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Assessment of Corps/Tribal Intergovernmental Relations



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This assessment presents findings and recommendations of the Native American Intergovernmental Relations Task Force for improving intergovernmental relations between the Civil Works Program of the U.S. Army Corps of Engineers and Federally Recognized Native American tribal governments. The assessment represents the first agency-wide examination of Corps-tribal relations performed by the Corps of Engineers. Many of the terms used to explain the findings and issues in the report have a specific definition when applied to tribes. This report does not address military construction or installation management activities involving the Corps of Engineers as they relate to tribal intergovernmental relations. By adopting a number of recommendations of this assessment with respect to internal organizational factors, the Corps can build upon the successes of field strategies and provide a clear, consistent and achievable set of goals. The result will be focused communication that will enable the Corps to improve intergovernmental relations with Federally Recognized Tribes.

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Volume 2

INTERIM REPORT

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Native American Intergovernmental Relations Task Force

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APPENDIX G - THE U.S. ARMY CORPS OF ENGINEERS AND NATIVE AMERICAN TRIBES

The U.S. Army Corps of Engineers and Native American Tribes

Janet A. McDonnell
Office of History, HQUSACE
June 1995

For over a century, U.S. Army Corps of Engineers' projects, policies, and programs have had a significant impact on Native American tribes. The Corps' trust responsibility towards these tribes has occasionally conflicted with its water development and flood control missions—sometimes with disastrous results for the tribes.

Tribal governments exercise many of the attributes of sovereignty. The British government and colonies recognized Indian tribes as sovereign governments, and the British Crown was responsible for the relationship with the tribes. This recognition of government–to–government relations continued after the American Revolution and was reflected in the provisions of the Constitution that recognize treaties made before 1789 and provide Congress with power to regulate commerce between non-Indians and tribes. The Non-Intercourse Act of 1790 (1 Stat. 137, 138; 25 USC 177) established a fiduciary obligation on the part of the United States to protect Indian property rights.

In the early 19th century, Chief Justice John Marshall wrote three Supreme Court decisions that formally recognized this implied assumption of tribal sovereignty. Marshall recognized tribes as "domestic dependent nations." He reasoned that tribes retained "internal sovereignty." The federal government, in turn, had an "explicit obligation to protect the tribes from states and their citizens." This obligation of the federal government to protect the tribes, now known as the trust doctrine, requires the executive branch to uphold the standards of a fiduciary relationship with the tribes, subject to review by the courts. Tribal sovereignty means that Indian tribes possess inherent governmental power over all internal affairs, that states are precluded from interfering with tribes in their self-government, and that Congress has plenary power to limit tribal sovereignty.

The concept of tribal sovereignty suffered after 1870 as the federal government emphasized a policy of concentrating tribes on increasingly smaller reservations so the bulk of the Indian land could be settled by whites. The government also promoted a policy of assimilating the natives into mainstream white society. The culmination of this policy came in the 1950s with the effort to terminate federal responsibility and federal programs for Indian groups and individuals. In 1953, Congress adopted House Concurrent Resolution 108, which stated that tribes in California, Florida, New York, and Texas, as well as Flathead Indians in Montana, Klamaths in Oregon, Menominees in Wisconsin, Potawatomis in Kansas, and those Chippewas on the Turtle Mountain Reservation in North Dakota should be terminated from their federal relationship. Congress maintained that Indians

should be subject to the same laws and entitled to the same privileges as all other American citizens and subsequently adopted a series of laws that implemented the policy of termination.

Since 1970, however, various court cases (e.g. *U.S. v. Wheeler*, 22 March 1978) have reaffirmed tribal authority. Tribes can exercise the right of eminent domain, tax, and create corporations. They can set up their own form of government, determine their own members, administer justice for tribal members, and regulate domestic relations and their members' use of property. They can establish hunting and fishing regulations for their own members within their reservations and can zone and regulate land use. They can do many things that independent political entities can do, insofar as federal law has not preempted their authority.

In 1970 the Nixon administration announced a national policy of self-determination to foster tribal self-government. In 1975 Congress established the American Indian Policy Review Commission, chaired by Senator James Abourezk (South Dakota) to undertake a comprehensive review of federal Indian policy and to consider alternative methods for strengthening tribal government. The commission's report, issued in 1977, called for reaffirmation of the status of tribes as self-governing institutions. There was, however, a strong minority report, and ultimately the commission's report had little if any impact.

Legislation of the 1970s reflected the emphasis on tribal sovereignty and self-determination. The River and Harbor and Flood Control Act of 1970, the Water Resources Development Act of 1974, the National Environmental Policy Act of 1969, and other legislation required the Corps and other federal agencies to consult with federally recognized American Indian tribes on Corps' actions that might affect tribal properties or treaty rights. The Council on Environmental Quality's "Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act of 1969" (40 CFR 1500–1508), 20 November 1978, required federal agencies to consult with tribes early in the planning process for any project that might affect tribal interests. Actions requiring consultation included—

- planning, engineering, construction, and operations undertakings under applicable authorities;
- project deauthorization;
- real estate acquisition and disposal;
- other water resources planning;
- wildlife mitigation and other environmental management programs;
- protection and preservation of cultural resources;
- and regulatory functions.

This mandate for consultation was based on the government's fiduciary obligation to American Indians as trustee of their resources and on specific environmental laws. It extends from reservation

lands held in trust under various treaties to reserved tribal resources such as fishing and hunting grounds, burial grounds, and other sacred sites and areas.

On 24 January 1983, President Ronald Reagan issued a policy statement that reaffirmed the government–to–government relationship between tribes and the United States, further developing Nixon's policy of self-determination. President George Bush's 14 June 1991 policy statement supported the primary role of tribal governments in matters affecting Indian reservations. It defined the role of the federal government as fostering the principle of Indian self-government and self-determination and both recognized and reaffirmed the government–to–government relationship. In a 3 May 1994 memorandum, President William Clinton also emphasized the unique government–to–government relationship between the United States and Indian tribes.

■ ■ ■ ■ ■

Corps' dealings with Indian tribes date back to the mid-19th century. Over the years, the Corps has constructed large multipurpose dam and reservoir projects—sometimes with devastating effects on tribal lands and economies.

In the mid-19th century, the Corps investigated the feasibility of damming the headwaters of the Mississippi River to regulate the flow downstream, boost navigation, and provide water power for Minneapolis. Congress authorized an experimental dam at the outlet of Lake Winnibigoshish in 1880, and the Corps completed construction four years later. Meanwhile, the Corps built two more dams, one at Leech Lake and one at Lake Pokegama. Over the next few decades, government engineers completed the last three dams in the system of headwaters reservoirs at Pine River (Cross Lake) and Sandy and Gull lakes.

When construction of the Lake Winnibigoshish Dam began, the Ojibway Indians were living on reservations scattered across the northern part of Minnesota. They relied on the headwaters lakes for their subsistence. The reservoirs permanently altered the landscape around the headwaters and destroyed a significant portion of their means of subsistence. In the late 19th century and early 20th century, the Corps operated the reservoirs primarily to improve navigation. The operations caused frequent fluctuations in the water levels that were devastating to Ojibway resources and threatened to destroy their entire way of life.

After World War II, however, the Corps began to pay more attention to the effects of reservoir levels on the Ojibway lands and resources. It now tries to manage the headwaters reservoirs to enhance wild rice production, fish and game habitat, and recreation. The interests of the tribe and the policies of the Corps do not always mesh. For example, during the 1988 drought, the Ojibways objected to proposals that the Corps release water from the reservoirs for the benefit of the Twin Cities and other

downstream communities. More recently, the Corps consulted the Ojibways as it developed a water control plan for the Mississippi River.[1]

Corps' projects have affected other tribes as well. The Kinzua Dam and Allegheny Reservoir, constructed in the 1950s, flooded part of the Seneca Reservation. The Senecas complained that taking part of their reservation for the project violated the Pickering Treaty signed in 1794. The Corps responded that it had notified Congress of the project's conflict with Indian treaty rights in the earliest reports of the 1930s and Congress, nevertheless, had authorized and funded its construction.

The Indians tried political means to stop the dam, but when Congress failed to respond, they went to court *(Seneca Nation of Indians v. Brucker*, 1958). After defeat in the courts, the tribe petitioned Congress for appropriate compensation. The amount was eventually agreed to with the stipulation that the tribe be "terminated." When the Pittsburgh District sent surveyors to start work at the reservation, the Senecas denied them access, and the Corps had to obtain a court order to gain entry.

The Seneca Nation had hired Dr. Arthur Morgan as its consulting engineer. Morgan, a critic of the Corps, argued that an alternative site would have been better from an engineering point of view and less damaging to the reservation. The Corps was, however, determined to proceed. At the President's direction, the Corps further studied Morgan's plans and such alternatives as relocating the Senecas to new land. Cornelius Seneca, president of the Seneca Council, indicated that the Senecas would not consider replacement lands nor take any action that might be construed as surrendering its treaty rights. The private architect–engineering firm that the Corps had hired to study Morgan's five planned alternatives reported that the alternatives would require greater expenditures, more land, and more relocations of people than the authorized project.

The dispute continued into the early 1960s. At the Seneca Council's recommendation, the Corps employed Senecas to assist with surveys and real estate mapping of the future lake area. Meanwhile, at the national level, the Senecas and Morgan continued their campaign against the project in the media, even though President John F. Kennedy reviewed the project in 1961 and did not suspend it. Corps officials estimated that the dam, which ultimately cost $108 million to construct, saved the people living below it roughly $247 million in flood damages.[2]

The Corps' construction of the Painted Rock Dam in Arizona, authorized in 1950 as part of a comprehensive plan for the Colorado River Basin, required the removal of roughly twenty families from the village of Sil Murk. The Corps promised to construct suitable homes for this village at a new location and provide forty substitute, non-taxable acres with a well. The Papago tribal council passed a resolution on 16 March 1959 accepting this proposal. Legislation to provide for the

relocation of the village was introduced in both houses of Congress in March 1961 and finally enacted in August 1964—after the Corps had completed the dam.

Meanwhile, Congress was considering legislation that provided for compensation for all losses and damages as part of the project. Reflecting the views of both the Corps and Army headquarters in a letter dated 12 March 1964, the Secretary of the Army asked the Senate Committee on Interior and Insular Affairs for a less expensive reparations bill than the one under consideration. The Corps and Army headquarters argued that the current bill provided for payments and benefits above and beyond normal, just compensation. It directed the Chief of Engineers to take action to restore Papago religious, economic, and social life "to a condition not less advantageous" than that which they enjoyed at Sil Murk. In his letter, the Secretary explained that the early meetings between Corps and tribal representatives had resulted in the "misunderstanding" that the Corps would relocate the village at the project expense.

Critics later argued that the Corps tried to shift the legitimate cost of payment for the loss and damages from the estimate for the cost of the project to a general government expenditure. The tribe claimed that the Corps failed to live up to its promises regarding reimbursement for the relocation.[3]

■ ■ ■ ■ ■

Corps' projects and programs have perhaps had the most devastating impact in the Missouri River and Columbia River basins. The first Sioux Indians drifted into the Missouri River Basin in the mid-18th century. The original inhabitants of the Missouri River Basin settled in the valleys of the Missouri River and its tributaries. When the government carved out reservations in the 19th century, most tribes managed to keep some of their riverside territory. There was serious flooding along the Missouri in the spring of 1943. On 13 May 1943 Congress ordered the Corps to survey flood control needs in the Missouri River Basin and prepare a plan of action. The Pick–Sloan Plan, adopted in 1944, authorized a total of 107 dams. Most of these dams were small tributary structures to be built by the Bureau of Reclamation, but five dams were to be massive main stem dams constructed by the Corps.

Three of the dams that the Corps constructed on the Missouri River—Fort Randall, Oahe, and Big Bend—flooded over 202,000 acres of profitable Sioux bottomland on the Standing Rock, Cheyenne River, Lower Brule, Crow Creek, and Yankton reservations in North Dakota and South Dakota. Dams were approved and construction was begun before tribal officials were consulted. The Corps condemned and sometimes flooded reservation land before compensation was properly determined.

Fort Berthold in North Dakota (home of the Three Affiliated Tribes—Mandan, Arikara, and Hidatsa) was the reservation hardest hit. One–fourth of the reservation was flooded, including the most

valuable and productive land on the reservation—the land along the river. Fort Berthold members lost nearly 156,000 acres to the construction of the Garrison Dam and the inundation of Lake Sakakawea. Tribal members had developed a strong cattle-grazing industry on the lands that would be flooded. The Garrison Dam project forced 80 percent of those Indians (325 families) to relocate from villages near the river to the surrounding plateaus, disrupting the entire socioeconomic fabric of the reservation.

Tribal members reluctantly signed the contract covering the land transfer. Between 1947 and 1949 Congress appropriated $12.6 million (roughly $81 an acre) to compensate the Three Affiliated Tribes for the land and the relocation costs of schools, community facilities, tribal cemeteries, monuments, and shrines. Tribal members never felt they were fairly compensated and continue to battle the government over the alleged discrepancy.

In all, the construction of Pick–Sloan's five main stem dams resulted in the taking of 550 square miles of Indian land (an area half the size of Rhode Island) and the relocation of more than 900 Indian families. Over one-third of the members of the five Sioux reservations were relocated. The dams destroyed nearly 90 percent of the tribes' timberland, 70 percent of the wild game, and the best agricultural lands. The Corps' Omaha and Garrison districts helped relocate Indian communities and the agencies operated by the Bureau of Indian Affairs on the reservations. The Corps helped assess the Indian lands taken for the reservoir projects, but Congress ultimately determined how much compensation the tribes received.

Although total acreage estimates vary, the Missouri River Basin development cost the Indian tribes approximately 350,000 acres of their best tribal lands. Historians argue that the cultural, social, and economic costs far outweighed any benefits derived by the Indians. It moved them from a subsistence economy to a welfare economy. In the mid-1980s water systems on the affected reservations did not meet the minimal public health standards, and funding for Indian water projects was given a low priority compared to irrigation projects for non-Indians. Irrigation has been brought to 40,000 acres on the Wind River Reservation in Wyoming and 10,000 acres on the Fort Belknap Reservation in Montana. The tribes have received no navigation benefits and few flood control benefits. Pick–Sloan virtually ignored Indian reserved water rights, and the tribes did not have the same access to the cheap hydropower produced by the dams and promised by the Corps. Furthermore, until recently, tribes have been excluded from the development of water policies for the river.[4]

In 1985 the Secretary of the Interior established the Joint Tribal Advisory Committee as part of the Garrison Diversion Unit Commission to assess the impact of the construction of the Garrison Dam/Lake Sakakawea Project and the Oahe Dam and Lake Project on the Fort Berthold and Standing Rock reservations and to make recommendations. The committee concluded that the tribes

of Standing Rock and Fort Berthold reservations had borne "an inordinate share" of the cost of implementing the Pick–Sloan plan. The tribes had not received what they were promised in exchange for their lands.

The committee recommended the development of irrigation on the remaining tribal lands to reduce the impact of the loss of a strong economic base and good farmland; construction of a municipal, industrial, and rural water supply system; increased protection of the Indians' water rights; replacement of infrastructure such as health care facilities and roads that had been lost because of the project; and establishment of an "Indian Desk" within Corps headquarters to deal with Indian concerns resulting from the Missouri River Basin projects. It also recommended the return of excess shore lands (lands beyond that required for reservoir operations) held by the Corps so the tribes could develop docks, campgrounds, resorts, picnic areas, and other facilities along the shoreline. Finally, the committee recommended additional financial compensation of $178.4 million to $411.8 million.

At March hearings on the commission's report, Brigadier General Charles E. Dominy, Commander of the Missouri River Division, testified that the Corps supported some of the committee's recommendations, but denied that there were any lands within the Corps' project boundaries that were excess to the authorized project needs. After the hearings, Corps officials held a series of meetings with tribal representatives. The Corps developed a plan in response to the committee recommendations that John Doyle, Acting Assistant Secretary of the Army for Civil Works, approved in July. After review, the Corps concluded that there might be parcels of land that could be determined excess to project needs, and it began to identify such lands.

The Omaha District was working with the respective tribal councils to outline long-term plans that would identify potential recreation areas for lease to the tribes. At the request of the tribes, the district established an Indian Desk directly under the district engineer. This was the first full-time position established in the Corps of Engineers dedicated to improving working relationships with the tribes. In November Doyle reported to Congress, "I firmly believe we are responding to the concerns of the tribes within available authorities and that we will continue to do so."[5]

Irrigation and municipal, rural, and industrial water supply for reservations became part of the Garrison Diversion Unit in the Reformulation Act of 1986 and have been addressed in subsequent appropriations. In 1991 Congress established a $149-million recovery fund.

In the past few years the Missouri Basin's tribes have assumed a larger role in Missouri River decision making. Representatives of 13 tribes met in September 1990 to discuss formation of a Missouri tribal coalition. The Missouri Basin States Association added a tribal representative as director of the association. Tribal leaders met again in April 1991 to discuss their organization and

to work with the Corps of Engineers in developing a policy statement formalizing the Corps' commitment to work closely, fairly, and impartially with the tribes.

In October 1992 the tribes organized the Mni Sose Tribal Water Rights Coalition, a nonprofit corporation to help member tribes, bands, and communities develop, assert, enhance, and protect their water rights. The coalition has especially emphasized state efforts to quantify their reserved or aboriginal water rights by litigation or settlement. The coalition has criticized the Corps' master manual review process (in part for not considering tribal reserved water rights). The master manual is a seven-volume document that establishes the policies for managing the main stem reservoirs as an integrated system.

As a result of the Pick–Sloan projects, flood control has been largely achieved. The Corps estimates that since integrated operation of some of the main stem reservoirs began in 1954, $2.7 billion in flood damage has been prevented because of flood control features. This does not include the estimated $7.7 billion in flood damage that was avoided in the 1993 Mississippi and Missouri River floods, thanks to the storage capacity of the upper basin reservoirs. Power generation and recreational benefits have also been great. Unfortunately, a project conceived to prevent occasional downstream flooding resulted in the permanent flooding of Indian lands and the displacement of Indian families in the upstream reaches of the Missouri River. Tribes in the basin have benefitted little, if at all. In 1976 the Missouri River Division's Deputy Commander Colonel Carlyle H. Charles conceded,

> American Indians have not shared in the economic and social benefits of civil works developments within the Missouri River Basin. The economic and social costs of development of some projects, particularly the main stem Missouri River lakes, have included significant and unique impacts on Indian interests and cultures. As a result, individual Indians and tribes may not feel that they have benefitted, in the balance, from the civil works projects involved.[6]

Others continue to echo this sentiment.

The Corps' projects on the Missouri River have left a legacy of bitterness and suspicion. The Corps and the tribes still struggle to resolve the issue of excess land and the related issue of hunting and fishing rights. On 10 April 1995 the Corps published a proposed rule in the *Federal Register* that outlines the criteria for declaring interests in real estate that are not required for project purposes to be excess; allows for the transfer of certain project lands to the Department of the Interior to be held in trust for the tribes; and provides for the 90-day public comment period and public meetings. Meanwhile, the Cheyenne River Sioux tribe has asked the Corps to delegate to the tribe authority to regulate hunting and fishing on Corps-managed project lands within its reservation.

Tribes in the Columbia River Basin also struggled with the impact of the Corps' dams and reservoirs. Here, as in the Missouri River Basin, the issues of fishing rights and resources, water rights, and preservation of cultural sites are closely interwoven. The origins of current disputes go back to the 19th century. When non-Indians arrived in the Pacific Northwest, numerous Indian groups were scattered throughout the Columbia River Basin. The Columbia River Valley (including the Snake River) was an important winter refuge and primary source of subsistence fishing during the spring and fall.

The United States entered into treaties with many of the Columbia Plateau tribes, to include Warm Springs, Umatilla, Yakima, Nez Perce, and Salish–Kootenai of the Flathead. In 1855 the governor of Washington Territory, Isaac Stevens, met at Walla Walla with representatives from the Cayuse, Walla Walla, Umatilla, Palouse, Yakima, and Nez Perce tribes. Soon after, the tribes signed treaties surrendering title to 45,000 square miles and agreeing to go onto reservations. The treaties declared the reservations to be for exclusive use and benefit of the Indians and specified that the Indians had an exclusive right to take fish on streams running through or bordering their reservation and at all other usual and accustomed stations.

As settlers and miners began moving into the region between 1855 and 1880, conflicts arose with the tribes, resulting in the Indian Wars of 1855–58, the Snake War of 1866–68, the Nez Perce War of 1877, and the Bannock–Paiute War of 1878. Tribes relinquished part of their treaty lands, due to incursions made by miners and ranchers, but retained certain rights on ceded lands to fish and hunt at usual and accustomed areas, to dig roots, and to pasture livestock on open and unclaimed lands. In the late 19th century, the U.S. government established Executive Order Indian reservations for the Colville, Spokane, Coeur d'Alene, Kalispel, Kootenai of Idaho, Fort Hall Shoshone–Bannock, Duck Valley Shoshone–Paiute, and Burns Paiute.[7]

Commercial fishing companies paid little attention to treaty provisions, and fish resources declined. In the late 1920s and 1930s proposals for dams in the Columbia Basin raised the issue of protecting fishing rights. The first comprehensive Columbia River and tributaries review did not investigate treaty rights or other social and environmental concerns. The Corps completed the Bonneville Dam. By the 1940s the government was giving more consideration to Indian fishing rights, especially with the prospect of additional dams on the Columbia and Snake rivers. Authorization of The Dalles Dam highlighted the unresolved question of Indian rights. The dam would inundate Celilo Falls, the customary fishing site for several tribes. Because of the legal ramifications of destroying traditional Indian fishing grounds, the North Pacific Division sought a cash settlement. The Portland District awarded $15 million to the Yakima Indians and $4 million each to the Umatilla and Warm Springs tribes.

Meanwhile, the courts took no action on the Nez Perce claims against the McNary Project, authorized in 1945, which flooded Indian burial sites. The North Pacific Division negotiators offered the Nez Perces a $2.8-million settlement, considerably less than what other tribes had received on a per capita basis and less than the $6 million the Nez Perces requested. The Nez Perces reluctantly accepted the offer.

As plans to develop the Snake and Clearwater rivers progressed, the Northwest tribes spoke out more strongly in defense of their treaty rights. The 1970s study of the Columbia and tributaries gave the Northwest Indians opportunity to participate more fully in the planning process and make their views and rights known. The rights included sufficient water from streams bordering, traversing, or originating on reservation lands and on all water of the Columbia and tributaries adjoining or above the reservation.

The North Pacific Division included tribal concerns in the 1973 *Plan of Survey for Columbia and Tributaries* report and *Inventory of Problems and Areas of Concern.* In the 1973 inventory, the division responded to the Indians' concerns about possible loss of their historic water rights by including an inventory of water resources on all reservation land. The division wanted to involve the Indians in the planning process to help bring about an amicable settlement of water rights issues and other problems such as fish mitigation.

As the preliminary study of the Columbia and tributaries proceeded, the Umatilla Indians won an injunction against further modifications at the Bonneville, The Dalles, and John Day dams. They argued that increasing power production would raise water levels and peaking fluctuations, causing further damage to fishing sites. In an effort to resolve these problems, the North Pacific Division cooperated with other federal and state agencies in its research program and compiled guidelines for the peaking discharge. The division engineer, Major General Kenneth T. Sawyer, hoped that the courts would allow continued work on the dams and also permit unrestricted peaking operations during the winter when energy demands were high and no fish migration occurred.

Colville and Spokane Indians raised similar concerns about fluctuations from additional power units at Chief Joseph. In response, division officials met with the tribes, held workshops, and cooperated with other agencies to provide employment—another major concern of the tribes.

In the Umatilla case, the court extended the injunction on Corps' construction to give the government and the tribe time to resolve their disputes. While the suit dragged on, the Umatillas planned another action to prohibit the Corps from building a dam on Catherine Creek in northeast Oregon that had been authorized in 1965 as a multipurpose project. The Umatillas argued that Catherine Creek was their usual and accustomed fishing station and that the Corps' project would infringe on fishing rights guaranteed to them by the 1855 treaty. In 1973 the government reached an agreement with the

Umatillas whereby the North Pacific Division would continue its research on peaking operations, but Catherine Creek discussions faltered. In 1974 the Umatillas sued, arguing that the dam would destroy the clear, shallow water from which they took fish by traditional methods. In November 1977 the district court (*Confederated Tribes of the Umatilla Reservation v. Alexander*) found that before the 1855 treaty, the Indians had usual and accustomed fishing stations in Catherine Creek guaranteed by the 1855 treaty and that construction of the project would destroy some of these stations and violate the terms of the treaty.[8]

Through treaties with the federal government in the 1850s, tribes reserved the right to fish at usual and accustomed fishing sites. In 1905 and 1919, the U.S. Supreme Court upheld the Indians' right of access to these sites. When the Corps began constructing the Bonneville Dam in the 1930s, the pool inundated approximately 40 usual and accustomed Indian fishing places from the dam site to The Dalles in Oregon. An agreement negotiated with the tribes in 1939 called for the federal government to acquire over 400 acres at six specified sites to serve as "in-lieu" fishing sites. Because of disagreements among the parties to the agreement, not all of the specified sites were acquired. The government acquired five tracts totalling 40 acres for the use and benefit of the Indians.

