

**TRIBAL CONSULTATION PLAN FOR THE
GLEN CANYON DAM LONG-TERM EXPERIMENTAL
AND MANAGEMENT PLAN ENVIRONMENTAL IMPACT STATEMENT**

Prepared by

**Bureau of Reclamation, Upper Colorado Region
and National Park Service, Intermountain Region**

Statement of Purpose

The Glen Canyon Dam Long-Term Experimental and Management Plan (LTEMP) Environmental Impact Statement (EIS) is a nondelegated EIS for which the Secretary of the Interior is the responsible official under the National Environmental Policy Act (NEPA) of 1969. The Secretary has determined that the Bureau of Reclamation (Reclamation) and the National Park Service (NPS) will serve as co-lead federal agencies for preparation of the Glen Canyon LTEMP EIS, and these two bureaus will seek to fulfill the Department of the Interior's responsibilities to consult with American Indian tribal governments in compliance with the multiple federal statutes and policies that require consultation or coordination with federally recognized Indian tribes. The purpose of this consultation plan is to provide a clearly stated set of procedures that establish and maintain effective and mutually respectful government-to-government consultations between American Indian tribes, the Department, and the two action agencies involved with the LTEMP EIS.

Consultation Plan Requirements

1. To fulfill Departmental responsibilities under all relevant federal statutes that require federal agencies to consult or coordinate with Indian tribes. Relevant mandates for consultation include (but are not limited to) NEPA and Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended.
2. To invite American Indian tribes to be cooperating agencies in the LTEMP EIS process in accordance with (1) 40 Code of Federal Regulations (CFR) 1501.6 of the Council on Environmental Quality's (CEQ's) regulations for implementing the procedural provisions of NEPA, and (2) 43 CFR 46.225 of the Department of the Interior's regulations for implementation of NEPA.
3. To adhere to relevant Executive Branch directives (Executive Orders [including 13175 dated November 6, 2000], Secretarial Orders [including 3317 dated December 1, 2011], and Memoranda) that instruct federal agencies to consider American Indian concerns. These directives include but are not limited to:
 - a. Government-to-Government Relations with Native American Tribal Governments (Memorandum for the Heads of Executive Departments and Agencies, 1994);
 - b. Indian Sacred Sites (Executive Order 13007, May 24, 1996);

- c. Departmental Responsibilities for Indian Trust Resources (Secretarial Order 3175); and
- d. Consultation and Coordination with Indian Tribal Governments (Executive Order 13175, November 6, 2000).

Description of Proposed Consultation Procedures

Reclamation and the NPS initiated consultation (per both NEPA and NHPA) with a letter mailed to 43 tribes (the 12 responding tribes are listed in Attachment A). These 12 tribes were invited to be cooperating agencies in a letter dated November 30, 2011 (the seven responding tribes are listed in Attachment B).

The letters were followed by phone calls to ascertain tribal interest in the project and whether there was a need for further consultation. This consultation will be on a government-to-government basis, with meetings scheduled with all of the interested tribes as soon as possible in accordance with their respective needs. It is expected that the initial meetings with the interested tribes would help define their respective interest in future participation in the consultation process. Additional consultation meetings will be scheduled with each tribe, at its request, as the EIS process moves forward. The meetings will be planned to allow representatives from both Reclamation and NPS to attend. Participation as a Cooperating Agency under NEPA is not intended to fulfill agency responsibilities for government to government consultation. The agencies view this participation as separate, albeit overlapping, with formal consultation.

It is the agencies' intent that prior to the initial meetings with each tribe, the agencies will confirm the official tribal government representatives who will serve as contacts, including or in addition to the Tribal Historic Preservation Office (THPO), if one exists. The roles and responsibilities of tribes participating in the LTEMP EIS process will be clarified at the first consultation meeting and through ongoing communications, recognizing that tribal interests may evolve and change over time.

