. **Instead of determining what proposal will achieve the number of votes required, every point of view is considered and the focus is on how everyone's interests can be addressed in the proposal.** While many stakeholders in the AMP understand this process, the group as a whole does not have these skills. Therefore, committing to working together to build the skills and protocols will allow all parties to demonstrate respect for all points of view and resolve differences as a group.
 - a. One aspect of cultural differences concerns the confrontational approach used by some individuals during meetings. While some people are very comfortable with this approach, others (including many tribal members) are not. For some, cultural norms would prohibit participation in a confrontational conversation. It is recommended that AMWG and TWG develop norms that ensure that everyone at the table is comfortable taking part in the discussions.
3. Develop ways to increase opportunities for dialogue among stakeholders in situations where important issues are not at stake. AMWG meetings are one important venue for stakeholders to offer their perspectives and initiating this dialogue. This helps all parties understand each other's values and worldviews in advance of addressing a difficult issue. Perhaps creating more opportunities for social interaction among stakeholders at the AMWG and TWG meetings would provide opportunities to understanding each other's perspectives and values.
 - a. Educating each other about different perspectives is crucial. The purpose of the AMP is to bring together disparate points of view; that is to say that we need to understand each other in order to take full advantage of these differences.
 - b. Tribal values and worldviews are often significantly different from those of the other stakeholders around the table. Often, non-tribal stakeholders do not fully understand the unique relationship between tribes and the federal government. Additional educational efforts are necessary to clarify this relationship and achieve mutual understanding.
 - c. Retreats held every year or every two years offer an ideal venue for the purpose of assessing and improving collaborative processes. Retreats provide opportunities for

stakeholders to explore their various cultural perspectives about the Grand Canyon and the Colorado River ecosystem.

- d. Day trips or AMWG and TWG meetings on reservations, at the park, and on the river would provide other venues that could enhance mutual understanding of tribal cultures and other stakeholders.

Openness and Transparency

4. When AMWG and TWG, or subsets of these groups, make recommendations regarding a topic, and the federal agencies make final decisions about that topic, the agencies should explain their decisions to the stakeholders, as appropriate; particularly when the recommendations were not accepted. This is consistent with the seventh point of the Core Values of Public Participation of IAP2: “Public participation communicates to participants how their input affected the decision.”
5. If a federal agency is undertaking an initiative that stakeholders are interested in or concerned about, they should begin a dialogue with those stakeholders early in their decision-making process and not wait for an AMWG or TWG meeting, though these meetings can be used for this purpose.

Dispute Resolution

6. In a collaborative process, it is inevitable that some issues will never be resolved through the normal discussion and deliberation processes, even if we use best practices of collaborative groups. To handle such cases, it is recommended that the AMP adopt a dispute resolution process that stakeholders may invoke if they feel their views are not represented in the proposal being considered. Presented below are some ideas for a dispute resolution process.
 - a. If there are disagreements at a AMWG or TWG meeting, and there is no additional time for discussion, a stakeholder may request a caucus with the Chair to explore options. The Chair may request that a small group of stakeholders, representing all points of view, work on the issue and bring a recommendation to the full group.
 - b. When consensus is not reached, AMWG forwards in writing the different perspectives to the Secretary to consider before making a decision.

Monitoring and Tracking Tribal Values

In order to monitor and track how tribal values are integrated in the AMP, the CRAHG offers the following ideas for consideration and implementation.

7. Include the traditional ecological knowledge (TEK) integration process into the Grand Canyon Monitoring and Research Center’s science program as a pilot TEK project collaboratively developed with one or more of the participating Tribes for implementation in FY 2013 or 2014.
8. It is recommended that the program track, in an annual report, the number of times consensus is reached or not reached, how often the dispute resolution process was invoked, and the outcomes of the dispute resolution process. During the suggested retreats, AMWG and TWG could discuss how to improve the operation of these processes, with attention paid to how

many times one of the participating Tribes invokes the dispute resolution process and an analysis of those conditions performed.

