

**DISSENTING REPORT  
ON THE  
TECHNICAL WORK GROUPS RECOMMENDATION  
CONCERNING THE FY 2010 & 2011 WORK PLAN AND BUDGET  
FOR THE GLEN CANYON DAM ADAPTIVE MANAGEMENT PROGRAM**

**Prepared by**

**Kurt Dongoske  
Technical Work Group Representative  
Pueblo of Zuni**

**10 July 2009**

**Introduction**

The Pueblo of Zuni participated in the Technical Work Group (TWG) discussions regarding the proposed FY 2010 and 2011 work plans and budgets for the Glen Canyon Dam Adaptive Management Program (GDCAMP) on 22 & 23 June 2009. During those discussions, the Pueblo of Zuni's representative expressed concern about the planned mechanical removal actions for 2010 and 2011 because of the location, the confluence of the Little Colorado and the Colorado Rivers, where this action would take place and because the Pueblo of Zuni objects to the killing of thousands of trout. These same concerns were expressed by the Pueblo of Zuni during the last Adaptive Management Work Group (AMWG) meeting held on 29 & 30 April 2009.

Little to no consideration or deliberation over the expressed Zuni concerns was conducted by the TWG. The TWG passed a recommendation to the AMWG to approved the FY 2010 & 2011 Work Plan and Budget for the Glen Canyon Dam Adaptive Management Program on 23 June 2009 with a vote of ten (10) yes, five (5) No, and four (4) abstaining. The Pueblo of Zuni's representative was not allowed to vote on any recommendations made during the TWG meeting because our representatives to the AMW and the TWG had not yet received formal notification of acceptance from the Secretary of the Interior.

The Pueblo of Zuni continues to be identified as a participating "stakeholder" in the GCDAMP with an official seat at the AMWG and TWG tables. As an official stakeholder in the GCDAMP and specifically because the expressed Zuni concerns have not been given due consideration by the AMWG or the TWG that the Pueblo of Zuni now submits a dissenting report on the proposed FY 2010 & 2011 work plan and budget to the AMWG for their consideration.

**Zuni Concerns about the FY2010 & 2011 (Bio 2.R16.10) Mechanical Removal of Non-Native Fish**

The Pueblo of Zuni's objection to the mechanical removal of trout is founded, in part, on the Zuni's enduring cultural and spiritual connection to the Grand Canyon. According to Zuni traditions, the Zuni people emerged from Earth Mother's fourth womb into the sunlight at a location in the bottom of the Grand Canyon near present day Ribbon Falls. Zuni creation narrative describes the Zunis' search for the center of the world, *Idiwana'a* (the Middle Place). The Zuni people moved up the Colorado River and then journeyed up the Little Colorado River, periodically stopping and settling in locations along these rivers. At the junction of the Little Colorado and the Zuni River, many of the supernatural beings, or *Kokko*, came into existence. After a long search the Zunis located the middle of the world and settled there.

Today, the Pueblo of Zuni is located in the Middle Place and even though the Pueblo of Zuni is located far from their place of emergence, the Zuni continue to maintain very strong cultural and spiritual ties with the Grand Canyon, Colorado River, and Little Colorado River. In fact, the confluence of the Little Colorado and Colorado Rivers is viewed as a spiritual umbilical connection between the Pueblo of Zuni and the Grand Canyon that is facilitated through the union of the Zuni River, the Little Colorado River and the Colorado River. The confluence is also viewed

by the Zuni people as a culturally important place because of its abundance of aquatic and terrestrial life that represents the fertility of nature. Therefore, the confluence of the Little Colorado and Colorado Rivers is considered by the Pueblo of Zuni to be a traditional cultural property that is eligible to the National Register of Historic Places under criteria a and b for the ongoing significant role it plays in Zuni history, culture, and collective identity.