In the 1960s and 1970s the Bonneville Power Authority and the Corps began studies to enlarge the Bonneville power-generating capacity by raising water levels behind the dam. Recognizing the impact that the change of the Bonneville pool would have on certain in-lieu fishing sites and on salmonoid fish migration, the Confederate Tribes of the Umatilla Indian Reservation filed a lawsuit in the U.S. District Court in Oregon (*Confederated Tribes of Umatilla Indian Reservation v. Callaway).*

In the resulting 1972 settlement with the tribes, the executive branch agreed to seek additional authority from Congress to acquire more in-lieu fishing sites for the tribes to replace those lost in the Bonneville, The Dalles, and John Day pools, and to improve the facilities at the existing in-lieu sites in the Bonneville pool. Yet, under the 1945 River and Harbor Act, as amended, the Corps had no authority to acquire additional in-lieu fishing sites. To fulfill the terms of the settlement, the Corps constructed the additional improvements to in-lieu fishing sites, and in 1974 the Secretary of the Army proposed legislation to authorize the acquisition of additional in-lieu sites at the Bonneville, The Dalles, and John Day dams. Congress, however, never enacted the legislation.

In the 1980s the pressure on existing treaty fishing sites increased. Meanwhile, the Umatilla, Warm Springs, Yakima, and Nez Perce tribes identified sites on the Columbia River suitable for additional fishing access. Senate Select Committee on Indian Affairs staff drafted legislation to transfer part of the land that the four tribes had identified to the Secretary of the Interior for administration as Treaty Fishing Access Sites. In 1990 the Corps began the time-consuming process of identifying potential sites and property owners who were willing to sell their land.

From the beginning, Corps' projects not only had a great impact on Indian fishing resources in the river basin; they also threatened cultural sites. Prehistoric settlements clustered along the rivers, and water projects could destroy evidence of ancient cultures unless the government excavated the sites and removed artifacts.

Federal regulations governed the North Pacific Division's involvement in salvage archaeology. The Antiquities Act of 1906 primarily sought to prevent vandalism of rivers and monuments. Under the Historic Sites Act of 1935, the Interior Department took the lead in protecting cultural resources in coordination with other agencies. In 1947 the cooperation between the Corps, the Bureau of Reclamation, the Smithsonian, the Federal Power Commission, the Civil Aeronautics Authority, and the Bureau of Public Roads encountered a major obstacle. The Bureau of the Budget ruled that construction agencies lacked authority to finance salvage archaeology and gave the Park Service this responsibility. But the Park Service did not have the resources to undertake all the essential salvage work. Although Congress authorized the Secretary of the Interior to support the recovery of materials threatened by the dams, it never provided enough funds.

The 1966 National Historic Preservation Act, as amended, (PL 89–665) established a national program for preserving cultural resources. It established the National Register of Historic Places and the Advisory Council for Historic Preservation. The 1969 National Environmental Policy Act and a 1972 Executive Order strengthened the government's responsibility for protecting the natural and cultural environment and reinforced the Interior Department's authority.

In the late 1960s, as the Corps expanded construction in an area with valuable prehistoric materials, it saw the need for more salvage archaeology but by law could not fund these projects. By law, the Corps could only provide nominal financing and adjust construction schedules to assist excavations. The turning point for cultural resource management funding by the Corps came with the passage of the Archeological and Historical Preservation Act of 1974 that authorized federal agencies to spend up to 1 percent of the project funds on cultural resource management work. The law allowed the Corps to administer its own contracts or transfer funds to the National Park Service and required districts to hire an archaeologist or assign a staff member this responsibility.[9]

Other legislation of the 1970s included the Archeological Resources Protection Act of 1979 (PL 96–95), which directed that archaeological resources on Indian lands be protected. It provided civil and criminal penalties for unauthorized disturbance or removal of prehistoric cultural resources from any federally owned land. Executive Order #11593, Protection and Enhancement of the Cultural Environment, 13 May 1979, directed federal agencies to inventory, nominate to the National Register, preserve, and protect cultural resources under their jurisdiction. The Native American Graves Protection and Repatriation Act (PL 101–601) outlined the rights of Indian tribes with respect to human remains, funerary objects, sacred objects, and objects of cultural patrimony with

which they can demonstrate lineal descent or cultural affiliation. The statute conveyed to tribes the right to decide the disposition of or take possession of such items.

Although the legislation of the 1970s and 1980s reinforced the Corps' cultural resource responsibilities, the problems of preserving fishing rights and cultural resources in the Columbia River Basin continue. A systems operating review for the Columbia River Basin began in 1990, a joint project of the Bureau of Reclamation, the Corps of Engineers, and the Bonneville Power Authority. Responding to the draft report, the tribes noted,

> For every one of these projects there will always remain a feeling of loss, of shame even though they were innocent of any act that created the dams, or stopped the free flow of the river. Water is one of our most sacred resources. The ceremonies that require water or are water based have a lingering feeling that somehow we had played a role in allowing things to happen.[10]

The report concluded that all of the sites and districts currently listed on the National Register of Historic Places at the federal projects were adversely affected in some way by the system operation. Many of these sites and districts included resources that were located within the reservoir pool drawdown zones. Others were located in or near recreation areas along reservoir shores and were subject to vandalism and artifact theft. Releases from storage reservoirs could affect downstream river reaches, and resulting water fluctuations could erode cultural resources. Periodic massive discharge of the Columbia River through its estuary mouth downstream from the Bonneville Dam had at different times stripped away known cultural and historic sites from the stream banks and buried others in huge deposits of flood sediments.

In responding to the systems operating review, representatives of the Confederated Tribes of the Colville Reservation contended that they were not consulted and had never been compensated for any of the impacts resulting from the construction of the Grand Coulee Dam or its reservoir. The fishing industry was obliterated. Religion, ceremonies, traditions, and cultures that depended on the continued flow of the salmon were also destroyed. The resources to make mats, bags, baskets, medicines, and foods that had supported the Indian way of life were inundated by the backwaters of the dam. During the hundreds and thousands of years the people lived there, they developed and constructed river crossings to reach their own camps, and people lived on either side of the river. Harvesting and gathering areas were reached by the same river crossings. The backwaters destroyed these locations, as well as burial sites, home sites, buildings, and allotments. The federal government provided no relief from the impact of the dam or the backwaters.

Tribal representatives also noted that the Chief Joseph Dam stopped the flow of salmon to old fishing sites located below the Grand Coulee Dam. Though this did not cause as much devastation

to tribal life as the Grand Coulee Dam, the right to fish for salmon for traditional use was severely curtailed. Again, tribes were not consulted. Backwaters from the Chief Joseph Dam washed out an undetermined number of burial, archaeological, ceremonial and religious, and pictograph sites. Grave robbers and artifact collectors plundered the sites exposed by the new reservoir. The Corps has never had a monitoring plan to protect the sites it agreed to protect. The reservoir behind the Grand Coulee Dam inundated the floor of the Coulee canyon that the tribes had been using for thousands of years.[11]

Responses to the report from other tribes in the basin highlight the harmful impact of the Corps' projects and their lingering effects. The traditional lands occupied by the Wasco and Tenino peoples of the Warm Springs Indian Reservation included portions of the Columbia River from the Cascades of the Columbia River to the mouth of Willow Creek. They ceded land under the 1855 treaty between the U.S. government and the tribes of the Middle Columbia River. They had a large number of village sites along both sides of the river, as well as root and other plant resources, fishing resources, and burial sites. The Columbia River is still a significant part of Wasco and Tenino culture and heritage. The lack of federal protection plans by the U.S. government "has irreparably impacted many cultural and spiritual resources."[12]

The peoples who make up the Yakima Nation historically occupied the area in and around the Yakima Valley and the Columbia River Basin. In the 1855 treaty, the Yakima Nation ceded most of its ancestral homelands to the United States, reserving over 3,513 square miles. The nation also expressly retained and continues to exercise aboriginal and treaty-reserved usufructuary rights throughout the nearly 11 million acres of ceded lands, an area roughly equivalent to the states of New Hampshire and Vermont. The changes to the Columbia River Basin over the years, tribal representatives noted, have had "devastating and near-fatal" effects on the culture and heritage of the Yakima people. They argued that the definition of cultural resources should encompass spiritual elements as well as artifacts and sites.[13]

The Nez Perce tribe's response to the draft report concludes that "cultural genocide persists, working alongside the modern-day developments, called 'progress.'" The construction of dams on the Snake River system had altered nearly 150 miles of river bottom. The backwaters of the dams had inundated or destroyed Nez Perce historic, traditional usage, and sacred sites. The tribe was gravely concerned that the dams had altered the landscape and caused poor water quality and that increasing water temperatures in backwater pools had affected anadromous and resident fish habitat. The anadromous fish, especially the salmon species that returned to spawn in the upper tributaries, were an integral part of Nez Perce culture. The Nez Perces also expressed concerned that the drawdown of pools behind the dams had exposed ancient village sites and archaeological, burial, and other culturally related sites and made them accessible to vandalism and grave robbing.[14] Tribal responses indicated that further steps are needed to resolve these longstanding issues.

Currently the three federal agencies involved in the systems operating review are developing a series of programmatic agreements to account for the effects of the review's strategy on cultural resources. The three agencies, thirteen tribes, four state historic preservation offices, and the Advisory Council on Historic Preservation will be the signatories for those agreements.

■ ■ ■ ■ ■

Corps' projects and programs have not only inundated tribal land and threatened tribal fishing and cultural resources; they have also affected tribal water rights and the development of water resources. In its 1908 *United States v. Winters* decision, the Supreme Court recognized that the reservation system had been established to transform tribes into agrarian societies. The Supreme Court held that Congress reserved, by implication, enough water to serve the needs of the reservation with a priority extending back to the date the reservation was established. It did not matter if non-Indians had begun to use the water first (prior appropriation) or in fact if the Indians used any of the water at all.

The Congress and the Supreme Court have recognized the existence of Indian reserved water rights and have provided tribes with funds and authority to manage their water resources. Yet tribes have had few opportunities to participate with state and federal agencies in managing river systems. Water allocations have typically been negotiated without participation of Indian tribes and without reference to their water rights. Negotiations conducted in 1986 among representatives of ten Missouri River Basin states proceeded without participation of Indian tribes or federal agencies.[15]

The Water Resources Development Act of 1974 (PL 93–251, Sec. 80[c], 88 Stat. 12, et seq.) directed that federal agencies consider four objectives—national economic development, environmental quality, social well-being, and regional development—in federally financed water resources projects. Section 22 of the Water Resosurces Development Act of 1974 permitted the Corps to provide planning assistance to states and tribes in developing comprehensive water and related land resource development plans.

In his 6 June 1978 water policy message and accompanying 12 July memorandum on Federal and Indian Reserved Water Rights, President Jimmy Carter directed all federal water development agencies, including the Army, to establish procedures for evaluating Indian water development projects and to increase Indian water development in conjunction with the quantification of water rights. The message also established a plan for the review of Indian water claims. The procedures were to be in place by 6 June 1979.

Secretary of the Interior Cecil D. Andrus, who was designated the lead in organizing and coordinating these federal efforts, created a Water Policy Implementation Interagency Task Force, which included a Corps representative. After holding a series of public meetings and soliciting input

from various Indian organizations, the task force recommended the establishment of a new planning objective in the Water Resource Council's publication *Principles and Standards for Planning Water and Related Land Resources* to clarify the issue of Indian water project planning and assure that all federal agencies established and adhered to a uniform standard basis for estimating benefits of Indian water development. The task force also found much room for improvement within current agency programs to increase Indian water development. Most of its recommendations regarding the Corps involved closer coordination with Indian tribes during the planning process.

The task force recommended that the Corps establish procedures to assure coordination throughout the planning process with any appropriate Indian tribe affected by the project. It recommended that the Corps establish a procedure to assure than any potentially affected tribes be given the opportunity for consultation on permit applications that might affect their interests.

On 1 August 1980, Edward Lee Rogers, Deputy Assistant Secretary of the Army for Civil Works, responded that the Corps would "initiate, where appropriate, administrative and legislative changes that will support the President's objective to increase Indian water development in conjunction with quantification of rights." Subsequently, the Corps modified regulations to require closer coordination with Indian tribes. With the advent of the Reagan administration in 1981, efforts to address Indian concerns in the *Principle and Standards* ceased.[16]

In another instance, the Corps played a significant role in arbitrating Indian water rights and ultimately helped disputants avoid prolonged, costly court proceedings. When the first Spaniards moved into the American Southwest in the early 1500s, they found the Pima Indians clustered along the lower Gila River in the general area of present-day Phoenix, Arizona. The natives whom Europeans called Papago (now Tohono O'Odham) were settled along one of the Gila River tributaries, the Santa Cruz. An 1884 federal executive order created the San Xavier Papago and Gila Bend Papago reservations.

After Arizona became a state in 1912, the federal government tried to reduce Anglo-tribal tensions by formally reserving for the Indians a large portion of their traditional range and encouraging all tribal members to settle there. By executive order in 1918 the federal government created most of what is today the main body of the O'Odham Reservation, setting aside a 2-million acre tract of desert land west of the Santa Cruz Basin. The region had no major surface water supplies, so the federal government also began a program of groundwater pumping on the Indians' behalf.

The rapidly developing agricultural economy in the basin and the city of Tucson also depended on the aquifer for their water supplies. By 1968 when Congress authorized a multibillion-dollar project to bring Colorado River water to central Arizona, the O'Odham Indians of San Xavier Reservation were already concerned about groundwater depletion by the city of Tucson and other interests. In

1975 the U.S. Attorney filed an action on behalf of the O'Odham Indians in federal district court, claiming reserved rights to groundwaters of the Santa Cruz Basin beneath the San Xavier Reservation and other reservation land overlying the aquifer.

A year after the Indians filed their complaint, the U.S. Supreme Court rendered its decision in *Cappaert v. United States* (1976), extending reserved water rights to groundwater. With this decision it became clear that it would take much time and money to resolve the case. The disputants organized what was called the Water Resources Coordinating Committee to hammer out a scheme for allocating the groundwater that all parties could accept. A succession of Corps technical advisors served as chairman. Congress authorized the Corps to conduct a major study of water supply problems and alternative solutions in the greater Tucson area.

The Corps' Tucson Urban Study provided current data on the groundwater supply and usage that litigants would otherwise have had to finance themselves during the discovery phase of litigation. The negotiations chaired by Corps' staff and informed by Corps' data began in 1978 and continued through the passage of the second Papago groundwater rights settlement act of 1982. Without the Corps' Tucson Urban Study, negotiators probably would not have achieved enough agreement on the facts of their predicament to allow any consensus on how to resolve it.[17]

The issue of water rights is becoming increasingly critical. Each of the Missouri River Basin reservations can be expected to assert reserved water rights claims under the *Winters* ruling. The magnitude of the claim is yet to be determined. In the Missouri River Basin, Indian reserved water rights have been quantified only for the Sioux and Assiniboine tribes of Fort Peck Reservation and the Northern Cheyenne tribe in Montana, and the Arapaho and Shoshone tribes of the Wind River Reservation in Wyoming. Tribes can be expected to manifest increasing sophistication and caution in their efforts to quantify their reserved rights, formulate water management codes, and undertake water development. A 1984 study by the Western States Water Council indicated that tribes could eventually claim 6.6 million acre-feet of water a year in Montana, 1.2 million acre-feet a year in South Dakota; 190,000 acre-feet a year in North Dakota; and 26,500 acre-feet a year in Nebraska.[18]

■ ■ ■ ■ ■

Since the 1960s tribal governments have been asserting more authority over reservation matters. In some instances such as the Warm Springs Dam and Lake Sonoma Project in Sonoma County, California, the Corps has done a good job of consulting with tribes. The Corps undertook the project for flood control, water supply, and recreational purposes. It began consultation with Native Americans to meet the requirements of the National Historic Preservation Act.

A series of consultations with members of a Pomo Indian Tribal Advisory Committee resulted in recommendations that were implemented during the course of the construction project. These recommendations concerned Native American views on archaeological sites, discovery and disposition of human remains encountered during the project, protection and management of petroglyphs, and ethnobotanical resources potentially affected by the flood control project. The ethnobotanical resources were important to the Pomos for food, medicine, and basketry. Corps' consultation efforts were instrumental in identifying and protecting special plant resources essential to the Pomos.

In another instance, the Rock Island District representatives consulted with local tribes concerning disposition and treatment of human remains eroding out of the Mississippi River. Around October 1991 an archeologist from the district discovered human skeletal remains falling into the Mississippi River. The district officials consulted the Iowa state archeologist and the state Native American Advisory Council. Meetings were conducted on site that included Cherokee and Sioux tribal representatives. They agreed to plan for disposition of the remains of 12 individuals dating from Woodland and Late Archaic times. The remains were reburied in a designated cemetery, as a Sioux medicine man conducted the appropriate ceremony. The consultations led to agreement on a procedure for respectful treatment of human remains that complied with the spirit and intent of the Native American Graves Protection and Repatriation Act.[18]

Historically, there was a tremendous concentration of cultural activity on the upper Missouri River. Natives built their earth lodges and buried their dead along the river bed. Over time, the operation of the main stem dams and reservoirs has sometimes caused the erosion of human remains. In the 1980s, the Omaha District was involved in the reburial of skeletal remains of almost 500 victims of a 16th century massacre from the Crow Creek Massacre Site, a national historic landmark in Buffalo County, South Dakota. The site was on a bluff overlooking the Missouri River near the Big Bend Dam. The district consulted with Crow Creek Sioux tribal representatives whose reservation is adjacent to the site. As a result of skeletal analysis, the remains were later determined to be ancestral to the present-day Arikara, who had previously expressed concern to the Corps about potential vandalism of the site.

The Corps had to relocate enough of the graves to protect the area. The tribe did not object to the Corps' digging up the bodies but objected to burying them outside the reservation. On 30 August 1978 Corps representatives met with Robert Philbrick, tribal chairman of the Crow Creek Reservation, and representatives of South Dakota Senator James Abourezk and the Bureau of Indian Affairs. Corps representatives emphasized that the Corps' policy in such cases was to rebury Indian remains on Indian land according to tribal wishes.

The Omaha district engineer worked with Philbrick to come up with satisfactory arrangements. The district assembled a reburial design memorandum outlining the purpose of the plan, applicable legal authority, burial chamber alternatives, cost estimates, and time schedules, as direct by the American Indian Religious Freedom Act of 1978. The reburial plan included traditional and contemporary funeral rites performed by religious specialists from both tribes, as well as from various modern denominations. Dr. Larry Zimmerman, an anthropology professor at the University of South Dakota, noted that the Corps had "truly realized their responsibility to the people of South Dakota and the people of the country in their efforts to preserve this historic landmark."[19] More recently, the Omaha District signed a memorandum of understanding with tribes in North Dakota to provide for respectful handling and reburying of remains discovered or recovered along the Missouri River shoreline. This was the first such agreement between a federal agency and Indian tribes based on the provisions of the Native American Graves Protection and Repatriation Act.

Corps' projects and programs have provided benefits to tribes, but they have also imposed heavy costs. In recent years, the Corps has made a sincere effort to improve its dealings with tribes and to uphold its trust responsibility. Both Congress and the executive branch have placed greater emphasis on Native American rights and concerns. Congress has legislated stronger protection of tribal rights and interests, and the tribes have become more assertive in protecting their own rights and interests.

The experiences of the Missouri River and Columbia River basins, however, illustrate that the complex issues of water rights, hunting and fishing resources, protection of cultural resources, and transfer of excess lands have a long history and will not easily be resolved. These experiences also illustrate the continuing challenge the Corps faces in balancing its water resource development mission and other missions with its trust responsibility.

■ ■ ■ ■ ■

NOTES

[1]Jane Lamm-Carroll, "Dams and Damages," *Minnesota History*, Spring 1990, pp. 4–5, 15.

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[3]Morgan, pp. 57–61; McCool, p. 179.

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[5]U.S. Congress, Senate, Select Committee on Indian Affairs, *Final Report and Recommendations of Garrison Unit Joint Tribal Advisory Committee,* 100th Cong., 1st sess., 30 Mar 87 (Washington, D.C.: U.S. Government Printing Office, 1987), pp. 21, 51–54, 57; U.S. Congress, Senate, Select Committee on Indian Affairs, *Final Report of the Garrison Unit Joint Tribal Advisory Committee,* Hearing, 100 Cong., 1st sess., 19 Nov 87 (Washington, D.C.: U.S. Government Printing Office, 1988), p. 9; see also Michael L. Lawson, *Dammed Indians: The Pick-Sloan Plan and the Missouri River Sioux, 1944-1980* (Norman: University of Oklahoma Press, 1982).

[6]Memo, Col. Carlyle H. Charles for HQDA (DAEN–CWR–W), subj: Request for Information on Civil Works Projects, 12 May 76, I–25–10.

[7]*Columbia River System Operation Review* (draft), July 1994, Appendix D, p. 2–8 (hereafter cited as Draft SOR); Mary E. Reed, *A History of the North Pacific Division* (Portland: U.S. Army Engineer Division, 1991), p. 168.

[8]Reed, pp. 169–71; McCool, p. 179; "Indian Fishing Rights," *Western States Water,* Issue 187, 9 Dec 77, General Files, Box 28, File 2, Research Collections, Office of History, HQUSACE.

[9]Reed, pp. 171–72, 175.

[10]Draft SOR, Appendix D, p. E–5.

[11]Ibid., pp. 4–26, E–3 to E–7.

[12]Ibid., p. F–17.

[13]Ibid., pp. G–6, G–7.

[14]Ibid., pp. H–2, H–3.

[15]Thorson, *River of Peril, River of Promise*, pp. 50–51.

[16]Asst. Sec. of the Interior for Indian Affairs to Sec. Cecil D. Andrus, 6 Jun 79, I–25–5; DAEN–CWR–W, "Comments on Proposed Changes to Increase Indian Water Development," 25 Jun 80, I–25–5; memo, Martin Reuss for Director of Civil Works, Subj: Corps' contact with BIA in late 1970s, 22 Jun 94.

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[18]Frederick L. Briuer, *Legacy Resource Management Program: Native American and Settler Community Project*, Final Report, 1 Jun 92, Waterways Experiment Station, Vicksburg, MS, pp. 33–34.

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APPENDIX H - AFTER ACTION REPORTS FOR NATIVE AMERICAN WORKSHOPS

AFTER ACTION REPORT
TRIBAL WORKSHOP ASSESSMENT
NORTH PACIFIC DIVISION

2 JUNE 1995

TRIBAL WORKSHOP ASSESSMENT REPORT

Compiled by

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David Rice, CENPS
Lynda Walker, CENPP

U.S. Army Corps of Engineers
North Pacific Division
Portland, Oregon

2 June 1995

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WORKSHOP ADMINISTRATION

1. Bureau of Indian Affairs (BIA) Area Office: Portland, Oregon
2. Sub-Region: North Pacific Division Pacific Northwest
3. Date of Workshop: 11-12 April 1995
4. Length of Workshop: 2 days
5. Location of workshop: Tribal
6. Corps Districts/Division involved: NPD/NPP/NPS/NPW; NPA (observer only)
7. Corps participants at workshop: See Table 1
8. Tribal participants at workshop: See Table 1
9. Total number of participants at workshop: 104

15 of 17 Apr. 95.

NATIVE AMERICAN WORKSHOP
11-12 APRIL 1995

	NAME	ORG/TRIBE	REGISTERED YES	REGISTERED NO	REG FEE PD YES	REG FEE PD NO	TRAVEL ORDERS NO.	MODE OF TRANS AIR	MODE OF TRANS AUTO	HOTEL ROOM RESERVED YES	HOTEL ROOM RESERVED NO	BUS YES	BUS NO
not attend	Alexander, Andrea	Makah	X			X	N/A		X		X		X
	Anderson, Witt (repl Geiger)	NPD	X		X(2)		N/A	X		X		X	
not attend	Ariwite, Rod	NW Shoshone	X		X(2)		NPS-3-523I	X		X			X
	Arnette, Howard	WarmSprgs	X		X(1)		NPS-4-502I	X		X		??	??
	Atkins, Tony	Colville	X		X(2)								
	Bill, Leslie	WarmSprgs	X		X(2)								
	Bohn, Bartholomew B. Col	NPD	X		X(2)								
	Boyer, Lionel	Shoshone	X		X(2)		NPS-4-506I	X		X		??	??
not attend	Buckingham, Robert	Makah	X		X(2)		N/A		X	X			X
	Calica, Raymond Sr. (Chrmn)	WarmSprgs	X		X(2)		need info	??	??	X		??	??
	Cannon, Gordon E.	BIA	X		X(2)		N/A		X	X		X	
?	Colfax, Yvonne	Yakama	X		X(2)								
	Davis, Thomas L.	NPD	X		X(2)		N/A	X		X		X	
	DeCoteau, Roderick	Prt Gmbl S'Klal	X		X(2)		N/A		X	N/A	N/A		X
	Dick, Louie	Umatilla	X		X(2)		NPS-4-523I	??	??	??	??	??	??
not attend	Dick, Mathew	Colville		X		X	??	??	??	??	??	??	??
	Eggers, Ronald J.	BIA	X		X(2)		N/A	??	??	X		??	??
	Espinoza, Rosarita M.	NPS	X		X(2)		N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Forsman, Leonard	Suquamish	X		X(1)		??		X	N/A	N/A	N/A	N/A
	Foster, J. Steven	NPS	X		X(2)		N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Frank, Delbert	WarmSprgs	X		X(2)								
	Frank, Jacob, Sr.	WarmSprgs	X		X(2)		N/A	N/A	N/A	X		??	??
	Frank, Velma	WarmSprgs	X		X(2)								
	Fredin, Adeline	Colville	X		X(2)								
	Garcia, Marvin (Chrmn)	Klamath	X		X(2)		NPS3-519I	X		X			X
	Hagen, Keli	A/E	X		X(2)		N/A		X		X		X
not attend	Hare, John	Chehalis	X		X(2)		N/A	N/A	N/A		X	??	X
	Harrell, Ernest J., MG	NPD	X		X(2)		N/A		X	X		X	
	Hayes, Merle (Vice-Chrmn)	Suquamish	X		X(2)								
not attend	Heath, Delvis, Sr.	WarmSprgs		X		X	N/A	N/A	N/A	X		??	??
	Heath, Kathleen	WarmSprgs		X		X	N/A	N/A	N/A	??	??	??	??