When addressing Section 106 issues, Reclamation and the NPS intend to follow 36 CFR 800.8(c) and use the environmental process and documentation as required by NEPA, to comply with Section 106, in lieu of the procedures set forth in 36 CFR Sections 800.3 through 800.6.

Tribal Consultation, Coordination, Planning, and Meetings

All tribal consultation meetings will be initiated and planned jointly by Reclamation and NPS, although the coordination leading up to the meeting will be delegated to one point of contact within one agency. Reclamation and NPS will take tribal activity schedules into consideration when meeting dates, times, and locations are coordinated. The intent of such meetings is to provide for maximum opportunity for tribal government input and information sharing throughout the EIS process.

The LTEMP EIS consultation process is broken into specific tasks associated with completion of the EIS. The purpose of the consultation process is to ensure that all interested tribes are kept fully informed throughout the preparation of the EIS and to identify times when consultation can be the most effective from both tribal and agency perspectives.

Communication will be in the form of letters to initiate formal contact and phone calls for follow-up. For follow-up on future consultation-related activities, phone calls and e-mails may be used as the primary method of contact with specific tribal contacts as long as that is his/her preferred form of communication.

Meetings will be tailored to the needs identified by the tribes. Attendance, agenda, meeting goals, location, meeting format, slideshows or handouts, and note-taking will be discussed jointly by Reclamation and NPS in coordination with tribes in advance of each meeting.

Agency Contacts

Primary

- Reclamation: Mary Barger, 602-615-0809, MBarger@usbr.gov
- NPS: Jan Balsom, 928-638-7758, Jan_Balsom@nps.gov

Secondary

- Reclamation: Beverley Heffernan, 801-524-3712, bheffernan@usbr.gov
- NPS: Janet Cohen, 928-638-7445, Janet_Cohen@nps.gov

Project Tasks

The following list of project tasks provides the framework within which consultation will take place. Specific dates and locations for each consultation meeting will be determined as the project progresses.

Task 1: *Initiation of Tribal Consultation.* Letters to all potentially interested tribes were mailed on November 30, 2011, to establish level of interest and primary tribal contact. These letters expressed the willingness of Reclamation and NPS to meet with interested tribes during the EIS process.

Task 2: *Follow-Up Communications via Phone to Determine Interest in the Process.* If a response was not received from a tribal representative, then at least two phone calls were made within 30 to 60 days of sending the letter. These calls have been documented for each tribe as necessary to capture potential interest in participating in the EIS process.

Task 3: *Meet with Interested Tribes, per their Request, in a Government-to-Government Relationship.* During these meetings, NPS and Reclamation will solicit the tribes' input on the EIS's tribal perspectives section. The meetings will also address any preliminary NEPA analyses, alternatives, or other information related to the development of the draft EIS (DEIS).

Task 4: *Incorporate Tribal Comments into LTEMP NEPA Documents.* Tribal perspectives will be provided to the LTEMP EIS team and for use in the alternatives development process. Detailed comments that were provided as part of past Section 106 consultations may be used with permission from the tribe(s).

The time frames for completion of each task will track directly with the LTEMP EIS schedule.

Roles and Responsibilities

Task 1. Letters were signed on November 30, 2011, by the Regional Directors of both bureaus and were sent out by Argonne National Laboratory (Argonne).

Task 2. Follow-up phone calls were made by Reclamation and NPS throughout January and March of 2012.

Task 3. Meetings and other communications with tribes will be coordinated by the agency representatives listed in the contacts section. These agency representatives will set up meetings and conduct follow-up communications with the tribes to provide consistency and ease of communication. Regardless of whether the NPS or Reclamation is making the contact, a unified and consistent message that equitably represents the process will be provided. Communications will be recorded in the log on the Argonne SharePoint site. Meetings will be conducted with representatives from both NPS and Reclamation present unless one bureau specifically defers to the other prior to the meeting. Argonne staff may be present at these meetings to take notes; if the decision is made that Argonne staff will not be present, they will be provided with meeting notes.