The annual ceremonial activities carried out by the Zuni are performed to ensure adequate rainfall and prosperity for all life. Zuni people pray not only for their own lands, but for all people and all lands. Zuni prayers are especially aimed at bringing precipitation to the Southwest. In order to successfully carry out the Zuni prayers, offerings and ceremonies necessary to ensure rainfall for crops and the prosperity of all life, the Zuni must maintain a balance with all parts of the interconnected universe. The animals, including all aquatic life, birds, plants, rocks, sand, minerals, and water in the Grand Canyon all have a special meaning and relationship to the Zuni people. The entire environment at the bottom of the Grand Canyon is sacred to the Zunis and is integrally connected to Zuni religious beliefs, ceremonies, and prayers. As a consequence of this interconnection, the Pueblo of Zuni views the past and the proposed FY 2010 and 2011 mechanical removal activities as an action that creates counter-productive energy to the Zuni's ceremonial efforts to ensure rainfall and the prosperity of all life. Moreover, the fact that this mechanical removal is located within this Zuni traditional cultural property magnifies the negative effects of this proposed action for the Zuni people.

In 2002, the Bureau of Reclamation and the Grand Canyon Monitoring and Research Center consulted with the GCDAMP stakeholder Native American Tribes concerning the mechanical removal experiment. At that time, the mechanical removal experiment was proposed as consisting of four years of mechanical removal followed by four years of no mechanical removal. After completing the first four years of mechanical removal, the Bureau of Reclamation and the Grand Canyon Monitoring and Research Center elected to continue the mechanical removal in year five; thereby, rendering the original design of the experiment ineffectual and void. Moreover, and perhaps more importantly, when the original experimental design was presented to the Tribes there were three proposed locations for the implementation of the mechanical removal activities; the confluence of the Little Colorado and Colorado Rivers being one of those locations but not the sole focus. At that time, the Tribes expressed concern about the massive amount of life that would be taken as a result of the proposed mechanical removal and that this action would negatively impact the cultural values that the Tribes ascribed to this sacred place. The Grand Canyon Monitoring and Research Center offered a solution to the taking of life by providing the Hualapai Tribe with the fish remains for use in their gardens. There was no solution offered for the sensitivity of the location. In fact, the confluence of the Little Colorado and Colorado Rivers subsequently became the single focus of all mechanical removal activities without follow-up meaningful consultation with the Tribes concerning the location or the modifications to the parameters of the experiment by either the Bureau of Reclamation or Grand Canyon Monitoring and Research Center.

Today, the mechanical removal efforts continue and appear to be viewed as a management action by the implementing agencies as a means to reduce the amount and effect of trout predation on young Humpback Chub entering the mainstem Colorado River. From the perspective of the Pueblo of Zuni, the proposed mechanical removal activities proposed for FY 2010 and 2011 constitute a new effort that is significantly different from the parameters that characterized the experiment that consultation was conducted under with the Tribes in 2002. As such, consultation with the Pueblo of Zuni and the other Tribes should be conducted by the Bureau of Reclamation and the Grand Canyon Monitoring and Research Center as the agencies responsible for implementing and contracting the mechanical removal activities. The Pueblo of Zuni believes that this consultation is necessary and required under Secretarial Order 3206 (05 June 1997), entitled "American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the ESA." Specifically, Principles 1 and 4 of S.O. 3206 direct the Department of the Interior to work directly with Indian Tribes on a government-to-government basis to promote healthy ecosystems and to be sensitive to Indian culture, religion, and spirituality.

Additionally, the Pueblo of Zuni views the proposed FY 2010 and 2011 mechanical removal activities as constituting a new undertaking that needs to be considered and consulted concerning those activities' effect on traditional cultural properties as afforded under Section 106 of the National Historic Preservation Act, as amended. Based on the Zuni traditional information provided in this dissenting report, the Pueblo of Zuni considers the

confluence to be a Register eligible Zuni traditional cultural property and the proposed mechanical removal actions as having an adverse effect on those cultural values that the Zuni ascribe to this important place.

Additionally, and equally significant, the Pueblo of Zuni has requested, through formal letters, that the Bureau of Reclamation and the Grand Canyon Monitoring and Research Center initiate consultation with the Pueblo of Zuni under Executive Order 13007 which states that a federal agency shall accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and that the federal agency shall avoid adversely affecting the physical integrity of such sacred sites. Since 2002 there has been inadequate and ineffective meaningful consultation with the participating Glen Canyon Dam Adaptive Management Program Tribes regarding the effects of the mechanical removal on this important place and the concern the Pueblo of Zuni is raising about the massive taking of life. As a result, compliance with Executive Order 13007 has been seriously neglected.