NATIVE AMERICAN WORKSHOP
11-12 APRIL 1995

NAME	ORG/TRIBE	REGISTERED YES	REGISTERED NO	REG FEE PD YES	REG FEE PD NO	TRAVEL ORDERS NO.	MODE OF TRANS AIR	MODE OF TRANS AUTO	HOTEL ROOM RESERVED YES	HOTEL ROOM RESERVED NO	BUS YES	BUS NO
Hebert, Marie	Prt Gmbl S'Klal	X		X(2)		N/A		X	N/A	N/A		X
Henry, Vernon	WarmSprgs	X		X(2)		N/A	N/A	N/A	X		??	??
Hill, Kathleen	EPA-Seattle		X		X	N/A	N/A	N/A	N/A	N/A		X
Hixson, Phil	NPW	X		X(2)		N/A		X	X			X
Hofer, Morley	NPD	X		X(2)		N/A	X		X		X	
Hollowed, John J.	NW Fish Com	X		X(1)								
Hopkins, Guy A.	Kootenai	X		X(2)		NPS-3-512I	X		X		X	
Hottowe, Geoffery	Makah	X		X(2)		N/A		X	X			X
Houk, Glen A.	NPW	X		X(2)								
Ike, Fred, Sr.	Yakama	X		X(2)		NPS-3-522I		X		X	??	??
Jackson, J. Lloyd	Salish/Kooten	X		X(2)		NPS-4-500I		X	X		X	
Jackson, Phil	NPD	X		X(1)								
Jackson, Zane	WarmSprgs		X		X	N/A	N/A	N/A	X		??	??
Jaren, Ray	NPD	X		X(2)		N/A	X		X		X	
Jefferson, Merle	Lummi	X			X	N/A		X		X		X
Joe, Robert Sr (Chrmn)	Swinomish	X		X(1)		??		X		X		X
Jones, Gerald J. (Chrmn)	Prt Gmbl S'Klal	X		X(2)		need info		X	N/A	N/A		X
Jones, Michael	PtGmblS'Klal	X		X(2)								
Kalama, Lorna	Nisqually	X		X(2)		N/A		X		X		X
Kamkoff, Andy F.	Lummi	X		X(2)		NPS-3-516I		X	X		X	
Katchia, Cyrus	WarmSprgs	X		X(2)								
Kelley, Coleen	Dept of Interior		X		X(1)	N/A	??	??	??	??	??	??
Kirts, Linda	NPW	X		X(2)		N/A		X	X		??	X
Knowlton, Jennifer	Makah	X		X(2)		N/A		X		X	X	
Leier, John	NPW	X		X(2)		N/A		X	X			X
Lohman, Cheryl L.	NPD	X		X(2)		N/A		X	X		X	
Lucas, David G., Sr	Makah	X		X(2)		NPS-3-511I		X		X	X	
Markishtum, Hubert (Chrmn)	Makah	X		X(2)		??		X		X	??	??
Martin, Phillip E.	Quinault	X		X(1)								
Matt, Fred	Salish/Kooten	X		X(2)		N/A	??	??	??	??	??	??
McConnell, Les	Forest Srvcs	X		X(1)		N/A	X		X		X	

NATIVE AMERICAN WORKSHOP
11-12 APRIL 1995

	NAME	ORG/TRIBE	REGISTERED YES	REGISTERED NO	REG FEE PD YES	REG FEE PD NO	TRAVEL ORDERS NO.	MODE OF TRANS AIR	MODE OF TRANS AUTO	HOTEL ROOM RESERVED YES	HOTEL ROOM RESERVED NO	BUS YES	BUS NO
	Miller, Doris	WarmSprgs	X		X(2)		N/A	N/A	N/A	??	??	??	??
	Miller, George J.	NPP	X		X(2)		N/A	X		X		X	
	Miller, Teresa M.	Siletz	X		X(2)		NPS-3-513I		X	X		X	
	Minthorn, Jay	Umatilla	X		X(2)		NPS-3-518I		X	X		??	??
	Minthorn, Paul	Umatilla	X		X(2)								
	Minthorn, Randy	Umatilla	X		X(2)								
stattend	Mitchell, Bernice	WarmSprgs		X		X	N/A	N/A	N/A	X		??	??
	Moffett, Barrett J.	NezPerce	X		X(2)		NPS-4-505I		X		X	??	??
stattend	Moses, Joe	WarmSprgs		X		X	N/A	N/A	N/A	X		??	??
	Mueller, Tom	NPS	X		X(2)		N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Nelson, Siri	NPS	X		X(2)		N/A	N/A	N/A	N/A	N/A	N/A	N/A
⊥	Northup, Karen S.	NPS	X		X(2)		N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Palmanteer, Eddie, Jr (Chrmn)	Colville	X		X(2)		NPS-3-515I		X	X			X
stattend	Parker, Dean (Vi-Chrmn)	Makah	X		X(2)		N/A		X		X	??	??
	Patt, Everett	WarmSprgs	X		X(2)		N/A		X		X		X
	Patterson, Kenneth H.	NPP	X		X(2)		N/A	X		X		??	??
	Peloquin, E. Paul	NPD	X		X(2)		N/A	X		X		X	
stattend	Peone, Tim (replaces Wynne)	Spokane		X		X	??	??	??	??	??	??	??
	Pickernell, Frank	Quinault	X		X(1)								
	Pitt, Louis Jr	WarmSprgs	X		X(1)		NPS-4-501I		X		X	??	??
	Poste, Charlene	Squaxin Island	X		X(2)		??		X		X		X
	Reinke, Cecil	NPD	X		X(2)								
	Reynolds, Georgeanne	NPA	X		X(2)		N/A	X		X		X	
	Rice, David G.	NPS	X		X(2)		N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Schmunk, Jerald W.	NPD	X		X(2)		N/A		X	X		X	
	Scott, Brenda	WarmSprgs	X		X(2)		N/A	??	??	??	??	??	??
	Scott, Gordon Sr.	WarmSprgs	X		X(2)								
	Scott, Stephanie J.	Nisqually	X		X(2)		N/A		X		X		X
	Seiter, Ann E.	Jmstwn S'Klal	X		X(1)		??	??	??	??	??	??	??
	Selam, Lonnie (Mrs)	Yakama		X	X(1)								
	Selam, Lonnie, Sr.	Yakama	X		X(2)		??		X	X			X

NATIVE AMERICAN WORKSHOP
11-12 APRIL 1995

NAME	ORG/TRIBE	REGISTERED YES	REGISTERED NO	REG FEE PD YES	REG FEE PD NO	TRAVEL ORDERS NO.	MODE OF TRANS AIR	MODE OF TRANS AUTO	HOTEL ROOM RESERVED YES	HOTEL ROOM RESERVED NO	BUS YES	BUS NO
Shaw, Audrey M.	NPS	X		X(2)		N/A	N/A	N/A	N/A	N/A	N/A	N/A
Sigo, Charles	Suquamish	X		X(2)		N/A		X		X		X
SiJohn, Henry J.	Coeur d'Alene	X		X(2)		NPS-4-503I	X		X		X	
Simmons, Frank	Siletz	X		X(2)		N/A		X	X		X	
Simons, William	Makah	X		X(2)		N/A		X		X		X
Slickpoo, Allen	NezPerce	X		X(2)		NPS-4-509I	X		X		??	??
Smith, Jeff	Amer Friends	X		X(1)		N/A		X		X		X
Smith, John	BPA		X		X	N/A	??	??	??	??	??	??
Sodhi, C.S., Dr.	Chehalis	X		X(2)		N/A	N/A	N/A		X	??	X
Squiemphen, Rita	WarmSprgs		X		X	N/A	N/A	N/A	X		??	??
Stanley, Curtis	Nisqually	X		X(2)		NPS-4-504I		X		X		X
Stuemke, Scott E.	WarmSprgs	X		X(2)		N/A		X		X		X
Suppah, Ron	WarmSprgs	X		X(2)		N/A		X		X		X
Tom, Lee H.	WarmSprgs	X		X(2)								
Toya, Darlene	NPS	X		X(2)		N/A	N/A	N/A	N/A	N/A	N/A	N/A
Turner, Robert C.	NPD	X		X(2)		N/A	X		??	??	X	
Vandemoer, Catherine	Guest Spkr		X		X	N/A	X			X	X	
VanPelt, Jeff	Umatilla	X		X(2)								
Velehradsky, John E.	NPD	X		X(1)		N/A		X		X		X
Walker, Lynda	NPP	X		X(2)		N/A	X		X		??	??
Wallulatum, Nelson	WarmSprgs		X		X	N/A	N/A	N/A	X		??	??
Wanchena, Matt, Maj	NPS	X		X(2)		N/A	N/A	N/A	N/A	N/A	N/A	N/A
Ward, Oliver, Jr.	Makah	X		X(2)		N/A		X	N/A	N/A		X
Wasserman, Larry	Swinomish	X		X(2)		N/A		X		X		X
Weber, Joseph T.	NPS	X		X(1)		N/A	N/A	N/A	N/A	N/A	N/A	N/A
Weller, James S., LtC	NPW	X		X(2)		N/A		X	X			X
Wewa, Wilson, Sr.	WarmSprgs	X		X(2)		N/A	N/A	N/A	X		??	??
Whereat, Donald	Lwr Umpqua	X		X(2)		NPS-3-520I	X		X		X	
Williams, Daryl	Tulalip	X		X(2)								
Wood, Timothy L., Col	NPP	X		X(2)		N/A	X		X		X	
Woodruff, Douglas (Chrmn)	Quileute	X		X(2)		NPS-3-517I		X	X		X	

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NATIVE AMERICAN WORKSHOP
11-12 APRIL 1995

NAME	ORG/TRIBE	REGISTERED YES	REGISTERED NO	REG FEE PD YES	REG FEE PD NO	TRAVEL ORDERS NO.	MODE OF TRANS AIR	MODE OF TRANS AUTO	HOTEL ROOM RESERVED YES	HOTEL ROOM RESERVED NO	BUS YES	BUS NO
Wynn, Donald T., Col	NPS	X		X(2)		N/A	N/A	N/A	N/A	N/A		X
Youchton, Melvin (Chrmn)	Chehalis	X		X(2)		NPS-3-514I		X		X	??	X

WORKSHOP OUTPUT

1. Issues raised by Tribes or by Corps representatives. The issues raised are expressed in the following issue summary forms. The stated purpose of this workshop was to encourage statement and identification of issues, but not issue resolution. Action on identified issues was portrayed as followon actions for the responsible action office at respective districts. Highlights of the issues raised are incuded in two Public Affairs writeups (attachments 3a and 3b).

2. The need for future meetings with tribes was acknowledged in order to find resolution for complex issues that will take time -- and maybe agency authorization enactments by Congress -- for resolution. The Corps in NorthPacifc Division anticipates another regional meeting with tribes next year. Meanwhile, specific issues and subregional issues affecting current programs will be addressed as soon as possible by the responsible Corps of Engineers district.

3. Joint Corps/Tribal consensus was not sought at the workshop since the workshop was not set up as a resolution conference. Furthermore, extensive discussion of issues was not encouraged at the workshop in order to avoid confrontation among and between tribal groups and the Corps. The workshop ended with a list of followup actions (attachment 4) to be undertaken by responsible Corps districts at the local/regional level.

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

For each issue raised, provide the following information. Use copies of this form as needed. LIMIT: ONE PAGE PER ISSUE. An issue may be either a problem (something that someone is unsatisfied with) or an opportunity (means for improving something).

Issue raised by (check one): **Tribe** Warm Springs **Corps**_____

Issue Description: Corps Indian consultation process is unsatisfactory. Suggests using experience from Corps tribal consultation (NPP) for Columbia River In-Lieu Fish Site project as a model for defining proper future agency tribal consultation

Type of issue (check one): **process** X **product**_____

Consequences of resolving issue versus not resolving it

Resolving: Achieves effective process for tribal participation.

Not resolving: Precludes effective tribal consultation and participation of tribes in Corps programs.

Resolution/decision regarding issue: NA

Specific actions agreed upon to address issue, including who is responsible

Short-term actions:

Long-term actions:

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

For each issue raised, provide the following information. Use copies of this form as needed. LIMIT: ONE PAGE PER ISSUE. An issue may be either a problem (something that someone is unsatisfied with) or an opportunity (means for improving something).

Issue raised by (check one): **Tribe** Nez Perce **Corps**_____

Issue Description: Limited Corps contact with tribes in past has faulted agency efforts at tribal consultation. Appeal is made for improved communication on a Government-to-Government basis.

Type of issue (check one): **process** X **product**_____

Consequences of resolving issue versus not resolving it

Resolving: Better, more routine coordination with tribes.

Not resolving: Continued problems over sovereignty issues and lack of resolution of local issues with tribes.

Resolution/decision regarding issue: NA

Specific actions agreed upon to address issue, including who is responsible

Short-term actions: Local efforts by all affected Corps districts to carry out Government-to-Government meetings. Improvements to NPD Indian policy.

Long-term actions: Guidance needed from HQ USACE.

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TRIBAL ASSESSMENT ISSUE SUMMARY FORM

For each issue raised, provide the following information. Use copies of this form as needed. LIMIT: ONE PAGE PER ISSUE. An issue may be either a problem (something that someone is unsatisfied with) or an opportunity (means for improving something).

Issue raised by (check one): **Tribe** Colville **Corps**_____

Issue Description: Agencies fail to understand the Federal trust responsibility. Agencies need to start with concept of tribal sovereignty to understand the basis for trust responsibility

Type of issue (check one): **process**_____ **product** X

Consequences of resolving issue versus not resolving it

Resolving: Proper agency support to tribes though programs at district level. This would build trust with tribes.

Not resolving: Continued failure to honor treaty rights of tribes.

Resolution/decision regarding issue: NA

Specific actions agreed upon to address issue, including who is responsible

Short-term actions: Training at Corps districts in Federal trust responsibility. This should involve tribal participation and could be cosponsored by BIA.

Long-term actions:

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

For each issue raised, provide the following information. Use copies of this form as needed. LIMIT: ONE PAGE PER ISSUE. An issue may be either a problem (something that someone is unsatisfied with) or an opportunity (means for improving something).

Issue raised by (check one): **Tribe** Warm Springs **Corps**_____

Issue Description: Impact of dams upon salmon in Columbia River system; concern is for preservation of salmon runs.

Type of issue (check one): **process**_____ **product** X

Consequences of resolving issue versus not resolving it

Resolving: Possible perpetuation of salmon resources.

Not resolving: Loss of Columbia River salmon resource.

Resolution/decision regarding issue: NA

Specific actions agreed upon to address issue, including who is responsible

Short-term actions: Some Salmon are listed under the Endangered Species Act. Regional studies by NW agencies are studying effects of dams (i.e., the Corps System Configuration Study and the Columbia River System Operation Review by Corps, BPA, US Bur. of Rec.)

Long-term actions:

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

For each issue raised, provide the following information. Use copies of this form as needed. LIMIT: ONE PAGE PER ISSUE. An issue may be either a problem (something that someone is unsatisfied with) or an opportunity (means for improving something).

Issue raised by (check one): **Tribe** Warm Springs **Corps**_____

Issue Description: Impact of dams on traditional tribal culture; Concern is for cultural survival.

Type of issue (check one): **process**_____ **product** X

Consequences of resolving issue versus not resolving it

Resolving: Possibility of survival of traditional cultures.

Not resolving: Loss of traditional cultures.

Resolution/decision regarding issue: NA

Specific actions agreed upon to address issue, including who is responsible

Short-term actions:

Long-term actions:

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

For each issue raised, provide the following information. Use copies of this form as needed. LIMIT: ONE PAGE PER ISSUE. An issue may be either a problem (something that someone is unsatisfied with) or an opportunity (means for improving something).

Issue raised by (check one): **Tribe** Colville **Corps**_____

Issue Description: Employment for tribal members at Chief Joseph Dam (which floods part of the Colville Reservation)

Type of issue (check one): **process**_____ **product** X

Consequences of resolving issue versus not resolving it

Resolving: Enhanced tribal employment opportunities

Not resolving: Status Quo / few employment opportunities for tribal members

Resolution/decision regarding issue: NA

Specific actions agreed upon to address issue, including who is responsible

Short-term actions: local District needs to review personnel policies and find programs to recruit Indian youth. Review NPD Indian Policy for improvement.

Long-term actions:

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

For each issue raised, provide the following information. Use copies of this form as needed. LIMIT: ONE PAGE PER ISSUE. An issue may be either a problem (something that someone is unsatisfied with) or an opportunity (means for improving something).

Issue raised by (check one): **Tribe** Nez Perce **Corps**_____

Issue Description: Archeological studies on Indian lands and within tribal ceded territory. Consult with tribes on cultural resources agreements; contract with qualified tribes for services within ceded territories; seek tribal approval for studies before the fact.

Type of issue (check one): **process** X **product** X

Consequences of resolving issue versus not resolving it

Resolving: Tribal approval and participation in studies secured.

Not resolving: Status quo – agencies work around wishes of tribes.

Resolution/decision regarding issue: NA

Specific actions agreed upon to address issue, including who is responsible

Short-term actions: Review by local responsible districts.
Review of NPD Indian Policy.

Long-term actions:

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

For each issue raised, provide the following information. Use copies of this form as needed. LIMIT: ONE PAGE PER ISSUE. An issue may be either a problem (something that someone is unsatisfied with) or an opportunity (means for improving something).

Issue raised by (check one): **Tribe** Umatilla **Corps**_____

Issue Description: The Corps needs an Indian Policy. Many effects on tribes due to dams and system operations. Not enough tribal consultation. Lets work cooperatively. Specifically, a "Salmon Policy" is needed with the tribes.

Type of issue (check one): **process**_____ **product** X

Consequences of resolving issue versus not resolving it

Resolving: Will clarify roles and means of communicated for tribes and the Corps.

Not resolving: Status quo - Indian issues and concerns will not be fully addressed.

Resolution/decision regarding issue: NA

Specific actions agreed upon to address issue, including who is responsible

Short-term actions: Review of NPD Indian policy for improvement.

Long-term actions: Development of Indian policy by HQ USACE

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

For each issue raised, provide the following information. Use copies of this form as needed. LIMIT: ONE PAGE PER ISSUE. An issue may be either a problem (something that someone is unsatisfied with) or an opportunity (means for improving something).

Issue raised by (check one): **Tribe** Umatilla **Corps**_____

Issue Description: The treaties with the tribes are the Indian people's "Contract with America." The Government has a trust responsibility to protect people, rights, and resources.

Type of issue (check one): **process**_____ **product** X

Consequences of resolving issue versus not resolving it

Resolving: May fulfill agency trust responsibilities.

Not resolving: Trust responsibility not being met.

Resolution/decision regarding issue: NA

Specific actions agreed upon to address issue, including who is responsible

Short-term actions: Encourage tribal ~~efforts~~ to educate the agencies. Develop Corps Indian policy to emphasize and clarify the Government's trust responsibility. Review NPS Indian policy.

Long-term actions: Develop Corps Indian policy.

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

For each issue raised, provide the following information. Use copies of this form as needed. LIMIT: ONE PAGE PER ISSUE. An issue may be either a problem (something that someone is unsatisfied with) or an opportunity (means for improving something).

Issue raised by (check one): **Tribe** Flathead **Corps**_____

Issue Description: Provide protection for cultural sites during reservoir drawdowns. Increased reservoir monitoring activity is needed and Archeological Resources Protection Act enforcement.

Type of issue (check one): **process**_____ **product** X

Consequences of resolving issue versus not resolving it

Resolving: Increased protection for cultural resources and participation by tribes.

Not resolving: Loss of significant cultural sites due to erosion and vandalism.

Resolution/decision regarding issue: NA

Specific actions agreed upon to address issue, including who is responsible

Short-term actions: Provide monitoring/ARPA enforcement as part of individual project Historic Preservation Plans, which are the responsibility of each district as managing agency at local level.

Long-term actions:

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

For each issue raised, provide the following information. Use copies of this form as needed. LIMIT: ONE PAGE PER ISSUE. An issue may be either a problem (something that someone is unsatisfied with) or an opportunity (means for improving something).

Issue raised by (check one): **Tribe** Tulalip **Corps**_____

Issue Description: Actively involve ~~tribes~~ in Corps fishery issues at the local level. Consider Inter-Governmental Personnel Act (IPA) positions for tribal fisheries ~~staff~~.

Type of issue (check one): **process**_____ **product** X

Consequences of resolving issue versus not resolving it

Resolving: Increased tribal participation in fisheries planning and coordination. More sensitivity to tribal WQ issues bearing on fish.

Not resolving: Continue fisheries coordination without addressing tribal concerns.

Resolution/decision regarding issue: NA

Specific actions agreed upon to address issue, including who is responsible

Short-term actions: District offices consider more extensive use of IPA tribal positions for fisheries management.

Long-term actions:

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

For each issue raised, provide the following information. Use copies of this form as needed. LIMIT: ONE PAGE PER ISSUE. An issue may be either a problem (something that someone is unsatisfied with) or an opportunity (means for improving something).

Issue raised by (check one): **Tribe** Coeur d'Alene **Corps**_____

Issue Description: Lack of adequate tribal involvement in Columbia River System Operation Review Study being conducted by the Corps, BPA, and Bureau of Reclamation (Portland OR). Little emphasis on saving salmon. Much study little action. Disregard for Indian culture and religion.

Type of issue (check one): **process** X **product** X

Consequences of resolving issue versus not resolving it

Resolving: Preservation of Salmon and traditional cultures.

Not resolving: "Anomie in Indian country"

Resolution/decision regarding issue: NA

Specific actions agreed upon to address issue, including who is responsible

Short-term actions: Action lies with Columbia River System Operation Review Agency Managers to achieve meaningful levels of tribal involvement and participation in the study.

Long-term actions:

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

For each issue raised, provide the following information. Use copies of this form as needed. LIMIT: ONE PAGE PER ISSUE. An issue may be either a problem (something that someone is unsatisfied with) or an opportunity (means for improving something).

Issue raised by (check one): **Tribe** Paiute and Klamath **Corps**_____

Issue Description: Desecration and disturbance ~~to~~ graves on a Corps permitted dam on BLM land in Lake County, Oregon, due to lack of tribal consultation.

Type of issue (check one): **process**_____ **product** X

Consequences of resolving issue versus not resolving it

Resolving: Response to tribal concern builds trust

Not resolving: Lack of response undermines trust with tribes.

Resolution/decision regarding issue: Needs immediate action

Specific actions agreed upon to address issue, including who is responsible

Short-term actions: Responsible Corps district will review Corps permit conditions and suspend permit

Long-term actions:

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

For each issue raised, provide the following information. Use copies of this form as needed. LIMIT: ONE PAGE PER ISSUE. An issue may be either a problem (something that someone is unsatisfied with) or an opportunity (means for improving something).

Issue raised by (check one): **Tribe** Shoshone-Bannock **Corps**_____

Issue Description: Use of water in upper Snake River needs to be considered within the scope of the Columbia River System Operation Review study by Corps, BPA, and US BR.

Type of issue (check one): **process**_____ **product** X

Consequences of resolving issue versus not resolving it

Resolving: Opens up issue of private uses of water on the upper Snake River for the US Bureau of Reclamation. Clarifie Indian treaty rights on upper Snake River.

Not resolving: Precludes ecosystem approach to study advocated by regional Indian tribes.

Resolution/decision regarding issue: NA

Specific actions agreed upon to address issue, including who is responsible

Short-term actions: Needs to be considered by Columbia River System Operation Review Study Managers as part of current EIS effort.

Long-term actions:

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

For each issue raised, provide the following information. Use copies of this form as needed. LIMIT: ONE PAGE PER ISSUE. An issue may be either a problem (something that someone is unsatisfied with) or an opportunity (means for improving something).

Issue raised by (check one): **Tribe** Warm Springs **Corps**_____

Issue Description: Lack of faith in Government decision-making, sustained by lack of Corps representation from Washington, D.C. Where are decisions made in the Corps of Engineers?

Type of issue (check one): **process** X **product**_____

Consequences of resolving issue versus not resolving it

Resolving: Corps could offset distrust and discontinuity through consistent Indian policy.

Not resolving: Continued distrust and lack of faith in Government.

Resolution/decision regarding issue: NA

Specific actions agreed upon to address issue, including who is responsible

Short-term actions: This would require participation by HQ USACE in meetings with tribes, leading to development of Indian policy.