Task 4. Argonne staff will be the principal contact(s) for synthesizing tribal comments; however, the staff will work with the principal agency contacts on the strategies and methods of communication with the tribes for performing this task. Responses to tribal comments and incorporation into LTEMP documents will be reviewed by both bureaus and tribal cooperators.

Notification Procedures

Meetings will be arranged with the tribes with advanced notice, and all participating tribes will be notified by Reclamation or NPS of any upcoming LTEMP EIS cooperator or consultation meetings. Follow-up coordination efforts (e.g., via phone calls and/or personal contact) will occur before the meeting to confirm tribal participation.

Funding

Because of the special nature of the government-to-government relationship for tribal consultation meetings, these meetings are generally conducted at locations and times that are convenient for the tribes. However, it is understood further that in some circumstances, it may be appropriate to pay a fee for professional services to address the travel costs of tribal

representatives who possess special cultural knowledge or may experience a potential loss of income by being away from their regular jobs to attend a consultation meeting. Funding in these situations will be evaluated on a case-by-case basis and provided by NPS, as needed and to the extent that funding permits.

Although Reclamation and NPS will arrange these consultation meetings, cooperating tribes are welcome to suggest locations for these meetings. Tribes may wish to host specific meetings at accessible locations that would enable the maximum participation of tribal members at little or no cost.

Record Keeping

Reclamation and NPS will designate an Argonne staff member to take notes at the consultation meeting and will provide meeting summaries to all participating tribes and federal agency representatives. Argonne will distribute these notes within two weeks to all participating tribes so they may have the opportunity to review these notes in draft form for any necessary additions or changes prior to becoming final. Tribal representatives should advise when discussions at consultation meetings will be of a culturally sensitive nature so that meeting notes reflect the correct or protected content of these discussions.

Agency Visits to Tribal Government Offices

Every effort will be made by Reclamation and NPS to attend tribal council meetings or meet with tribal government staff when specifically requested by the tribes that wish to receive status update reports or briefings.

Mutual Responsibilities in Government-to-Government Consultation

Under this consultation plan, each participating tribe agrees to:

1. Assign an official tribal contact(s) who will represent the tribal government in all government-to-government consultation with Reclamation and NPS;
2. Disseminate information to tribal members regarding the LTEMP EIS process that would be of interest to tribal members; and,
3. Provide input to Reclamation and NPS on alternatives, impact assessment, and proposed implementation during the appropriate phases of the consultation process.

Under this consultation plan, Reclamation and NPS agree to:

1. Recognize the tribe(s) as sovereign governments with whom the Federal agencies have a government-to-government relationship;

2. Assign Reclamation and NPS liaison contacts who will be responsible for coordinating communication and activities between Reclamation, NPS, and the participating tribe(s);
3. Inform the tribe(s), through the liaison of consultation meetings and/or relevant activities or events; and
4. Protect the confidentiality of culturally sensitive information that may be discussed in meetings so that it is kept out of the public record.

General Disclaimer

This consultation plan in no way restricts Reclamation, NPS, or the tribes from participating with other public and private agencies, organizations, and individuals having an interest in the LTEMP EIS process.

Attachment A. American Indian Tribes that Have Requested Consultation

As of June 7, 2012, the following 12 tribes have requested to be consulted regarding the LTEMP EIS (in alphabetical order):

Fort Mojave Tribal Council
Fort Yuma Quechan
Gila River Indian Community Council
Havasupai Tribe
Hopi Tribe
Hualapai Tribe
Kaibab Band of Paiute Indians
Navajo Nation
Pueblo of Pojoaque
Pueblo of Zia
Pueblo of Zuni
Yavapai Apache Nation

Attachment B. American Indian Tribes that Are Participating as Cooperating Agencies

As of June 7, 2012, the following seven tribes have requested to be cooperating agencies on the LTEMP EIS (in alphabetical order):

Havasupai Tribe

Hopi Tribe

Hualapai Tribe

Kaibab Band of Paiute Indians

Navajo Nation

Pueblo of Zuni

Yavapai Apache Nation