Appendix 1: February 2012 Progress Report of the Cultural Resources Ad Hoc Group (CRAHG)

Motion: In an AMWG motion passed at the 24-25 August 2011 meeting, the AMWG directed the TWG to reconstitute the Cultural Resources Ad Hoc Group and make recommendations to the AMWG on Issue #3 at its February 2012 meeting. Issue #3: [AMWG indicates its intention to make a recommendation to the Secretary on the following questions: How should the program fairly treat conflicts of cultural values, specifically those involving Native American perspectives? How will tribal values be monitored and tracked in this program?](#)

The CRAHG met on 23 January 2012 to discuss these two questions and how to respond to the Technical Work Group. The CRAHG recognized that whatever recommendations the ad hoc group generates and brings back to the TWG and is ultimately reviewed and acted on by the AMWG could and probably will be significantly affected by the new Department of the Interior's Policy on Consultation with Indian Tribes issued in December of 2011 and the subsequent Secretarial Order 3317 issued on December 01, 2011. The following represents a progress report to the Technical Work Group concerning the outcome of the CRAHG meeting.

Recommendations:

[How should the program fairly treat conflicts of cultural values, specifically those involving Native American perspectives?](#)

1. AMWG/TWG should spend more time and effort at trying to achieve understanding and consensus among the stakeholders regarding issues where conflicts of cultural values are apparent.
 - Agreement by AMWG to work harder (i.e., good faith effort) to achieve consensus
 - Federal agencies (e.g., BOR) should be transparent about why they are making certain decisions and provide this rationale back to the tribes when the tribal perspectives are not honored.
 - Federal agencies should take the initiative to begin a dialogue regarding emerging issues to reflect their sincerity in working collaboratively where conflicts of cultural values are relevant.
2. Respect each stakeholder's perspective and position
 - Acknowledge and foster increased respect among stakeholders (at all levels)

- Acknowledge and accept that some stakeholders may have values and perspectives that are at odds with non-western views; respect these perspectives and be willing to objectively listen.
3. Listen – actually “hear” and understand what is being said (effective communication)
 - Continue talking, talking, talking: It makes a huge difference in understanding and through effective communication new options can emerge.
 - Dialogue among and between stakeholders is critical to successful communication. Discussions among stakeholders do not always need to be issue oriented. Non-tribal stakeholders appear to not understand various expressed tribal values regarding the Grand Canyon and the Colorado River ecosystem.
 4. Acknowledge, accept, and respect philosophical differences regarding the ecosystem that are represented by the various stakeholders.
 - Presentations by individual stakeholder groups are very productive. Stakeholder presentations should be recorded for use as educational tools for new stakeholder representatives to the AMWG/TWG and new scientists employed by GCMRC.
 - Educate about the values beyond those from a western scientific perspective
 - Educate about tribal issues and concerns.
 - Educate AMWG/TWG stakeholders about “tribal values,” what these values mean, and that a monetary value or quantitative value cannot be placed on these values.
 5. Work to rebuild a constructive dialogue and trust around the AMWG/TWG tables. There appears to be plenty of mistrust among and between stakeholders in this program.
 - DOI needs to work at rebuilding trust among the stakeholders.
 6. Develop a dispute resolution process for use in AMWG/TWG venues. This process should seek as its goal to achieve consensus. It should focus on educating and understanding each others’ values and perspectives. The dispute resolution process should be utilized before going to a vote on any motion. It also needs to address situations where the conflict of cultural values involves a stakeholder group and the decision-maker (Secretary of the Interior).
 - Acknowledge and educate about the nature of the Federal government’s relationship with American Indian Tribes. This should be a shared responsibility between agencies and tribes.
 - Acknowledge that Federal & State agency constraints exist that may conflict with tribal perspectives and values, and that it may not be possible to achieve what is being requested. In such cases, we should ask whether other recourses exist.
 - Articulate the philosophical underpinnings for tribal consultation; the rationale.
 - Institutionalize a dispute resolution process for the AMP that can be used as a last resort prior to litigation or taking concerns to Secretary’s Office.

7. Devote one full day where AMWG stakeholders share their various cultural perspectives about the Grand Canyon and the Colorado River ecosystem.
 - Spend time with Native American stakeholders on their reservations to experience and begin to understand individual tribal cultures. These could be done as day trips designed to foster education, understanding, and appreciation.
 - Conduct day trips on the river (maybe in conjunction with TWG/AMWG meeting at the dam).
 - Create more meaningful opportunities for interaction beyond the “official” AMWG/TWG meetings and their respective agendas. A TWG/AMWG river trip may be appropriate, but tribes should take a principal role in developing the agenda so that it is not just a litany of science projects (see also below).
 - Utilize retreats as a method for resolving conflicts of value
 - Have each stakeholder Tribe host a retreat to discuss their assets

How will tribal values be monitored and tracked in this program?