Long-term actions:

WORKSHOP PLANNING AND PREPARATION

1. Workshop Planning Process. Planning efforts closely followed the Indian workshop guidance from HQ USACE and source materials prepared by the Tribal Intergovernmental Relations Task Force. All information provided was useful. Several levels of working groups were necessary to carry out the effort:

a. Seattle District Administrative and Logistics Team
Colonel Donald T. Wynn, CENPS-DE
Phyllis Nicholas, CENPS-PM, Coordinator
Major Dean Dickey, CENPS-DD, Leader
Major Matt Wanchena, U.S. Army Reserve assigned to CENPS
David Rice, CENPS-EN-PL-ER, Planning Committee representative
Gerry Arbios, CENPS-PA
Lawr Salo, CENPS-EN-PL-ER
Gretchen Martinson-Sullivan, CENPS-LM-TM-TS
Robert Ehrmantrout, CENPS-LM
Dottie Hawkins, CENPS-EA
Kirk Hilsabeck, CENPS-IM-IS-RG
Mary Higley, CENPS-CT-PR
William Moore, CENPS-RM
Evonne Hinson, CENPS-LM-TM-TS
Rose Espinoza, CENPS-SA-EO
Darlene Toya, CENPS-EN-HH

b. Division Workshop Planning Committee
Cheryl Lohman, CENPD-SA-NAC, Coordinator
David Rice, CENPS-EN-PL-ER, Task Force representative
Lynda Walker, CENPP-PE-E
John Leier, CENPW-PL-ER
Gordon Cannon, BIA Warm Springs Agency Superintendent, Oregon
Lionel Boyer, Shoshoe-Bannock Tribe, Idaho
Frank Simmons, Siletz Tribe, Oregon
Mathew Dick, Colville Confederated Tribes, Washington
Teresa Miller, Siletz Tribe, Oregon
Bruce Wynn, Affiliated Tribes of Northwest Indians, Portland, Oregon

c. Executive Advocacy Group
Major General Ernest J. Harrell, Commander, North Pacific Division
Colonel Bart Bohn, Deputy Commander North Pacific Division
C.P. Jackson, CENPD-EA
Lt. Colonel James Weller, CENPW-DE
Colonel Tim Wood, CENPP-DE
Colonel Donald Wynn, CENPS-DE
Stan Speaks, Director, BIA Area Office, Portland, Oregon
Gerald Gregor, CENPD-RM
Jerald Schmunk, CENPD-PA
Cecil Reinke, CENPD-OC
John Velehradsky,CENPD-DETS

The Administrative and Logistics Team met four times as a group, and many additional times in smaller working subgroups; this group handled the invitational travel orders to tribal leaders, on-site logistical support, and local arrangements; the polished execution of the workshop was a tribute to their efforts. The Planning Committee met four times; they selected the meeting site, designed the meeting format, selected the program participants, and established the meeting agenda. The Executive Advocacy Group met once to review and validate the meeting agenda, and to identify and resolve funding needs and issues. Use of invitational travel for tribal leaders was sanctioned at this level.

2. Workshop Goals and Objectives. The primary purpose of the workshop was to improve Corps of Engineers relations with Indian tribes througn improved communication. Accordingly, the workshop agenda was designed to give Native American tribal leaders a variety of opportunities to speak to and meet with Corps of Engineers commanders. The basic theme was one of listening to tribal leaders, recording the issues, but addressing specific issues at small private meetings with the responsible district command and at future meetings on a Government-to-Government basis. Public Affairs documentation of the workshop provide brief summaries of purpose and findings (attachments 3a and 3b)

3. Workshop Format. The workshop was designed to provide for both prepared statements and impromptu comments by tribal leaders. Formal presentations were balanced with open listening sessions, round table summaries, and private discussions with district commanders. Proceedings were videotaped to capture all but the private discussions. Facilitator roles rotated among tribal leaders, Corps personnel, and BIA staff. Workshop format was primarily determined by the Planning Committee with input from regional tribal representatives.

4. Invitations to Tribes. Letters of invitation were sent to 41 Federally recognized tribal leaders. At least 23 different tribal groups attended the workshop, many with multiple representatives. Tribes located more than 60 miles from the workshop site were offered invitational travel orders, one per tribal group. Details of tribal invitations are given in attachment 1. In addition to tribal and Corps representatives, selected BIA staff were invited, a staff member from the Solicitor's Office, U.S. Department of the Interior, and a staff member from the Office of the Assistant Secretary of the Interior for Indian Affairs.

5. Workshop Agenda, Notes, and Observations about Workshop Planning. Enclosed as attachment 2.

6. Native American Poster Exhibit. As a supplement to the workshop proceedings, a poster exhibit was created by the Seattle District Administrative and Logistics Team. The layout of the exhibit panels is described in attachment 6.

WORKSHOP PROCESS

1. Description. The workshop was an "airing of concerns." Issue resolutions were left as followup actions for responsible districts. Issues were identified at the option of tribal representatives attending the workshop.

2. Participant Behavior. The workshop consisted of about 33% presentations, 33% interactive discussions, and 33% listening to tribes. The smaller tribes close to Seattle were not as well represented as more distant out-of-state tribes. Tribal leaders carried about 40% of the workshop program. The most outspoken participants reminded the Corps of Engineers about some of the agency's destructive past history, and its most contoversial current program for Columbia River system operations, especially as these relate to diminished salmon resources.

3. Other Participants. BIA staff helped to facilitate sessions, provided historical background on tribal relations with the U.S. Government, and assisted in summarizing a comprehensive list of followup actions. The representatives of the USDI Solicitor's Office and the Office of the Assistant Secretary of the Interior for Indian Affairs made formal presentations. The Forest Service representative attended as an observer.

WORKSHOP EVALUATION

1. Overall Evaluation. The principal goal of listening to the tribes was successful. Issues were identified, and responsibilities assigned to address the issues. Future meetings were discussed. Tribal leaders stated that this workshop was a good start towards improving relations and communcation with tribes. The Corps of Engineers was left with many ideas and leads for future meetings with tribes, as well as a number of items for immediate action (attachment 4).

2. Suggestions for Improvement. After the conclusion of the workshop, an informal questionnaire was sent out by the Seattle District host to participating tribal leaders who attended the workshop, requesting suggestions for improvement and topics for future meetings (attachment 5).

Attachment 1

After-Action Report by CENPS - Administrative/Logistical Aspects

b. Recommendation: Unless protocol absolutely calls for it, don't offer to pay for travel/per diem, thus eliminating issuance of invitational orders.

6a. Issue - Agenda: The copy that was mailed with the invitation letter was not the final. The final was not available until a day or two prior to the workshop. Many tribes asked me to fax a copy of the final agenda to help them in the decision to attend and who to send. Also, our NPS presenters did not know they were on the agenda until about a week prior to the workshop, leaving very little time to prepare presentation materials and handouts.

b. Recommendation: Have the agenda finalized at the time the invitation letters go out.

7a. Issue - Executive Planning Group: It appeared that many decisions were revisited each time this group met making it very difficult to finalize many of the logistical requirements.

b. Recommendation: Nix this group. Give the whole effort to the "lead" district and let them coordinate all aspects of the event. If Exec Plng Grp is required, include the "lead" district logistical coordinator in mtgs of this group.

8a. Issue - One-on-Ones w/Cmdrs and Breakaway Areas: Decision to have one-on-ones was not identified early on so that breakaway areas could be identified and secured in advance. Time limit was set at 15 minutes, should have been minimum 1 hr. Many participants did not know which Commander they should be scheduling time with.

b. Recommendation: This goes back to the item above regarding having the agenda finalized at the time the invitation letters go out so all players know what will be expected of them (and their time). Have a map of Div/Dist boundaries in conjunction with tribal boundaries near sign-up for one-on-one's w/Cmdrs.

9a. Issue - Copying and FAX Capability: On-site capability was limited as Daybreak Star Cntr staff expressed concern with our use of their equipment.

b. Recommendation: Have our own portable copier and fax on-site.

10a. Issue - Receipt book: Did not have one and many asked for receipt for the lunch payment. We made a copy of the registration form and annotated the amount paid.

b. Recommendation: Have receipt book on site if any $$$ are received.

11a. Issue - Phones: On-site public phone access was very limited at Daybreak Star Cntr. Messages were taken by their staff, but returning calls necessitated using a pay phone outside the building. Also, batteries for cell phones for District staff were not charged.

b. Recommendation: Locate the workshop at a more user friendly site. Assure that the cell phones are fully charged and have extra batteries and chargers on-site.

12a. Issue - Video Taping: Video taped religious prayers/songs. This was apparently not the correct thing to do. Specifically, we were requested to edit out the opening prayer from the tape.

b. Recommendation: Confirm the protocol regarding this item. There may be other prayers that should be edited out of the video.

13a. Issue - Discarding of Extra Food: This is not done in Native American society. This protocol issue was not discussed. Apparently, tribal members raised concern regarding discarding of sandwiches that were not consumed during lunch. (Personal note: Only the sandwiches were discarded due to the concern for spoilage (i.e., mayonaise) and the fact that they sat out in the hot room for nearly 5 hours. The apples, cookies and chips were returned to Foggiest Notion Food Service.)

b. Recommendation: These should have been offered for consumption or given to the Cntr who could have then given them to needy Indian children.

14a. Issue - Bus Transportation: Bus was late on day 2. This was a new carrier whom we had not dealt with in the past.

b. Recommendation: Request the buses be on-site 15-20 minutes earlier than you actually need them. Don't assume as a matter of THEIR standard practice they'll be where you want them early.

15a. Issue - Coffee: We underestimated the rate/amount of coffee consumption. Native Americans drink **LOTS** of coffee.

b. Recommendation: If you have to provide coffee, plan for at least triple the number of cups of coffee to the number of persons attending.

16a. Issue - PLAN AHEAD: We incurred much extra expense due to the short timeframe available to get everything done once Seattle District was identified as the "lead" (example - display board and certificate costs for contractor's work, overtime for District staff to meet deadline).

b. Recommendation: Get the planning for this type of event started at least 6 months prior to the desired date of the event by assigning one District as "lead" to coordinate ALL aspects of the event (i.e., agenda, speakers, location, etc.).

17a. Issue - Contractor Produced Items (such as the exhibit): A couple of typos/misspellings discovered in exhibit posters. A "camera ready" review copy was not available prior to finalizing. (NOTE: The contractor has redone the posters with errors.)

b. Recommendation: The requirement for the contractor to provide "proof sheets" before the final production should be written into the work order for any exhibit.

18a. Issue - Registration Fee: Using the term "registration fee" for pre-payment of lunches was confusing. A registration fee is "another reimbursable travel expense." Meals are covered via per diem.

b. Recommendation: Don't use the term "registration fee" unless that is what is being collected.

19a. Issue - Workshop Info Packets: Last minute additions, such as the agenda and NPD Native American Policy, caused some extra hustling as these packets had already been assembled and boxed for transport to the workshop site.

b. Recommendation: If there is an Exec Plng Group, provide NPD-SA-NAC at least a listing of what will go into these packets.

20a. Issue - Certificate Distribution: Originally, the certificates were to be given to the tribal chairs at the end of the workshop (as a gift). This changed and the certificates were placed alphabetically on a table for pick-up. Some did, some didn't, necessitating mailing after the close of the workshop (another add'l expense).

b. Recommendation: Lay them out for pick-up, put a note regarding this in the "admin info" sheet, and be sure the Master of Ceremonies highlights this a couple of times the afternoon of the last day.

21a. Issue - Catering to Provide Meals: This proved to be a major problem as some "arrangements" made early on in the reconnaissance of the workshop site ultimately did not materialize (i.e., no requirement for "guaranteed minimum" number of meals paid for in advance was not the case). Scrambling for alternative food service provider was necessary. (Thank heavens for Foggiest Notion!)

b. Recommendation: Get a catering agreement in writing BEFORE deciding on the food provider/site location.

22a. Video and PA System: Initially, only speakers were video taped. Persons from the audience who asked questions were not. Also, there was no "roving" microphone so that questions/comments from the audience could be heard by all or picked up on tape.

b. Recommendation: Have a person with a hand-held video camera ready to tape persons from the audience and provide someone with a roving microphone (or have the Master of Ceremonies/speaker ask the person to go to the microphone and ask their question again).

23a. CWC Sales: Other Districtswere invited to provide items for sale. They brought none. Also, only $52.00 worth of goods were sold. For the time expended (14 hrs), the benefit-to-cost ratio was not good.

b. Recommendation: Do not expend effort on this item in the future.

24. Overall Conclusion: Most of the above issues were transparent to the workshop attendees. From that perspective, the workshop was a success. The following items should be considered in preparation for the next workshop:

a. Start planning effort a minimum of six months prior to desired date of the event by assigning one District as "lead" to coordinate ALL aspects of the event (i.e., agenda, speakers, location, etc.). All planning meetings should be held at the "lead" District so that support personnel can be called upon as needed.

b. Site Location: Have the workshop held at a facility that can provide overnight accommodations, central conference area and breakout rooms, and has on-site food service.

This would eliminate:

- collecting $$$ to pre-pay for catering of lunches
- bus transportation to/from hotel to workshop site
- dealing with more than one vendor
- lack of phones
- reduce the number of Gov't vans/drivers

25. Attached for information purposes are:

1. Action Items List
2. Registration Database Listing
3. Workshop Budget Estimate
4. Invitation Letter/Enclosures and Mailing List

Phyllis Nicholas

PHYLLIS NICHOLAS
Workshop Coordinator

cc:
CENPS-EN-PL-ER (D. Rice)
CENPS-DD

7 Apr 95

NPD NATIVE AMERICAN WORKSHOP
NPS WORKING GROUP ACTION ITEMS

Action Item	Lead	Required by Date	Completed
First mtg of NPS Work Group	Nicholas/All	27 Feb 95	27 Feb 95
Budgets developed	All	28 Feb 95	28 Feb 95
Confirm caterer's price	Nicholas	28 Feb 95	28 Feb 95
Confirm hotel rms	Nicholas	28 Feb 95	28 Feb 95
Set up checking acct w/NWFECU	Nicholas	1 Mar 95	1 Mar 95
Registration form and backup info	Nicholas	1 Mar 95	1 Mar 95
Draft Invitation ltrs & mailing list	Rice	1 Mar 95	1 Mar 95
Invitational Orders Info Sheet	Martinson-Sullivan	1 Mar 95	1 Mar 95
Prepare database for registration info	Nicholas	3 Mar 95	3 Mar 95
Prepare final invite ltrs	Hawkins	3 Mar 95	3 Mar 95
Mail invite ltrs	Nicholas	3 Mar 95	3 Mar 95
Prepare ENG 3013	Nicholas	3 Mar 95	3 Mar 95
Request $$ share from NPP & NPW	NPD-DE	3 Mar 95	14 Mar 95
2nd Mtg of Work Grp	Nicholas/All	13 Mar 95	15 Mar 95
Distribute labor acct #	Nicholas	13 Mar 95	15 Mar 95

Reserve 3 Govt vans	Martinson-Sullivan	13 Mar 95	done
Coord w/SPD & MPs	Ciraulo	13 Mar 95	6 Mar 95
Coord visit to Daybreak Center	Nicholas	13 Mar 95	16 Mar 95
Prepare invit ltrs to other Dist Cmdrs	Nicholas	15 Mar 95	16 Mar 95
Oth Dist invit ltrs mailed	Nicholas	17 Mar 95	17 Mar 95
Prep invite ltrs to other Agencies	Nicholas	16 Mar 95	16 Mar 95
Other agencies invite ltrs mailed	Nicholas	17 Mar 95	17 Mar 95
Prepare invite ltr to MG de la Vergne, 124 ARCOM	Nicholas	17 Mar 95	17 Mar 95
Mail MG invite ltr	Nicholas	17 Mar 95	17 Mar 95
Provide list of NPS partic & observers to DE for approval	Rice	20 Mar 95	27 Mar 95
Site visit DBS Cntr	Dickey/ Hawkins/ Nicholas/ Carlson	21 Mar 95 1330 hrs	21 Mar 95
Coord seating scheme w/Kimberly at DBS Cntr	Nicholas	21 Mar 95	21 Mar 95
Telephone contact each tribe member invited	Nicholas	22 Mar 95	24 Mar 95
DE approve NPS partic & observers	Dickey	22 Mar 95	27 Mar 95

Provide registr form to NPS partic & observers	Nicholas	22 Mar 95	24 Mar 95
3rd mtg of Work Grp	Nicholas/All	23 Mar 95 1400 hrs, EOCR	23 Mar 95
Prep req for bus transp	Martinson-Sullivan	24 Mar 95	done
Initial contact w/CWC re inventory of goods available for sale	Hawkins	24 Mar 95	done
Draft Cert of Appreciation for approval	Arbios	24 Mar 95	done
DE approval re CWC sales items	Dickey	27 Mar 95	DE approved
IPR w/Col Wynn	Nicholas/ All	27 Mar 95 1100 hrs, EOCR	27 Mar 95
Visit Daybreak Cntr	Nicholas/ Dickey/Rice/ Hilsabeck/ Arbios/Wynn-will drive POVs Hawkins/Haner Ehrmantrout - reserve van	27 Mar 95 1300 hrs be at DBS Cntr	27 Mar 95
Confirm receipt of $$ from NPP/NPW/NPD	Moore	27 Mar 95	Rec'd
Contracts for buses	Higley	28 Mar 95	21 Mar 95
Prepare guide/sample on how to prep travel reimb	L. Kaiser	29 Mar 95	done
Receive registration forms and $$$	Nicholas	NLT 31 Mar 95	On-going
Prepare invitational orders	Hinson-	31 Mar 95	On-going

NPS speakers have cy of visuals to PN	Mueller/ Weber/Rice Foster/S. Nelson	4 Apr 95	done
Decision to cancel catering & Cape Fox Dancers; use Foggiest Notion option for food.	DE	4 Apr 95 1600 hrs	done
NPS speakers dry run w/DE	Mueller/ Weber/Rice Foster/S. Nelson	5 Apr 95 0800-0930 hrs, EOCR	done
Final payment to caterer	Nicholas	NLT 5 Apr 95	done
Script for DE presentation	Rice	6 Apr 95	done
Final agenda	Rice	6 Apr 95	done
Sample workshop packet for DD review	Arbios	6 Apr 95	done
CWC sale items & booth staffing	Hawkins	6 Apr 95	done
NPS Work Grp mtg	All	6 Apr 95 1330 hrs, Fairchild Conf Rm	done
Promo display & banner	Arbios	7 Apr 95	
Workshop info packets	Arbios	7 Apr 95	done

(Packets will include white NPS "peechee" containing:

-Agenda
-Blank "Hello I'm" name tag
-Name tent blank
-Tillicum Village info (include bus/van transp info to Pier 55/56)
-NPD Native American Policy
-Paper/pencil/pen
-Admin info such as: times of bus departure, registration desk hrs, travel reimbursement help desk hrs, CWC sales items, time and location.

Protocol/etiquette session	Lead: Rice All NPS partic.	10 Apr 95 1330 hrs, EOCR	done

DE visit DBS Cntr	Wynn/ All	10 Apr 95 1445 hrs	done
Final Cert of Apprec	Arbios	12 Apr 95	done
News release	Arbios	14 Apr 95	done
NPS After-Action Rpt	Nicholas	24 Apr 95	done
Follow-on Actions Mtg of NPS Working Grp	All	24 Apr 95	
Workshop Assessment	Rice/Lohman	NLT 2 Jun 95	

Other items to consider:

(1) May want someone(s) at last day of workshop to help people prepare their travel reimbursement stuff in addition to the "how to" guidance. LM/RM will coordinate this effort. Need to add to "Specific Regarding" registration.

(2) May need signs made pointing to Daybreak Cntr. Will confirm on visit to cntr. **[Signage is adequate. No other action required.]**

(3) Need to inform Daybreak Cntr (Kimberly) that we'll need facility 10 Mar also for setting up video/PA equip. **[Done. We can have facility from 0800 on 10 Mar.]** Ask Kimberly about availability and use of a Chilcat or button blanket as a backdrop ybehind speaker. **[Kim can provide this backdrop.]** Also ask about attaching a banner across the opening between pillars on kitchen side of lower level. **[Kim said we can do this. Measurements taken 21 Mar.]**

IMPORTANT: 5 APR 95 is the last day we can notify Kimberly of the number of persons needing lunch and the last day to pay for catering and dancers. We pay for the number of lunches she's told we need whether we use or not. We will need at least 100 persons paid for the salmon lunch to happen on 12 Apr 95.

There is a $900/day use fee (+$250 damage deposit) for DBS Cntr if we do not use their food service. Kimberly said she will provide coffee/ice water at no additional charge.

Option: Cancel meals and dancers. Have Foggiest Notion provide box lunch each day. Collect lunch fee from each participant each day and call number into Foggiest Notion. Have made initial contact w/Foggiest Notion to provide sandwiches, cookie, fruit, pop/juice. Cost per day: $5/per person (based on minimum of 100). Price may increase slightly if number is considerably less (like to $6.00). Will need to confirm our needs by 6 Apr 95.

(4) Will we need break-out space at 124th ARCOM?? **NO.** Mark Starr (206/281-3142, FAX 281-3599) is POC for 124th ARCOM. **Per Mr. Starr, we need to prepare invite ltr to MG David P. de la Vergne.** (MG home address: 1958 31st Ave W, Seattle, WA 98199, phone: 206/281-8557; 281-3019 work, Cmdr 124th Army Reserve Command, ATTN: AFRC-AWA-CG, 4575 36th Ave W., Seattle, 98199-5000). **MG will need to know what VIPs will be in attendance.** Need to also contact the ARCOM PAO - Maj Jones or Pam Briloa, 281-3026. ARCOM can provide overflow parking if needed, but then we need to provide shuttle to DBS Cntr from ARCOM. **[Overflow parking at ARCOM deemed not needed.]**

(5) Maj Wanchena also previously contacted Kerry Lasko, Seattle Parks. He needs to kept aware of what's going on in the park. Phone: 206/684-0796. Action: Phyllis. Need to discuss possibility of taping off the large Park public parking area for this event. **[George Long (684-4080, fax:-4853) is POC re for "exclusive" use of the Park's north lot. Use fee is $35.00 and Mr. Long will need a ltr from Corps stating how many spaces needed, dates/times, how we will direct traffic/visitors to parking spaces, and that we assume all liability for damage. Needs our request and $$$ minimum of 2 weeks prior to event (i.e., NLT 27 Mar). The Park supervisor is Don Varekamp (386-4295). If we do not want to get an "exclusive use" permit, we can take our chances and have people park at their own risk in the space available in the lot. Major Dickey said no exclusive use permit will be needed. Therefore, no further action w/Seattle Parks needed.]**

(6) Flip charts w/pads & pens - IMO responsible for assuring 4 flip charts w/pads and lrg tip felt markers in varying colors are at DBS Cntr on 10 Apr.

(7) Military uniform of the day: Class A per Col. Wynn. Dottie will confirm w/NPD.

(8) LMO responsible for obtaining and transporting to DBS Cntr on 10 Apr a lecturn. Also 2 cellular phones for use at registration desk.

(9) Put hold on JUA/N for 10-11-12 Apr. Action: Nicholas **[Done.]**

(10) Overhead and 35mm projectors w/tables - IMO responsible for assuring these are on-site and fully functioning.

(11) Cellular phones: LMO responsible for having 2 cell phones for registration desk.

(12) Corps/US/Gen Ofcr flags: LMO responsible for having these at DBS Cntr on 10 Apr.

SPECIFICS REGARDING
VIDEO/PUBLIC ADDRESS SYSTEMS
ACTION OFFICE: KIRK HILSABECK

1. Who/What: Kim Carlson, CENPS-IM (primary on-site set-up/video)
Bill Johnson, CENPP-IM (support on-site set-up/video)
Kirk Hilsabeck, CENPS-IM (back-up as needed)

2. Where/when: 10 Apr - 0800 hrs begin setup at DBS Cntr
11 Apr - 0800 hrs at DBS Cntr
12 Apr - 0800 hrs at DBS Cntr
13 Apr - 0800 hrs at DBS Cntr (tear down)

3. Listing of Equipment Used On-Site:

Video camers	3 Panasonic SVHS F250 B
Video monitors	4 Panasonic 20" AG520AH
Video lights	2 sets
Screen	1 8 ft portable
Slide projectors	2 Ektagraphic
Overhead projectors	2 Eiki
Video projector	1 Eiki 300 LCP
Sound system	2 Electro Voice w/equalizer (6 channel)
	1 Telex Wireless FMR 4
	1 Telex ENG 4 (receivers)
	1 Telex ENG 4 mic
	2 Telex Back-up mics
35mm cameras	1 Nikon F4 and lenses
	1 Hasselblad 2-1/4 and lenses
Misc equip	200' BNC cables (video)
	200' sound system cables
	carts & stands for A/V equip
	2 floor stand mics for comments

SPECIFICS REGARDING
TRANSPORTATION REQUIREMENTS
ACTION OFFICE: BOB EHRMANTROUT

1. Conf attendee transport to/from hotel & conf.

How: 2 buses w/drivers*
When: 11-12 Apr 95
Where: Buses arv at Warwick Hotel (4th Ave) 0800 hrs
Depart Warwick for DBS Cntr: 1st bus 0815 hrs; 2nd bus 0830 hrs
Arv DBS Cntr: lst bus 0845; 2nd bus (not needed).
Bus depart DBS Cntr (upper parking lot) 1700 hrs, 11 Apr; 1500 hrs, 12 Apr.
Who: Cpt Baisch to be at Warwick at 0730 hrs to direct attendees to buses.