### **Recommendation to AMWG**

As a result of the information provided in this dissenting report, the Pueblo of Zuni is requesting that the AMWG further consider the concerns raised here by the Zuni prior to approving a recommendation to the Secretary of the Interior regarding the FY 2010 & 2011 work plan and budget. As part of that deliberation, the Pueblo of Zuni requests the AMWG to consider attaching a provision to the recommendation about the proposed two-year work plan that requests the Secretary of the Interior to meaningfully consult with the participating tribal stakeholders regarding the non-native fish control (i.e., mechanical removal efforts) portion. In this case, the Pueblo of Zuni envisions "meaningful consultation" to include, in part, an examination and evaluation of different locations for carrying out the mechanical removal and a compelling presentation on the scientific data that demonstrates a one-to-one cause/effect relationship between the destruction of thousands of trout and the improved condition of the Humpback Chub population and their critical habitat.

Moreover, and more importantly, the Pueblo of Zuni would like AMWG to call for a review of the GCDAMP fisheries management program. This review would seek to determine if the mechanical removal efforts are no longer viewed as an experimental effort tied to researching the relationship between sport fish and native fish, but rather has transitioned into a management action that seeks to relieve the hypothesized trout predation on Humpback chub. If the mechanical removal is now considered a management action, the Pueblo of Zuni believes it then must then subjected to environmental compliance review as a new action under the National Environmental Policy Act. Additionally, a review of the overall GCDAMP's management objectives for both the sport fishery and the native fishery programs would be beneficial to determine if there are objectives that are conflicting or at odds with one another.

Letters from the Pueblo of Zuni have been sent to the Bureau of Reclamation, the U.S. Fish and Wildlife Service, and the Grand Canyon Monitoring and Research Center expressing the same concerns presented in this dissenting report. The Pueblo of Zuni appreciates AMWG's attention to our concerns expressed in this dissenting report. It is only through a meaningful dialogue between the GCDAMP stakeholders about the issues raised in this report that a mutually beneficial resolution can be worked toward and hopefully achieved.



NORMAN J. COOEYATE  
Governor

DANCY SIMPLICIO  
Lt. Governor

SHELLY C. CHIMONI  
Head Councilwoman

DIXIE J. TSABETSAYE  
Councilman

## PUEBLO OF ZUNI

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CHARLOTTE T. BRADLEY  
Councilwoman

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Officially known as the Zuni Tribe of the Zuni Indian Reservation

30 June 2009

Mr. Larry Walkoviak, Regional Director  
Bureau of Reclamation  
Upper Colorado Regional Office  
125 South State Street,  
Salt Lake City, Utah 84138

RE: Mainstem Nonnative Fish Control (BIO 2.R16.10) for FY 2010 & 2011

Dear Mr. Walkoviak,

The Pueblo of Zuni participated in the Technical Work Group discussions regarding the proposed FY 2010 and 2011 work plans and budgets for the Glen Canyon Dam Adaptive Management Program (GDCAMP) on 22 & 23 June 2009. During those discussions, the Pueblo of Zuni's representative expressed concern about the planned mechanical removal actions for 2010 and 2011 because of the location, the confluence of the Little Colorado and the Colorado Rivers, where this action would take place and because the Pueblo of Zuni objects to the killing of thousands of trout. As you are aware the Pueblo of Zuni also expressed the same concern during the last Adaptive Management Work Group meeting held on 29 & 30 April 2009. It is specifically because the expressed Zuni concerns were not given due deliberation by the Adaptive Management Work Group or the Technical Work Group that we now submit to you a detailed account of our concerns.

The Pueblo of Zuni's objection to the mechanical removal of trout is founded, in part, on our enduring cultural and spiritual connection to the Grand Canyon. According to our traditions, the Zuni people emerged from Earth Mother's fourth womb into the sunlight at a location in the bottom of the Grand Canyon near present day Ribbon Falls. Our creation narrative describes the Zunis' search for the center of the world, *Idiwana'a* (the Middle Place). The Zuni people moved up the Colorado River and then journeyed up the Little Colorado River, periodically stopping and settling in locations along these rivers. At the junction of the Little Colorado and the Zuni River, many of the supernatural beings, or *Kokko*, came into existence. After a long search the Zunis located the middle of the world and settled there.