1. A traditional ecological knowledge (TEK) integration process has been initiated and should be integrated into the Grand Canyon Monitoring and Research Center’s science program.
2. Cultural sensitivity workshops and/or training sessions would be opportunities to promote knowledge about different perspectives and mutual understanding.
 - Two prong approach – joint TWG/AMWG river trip with Tribes setting the agenda and AMWG/TWG meetings at Tribal homelands.
3. Define basis (metrics) for determining success. This needs to be more than just counting the number of consultation meetings; it needs to evaluate successful resolution of conflict issues.
4. Stakeholder meetings in Page, AZ with a visit to the Glen Canyon Dam and a one day river trip to the Glen Canyon reach and the Dam.
5. Stakeholder meetings at Grand Canyon National Park
6. River trips with Tribal representatives very important coupled with stakeholder participation in tribal sensitivity workshops held in the respective tribal community. Feedback evaluations by stakeholders who participate in tribal sensitivity workshops. Sensitivity training for GCMRC employees and contract scientists equally important.
7. Incorporate reflexivity into GCMRC’s science program
8. Annual report that tracks efforts at sensitivity sharing of cultural values among stakeholders, tracks conflicts of cultural values that emerge within the program, and efforts at tribal consultation to resolve conflicts.

**Appendix 2: Core Values for the Practice of Public Participation
from the International Association for Public Participation**

1. Public participation is based on the belief that those who are affected by a decision have a right to be involved in the decision-making process.
2. Public participation includes the promise that the public's contribution will influence the decision.
3. Public participation promotes sustainable decisions by recognizing and communicating the needs and interests of all participants, including decision makers.
4. Public participation seeks out and facilitates the involvement of those potentially affected by or interested in a decision.
5. Public participation seeks input from participants in designing how they participate.
6. Public participation provides participants with the information they need to participate in a meaningful way.
7. Public participation communicates to participants how their input affected the decision.

Cultural Resource Ad Hoc Group Report to the Technical Work Group

Presented
20 June 2012

TWG Charge to CRAHG

- How should the program fairly treat conflicts of cultural values, specifically those involving Native American perspectives?
- How will Tribal Values be monitored and tracked in this program?

CRAHG Process

- CRAHG meeting on 23 January 2012
- CRAHG provided progress report to TWG in February 2012 (attached to report as appendix 1).
- Acknowledge that CRAHG recommendations could be affected by new DOI policy on Consultation and Secretarial Order 3317.

CRAHG Recommendations

- Consensus Building and Collaboration
 - May involve changes to operating procedures
 - Commitment to consensus building
 - Commitment to collaboration
- Develop ways to increase communication among Stakeholders
- Educating each other about different worldviews

CRAHG Recommendations

- Openness and Transparency
 - Federal agencies explain decisions to stakeholders
- Dispute Resolution
 - If consensus cannot be reached; AMP develop a dispute resolution process
 - Stakeholder requests caucus with TWG chair; small group of stakeholders try to resolve the issue.
 - AMWG forwards the differing perspectives to SOI

CRAHG Recommendations

- Monitoring and Tracking Tribal Values
 - Include Traditional Ecological Knowledge (TEK) integration process into the GCMRC science program
 - Track number of times consensus is reached and is not reached. How many times one of the Tribes invokes dispute resolution process.

Outcome of implementing recommendations

- Improved participation of Stakeholders in the AMWG and TWG; more equitable negotiating environment
- Improved constructive recommendations to SOI
- Decrease in litigious responses
- Improved environment for meaningful Tribal participation

Future Steps

- Encourage AMWG and TWG to engage in dialogue about these recommendations
- Draw from the *Core Values of Public Participation* (Appendix 2)
- Consider how implementing these recommendations will necessitate changes to the operating procedures of both AMWG and TWG.
- Gauge level of support among the stakeholders



QUESTIONS/COMMENTS