*Only needed one bus. Cancelled 2nd bus for afternoon run on 11 Apr & all runs 12 Apr.
(SPECIAL NOTE: Bus/vans scheduled to depart DBS Cntr for Tillicum Village (Pier 55/56) - 1530 hrs, 11 Apr. No one signed up for this special event.)

2. VIP transp and shuttle:

Date: 11 Apr 95
How: One 8-passenger District Van
Who: Driver - Paul Flynn
Leave Dist Ofc 0715 hrs w/Cpt Baisch
Arv Warwick 0730 hrs:
Lv Warwick 0735 hrs for DBS Cntr (Cpt Baisch ride in bus)
Leave DBS Cntr for Warwick 1700 hrs (approx)

Date: 12 Apr 95
How: One 8-passenger District Van
Who: Driver - Paul Flynn
Leave Dist Ofc 0715 hrs w/Cpt Baisch
Arv Warwick 0730 hrs
Lv Warwick 00735 hrs for DBS Cntr (Cpt Baisch ride in bus)
Leave DBS Cntr for Warwick 1515 hrs (approx)*

(*NOTE: Took several visiting District personnel to Sea-Tac Airport following close of the conf.)

3. Shuttle from/to North Parking Lot and DBS Cntr. Two District vans will be stationed at the North Parking Lot (beginning at 0800 hrs) to shuttle attendees who drove their POV to DBS Cntr and back to north lot as needed. (NOTE: North lot was 1/3 mile away from DBS Cntr.) These vans/drivers will have cell phones and be available all day, each day to run errands or handle transportation emergencies.

4. Transport of District Support Staff:

When: 11 Apr 95, Lv DO 0730; Lv DBS Cntr 1700 hrs
12 Apr 95, Lv DO 0730; Lv DBS Cntr 1500 hrs
How: POV (7 passenger van)
Who: Driver - Phyllis Nicholas
Possible Passengers:
Carolyn Jones
Yvonne Hinson
Rose Espinoza
Major Dickey
Cpt Skoog
Susan Kinoshita

4. Other actions:

a. LMO will have Corps/US/Gen Ofcr flags at DBS Cntr on 10 Mar for set up of the hall. Also a lecturn.

b. IMO will bring 4 flip charts easels, paper, and felt pens.

c. Yvonne Hinson will be available on-site to process invitational orders for those tribal representatives who did not get orders before they arrived.

SPECIFICS REGARDING
WORKSHOP INFORMATION PACKETS AND REGISTRATION AREA
ACTION OFFICE: GERRY ARBIOS/PHYLLIS NICHOLAS

1. Info Packets.

What: 200 white NPS "peechees" containing:
- Agenda
- Blank "Hello I Am" name tag
- Blank name tent
- Tillicum Village info
- Paper/pencil/pen
- Other???

Who: Lead: Gerry Arbios
Packet Assemblers: Erica - PAO
Darlene Toya
Carolyn Jones
When: Ongoing. Complete by 7 Apr 95

2. Registration Desks.

Registration staff met 6 Apr 95 to go over what will need to be done and who will do it. Registration divided between two tables (one: preregistered and paid and one preregistered unpaid and on-site registration). These tables were then further broken down into A-M and N-Z to facilitate moving people thru registration. Reminded registration staff to wear soft-soled shoes to keep down walking noise.

Who: Lead: Phyllis Nicholas
Yvonne Hinson
Darlene Toya
Carolyn Jones
Where: DBS Cntr, upper level.
When: 11-12 April 95, 0800-1200

3. Other actions needed to accomplish registration.

a. Greeters/seaters
Who: Cpt Skoog/Major Wanchena

b. Seating layout: See attached. The two front center tables will be marked "reserved" (total of 16 seats) for guest speakers, Corps Cmdrs, and others to be identified by David Rice/Cheryl Lohman.

SPECIFICS REGARDING
SET UP OF DAYBREAK STAR CENTER
ACTION OFFICER: NICHOLAS + IM/LM/PAO

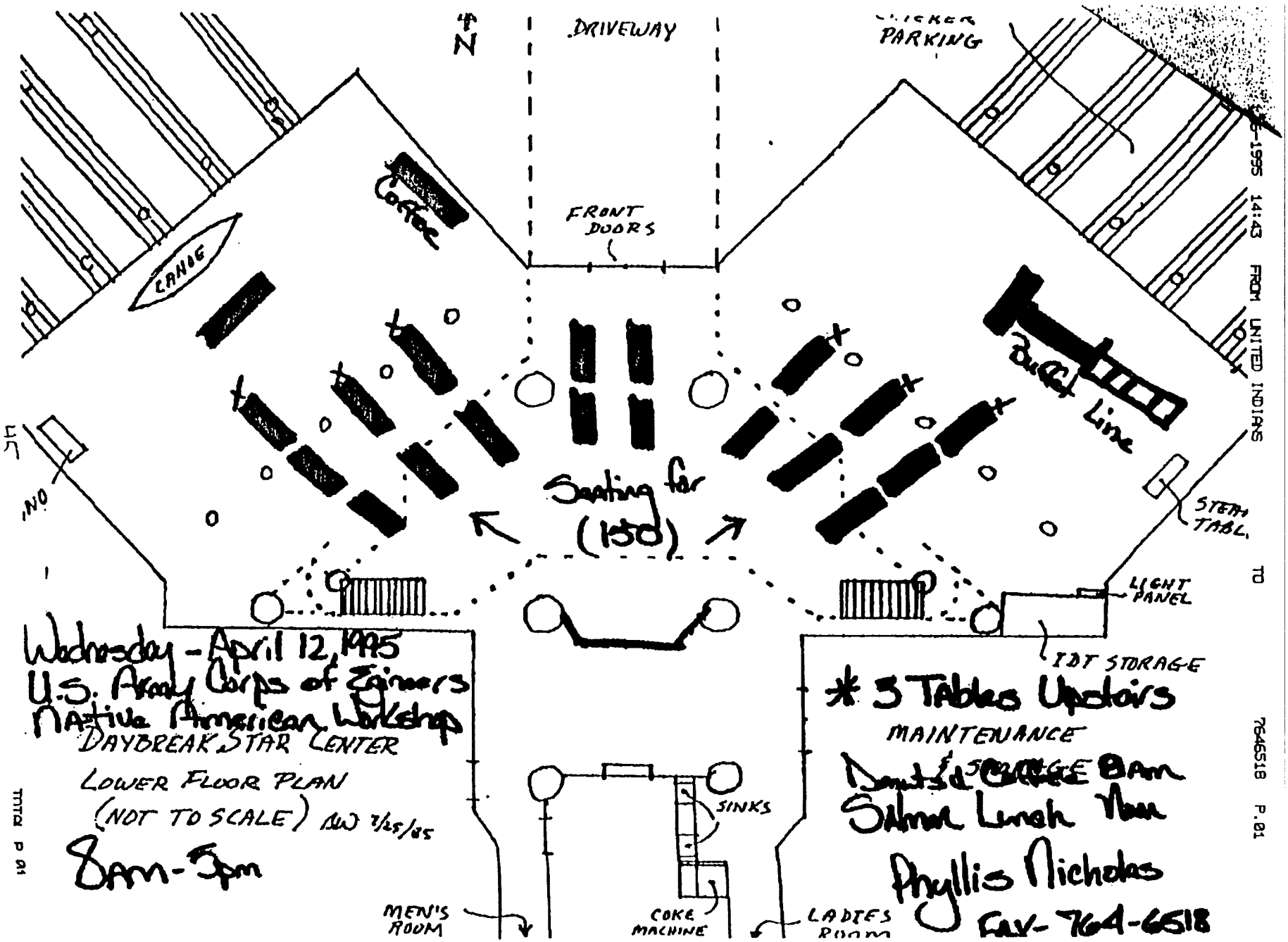
1. When: 10 Mar 95, 0800-1630 hrs

2. Where: Daybreak Star Center

3. Who: Kim Carlson, NPS-IM
Bill Johnson, NPP-IM
Kirk Hilsabeck, NPS-IM
Bob Ehrmantrout, NPS-LM??
Gerry Arbios, NPS-PA??
Phyllis Nicholas, NPS-PM

4. What: Items that need to be taken out to the Cntr --

Responsible Ofc: IMO
Video, PA, O/H & 35mm projectors, screen, 35mm camera
4 flip charts w/pads & large-tipped felt markers in various colors
Others (see listing of equipment used)
Responsible Ofc: LMO
Corps/US/Gen Ofcr flags
Cellular phones (2)
Lecturn
Black plastic
20' extension ladder
Responsible Ofc: PAO
Banner
Display board
Workshop information packets
Camera/film
Signs for registration desk
Certificates
Responsible Ofc: D. Hawkins
CWC sales items and price list
Responsible Ofc: P. Nicholas
Registration desk supplies
"Reserved" signs (2)
Tillcum Village brochures
Coins/small bills to make change
Coffee pot/coffee, cups, swizzle sticks, sugar/creamer, Equal
Extra supplies (pens/paper, "hello I am" stickers, scotch tape, staplers/staples/staple pullers, push pins, large felt-tip markers, etc.)



TMTA P.01
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TO
FROM UNITED INDIANS
14:43
-1995

14 Apr 95

ESTIMATED BUDGET FOR NPS SUPPORT TO NATIVE AMERICAN WORKSHOP 11-12 APRIL 95

[1] Daybreak Star Center (Includes facility, tables and chairs)	$ 0.00
*[2] Salmon lunch catered by United Indians of All Tribes	
$15.00 x 110 (on 12 Apr)	$1,650.00** <
Bag lunch catered by Foggiest Notion	
$6.00 x 110 (on 11 Apr)	660.00 <
Bag lunch catered by Foggiest Notion	
$6.00 x 8 (Makah Dancers on 12 Apr)	48.00 <
Add'l bag lunch for unknowns on 12 Apr may be needed	???? <
[3] Invitational travel orders (21 orders cut as of 7 Apr 95))	$12,758.00 <
[4] LMO Support Costs:	
- Prepare invitational orders (24 hrs IHL)	$ 462.00
- Provide buses (2 buses x 4 trips)	$1,512.00?? <
- Corps vans for Cmdr (100 mi x 3 x $.55/mi)	$ 165.00
- Drivers	$1,373.00
- Other support costs	$1,580.00
[5] IMO Support Costs:	
IHL-Mtgs	$ 660.00 <
Misc costs	440.00 <
Sites visits	440.00 <
Exhibit	1,200.00 <
Banner	1,002.00 <
Certificate dsgn/printing/adding names	1,080.00 <
NPS IHL set-up/take-down & operation	2,200.00 <
NPP IHL set-up/take-down & operation	3,000.00
Video editing & copying	500.00 <

*Meals paid for thru workshop registration fee of $33.00. Reimbursement will be required to participants after all payments are made.
**Full payment for salmon lunch was made on 6 Apr 95.

[6] PAO Support Costs (IHL):	$ 1,500.00
- On-site registration activities	250.00<
[7] Executive Assistant Support Costs: (32 hrs IHL)	$ 1,400.00
[8] PPMD Support Costs (Nicholas):	$ 6,662.00<
- District Lead on Event Coordination (64 hrs IHL)	
[9] SECURITY Officer Support Costs: (6 hrs IHL - mtgs & coord w/Seattle Police and Ft. Lawton MPs)	$ 200.00
[10] EEO Support Costs: (8 hrs IHL - mtgs)	$ 265.00
[11] RMO Support Costs: (45 hrs IHL - mtgs and central costing agent)	$ 2,100.00
[12] CT Support Costs: (18 hrs IHL - mtgs & contract processing)	$ 500.00
[13] Military Ofcr Support Costs:	
(Maj Skoog - 19 hrs X $57/hr)	$ 1,083.00
(Cpt Baisch - 19 hrs X $20/hr)	380.00
TOTAL	$42,712.00***<

***Does not include:
- invitational orders to be issued on-site
- travel costs for other District's personnel
- costs incurred by NPD Workshop Plng Team or Executive Advocacy Group.
- costs for Major Wanchena

<=Change from earlier budget developed 1 Mar 95.

COPY

MAR 3 1995

In response to President Clinton's memorandum of April 29, 1994, to Federal agency heads regarding Government-to-Government Relations with Federally Recognized Indian Tribes, North Pacific Division, U.S. Army Corps of Engineers is conducting a workshop on April 11-12, 1995, for Native American Tribal Government leaders within the geographic area of North Pacific Division. I have designated Seattle District as the host for this conference, and they have chosen the Daybreak Star Art Center at Discovery Park in Seattle, Washington, as the meeting location.

You are cordially invited to attend this meeting, which is intended as a listening session to identify what the Corps of Engineers needs to do to improve communication and relations with Federally recognized Indian tribes. I respectfully request that you send at least one elected tribal representative, if you are unable to attend. The Corps of Engineers is willing to fund the participation of one elected tribal leader from each Federally recognized Indian tribe. Other tribal representatives are welcome to attend, but at their own expense.

The meeting is designed primarily as a Native American conclave to meet with me and the District commanders for Portland, Seattle, and Walla Walla districts. We intend to gather information directly from you, the elected tribal government leaders, to determine what we are doing right, what needs improvement, and what changes need to be made to accomplish the goal of improved relations with the Indian tribes of this region. I will also use this information to further refine our Division Native American policy and to aid in the development of a national Corps of Engineers' Native American policy. Project specific issues will be assigned to the District commanders for further action and resolution.

In order to encourage your participation, I have asked the workshop host, Seattle District, to issue invitational travel orders (this will cover the cost of transportation, meals, and lodging for your representative) for you or your elected tribal representative to participate in a frank roundtable discussion. I do not expect to fully address or resolve specific problems at this meeting, but instead request that your tribal representative identify the issues and kinds of problems that you face in working with the U.S. Army Corps of Engineers districts in North Pacific Division. In this way, the individual Corps of Engineers' district commanders and staff can then be called upon over the next few months to meet on a government-to-government basis with individual tribal groups concerning the issues that you raise at the workshop. A draft meeting agenda is provided, however, I would like to stress that our primary goal is to listen to what you have to say, so please regard the agenda as flexible to meet your needs.

Enclosed is a meeting registration form, which we request that you fill out and send by March 20th directly to Ms. Phyllis Nicholas (PM), Native American Workshop Coordinator, at Seattle District, Corps of Engineers, PO Box 3755, Seattle, Washington 98124-2255 in the enclosed pre-paid return envelope. Since food service is not available at the conference site, we are requesting prepayment of the registration fee ($33.00) to provide for two lunches, and donuts and beverages during breaks. Additional registration forms are enclosed in the event you wish to send one or two additional tribal officials at their own expense.

Conference lodging has been reserved at the Warwick Hotel, Fourth and Lenora, Seattle, Washington 98121, telephone (206) 443-4300; a block of rooms has been reserved under "Army Corps of Engineers" until March 21st. Please make your room reservations as soon as possible. We anticipate providing bus transportation from the Warwick Hotel to the Daybreak Star Art Center once in the morning with a late afternoon return each day.

If you have questions or need further information, please contact one of the following persons:

Dr. David Rice (Seattle District) at (206) 764-3630
Ms. Lynda Walker (Portland District) at (503) 326-4974
Mr. John Leier (Walla Walla District) at (509) 522-6628
Ms. Phyllis Nicholas (Seattle District) at (206) 764-3464

Sincerely,

COL Daniel A. Hyan
/S/

for Ernest J. Harrell
Major General, U.S. Army
Division Engineer

Enclosures

US ARMY CORPS OF ENGINEERS
NORTH PACIFIC DIVISION
NATIVE AMERICAN WORKSHOP
APRIL11-12, 1995

REGISTRATION FORM

Please respond to the following by checking the appropriate box.

[ ] I do not plan to attend the Native American Workshop to be held at Daybreak Star Center, Seattle, April 11-12, 1995. (Please complete the name/organization block below and return this form in the envelope provided.)

[ ] I plan to attend the Native American Workshop to be held at Daybreak Star Center, Seattle, April 11-12, 1995.

a. I will be traveling to Seattle by:

Air [ ] Auto [ ]

b. I plan to stay at the Warwick Hotel: [ ] Yes [ ] No

[ ] I plan to utilize the bus transportation being provided from the Warwick Hotel to the Daybreak Star Center.

[ ] I do not plan to utilize the bus transportation being provided from the Warwick Hotel to the Daybreak Star Center.

NAME: _____

TRIBE/ORGANIZATION: _____

PHONE NUMBER: _____

As there are no on-site dining facilities, all participants at this workshop are being required to pay a $33.00 registration fee to cover lunches and refreshments for breaks.

Please return this form together with your check or money order payable to Phyllis Nicholas, using the enclosed self-addressed, postage-paid envelope.

DEADLINE FOR RETURN OF THIS FORM IS: MARCH ~~26~~ 27, 1995

US ARMY CORPS OF ENGINEERS
NORTH PACIFIC DIVISION
NATIVE AMERICAN WORKSHOP
APRIL 11-12, 1995
SEATTLE, WASHINGTON

Travel and Lodging Information

1. Air Travel: Seattle-Tacoma (Sea-Tac) International Airport serves the Seattle area. We highly recommend that you arrive on Monday, April 10, 1995, and that you make your return airline reservations for after 5:00 p.m. on April 12th.

2. Ground Transportation from Airport:

a. Upon arrival at Sea-Tac Airport, proceed to baggage claim and claim your bags. You can select one of the following options for getting from Sea-Tac to the Warwick Hotel. Taxi service and rental cars are also available.

(1) Gray Line Airport Express bus is available from Sea-Tac to the Warwick Hotel. Cost one-way is $7.50. The busses run every 20-30 minutes. Specific schedule information is available by calling (206) 626-6088. Tickets can be obtained at information booths located outside the North and South baggage claim areas at the airport. Contact the Warwick Hotel concierge to purchase your return ticket.

(2) Shuttle Express is also available to and from downtown Seattle. Cost one-way is $18.00 (single rider rate). Rate is less for "group" reservations of two or more. You can call them from the Reservations Center Telephone near the baggage claim area by dialing #48; or you may call from a pay phone by dialing 622-1424. If you choose to use the Shuttle Express to return to Sea-Tac, you must make reservations 24 hours in advance.

3. Travel by Private Auto: We highly recommend that you arrive on Monday, April 10, 1995.

4. Lodging: We have reserved a block of 100 rooms at the Warwick Hotel for the evenings of April 10-11, 1995, for workshop attendees. Check in at the hotel is no later than 4:00 p.m. (unless your room is guaranteed with your credit card).

Warwick Hotel
401 Lenora
Seattle, Washington 98121
Phone: (206) 443-4300
1-800-426-9280

See reverse.

You are responsible for calling the hotel directly to make your reservation. When doing so, please identify yourself as a participant in the Corps of Engineers/Native American Workshop. You are asked to guarantee your lodging by means of a credit card. Please make your reservation by March 24, 1995. The hotel will release any uncommitted rooms on March 25, 1995. Guaranteed reservations not cancelled, or without a cancellation number, will be billed for one night to your credit card. The room rate is $72.00/night single occupancy plus tax for a total of $82.00+. Add $10.00 per night for each additional person you may have staying in your room.

5. Parking: Covered parking is available adjacent to the Warwick Hotel at $9/day.

6. Restaurants: The Warwick Hotel has 24-hour room service as well as a restaurant on the premises which opens for breakfast at 6:30 a.m.; dinner is 5:30-10:00 p.m. There are many more restaurants in all price ranges in the immediate vicinity of the Warwick.

7. Other Information: The Warwick is located within a short walk of Pike Place Market, Westlake Center mall, other major department stores, and the downtown monorail terminal which can wisk you to the Seattle Center and the Space Needle. Just a few steps away is the Westlake Station of the underground bus tunnel which extends to the Kingdome, Pioneer Square and the International District, all within the free downtown bus zone.

Workshop Administrative Information

1. Location: Daybreak Star Center
Discovery Park (See the attached map.)
Seattle, Washington

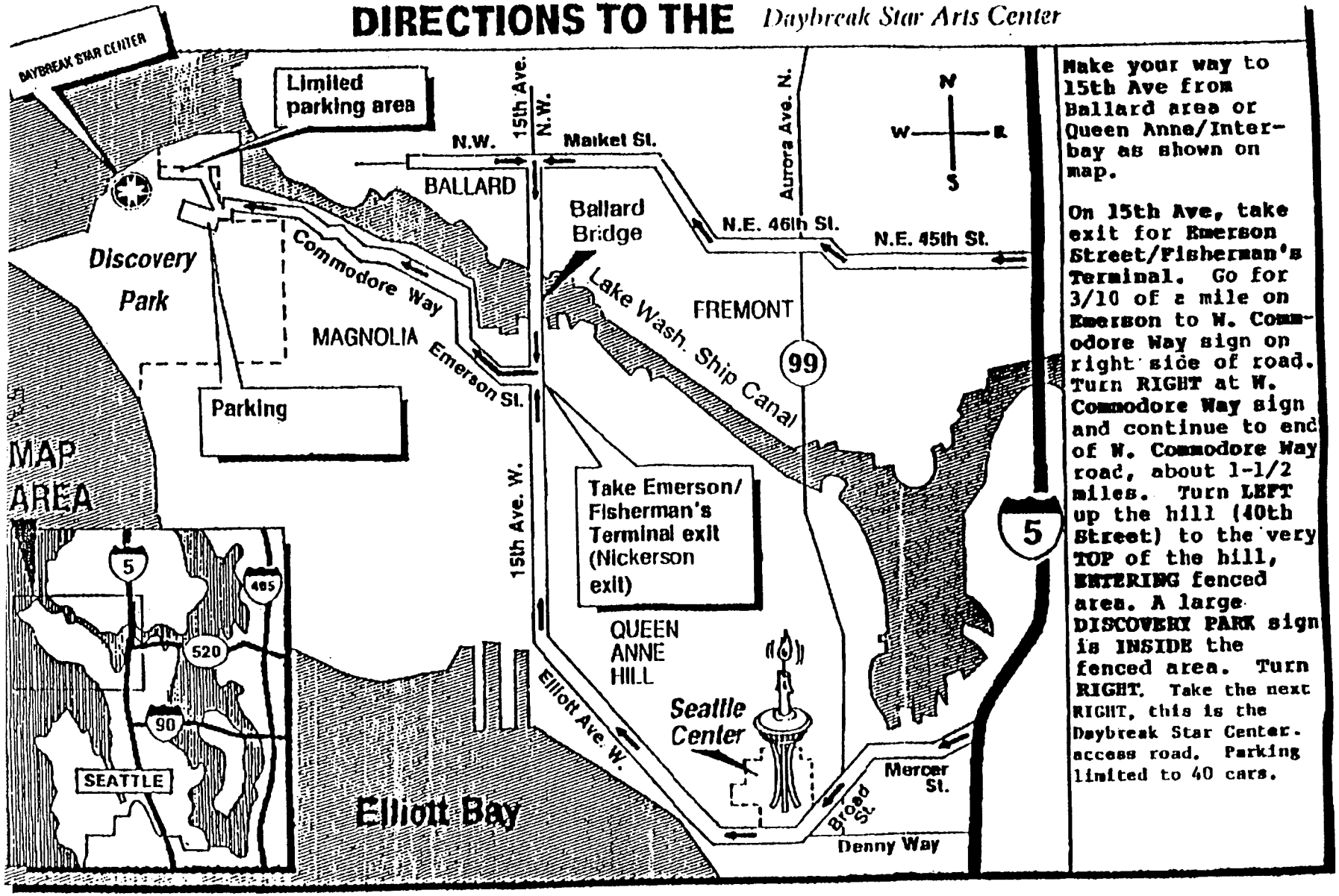
2. Registration: Please complete the workshop registration form and return it in the self-addressed, post-paid envelope provided March 20, 1995.

3. Schedule: Agenda for the two-day workshop is attached. It may change as the workshop progresses.

4. Parking: Limited parking is available at Daybreak Star Center at no cost.

5. Transportation from Hotel to Workshop. Bus transportation to and from the conference site will be provided for participants staying at the Warwick Hotel.

DIRECTIONS TO THE *Daybreak Star Arts Center*



Make your way to 15th Ave from Ballard area or Queen Anne/Interbay as shown on map.

On 15th Ave, take exit for Emerson Street/Fisherman's Terminal. Go for 3/10 of a mile on Emerson to W. Commodore Way sign on right side of road. Turn RIGHT at W. Commodore Way sign and continue to end of W. Commodore Way road, about 1-1/2 miles. Turn LEFT up the hill (40th Street) to the very TOP of the hill, ENTERING fenced area. A large DISCOVERY PARK sign is INSIDE the fenced area. Turn RIGHT. Take the next RIGHT, this is the Daybreak Star Center. access road. Parking limited to 40 cars.