Today, the Pueblo of Zuni is located in the Middle Place and even though the Pueblo of Zuni is located far from our place of emergence, we continue to maintain very strong cultural and spiritual ties with the Grand Canyon, Colorado River, and Little Colorado River. In fact, the confluence of the Little Colorado and Colorado Rivers is viewed as a spiritual umbilical connection between the Pueblo of Zuni and the Grand Canyon that is facilitated through the union of the Zuni River, the Little Colorado River and the Colorado River. The confluence is also viewed by the Zuni people as a culturally important place because of its abundance of aquatic and terrestrial life that represents the fertility of nature. Therefore, the confluence of the Little Colorado and Colorado Rivers is considered by the Pueblo of Zuni to be a traditional cultural property that is eligible to the National Register of Historic Places under criteria a and b for the ongoing significant role it plays in Zuni history, culture, and collective identity.

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As a consequence of this interconnection, the Pueblo of Zuni views the past and the proposed FY 2010 and 2011 mechanical removal activities as an action that creates counter-productive energy to the Zuni's ceremonial efforts to ensure rainfall and the prosperity of all life. Moreover, the fact that this mechanical removal is located within this Zuni traditional cultural property magnifies the negative effects of this proposed action for the Zuni people.

In 2002, the Bureau of Reclamation and the Grand Canyon Monitoring and Research Center consulted with the GCDAMP stakeholder Native American Tribes concerning the mechanical removal experiment. At that time, the mechanical removal experiment was proposed as consisting of four years of mechanical removal followed by four years of no mechanical removal. After completing the first four years of mechanical removal, the Bureau of Reclamation and the Grand Canyon Monitoring and Research Center elected to continue the mechanical removal in year five; thereby, rendering the original design of the experiment ineffectual and void. Moreover, and perhaps more importantly, when the original experimental design was presented to the Tribes there were three proposed locations for the implementation of the mechanical removal activities; the confluence of the Little Colorado and Colorado Rivers being one of those locations but not the sole focus. At that time, the Tribes expressed concern about the massive amount of life that would be taken as a result of the proposed mechanical removal and that this action would negatively impact the cultural values that the Tribes ascribed to this sacred place. The Grand Canyon Monitoring and Research Center offered a solution to the taking of life by providing the Hualapai Tribe with the fish remains for use in their gardens. There was no solution offered for the location. In fact, the confluence of the Little Colorado and Colorado Rivers subsequently became the single focus of all mechanical removal activities without follow-up meaningful consultation with the Tribes.

Today, the mechanical removal efforts appear to be viewed as a management action by the Bureau of Reclamation as a means to reduce the amount and effect of trout predation on young Humpback Chub entering the mainstem Colorado River. The proposed FY 2010 and 2011 mechanical removal projects (BIO 2.R16.10) do not appear to be a continuation of the original experiment proposed and consulted on with the Tribes in 2002. Rather, the Pueblo of Zuni views the proposed 2010 and 2011 mechanical removal projects as a new Bureau of Reclamation undertaking that needs to be considered and consulted concerning the undertaking's effect on traditional cultural properties as afforded under Section 106 of the National Historic Preservation Act, as amended. Based on the Zuni traditional information provided in this letter, the Pueblo of Zuni considers the confluence to be a Register eligible Zuni traditional cultural property and the proposed mechanical removal actions as having an adverse effect of those cultural values that the Zuni ascribe to this important place.

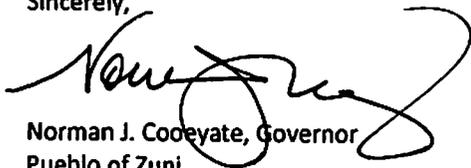
Additionally, and equally significant, the Pueblo of Zuni requests that the Bureau of Reclamation initiate consultation with the Pueblo of Zuni under Executive Order 13007 which states that a federal agency shall accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and that the federal agency shall avoid adversely affecting the physical integrity of such sacred sites. Since 2002 there has been inadequate and ineffective meaningful consultation with the participating GCDAMP Tribes regarding the effect of the mechanical removal on this important place and the concern the Pueblo of Zuni is raising concerning the massive taking of life. As a result, compliance with Executive Order 13007 has been seriously neglected by the Department of the Interior and the GCDAMP.