Attachment 2

North Pacific Division Native American Workshop Agenda (as executed)

D. Rice

Native American Workshop - Its Executed

Sponsored by the U. S. Army Corps of Engineers, North Pacific Division
Daybreak Star Art Center, Discovery Park
Seattle, Washington — April 11-12, 1995

Tuesday — April 11 — Day One Workshop Agenda

8-noon	Registration (Gerry Arbios, NPS-PA)
9:00	**Welcome by Colonel Wynn, Seattle District Commander and Host**
9:10	**Blessing: Tribal Religious Leader** (Louie Dick Umatilla)
9:20	**Introductory remarks, statement of purpose and overview of North Pacific Division by** ~~Major General Ernest J. Harrell~~, North Pacific Division Commander, Portland, OR Col. Bart Bohn, Deputy Commander • Note the new Corps of Engineers Salmon Office in Portland, OR • Introduction of NPD Native American Coordinator
9:45	**Corps of Engineers missions and authorities** a. Corps Assistance Programs that apply to Indian Tribes • Planning Studies, Planning Assistance to the States & Indian Tribes, and Continuing Authorities (J. Steve Foster, NPS-EN-PL) • Flood Plain Management (Joe Webber, NPS-EN-HH)
10:15	Break b. Corps Regulatory Permit Program (Tom Mueller, NPS-OP-RG)
10:30	c. Columbia River System Operation Review (Ray Jaren, NPD-PE-PF)
10:45	d. Contracting with Tribes for Sole Source Technical Services (Audrey Shaw, NPS-CT)
11:00	e. Columbia River In-Lieu Fish Sites (George Miller, NPP-PM)
11:15	f. ~~Highlights of Corps Involvement~~ with Indian Tribes by District Commanders • Colonel Wynn, Seattle District • Colonel Weller, Walla Walla District • Colonel Wood, Portland District Pres & Pow of ... Chartered
12:00	*Lunch* Intro by Col. Wood (NPP) Luncheon Speaker: Dr. Catherine Vandemoer, Staff Assistant-Water Rights Specialist, Office of the Assistant Secretary for Indian Affairs, U.S. Department of the Interior, Washington, DC
1:00	**Introduction to Tribal Leaders: A Preface** •Eddie Palmanteer, Colville Business Council Chairman
1:10	**Indian Consultation and Cross-Cultural Communication** • Fred Ike Sr., Yakama • Louie Pitt, Warm Springs • Allen Slickpoo, Nez Perce • Louie Dick, Umatilla
2-5:00	**Plenary Session: Round Table Discussion by Tribal Government Leaders** Facilitator: Ron Eggers, Assistant BIA Area Director for Programs, Portland

Wednesday — April 12 — Day Two Workshop Agenda

8-10:00 Registration

8:30-11:30 Individual Tribal Meetings with Corps Commanders (by 15 minute appointment) Shoshone (Lionel Boyer)

9:00 Blessing: Tribal Religious Leader ~~Ron Eggers (BIA)~~ Fred Ike Jakawa

Continuation of open comments by Tribal Leaders

~~9:10~~ 1000 Session: Communication with tribes

a. Treaties and Tribal Sovereignty Facilitator: Ron Eggers, Assistant BIA Area Director for Programs)
- Howard Arnett, Tribal Attorney, Warm Springs
- Henry SiJohn, Coeur d'Alene Tribal Councilman

~~9:45~~ b. The Federal Trust Relationship with Indian Tribes
- Video: "Federal Indian Trust Responsibility," Office of American Indian Trust, U.S. Department of the Interior
- Coleen Kelley, Solicitor's Office, U.S. Department of the Interior
- Howard Arnett, Warm Springs Tribal Attorney

~~10:30~~ c. Tribal Government Structures, Communication, and Authority
- Gordon Cannon, BIA Superintendent, Warm Springs Agency
- ~~Eddie Palmanteer, Chairman, Colville Business Council~~ unable to attend.
- 1200 Jerry Lucas, Makah Tribal Councilman

12:00 *Lunch*
Salmon Feast by United Indians of All Tribes Foundation

1:00 Closing Session:
Summary, Synthesis, and Points for Departure

MG Harrell, Division Engineer
Col. Bolin, Deputy

Panel:
Col. Wynn (NPS)
Col. Wood (NPP)
Lt. Col. Weller (NPW)
Cheryl Lohman, NA Coord.
David Rice, NPS NA Coord.
Ron Eggers (BIA)

Facilitators:
- Major Wanchena, Seattle District
- John Velehradsky (Director, Engineering and Technical Services, North Pacific Division)
- Cheryl Lohman (North Pacific Division Native American Coordinator)

a. Panel of Tribal Chairs
- Suggestions for better communication
- Ideas for Corps Indian policy

b. Facilitators
- Follow up actions by Corps Districts on specific issues raised
- Points of contact for Government-to-Government communication

2:40 c. Closing Statement (Colonel Wynn, host)

2:50 Parting Prayer: Tribal Religious Leader

3:00 End of Workshop

Attachment 3

Public Affairs articles from (a) NPD, and (b) NPS

Commander's Column



Maj. Gen. Ernest J. Harrell

To listen. To learn.

It wasn't a complicated agenda that we set for NPD's Native American Conference held in Seattle at the Daybreak Star Art Center, a local Indian cultural facility, last month.

By keeping our objectives deliberately simple, we were more open to discovering new perceptions and different perspectives to help improve our relations with Pacific Northwest tribes.

I know that I personally learned a great deal and I appreciated the representation and participation by the twenty-four tribes in attendance as well as the tremendous efforts involved in planning such a conference.

The Nor'wester

The Nor'wester is an unofficial publication authorized under provisions of AR 360-81, published monthly using desktop publishing, by the Public Affairs Office of the North Pacific Division, U.S. Army Corps of Engineers. Circulation 1200.

The Nor'wester is circulated to Division employees, retirees and persons who request it in writing. The views and opinions expressed are not necessarily those of the Army.

Submit news tips, topics for articles or contributions to Editor, Nor'wester, North Pacific Division, USACE, P.O. Box 2870, Portland, Oregon 97208-2870, or call (503) 326-3768, or fax 326-5523. The editor reserves the right to edit all manuscripts.

Commander: Maj. Gen. E.J. Harrell
Chief, Public Affairs: Jerald W. Schmunk
Writer/Editor/Desktop Publisher: Clare Perry
Photos: B. Johnson, C. Perry

The conference was the culmination of an effort to comply with a Presidential Executive Order last April directing federal agencies, such as the Corps, to build more effective working relationships with Federally Recognized Native American Tribal Governments.

The two-day workshop, ~~hosted~~ Co-Hosted by Cheryl Lohman, Native American Coordinator and Dave Rice, and ~~assisted~~ Hosted by Seattle District ~~staff~~, did not attempt to resolve issues but simply to provide a framework in which to discuss them.

The workshop's purpose was to listen and learn what we need to do to develop and maintain good working relations with the tribes in regard to Corps missions and programs. We asked the tribes for help not only in identifying the things that get in the way of communicating but to tell us how they want us to consult with tribal governments.

We'll use what we learned to help set priorities for developing a policy that includes tribal involvement to sustain solid, long-term relationships.

There is so much we, as individuals and as government employees, need to learn and much we need to do to develop and improve relations with Tribes under our jurisdiction.

Here are some of the things I learned from the eloquent tribal council members and elders who spoke at the conference:

☞ Our Native American policy needs to be fine-tuned to reflect true consultation, representation and participation by tribes on issues, concerns and activities that affect them in the areas of cultural resources, regulatory programs, water management, land use, construction and planning.

☞ Native Americans understandably want their interests and ideas given full weight in the decision-making process and want opportunities to work with federal agencies from the initial stages in developing policies and projects that will affect them, such as the Columbia River System Operation Review (SOR).

☞ Frustration often occurs when too many technical staff and too few decisionmakers

meet with tribal representatives. The tribes are more than just another "interest group" or state. Our treaties acknowledge that tribes have special rights and should be treated on a government-to-government basis. As one tribal leader pointed out, "The Treaty of 1855 is *our* Contract With America."

☞ We need to explore ways to provide more employment opportunities for Native Americans and to investigate alternative funding options, such as interagency personnel actions, which may help finance new hires.

☞ The tribes have indicated a need for some financial assistance to ensure that they can more fully participate in our decision-making processes, perhaps by contracting directly with the tribes for those services.

☞ The full realm of cultural resources to Native Americans encompasses far more than preserving artifacts and burial sites of Native Americans. Cultural resources, in fact, include air, food, water, fish, wildlife, religion and much more. Additional funds may be needed to further mitigate adverse impacts on these resources.

Because Native Americans have a special and unique legal and political relationship with the U.S. Government, defined in treaties and laws, the Corps is committed to working with the tribes on a government-to-government basis. And we will continue to do so in a manner that reflects respect for the rights of self-government of the sovereign tribal governments.

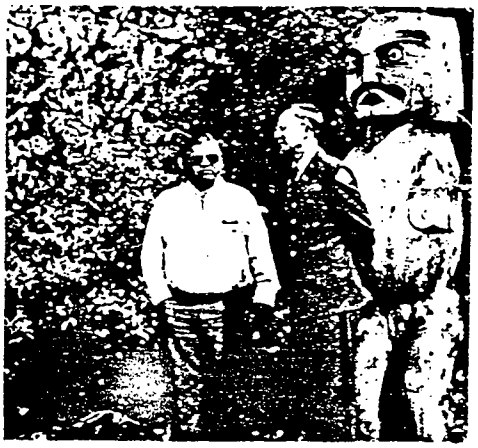
To develop more effective and interactive working relations with the tribes, we must appreciate and respect the cultural resources so integral to their sense of self, of community, of history. As individuals and as government employees, it behooves us to learn more about the Native Americans whose presence on this continent predates European arrival by many centuries. Workshops, such as this one, provided a much-needed opportunity for discovery and dialogue, resulting in more open, honest and forthright communication.

Our team members did a superb job on this conference. The time was well-spent. The effort well worth it. This was no one-time event, but rather evidence of a new resolve to go forward together.

The Beginnings of Government-To-Government Relations

The United States of America Indian Policy was first stated in a formal manner in the Northwest Ordinance, a document ratified by the Continential Congress on July 13, 1787:

"The utmost good faith shall always be observed toward the Indians; their lands and property will never be taken from them without their consent; and in their property, rights and liberty, they never shall be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity shall from time to time be made for preventing wrongs being done to them, and for preserving peace and friendship with them..."



Fred Ike, Yakama Nation, visits with Colonel Wynn of Seattle District during a break in the two-day Native American Conference held at Daybreak Star Art Center in Seattle.

Sacred song of the salmon

Words flow at the Native American Workshop

by Gerry Arbios

They trickled in quietly, mostly men. Some in long braids. Some in suits, some not. Some said the meeting was a long time in coming, that they had waited since the late 1930s for such a meeting.

Hosted by Seattle District, the Native American Workshop took place April 11-12 at Daybreak Star Center, Seattle. Twenty-six of the 43 northwest Federally Recognized Tribes sent representatives to take part.

The Corps representatives — from North Pacific Division, Seattle, Portland, Alaska and Walla Walla districts — came to listen. After welcoming remarks and a blessing by Louie ~~Pitt~~, Umatilla Tribe Warm Springs Tribe, words started flowing.

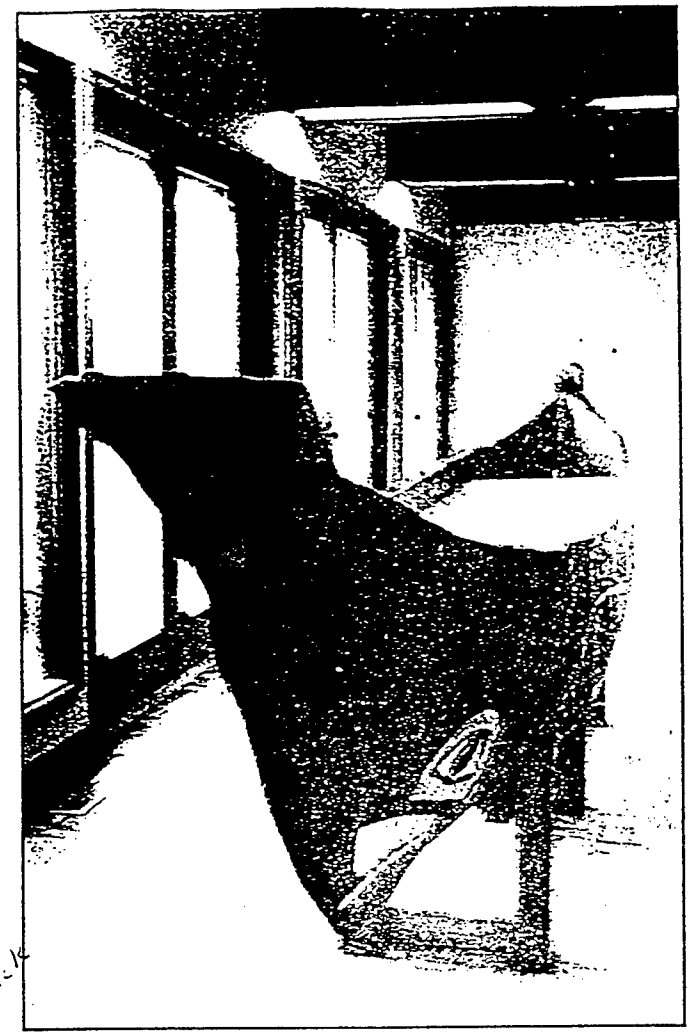
Talk hovered several times on the salmon and the Columbia River System Operation Review reports. The tribal consensus was that Indian concerns are not being listened to, that their comments are tacked onto the back of the SOR reports, almost as an afterthought.

Saving the salmon figures high on most tribal priority lists because salmon is a symbol of cultural survival for the Indian people.

For many tribes, the salmon represents a sacred food, one that is disappearing from the waters that the Indian people fish. Lionel Boyer of the Shoshone-Bannock tribe in Fort Hall, Idaho, said, "The waters don't flow as they used to, cold and pristine and abundant with fish.... We don't get salmon anymore for our ceremonies. There are 3,700 people in my tribe. Twenty fish were caught last year. This year we may not get any."



Henry SiJohn (Coeur d'Alene Tribe) and Lt. Col. James S. Weller (Walla Walla DE) discuss issues at the workshop. (Photo by Billie Johnson, NPD)



For Washington's Yakama tribe, Fred Ike spoke about the song of the salmon, a sacred song that is part of their tradition. He said, "Our religion is not a past-tense sacred." The Yakamas fear the salmon's time is lost.

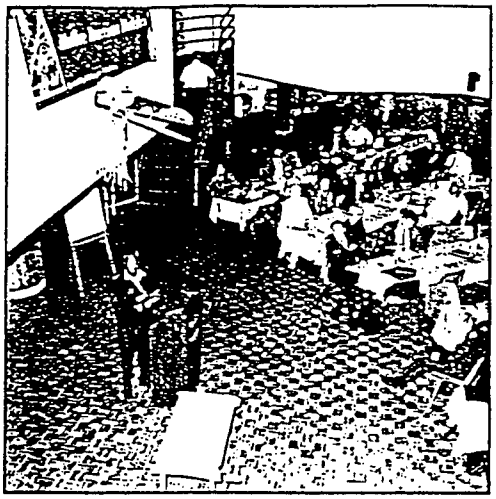
"It's beyond salmon; it's about people," said luncheon speaker Catherine Vandemoer, a Water Rights Specialist with the Office of the Assistant Secretary for Indian Affairs, Department of the Interior. Vandemoer is concerned that treaty rights are not being considered, and emphasized that "you need tribes' participation if you are going to recover the salmon."

But salmon was only one of several issues discussed at the workshop.

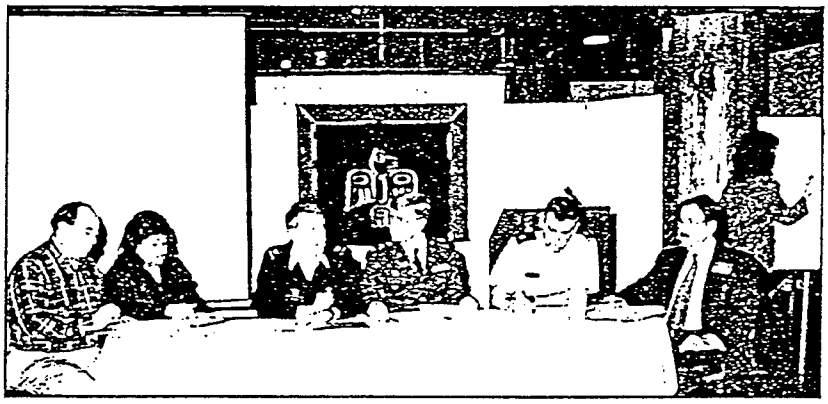
The subject of the government's trust responsibility to Federally Recognized Tribes — FRTs — threaded its way through many of the speeches. So many times in the past, trust has been lost between the Indian people and the federal bureaucracy.

Today, the tribes want their sovereignty, to be self-governing ~~states~~. The tribal people do not want to be lumped together into one ethnic group; they are unique tribes that











Clockwise from top left: Fred Ike (Yakama Tribe) and Col. Donald T. Wynn (Seattle DE) talk during a break. Maj. Gen. Ernest J. Harrell (NPD commander) addresses the workshop. Cheryl Lohman (NPD) talks with workshop participant. Overview team, (l-r) Dave Rice (NPS), Cheryl Lohman (NPD), Col. Timothy L. Wood (Portland DE), Col. Donald T. Wynn (Seattle DE), Lt.Col. James S. Weller (Walla Walla DE), Ronald J. Eggers (BIA), Lynda Walker (NPP), summarize tribal concerns. Barrett Moffett (Nez Perce Tribe) poses a question. (Photos by Billie Johnson, NPD)

differ in religious and cultural ways. The tribes are similar in that they are people of the land, indigenous to North America, and fish and salmon resources are a focal point of their culture.

The presentation of NPD's brand new Native American Policy caused some discussion on the absence of a tribal role in creation of the document. There was expectation that development of a policy would be a major goal of a workshop.

For many, receiving notification of regulatory permits or decisions is not the same as being consulted before a permit is issued or a decision is made. In a trust relationship, the Indian people would have been consulted during the time the policy was being formed.

For most of the attendees, the sentiment was that in a true partnership, a part in the decision-making process is essential. For a government-to-government relationship, respect and trust are needed along with bilateral decision-making among sovereigns.

During the two-day meeting, Corps of Engineers representatives gave overviews of Corps assistance programs available to Indian tribes. Questions came up on regulatory issues, cultural resource problems, dam maintenance, natural resources and trust resources. Many tribal leaders signed up to meet one-on-one with their district engineer to discuss special issues of interest to them.

During a general session, Maj. Gen. Ernest J. Harrell, North Pacific Division commander, introduced Cheryl Lohman, the division's new Native American Coordinator.

Harrell also responded to the disappointment in the absence of Washington-level participation. He added that the issues, especially the salmon and related issues, are so important now that extra funding has been awarded for this issue by Office of Management and Budget and the President. He responded to the question on tribal involvement in the Native American policy, saying that tribal input is expected and would be the number one item on the next workshop agenda.

For most attendees, the workshop proved a good start to improving the working relationship. As Boyer commented, "Today we're talking ... let's think about what we've been talking about.... For the future of the fish, we need to work together cooperatively... for us and for future generations."

Attachment 4

Summary of Workshop Followup and Action Items

25 Apr 95

LIST OF ADMINISTRATIVE FOLLOW-ON ACTIONS FROM NPD NATIVE AMERICAN WORKSHOP

1. Invitational Travel Orders:

22 orders issued
3 unused
5 signed and forwarded to NPP-RM for processing
2 rec'd but need add'l info (action: Nicholas)

(NOTE: Invitational order requested that they provide their reimbursement request to Nicholas within 5 days after travel was completed. Will most likely need to make phone calls next week to attempt to get 12 recipients we haven't heard from to submit their forms.)

2. On-site meals refund: Refunds have been mailed to all participants.

3. Certificates: All those not picked up at workshop have been mailed.

4. Workshop Video: (Ref David Rice cc:Mail Message dtd 19 Apr 95, 2:32 p.m..) Kim Carlson is copying per Rice direction and providing to Rice, who has action to assure distribution is made to those listed in his message.

5. Request from Chehalis Tribe: Steve Foster has action to provide Mr. Curtis Dupuis, Chehalis Tribe, the folder of the CW Programs info and the agenda distributed at the workshop. (NOTE: All extra folders containing the CW Programs info have been used.)

6. Admin/Logicstics After-Action Report: Action - Nicholas. Essentially complete. Waiting for a list of AV/PA & camera equipment used on-site from IMO. Will provide cy to Rice.

7. Contract Payments: Action - LMO and IMO. Status - Unkown.

OTHER KNOWN FOLLOW-ON ACTIONS

1. Formal Workshop Assessment: Rice has action to prepare by 2 June 95 in accordance with mandated format.

2. One-on-Ones w/Col Wynn: Ref cc:Mail message from Steve Foster dtd 21 Apr 95, 4:05 p.m. (copy attached).

3. Conversation with Henry SiJohn, Col. Wynn & Audrey Shaw: During this conversation (per Audrey), Mr. SiJohn requested that Cols. Wynn and Weller come to Coeur d'Alene and meet with him regarding Bunker Hill and other issues. PM on Bunker Hill is Mark Ohlstrom. Believe he should coordinate meeting.

4. Impact of PL 93-268 on Contracting Procedures: In her presentation at the workshop, Dr. Vandemoer made mention that contracting with tribes had been changed by PL 93-268. Audrey Shaw has researched this new law and found that it applies only to BIA and does not change DOD contracting procedures. May be appropriate in follow-on discussions with tribes to inform them of this.

Copy to:
D. Rice, EN-PL-ER
M. Ohlstrom, PM-PM
K. Carlson, IMO
S. Foster, EN-PL
R. Ehrmantrout, LMO
LTC Haner, DD

MEMO FOR RECORD

SUBJECT: ACTION ITEMS FROM THE NATIVE AMERICAN WORKSHOP , 11 & 12 APRIL 1995

1. The following are action items resulting from independent, one-on-one meetings with tribal leaders and Col. Wynn that were held at the workshop.

2. Makah Tribe: A meeting with Hubert Markishtum, Chairman: Gerry Lucas, Councilman: and Bill Simmons Business Manager. We discussed 4 items of interest to the Tribe and arranged to meet with Tribal leaders and Col. Wynn and staff on 2 May at 10AM in the EOC to sign the PCA for the Neah Bay boat basin and discuss the other areas of interest. The 4 agenda items for the 2 May meeting are:

a. Sign the PCA

b. Discuss a possible Sec. 14 project at Neah Bay

c. Discuss the possibility of starting a GI Navigation study to consider providing 20' draft channel into the western portion of Neah Bay.

d. Consider the development of a SAMP

The following are tribal contacts provided to me by Bill Simmons:

Hubert Markishtum . Chairman
Chad Bowechop, Environmental Director
Richard Roland, Planning Director
Ned Currence, TFW Biologist
Meri Heiman, CEO Makah Forestry Enterprise

Mailing address: P.O. Box 115 (116 for Meri Heiman) Neah Bay, WA 98357 (Scudder's action)

3. Port Gamble S'Klallam Tribe: Col. Wynn, Tom Mueller and I met with Gerald Jones, Chairman: Roderick DeCoteau, and Marie Hebert, Secretary Tribal Council Cultural Resources Director. We discussed the Tribes interest in extending a pier to deep water and need to obtain a Sec. 10 permit and the Tribe's interest in providing shore protection to the Tribal lands along the east shore of Port Gamble. Tribal officials asked for copies of the survey of eroding lands conducted in mid 1970's and the shore protection reports that resulted. I will take the action. (Fosters action)

4. Kootenai Tribe: Col. Wynn and I met with Tribal Staff Guy Hopkins, Environmental Manager, Kootenai Tribe of Idaho. The following were items discussed:

a. Guy brought up the Tribes interest in restoring the natural flows to the Kootenai River and also described Libby Dam as a nutrient sink. After some discussion of the activities we are involved in with the White Sturgeon Recovery Team we offered to consider the possible addition of nutrients to the Kootenai River downstream of Libby under Sec. 1135. (Fosters/Laufle's action)

b. Guy also discussed the Tribes interest in establishing an improved fish habitat at Bonners Ferry by constructing features in the river that would create turbulence and attract fish. We agreed to consider this under Sec. 1135. (Fosters/Laufle's action)

c. Guy asked about mitigation of wetlands near Usk WA. He requested a follow up contact by Tom Mueller (Ch. Regulatory Br.).

d. Guy invited Col. Wynn and LTC Weller (NPW) to the Tribe's headquarters near Bonners Ferry ID to meet with Tribal leaders in person. I will arrange this with Guy Hopkins, Environmental Manager, Kootenai Tribe P.O.Box 1269, Bonners Ferry ID 83805. (Fosters action)

5. Swinomish Tribe: Noel Gilbrough, Tom Mueller and I met with Larry Wasserman representing Swinomish Tribe and their interest in the Skagit basin. Larry requested that we consider a Sec. 1135 that would restore environmental resources as well as provide flood damage reduction. We agreed to consider this and asked him to consider the project he would recommend. We will plan to meet in the Skagit Basin on the 16th of May to consider this further with Skagit Co., FEMA, Swinomish Tribe and Corps. (Gilbrough' action)

6. Lummi Tribe: Andy Kamkoff. Lummi Tribe staff member, requested copies of the video tapes of the workshop. We agreed to provide them when they were copied in approximately two weeks after the workshop. (Gilbrough PM on Lummi Sec 103 Project has the action)

Steve Foster, Chief Planning Br.

Col. Wynn
Tom Mueller
David Rice
Phyllis Nickolas
Karen Northup
Larry Scudder
Noel Gilbrough
Jeff Laufle
George Ploudre
Les Soule

Follow-Up Actions

NPW: Lt.Colonel Weller:

- Ongoing permit actions:
  - -Improve consultation process with permits;
- Individual MOU's on NAG PRA and other studies-complete;
- Improve consultations on all undertakings (John Day Drawdown);
- Financial assistance to tribes;
  - -Need process to provide assistance;
  - -Employment positions?;

NPP: Colonel Wood:

- John Day Drawdown;
  - -Improve consultation/participation;
- Identify prime concerns;
- Contracting preferences seek new ways;
- Tribal input to studies incorporated into decisions;
- EEO/Affirmative Action;
  - -Improve tribal recruitment;
- Determine if NPP meeting consultation needs in regulatory rule;
- Photos/maps made available to tribes;
- Extend invitation to visit in Portland;

NPS: Colonel Wynn:

- Need to work on common understanding of term "Consultation" in policy;
- Just don't talk ⇒do;
- Annual reports to tribal governments;
- Look at employment opportunities for tribal persons;
- Consult from beginning of study, not at end;
- Funding availability for review of documents;
  - -Look at improving;
- I.P.A.opportunities;
- Set date for PCA signing with Makah;
- Other general investigator partnering;
- Neah Bay;
- 1135 feedback on Libby area;

NPD: Cheryl Lohman:

- Use consultation to avoid confrontation;
- Learn chains of command within tribal governments;
- Concern for waters;
  - -Upriver tribes;
- Employment opportunity;
- Need notices/involvement A.S.A.P;
- Revise Native American policy;
- Implement President Clinton's policy;
- Improve government;
  - -Government relations in regulatory;
- Improve respect;
  - -Mutual concerns for co-management by sovereigns;
- Don't treat tribes as states;
- Management plan of action;

NPS: Dave Rice:

- Define action roles to implement policy;
  - -Must be "effective" policy;
- Need to review O&M functions and improve options for efficiency;
- Communication improvement needs;
- Distinguish levels of consultation;
  - -Staff U.S. government;
  - -Tribal Government vs. tribal staff consultation; needs clarification;
- Expand notification of Emergency Management public notices;
- Specific action items must proceed;
- Regional meetings of limited interest (or projects) will follow eg., for SOR. NAGPRA;
- Need to involve tribes early in planning process;
- Make provisions for tribal participation in cultural and natural resources management;
- Respect/incorporate tribal holistic perspective into Corps undertakings;

BIA: Ron Eggers:

- Effective communication;
- Remove road blocks identified by tribes;
- Revise NPD policy;
  - -Proceed with tribal consultation;
- Project specific:
  - -Formulate partnership relative to treaties;
    - -As sovereign nations;
  - -Tribes will identify concerns and management objectives and directions;
- Ecosystem planning;
- Permit notices;
  - Expand to include major concerns;
- Administrative notices used to bolster communication record on permits;
- Look at tribal authorities;
  - -eg., Clean Water Act;
- Enforcement "After the Fact";
  - -Proactive protection needs with respect to treaty rights;
- Elevate tribal comments on SOR to higher authority;
- Contracting presentation;
  - -Make direct/easy;
  - -Seek variety of ways to simplify;

NPD: Colonel Bohn:

- Listen to tribal representatives;
- Capture issues/concerns;
- Use the results;
- After action report will be distributed to attendees;
- Treaty of 1855 is the"Tribes Contract With America";
- Maps on display should be part of working document;
- Tribal/Agency lawyers meet/discuss Federal Trust responsibility, etc.;

NPD: Major General Harrell:

- Phone # 503-326-3700

Attachment 5

Workshop Evaluation Questionnaire

DEPARTMENT OF THE ARMY
SEATTLE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 3755
SEATTLE, WASHINGTON 98124-2255

REPLY TO ATTENTION OF
Planning Branch

May 22, 1995

Dear Native American Workshop attendee:

Now that you have had a chance to attend the first Corps of Engineers Native American Workshop in Seattle, Washington on April 11-12, 1995, I would like to ask you a few questions that might assist us in planning for future meetings with the tribes of this region. This is a first step towards the long-term objective of improved relations with the Federally Recognized Tribes within our service region.

Please give us your suggestions and thoughts on the below listed topics, and return to me by June 9, 1995, in the enclosed prepaid mailing envelope. If you would like to contact me directly, I may be reached at (206) 764-3630.

Sincerely,

DAVID G. RICE
Native American Coordinator

1. PURPOSE: Was the purpose of improved communication with Tribes clear at our meeting ?

2. MEETING SIZE: Does the Corps of Engineers need to hold smaller, more localized meetings with tribes around common interest themes, such as fish and wildlife habitat restoration, cultural site protection, fish passage, or continue to host large meetings drawing upon all tribes from the region?

3. MEETING LOCATION: What locations would you suggest for holding future common interet meetings with tribes ? Is it likely that your tribe would be willing to co-sponsor such a meeting?

4. TARGET AUDIENCE: For the initial meetings with tribes the Corps of Engineers contacted elected tribal council chairs. Should this continue to be the focus for involvement in future tribal meetings with the Corps of Engineers?

5. PRIORITY ISSUES: What in your opinion what are the top three issues that should be discussed with the Corps of Engineers? What specific Corps of Engineers programs do you think would be of interest to tribal governments?

6. FREQUENCY: How often should the Corps of Engineers hold meetings with regional or subregional tribes? (Not including separate meetings with individual tribal governments on specific issues at Corps of Engineers facilities; they will occur as scheduled when the opportunity arises).

____ Annually

____ Every other year

____ Every five years

7. RATING (Scale of 1-5; 1=Excellent, 2=successful, 3=a good start, 4=needs improvement, 5=poor):

a. How would you rate our effort towards improving tribal communication and relations at the April 11-12 meeting? [ ]

b. In your opinion what should the Corps of Engineers do next to obtain the confidence of the tribes?

Attachment 6

Native American Workshop Poster Exhibit



Native American Workshop Poster Exhibit as displayed

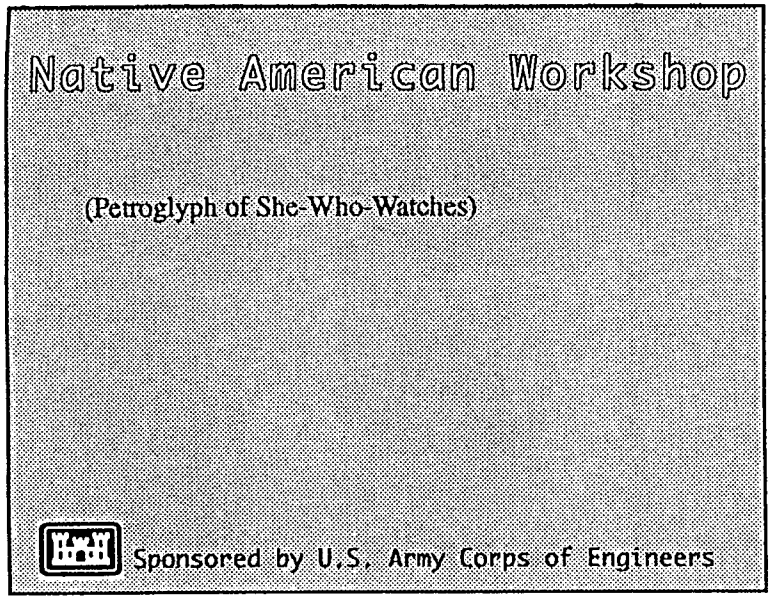


Exhibit fits on 9.8 w.
x 7.8 ft high frame

Informal meeting and a traditional meal along The Dalles

North Pacific Division Map of Native American Lands and Tribes

Goal of workshop ...

To listen and improve communications with regional Indian tribes in an effort to build a more effective working relationship for a better tomorrow.

Lummi Indian Reservation Bank Protection Project

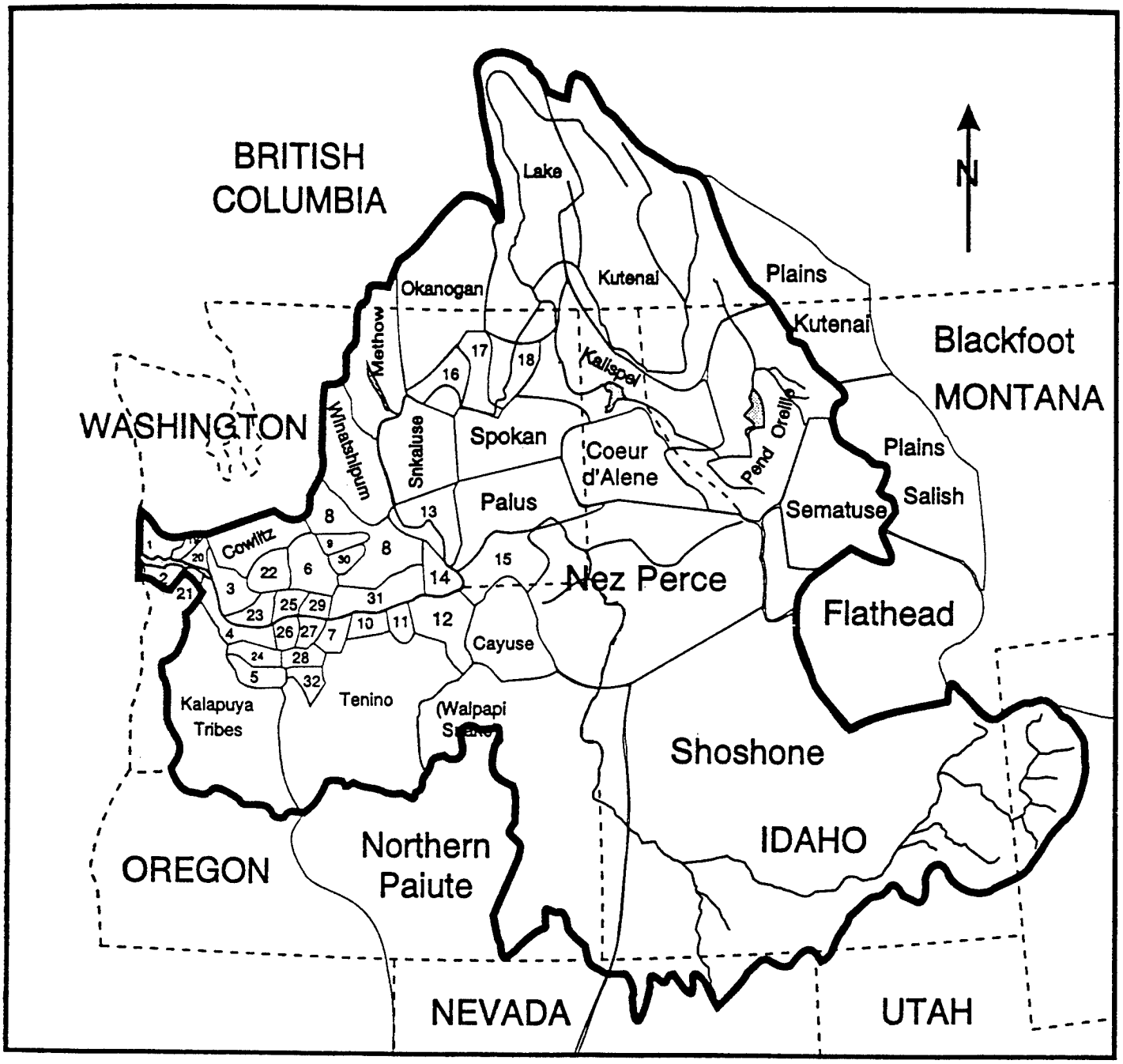
Map of North Paciffic Division Regulatory boundaries

Map of North Pacific Division Civil Works boundaries

Prehistoric house floor Chief Joseph Dam Reservoir

Columbia River Basin

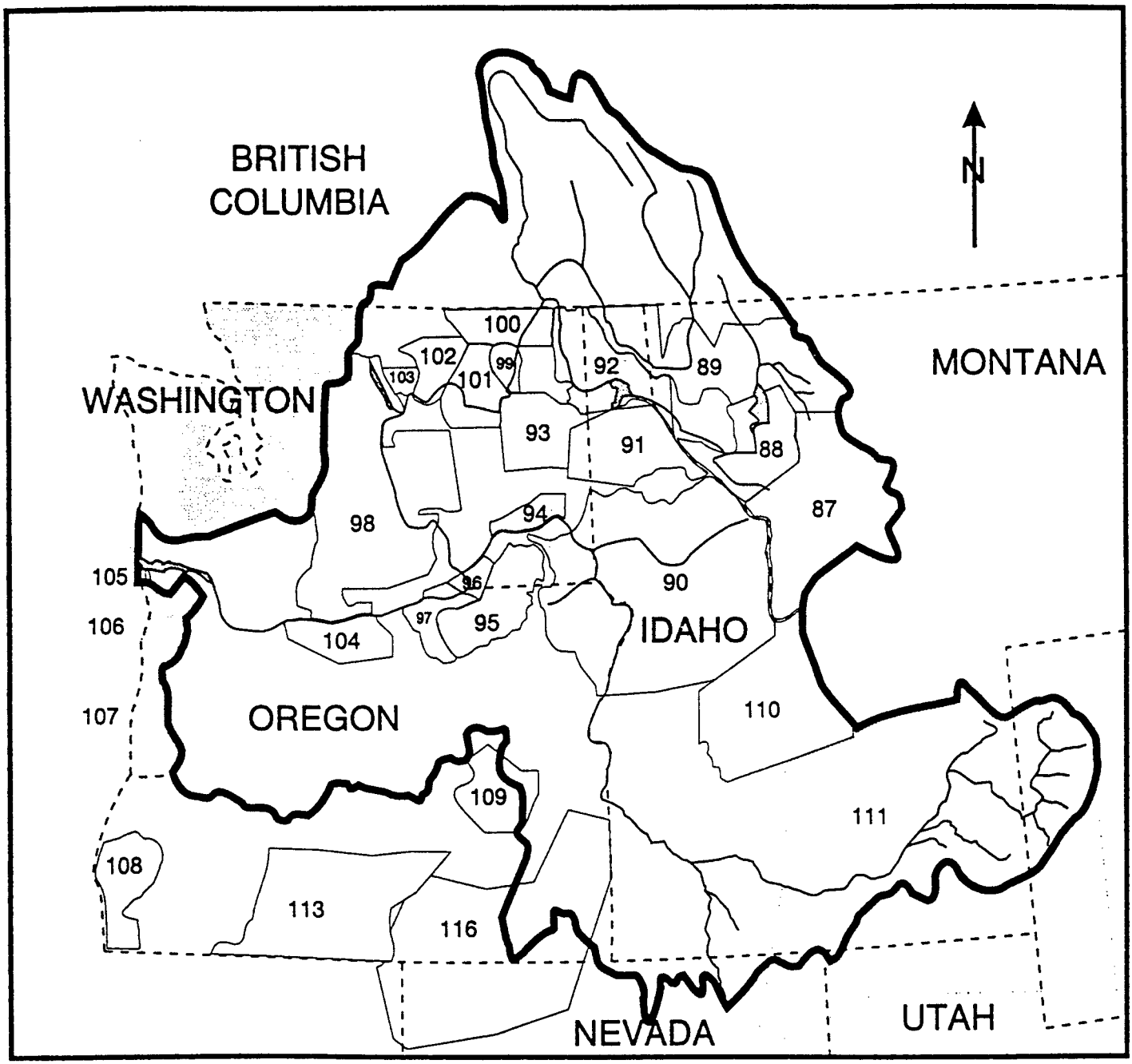
19th Century Tribal Distribution



1 Chinuk; 2 Clatsop; 3 Skilloot; 4 Multnomah; 5 Molala; 6 Klukitat; 7 Walam; 8 Yakima; 9; Atanum; 10 Tukspush; 11 Lohim; 12 Umatilla; 13 Wanapum; 14 Chamnapum; 15 Walla Walla; 16 Nespilim; 17 Sanpoil; 18 Colville; 19 Wakiakum; 20 Cathlamet; 21 Tlatskanai; 22 Taitnapam; 23 Shahala; 24 Clackamas; 25 Chiluktkwa; 26 Kwikwulit; 27 Wasko; 28 Taiaq; 29 Tlaquit; 30 Topinish; 31 Uchichol; 32 Tilquim

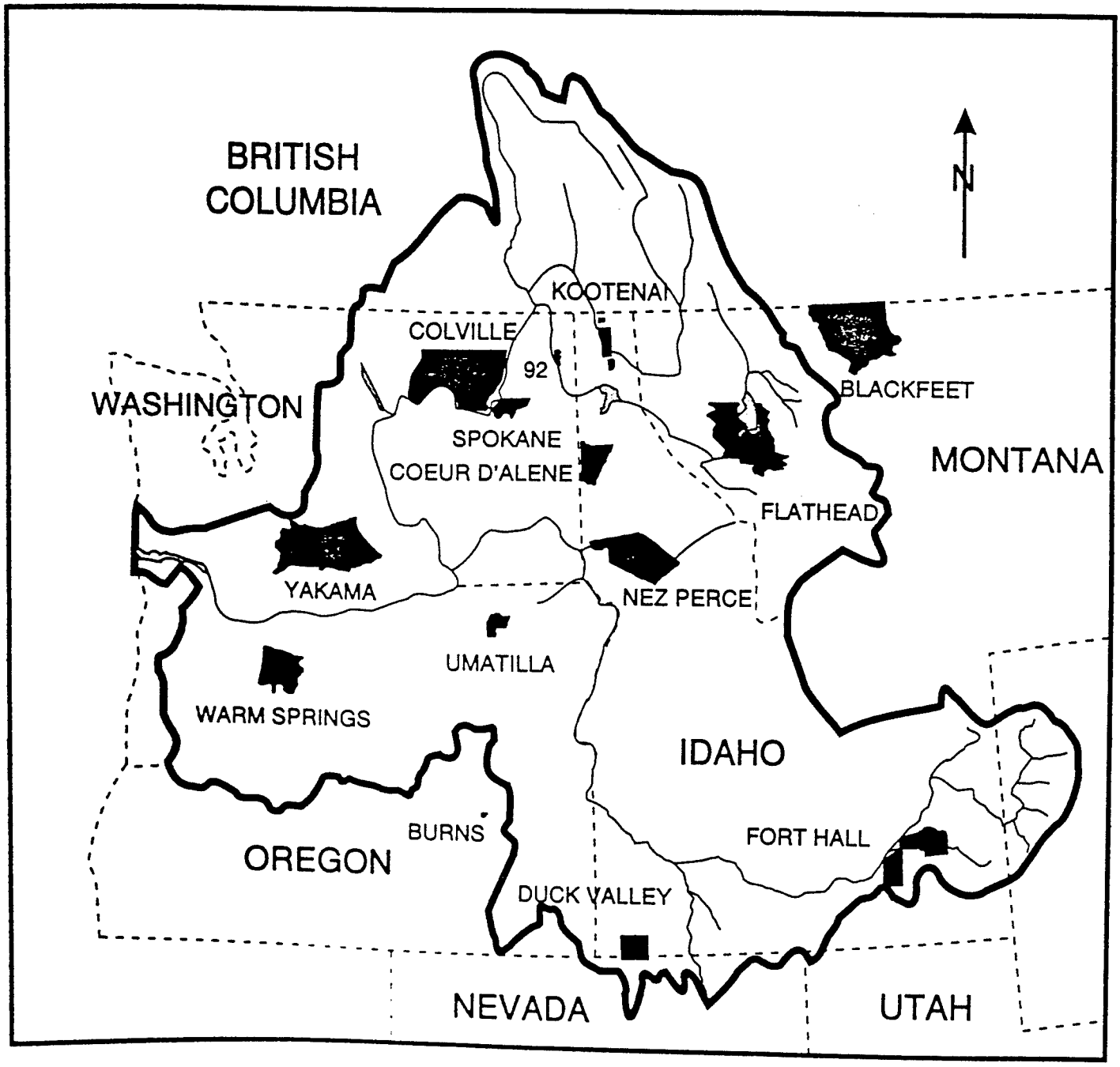
Columbia River Basin

Tribal Ceded Lands By Docket Number



86 Blackfeet and Gros Ventre; 87 Flathead; 88 Upper Pend D'Oreille; 89 Kootenai; 90 Nez Perce; 91 Coeur d'Alene; 92 Kalispel; 93 Spokane; 94 Palus; 95 Cayuse; 96 Walla Walla; 97 Umatilla; 98 Yakima; 99 Colville; 100 Lake; 101 Sanpoil-Nespelem; 102 Okanogan; 103 Methow; 104 Warm Springs; 105 Clatsop; 106, 107 Tillamook; 108 Coquille-Chetco-Too-Too-To-Ney; 109 Snake; 110 Lemhi; 111 Shoshoni; 113 Klamath; 116 Northern Paiute

Columbia River Basin
Indian Reservations



92 Kalispel

AFTER ACTION REPORT
TRIBAL WORKSHOP ASSESSMENT
NEW ENGLAND DIVISION AND NORTH ATLANTIC DIVISION

25 APRIL 1995

NEW ENGLAND DIVISION AND NORTH ATLANTIC DIVISION
TRIBAL WORKSHOP ASSESSMENT

A. WORKSHOP ADMINISTRATION

1. Bureau of Indian Affairs Eastern Area Office

2. New England and portions of New York State (NAD)

3. Tuesday, April 25, 1995

4. One day

5. Located on the Mashantucket Pequot (CT) Reservation

6. New England Division
   North Atlantic Division

7. John Craig, Civil Engineer, New England Division (NED), COE
   John Kennelly, Civil Engineer, NED, COE
   Bill Hubbard, Environmental Branch Chief, NED, COE
   David Killoy, Permits Branch Chief (NH,VT,ME), NED, COE
   Bob DeSista, Permits Branch Chief (CT,RI), NED, COE
   Susan Lee, Sr. Project Manager, Regulatory Division, NED, COE
   Marcos Paiva, Tribal Coordinator/Planning, NED, COE
   Linda Monte, Tribal Coordinator/Planning, North Atlantic Division, COE
   Nancy Brighton, Environmental Analysis Branch, New York District, COE

8. Robert B. Thomas, Narragansett Tribe, Councilman
   Kim Hazard, Narragansett Tribe, Councilwoman
   Brian Patterson, Oneida Nation, Councilman
   Brenda Greeson, Pequot Nation, Administrative Planner
   David Schweid, Pequot Nation, Senior Planner
   Roy E. Cameron, Pequot Nation, Environmental Advisor
   Jeff Skinner, Pequot Nation, Environmental Health Director
   Carleton Eichelbey, Mohegan Nation, Chairman Tribal Elders
   Courtland C. Fowler, Mohegan Nation, Council
   Roland J. Harris, Mohegan Nation, Tribal Planner
   Michael P. Brown, Mohegan Nation, Tribal Manager
   Roberta M. Cooney, Mohegan Nation, Vice Chair Mohegan Council
   Norman Richards, Mohegan Nation, Environmental Management Division Director
   Matthew J. Vanderhoop, Wampanoags/Gay Head, Natural Resources Director
   Katherine Maxwell, Narragansett Tribe, Environmental Specialist

9. 24 participants at workshop

B. WORKSHOP OUTPUTS

Issues raised by Tribes or Corps:

1. Issue raised by Tribes.

Description - The availability of technical assistance to the tribes was raised by various representatives concerning different issues.

Product issue

Resolving: Much work may be done for the tribes by the Corps knowing that this technical assistance is available (laboratories, GIS, wetland mapping, etc.).

Not Resolving: Tribes may contract much of their work to private contractors or others not knowing capabilities of the Corps.

Resolution: Short term actions-The various Corps capabilities and technical assistance opportunities were outlined and relayed to the tribes during the workshop. Additional information can also be provided on a case-by-case basis.

Long term actions: This issue could also be resolved or accomplished by including Native representatives on mailing lists for meetings or conferences where technical issues are discussed such as water quality standards, and curation or archaeological issues.

2. Issue raised by Tribe

Description: Help is needed in identifying Federal agencies' responsibilities for Tribal work.

Process issue

Resolving: Help to clarify the various Corps responsibilities for work with the tribes will simplify the process for the tribes and insure continued interaction when questions arise.

Not Resolving: Tribes may consider the Federal regulatory process too complicated for their use and continue their work as before. This could result in less of a role that the Corps can play for water resource issues with the tribes.

Resolution: Short term actions-A determination was made that the Corps would be available to answer any and all questions and to help clarify the regulatory process. Although the Corps may not speak for other agencies, we can assist in moving the process along.

Long term actions-A POC specific to regulatory issues (Corps) or to a particular tribe is currently utilized by NED for Connecticut and may be applied to other New England states as well. This has been viewed as an effective model and should be implemented, if possible, for other tribes and states.

3. Issue raised by Tribes

Description: There is usually a conflict between regulators. Corps standards were used for the construction and design of project, however a State regulatory agency decided that it was not acceptable (that the project was "overbuilt"). What can Corps do?

Process issue

Resolving: Tribes will have a greater propensity to deal with Federal agencies if there is agreement amongst them on how to deal with specific issues. Otherwise, tribes may decide to utilize their own standards and not deal with various agencies.

Not Resolving: Tribes may decide to deal with agencies which have a better track record in tribal interactions. If Corps standards are deemed unacceptable, tribes may work with other agencies in resolving issues.

Resolution: Short term actions-Corps will work with other agencies who are dealing with the tribes on specific projects. Though we cannot overrule these agencies, we can work with them to address their concerns and to streamline the regulatory process for the tribes. Upfront coordination on permit applications would improve the chances that the Nations submit an "acceptable" project design.

4. Issue raised by the Corps

Description: How would the Tribes describe their interactions with the Corps?