In anticipation of a favorable response to our request for consultation, the Pueblo of Zuni requests that the Bureau of Reclamation, the implementing action agency, coordinate with the U.S. Fish and Wildlife Service, the agency responsible for the mechanical removal requirement in the Biological Opinion, to act as co-lead agencies in carrying out this consultation. In addition, the Grand Canyon Monitoring and Research Center, the agency responsible for funding the mechanical removal; the Grand Canyon National Park, the agency responsible for permitting the mechanical removal within the Park; and the Arizona Game and Fish Department, the agency responsible for carrying out the mechanical removal; be included in this consultation effort. The Pueblo of Zuni also requests that the Bureau

of Reclamation invite the Advisory Council on Historic Preservation and the Arizona State Historic Preservation Office to be a part of this consultation effort. It is only through a meaningful dialogue between the Federal agencies, the State agencies, and the Pueblo of Zuni about the issues raised in this letter that a mutually beneficial resolution can be achieved.

The Pueblo of Zuni appreciates your attention to our concerns expressed in this letter. Should you have any questions or require additional information regarding the position of the Pueblo of Zuni and to schedule and coordinate the consultation with the Pueblo of Zuni please contact Kurt Dongoske, Zuni Tribal Historic Preservation Officer, at 505/783-4814.

Sincerely,



Norman J. Cooney, Governor  
Pueblo of Zuni  
P.O. Box 339  
Zuni, New Mexico 87327-339

XC: Mr. Ken Salazar, Secretary of the Interior  
Mr. Reid Nelson, Director, Federal Programs, Advisory Council on Historic Preservation  
Mr. James Garrison, Arizona State Historic Preservation Officer  
Adaptive Management Work Group  
Technical Work Group  
Grand Canyon Monitoring and Research Center



IN REPLY REFER TO:

## United States Department of the Interior

BUREAU OF RECLAMATION

Upper Colorado Regional Office  
125 South State Street, Room 6107  
Salt Lake City, Utah 84138-1147



AUG 4 2009

UC-720  
ENV-3.00

Honorable Norman J. Coeeyate  
Pueblo of Zuni  
P.O. Box 339  
Zuni, New Mexico 87327-339

Dear Governor Coeeyate:

I am responding to your letter of June 30, 2009, regarding the request for consultation of the mainstem non-native fish control, Colorado River, Arizona. The three Federal agencies you wrote regarding mainstem Colorado River non-native fish control, the Bureau of Reclamation, the U.S. Fish and Wildlife Service (Service), and the U.S. Geological Survey's Grand Canyon Monitoring and Research Center (GCMRC), take the concerns of the Pueblo of Zuni very seriously and would like to arrange for government-to-government consultation regarding proposed mechanical removal of non-native fish from the Colorado River, Grand Canyon, Arizona. We propose to meet at your office on September 15, 2009, at 1:30 p.m.

The three agencies acknowledge that the confluence of the Colorado and Little Colorado Rivers is a sacred site to the Pueblo of Zuni as defined by Executive Order 13007 and that the location where the mechanical removal is proposed is potentially eligible for the National Register of Historic Places for its associative values to the Pueblo of Zuni. The Service and GCMRC have agreed that Reclamation will serve as the lead agency for this consultation following the regulations implementing the National Historic Preservation Act at 36 CFR 800.2(a)(2).

Given that the undertaking is addressed in a biological opinion issued by the Service and given the important role of the Service regarding the conservation of native fish in the Colorado River, the Service wishes to work with the Pueblo of Zuni to mutually fulfill the commitments for consultation as identified in Secretarial Order 3206, *American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act*. Mr. Sam Spiller from the Service will participate in the consultation as you requested.

In addition, the GCMRC has served as the contracting office for the mechanical removal of fish in the past and presumably would in the future. Mr. John Hamill of GCMRC will also participate in the consultation. If you have any questions or concerns regarding the proposed consultation, please contact Mr. Tom Ryan at 801-524-3732.

Sincerely,

  
or Larry Walkoviak  
Regional Director

cc: Ken Salazar  
Secretary  
Department of the Interior  
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bc: 96-42040  
UC-106, UC-110, UC-401, UC-410, UC-720  
Adaptive Management Work Group  
Technical Work Group  
(AMWG and TWG being sent electronically)