Process issue

Resolving: Better relations with Tribes will result in adhering to the Government to Government policy established for tribal interactions as well as the possibility of additional work which may be available from the Tribes.

Not Resolving: The purpose of these workshops in working to improve our working relationships with the Tribes will not be achieved if mechanisms for improvements are not made.

Resolution: Long term actions-The Pequots detailed very positive dealings with the Corps. The assignment of a single project manager from Regulatory Division has been well received and is working effectively. This has improved interactions. The possibility of assigning other project managers to various tribes is now being addressed. The importance of dealing with the same person over a period of time on tribal matters was mentioned. The NED Tribal Coordinator will be available to continue this role into the future. All Tribal/Corps interactions have been described as positive. Additional meetings with individual tribes and the continuance of this dialogue into the future were recommended and concurred upon by all. The possibility of an E-Mail system with the tribes (similar to EPA's current system) was discussed and the Tribal Coordinator will inquire into accessing these discussions as well.

5. Issue raised by Tribes

Description: Tribes (specifically Oneida Nation) are not clear on requirements of "consultation" under NAGPRA.

Process issue

Resolving: Improve Government to Government role and Trust responsibilities with the Nations when the need arises concerning consultation under NAGPRA.

Not Resolving: Continued confusion for Tribes on their rights under NAGPRA.

Resolution: Long term actions-Corps needs to work with the Tribes to set up a procedure for NAGPRA compliance and clarify the various regulations with them. Meetings and conferences to this effect may be held with tribes in general or individually.

6. Issue raised by Tribes (Wampanoag/Gay Head Nation)

Description: Removal of navigation aids in small harbor.

Process issue

Resolving: Tribes will better understand who has authority for placement of navigation aids.

Not Resolving: Tribes believe that by removing aids, the Corps will not dredge harbor for navigation.

Resolution: Short term action-This issue ties in with others above, particularly with the Native lack of information on the various responsibilities of the Corps and other Federal agencies. The Corps will explain to the Tribes who is responsible and will investigate further.

C. WORKSHOP PLANNING AND PREPARATION

1. Description of planning process:

- All of the material provided for the planning of the workshops (workshop guidance, tribal notebooks, and Federal policy guide) were useful in preparation. The Workshop Guidance material proved the most useful, while the Tribal notebooks were very useful both for the Corps team and for tribal participants, according to comments.

- New England Division and North Atlantic Division workshop planning committee:

Marcos Paiva, Tribal Coordinator/Archaeologist, Planning Directorate, COE

John Craig, Chief of Formulation Division, Planning Directorate, COE

John Kennelly, Chief of Long Range Planning Branch, Planning Directorate, COE

Bill Hubbard, Chief of Environmental Resources Branch, Planning Directorate, COE

Bob DeSista, Permits Branch Chief (CT,RI), Regulatory Division, COE

Susan Lee, Senior Project Manager, Regulatory Division, COE

David Killoy, Permits Branch Chief (NH,VT,ME), Regulatory Division, COE

Linda Monte, Tribal Coordinator/Planning, North Atlantic Division, COE

Nancy Brighton, Environmental Analysis Branch, New York District, COE

- New England Division Executive Advisory Committee:

Warren Nordman, Executive Officer, New England Division

Joseph Ignazio, Director of Planning, New England Division

Stanley Rankin, Equal Employment Officer, New England Division

- The planning committee met as a group twice before the scheduled workshop. Other discussions were held with individual members both in person and on the telephone. Telephone conference calls were held several times with Corps representatives from NAD, NED, NCD, and ORD in order to plan the workshops and to share ideas.

The main discussions at the meetings consisted of the purposes and goals for the workshops followed by an examination of the agenda and who would present what programs and issues.

- Tribes were involved in the planning for the workshops through phone calls in the early stages followed by a coordination letter with an enclosed draft agenda requesting comments and many follow-up phone calls to finalize meeting arrangements.

- No key issues or resolutions were formulated by the tribes. The meeting location and time were acceptable to all.

- The Eastern Area Office of the Bureau of Indian Affairs was contacted early in the planning process and later with a coordination letter with dates and times of the scheduled workshops for their information. BIA declined to attend these proceedings.

2. Identification of workshop goals and objectives:

- The goals of the workshop were to examine our interactions and working relationships with the Federal tribes within our jurisdiction. In cases where interactions with tribes were not applicable, we examined means for initiating contact. An additional objective was to outline Corps programs which may be available for the tribes.

- These goals were determined through examination of the Workshop Guidance as well as through discussions with members of the Planning team, supervisors, and tribal representatives.

3. Workshop format:

- The format was a series of presentations and discussions presented in a round table setting. No podiums or microphones were used.

- This format was agreed upon by Planning team members as well as by the Mashantucket Pequot Nation who provided meeting facilities and concurred in these arrangements.

- No facilitators were requested or needed.

4. Invitations:

- 4 New England tribes and 3 New York tribes with North Atlantic Division jurisdiction.

- All New England tribes were in attendance, while one New York tribe (Oneida Nation) participated.

- All tribes were contacted by telephone followed by a coordination letter with enclosed agenda. Follow-up phone calls continued up until the workshop. Some material (agenda, letters) were sent by fax.

- The Bureau of Indian Affairs (Eastern Area Office) was invited, however, they declined to attend.

5. Agenda:

AGENDA FOR TRIBAL WORKSHOPS

I. Introduction and Welcome - NED Tribal Coordinator

- Introduction of NED team members
  Introduce planning team members and their respective areas of expertise:

John Craig - Chief, Formulation Division, Planning Directorate

John Kennelly - Chief, Long Range Planning Branch, Planning Directorate.

Bill Hubbard - Chief, Environmental Resources Branch, Planning Directorate

David Killoy - Chief, Permits Branch C (VT,NH,ME), Regulatory Division

Robert DeSista - Chief, Permits Branch B (CT,RI), Regulatory Division

Susan Lee - Senior Project Manager, Permits Branch B, Regulatory Division

Marc Paiva - Archaeologist, Planning Directorate, NED Tribal Coordinator

Other Corps Personnel: NAD will send representatives to the Connecticut workshop together with some New York tribal attendees:

Linda Monte - NAD Tribal Coordinator
Nancy Brighton - NY District Archaeologist

Request tribal leaders and representatives to do the same.

- Overview and Purpose of Workshops
  Discuss President Clinton's Memorandum and the impetus for the Corps Tribal Workshops. Outline scope of program: discuss services and Corps programs and evaluate relationship between tribal entities and the Corps.

- Outline of proposed topics and program
  Discuss proposed agenda for remainder of program: discussion of Corps programs followed by a period for tribal inquiries; possible group format where small groups may break up to discuss specific topics.

II. Corps Programs - John Craig

John Craig of Planning Directorate as the senior Planning member has agreed to address overall Corps programs which are available with input from respective team members. Topics will include the following:

- General Investigations
- Floodplain Management
- Planning Assistance to States and Tribes
- Continuing Authorities Program
- Environmental Programs
- Regulatory
- Others

A Regulatory overview will be provided by the respective team member dealing with applicable permit issues.

III. General Discussion on Tribal Interactions

The purpose of these workshops are to gauge our working relationships with the Native tribes. A discussion of these interactions would be appropriate at this juncture. This should be an open forum where tribes may voice concerns, opinions, etc. Each issue or concern should be recorded and measures for improved interactions determined.

IV. Open for Questions and Discussion

At this point, the program should be open to allow for dissemination of information, discussion of other issues, questions and answers, or simply breaking the meeting up by going to the tribal representatives and speaking to each individually.

V. Concluding Remarks

The NED Tribal Coordinator closed the session by asking for any further questions, comments, etc. and then by

thanking all present for their time and energies. The possibility of further meetings and discussions with specific tribes on specific issues will be addressed.

NED has two scheduled workshops:

Tuesday, April 25 at the Mashantucket Pequot Reservation, Mashantucket, Connecticut (southern NE tribes with NAD and some New York tribal representation).

Thursday, May 4 at the Wabanaki Cultural Center on the University of Maine/Orono campus, Orono, Maine (Maine tribes).

The Connecticut workshop began at 10 A.M., while the Maine meeting is tentatively slated for a 9:30 A.M. start. Both meetings should last for the better part of the day.

D. WORKSHOP PROCESS

1. Description of process used in workshop:

- The workshop was primarily an outlining of Corps programs available to the tribes as well as an "airing of concerns" and other issues related to Corps interactions.

- The workshop centered around Corps presentations followed by an open period for questions and discussion. Questions were asked of the tribes for input as well.

- There were no disruptions or unplanned activities.

- Issues were identified during the discussion periods and were either verified or confirmed by other tribes.

- Issues which were brought to the floor by either the Corps or the tribes were recorded, discussed in common, and usually resolved in person or, if not, efforts were made to resolve these issues back at the office.

- The best way to address many of the issues is to present them in this report as a means of discerning overall Corps assessments. Some issues, such as a clarification of regulations or a sending of further information, were dealt with back at the office.

2. Participant behavior:

- Corps talking 70%
  Tribes talking 30%

- The Pequot and Wampanoag representatives were particularly outspoken and involved, while the Mohegan and Narragansett tribes were relatively quiet, though not silent.

- Tribal representatives were involved and active, particularly when requested information or discussion. Most discussion was initiated by Corps topics or questions; little spontaneous discussion was initiated by the tribes.

- The Corps primarily presented and spoke to the issues with tribal interaction. Tribal views were requested and these were generally forthcoming after some initial hesitation. Some tribes primarily wanted to listen to what we were saying and what we could offer. It seemed that many tribes did not want to make

known their respective plans; there may have been a sense of competition and secrecy. Each tribe had a particular spokesperson who would answer the questions and relay concerns.

3. Other participants:

- No other participants, aside from Corps and Tribal representatives, were present. The Bureau of Indian Affairs, Eastern Area Office, was invited, but declined to attend.

E. WORKSHOP EVALUATION

1. Overall evaluation:

- The workshop achieved its primary goals and objectives (presentation of Corps programs, discussion on Corps-Tribal interactions, and possible future Corps activities with Tribes) extremely well.

- Educating the tribes about what the Corps does and the various programs available to them was successful. It appears that many of the tribes were not aware of the Corps' role and the different ways we can help.

- There was an initial reluctance on the part of the tribes to discuss specific projects they were preparing, offer input on Corps interactions, and to initiate general discussion. Many of the tribes were in a listening and information-gathering mode, however, when pressed they did offer insights into interactions and the various programs which interested them.

- There was a period of evaluation at the conclusion of the workshop where tribes were asked if they thought that the workshop was effective and worthwhile. All tribes agreed that the workshop was helpful in disseminating useful information and sets the stage for future meetings with individual tribes on specific issues or projects. The importance of following up these workshops with further meetings and/or discussions was stressed and all tribes concurred.

These Native Nations represented a wide range of philosophies with regard to economic development. For example, the Pequots have a fully operational casino and plan to expand their operations and land holdings, whereas the Mohegans had just gained Federal recognition and were working on obtaining Trust lands. Thus the needs of the Nations are widely divergent. The Corps' future interaction should reflect this variety.

2. Suggestions for improvements

- Here in New England, outside of the Regulatory realm, the Civil Works portion of the Corps has had little contact with most of the Indian tribes. It is felt that more time was required in order to establish initial contact with the tribes prior to the workshops. Due to a lack of funding and time for this initiative, early planning coordination with the tribes was done over the telephone. The establishment of a Corps-Tribal planning team and a planning meeting prior to the actual workshop was therefore impossible. Given these constraints, the workshop was a success, a positive experience for all and productive in that additional Corps activity may be forthcoming with many of the tribes.

It is recommended that funding be set aside for general Corps-Tribal interactions. The Corps tribal coordinators for these workshops should be retained in this capacity for any future dealings with the tribes and in order to convey a sense of continuity with the tribal nations, an issue which was raised at the meeting. It seems to tribal representatives that every time they deal with a government entity, it is always with a different person from the last time. It is hoped that meetings with the tribes will become a regular facet of Corps work and that funding be made available for tribal coordination as well as for any specific program in which our assistance is required.

AFTER ACTION REPORT
TRIBAL ASSESSMENT WORKSHOP
NEW ENGLAND DIVISION

4 MAY, 1995

NEW ENGLAND DIVISION (NED) TRIBAL WORKSHOP

AFTER ACTION REPORT

A. Workshop Administration

1. Bureau of Indian Affairs Eastern Area Office

2. New England Division

3. Thursday, May 4

4. One half-day

5. Located at the Wabanaki Cultural Center on the University of Maine at Orono

6. New England Division only

7. Corps participants:

Marcos Paiva, NED Tribal Coordinator, Planning Directorate

John Craig, Chief, Formulation Division, Planning Dir.

John Kennelly, Chief, Long Range Planning Branch, Planning

Susan Brown, Environmental Resources Specialist, Planning

David Killoy, Permits Branch Chief (NH,VT,ME), Regulatory

Shawn Mahaney, Maine Project Office, Regulatory Division

8. Tribal participants:

Ralph F. Dana, Passamaquoddy Tribe (Pleasant Point), Councilmember

Elizabeth Sockbasin, Penobscot Nation, Property Office

Nicholas Dow, Penobscot Nation, Director of Planning and Economic Development

Sharri Venno, Houlton Band of Maliseets, Environmental Planner

Lisa Matthews, Houlton Band of Maliseets, Asst to Ms. Venno

Fred Francis, Passamaquoddy Tribe (Pleasant Point), Lieutenant Governor

John Francis, Passamaquoddy Tribe (Pleasant Point), Councilmember

Wayne Mitchell, Penobscot Nation, Land Use/Environmental Compliance

John Dedham, Aroostook Band of Micmacs, Councilmember

Richard H. Hamilton, Penobscot Nation, Tribal Governor

Rick Mitchell, Penobscot Nation, Exec. Dir. Penobscot T.R.H.A. (Tribal Housing Authority)

Peter Clement, Passamaquoddy Tribe (Pleasant Point), Councilmember

John Stevens, Passamaquoddy Tribe (Indian Township), Tribal Governor

Clair A. Sabattis, Houlton Band of Maliseets, Tribal Chief

Rick Doyle, Passamaquoddy Tribe (Pleasant Point), Planning Director

Roger Pictou, Aroostook Band of Micmacs, Tribal Chief

9. 22 participants at workshop

B. WORKSHOP OUTPUTS

1. Issues raised by Tribes or Corps

Tribal issue description - Can flood control services be provided for unorganized townships or territory in Maine which are also tribal land?

Answer-If FEMA has a role, then the Corps may have some jurisdiction.

Process issue

Resolving: Tribes require a better understanding of the various Federal agencies' responsibilities. If the Corps can play a role in flood control for the tribes in these areas of the state, then additional coordination and work for the tribes may be forthcoming.

Not Resolving: Failure to clarify or identify Corps roles in various jurisdictions may cause tribes to abandon dealings or to deal with other agencies.

Resolution: Short term action-A member of the planning team who is the contact person for the Floodplain Management Services and Planning Assistance to the States Programs will verify FEMA and the Corps role and notify the tribes as soon as possible.

2. Issues raised by the Tribes or Corps

Tribal issue description - Several questions were raised dealing with the Corps' authority and responsibilities to remedy various local flood problems including the construction of a beaver dam which is impeding river passage, and authority over bridges built by the Corps or bridges which are flooded or fallen which impede access to tribal lands.

Process Issue

Resolving: As indicated in the above issue, tribes are usually not aware of the various Federal agencies roles in many of these instances. The beaver dam issue may be more appropriately dealt with by the Fish and Wildlife Service; however, the Corps could look into other methods of dealing with the change in river flow. The care of bridges built by the Corps are usually passed over to the local sponsor, however the Corps may be able to study the stability of the structure and offer recommendations for its protection.

Not Resolving: Tribes should be made aware of various technical expertise which is available to them by the Corps. Failure to do so could jeopardize our relationship or result in loss of possible projects for the Corps.

Resolution: Short term actions-The tribes were reminded to send letters of request to the Corps for possible projects. Project personnel are also available to answer any questions by telephone. The timeframe for completion of these project varies according to the nature of the study and the availability of resources.

Long term action-The process of consulting with the Corps on any possible issue was stressed, as well as the possibility of future meetings with individual tribes to discuss their own particular concerns.

3. Issues raised by Tribes or the Corps

Tribal issue description - A hydroelectric dam built by Bangor Hydroelectric was recently placed into operation adjacent to Penobscot trust lands. The lowering of the water level associated with the dam has damaged the spawning ground for salmon with future damages also expected. During the planning and consultation process, the Native tribes were not contacted for their views. Can the Corps help?

Process Issue

Resolving: The Corps no longer has a role in the hydropower arena, however, we do review permit applications from FERC for these projects. In this case, FERC should have consulted with the applicable tribes which may have been affected by this project. The Corps has no jurisdiction, however, FERC can be notified of their error.

Not Resolving: Once again, tribes look at the Federal Government as serving their own agenda (or that of the States) while virtually ignoring the tribes' concerns. The Corps should make a strong precedent of dealing effectively with the tribes and recommend to other agencies involved that they do the same.

Resolution: Short term action-The Planning Assistance to the State program is available to the tribes and could determine the extent of damage to the salmon fishery as well as make recommendations.

Long term action-The effectiveness of the government to government relationship with Native tribes is contingent upon all Federal agencies dealing with them on projects which could affect their lands. The Corps must do their share and also make other agencies aware of their responsibilities.

4. Issues raised by Tribes or the Corps

Tribal issue description - What type of technical assistance can the Corps provide to the Tribes?

Process Issue

Resolving: The Corps has various laboratories throughout the country which deal with analyses as directed by the various Districts and Divisions. Currently, CRREL in New Hampshire is studying the results of ice jam flooding and different methods of mitigating these impacts. Other expertise include the availability of utilizing GIS for tribal use and a wetland banking system which allows for the filling of wetland area with a comparable creation of similar area. Corps biologists, ecologists, archaeologists, and other technical personnel are also available to assist during the implementation of a project. A question relating to the access to moose within tribal hunting areas may be more effectively dealt with by Fish and Wildlife Service.

Not Resolving: If the Tribes are unaware of the various services which the Corps may provide, possible interaction and work would be lost. Tribes may attempt to do the work themselves or contract with someone else.

Resolution: Short and Long term actions-The Corps has presented their services and pledged to the tribes to answer any questions about potential projects. Any technical services applicable to a specific project may be utilized for its successful implementation.

C. WORKSHOP PLANNING AND PREPARATION

1. Description of planning process:

- All materials which were provided were very helpful in the planning for the workshops, particularly the Tribal Guidance Notebook and the Corps Program Notebook which was used to present various Corps programs and which the Tribes found particularly useful.

- New England Division planning committee membership:

Marcos Paiva, NED Tribal Coordinator, Planning Directorate

John Craig, Chief of Formulation Division, Planning Directorate

John Kennelly, Chief of Long Range Planning Branch, Planning

Bill Hubbard, Chief of Environmental Resources Branch, Planning

David Killoy, Permits Branch Chief (NH,VT,ME), Regulatory

Robert DeSista, Permits Branch Chief (RI,CT), Regulatory

Susan Lee, Senior Project Manager, Regulatory Division

New England Division Executive Oversight Committee

Warren Nordman, Executive Officer

Joseph Ignazio, Director of Planning

Stanley Rankin, Equal Employment and Opportunity Officer

- The planning committee met twice before the initial workshop in Connecticut as well as through numerous telephone and in-person discussions. Several conference calls were conducted with members of NAD, NED, NCD, and ORD during the workshop planning. The Executive committee was made available for any comments during the planning of the workshops. All submittals related to the workshops were made through the Executive committee channels. The planning committee was determined to be the New England Division representatives with the tribes for the workshops. Aside from the Tribal Coordinator, planning members were representing their various areas of expertise and programs which either affect or may be available to the Tribes.

- All tribes were initially consulted by telephone in order to gauge their feelings toward a possible workshop. This was followed by an official letter of coordination plus an attached draft agenda from the Division Engineer to the tribes for any comments. Several weeks after these letters were sent, follow-up phone calls were placed for any further comments or concerns and to make final plans for the actual workshop.

- The key planning issues consisted of the preparation of an acceptable agenda. No comments were made by the tribes concerning the agenda, therefore the planning committee prepared and disseminated the agenda with a focus on presenting Corps programs and getting feedback and discussion from the tribes.

- The Bureau of Indian Affairs Eastern Area Office was invited to attend at the beginning of workshop planning and with a letter of coordination prior to the actual workshops. They chose to not attend and no other comments were presented.

2. Identification of workshop goals and objectives:

- To present Corps programs which are available for the use of the Tribes and to examine our working relationships with the Tribes and how this can be improved upon.

- These objectives were determined based upon the guidance provided to us, as well as through meetings of the New England Division Planning Committee.

3. Workshop format

- The format was basically a round table discussion beginning with introductions, a brief summation of the purpose of the meeting, followed by a discussion of Corps programs and a question and answer period.

- This format was agreed upon by the Planning Committee members and by the tribes who were sent copies of the draft agenda for their review.

- Facilitators were not requested.

4. Invitations

- Five tribal entities were invited (one tribe having two separate reservations and tribal governments).

- All five tribal entities were in attendance.

- All tribes were contacted by telephone prior to workshop planning. After all agreed that a workshop was desirable, a follow-up coordination letter was sent to tribal heads followed by telephone calls several weeks later to confirm. Phone calls continued until the workshop date. Additional information was also sent by mail and fax.

- The Eastern Area Office of the Bureau of Indian Affairs was invited, however, they declined to attend.

5. Agenda

AGENDA FOR TRIBAL WORKSHOPS

I. Introduction and Welcome - NED Tribal Coordinator

- Introduction of NED team members
  Introduce planning team members and their respective areas of expertise:

  John Craig - Chief, Formulation Division, Planning Directorate

  John Kennelly - Chief, Long Range Planning Branch, Planning Directorate.

  Susan Brown - Environmental Resources Specialist, Planning Directorate

  David Killoy - Chief, Permits Branch C (VT,NH,ME), Regulatory Division

  Shawn Mahaney, Maine Project Office, Regulatory Division

  Marcos Paiva - Archaeologist, Planning Directorate, NED Tribal Coordinator

Request that tribal leaders and representatives to do the same.

- Overview and Purpose of Workshops
  Discuss President Clinton's Memorandum and the impetus for the Corps Tribal Workshops. Outline scope of program: discuss services and Corps programs and evaluate relationship between tribal entities and the Corps.

- Outline of proposed topics and program
  Discuss proposed agenda for remainder of program: discussion of Corps programs followed by a period for tribal inquiries; possible group format where small groups may break up to discuss specific topics.

II. Corps Programs - John Craig

John Craig of Planning Directorate as the senior Planning member has agreed to address overall Corps programs which are available with input from respective team members. Topics will include the following:

- General Investigations
- Floodplain Management
- Planning Assistance to States and Tribes
- Continuing Authorities Program
- Environmental Programs
- Regulatory
- Others

A Regulatory overview will be provided by the respective team member dealing with applicable permit issues.

III. General Discussion on Tribal Interactions

The purpose of these workshops are to gauge our working relationships with the Native tribes. A discussion of these interactions would be appropriate at this juncture. This should be an open forum where tribes may voice concerns, opinions, etc. Each issue or concern should be recorded and measures for improved interactions determined.

IV. Open for Questions and Discussion

At this point, the program should be open to allow for dissemination of information, discussion of other issues, questions and answers, or simply breaking the meeting up by going to the tribal representatives and speaking to each individually.

V. Concluding Remarks

The NED Tribal Coordinator closed the session by asking for any further questions, comments, etc. and then by thanking all present for their time and energies. The possibility of further meetings and discussions with specific tribes on specific issues will be addressed.

NED has two scheduled workshops:

Tuesday, April 25 at the Mashantucket Pequot Reservation, Mashantucket, Connecticut (southern NE tribes with NAD and some New York tribal representation).

Thursday, May 4 at the Wabanaki Cultural Center on the University of Maine/Orono campus, Orono, Maine (Maine tribes).

The Connecticut workshop began at 10 A.M., while the Maine meeting commenced at approximately 9:30 A.M. Both meetings should last for the better part of the day.

D. WORKSHOP PROCESS

1. Description of process used in workshop

- This meeting was primarily an "airing of concerns" session with presentations followed by questions.

- After initial introductions around the room, the meeting consisted primarily of Corps program discussions followed by open periods for discussion and questions. A brief period of reviewing Corps/Tribal interactions and a workshop evaluation completed the session.

- There were no disruptions.

- Issues were identified throughout the workshop session by individual tribal members. Some were common to more than one tribe, while others were primarily the concerns of a specific tribe.

- Issues were addressed by respective program persons who answered questions directly and will provide info if required. Decisions were made by these individuals and concerns from the tribes will be addressed in this report as well as individually. Any other issues could be posed to other agencies and the Corps was happy to review these concerns and recommend whom is contacted.

- Issues or questions raised at the meeting were recorded, discussed in common, and usually resolved in person. If not, efforts were made to resolve these issues back at the office with further information.

- Depending on the issue or question raised, most of the inquiries were resolved simply by providing the information directly to the tribes. On questions or concerns for which an answer was not readily available, it was recorded and will be addressed back at the office. Actions to address issues were primarily informational in nature. The reporting of issues within a report such as this may also trigger actions in regards to concerns which are nationwide or site-specific, such as a change in Corps policy or implementation of a new program, for instance.

2. Participant behavior

- Corps talking 60%
  Tribes talking 40%

- All tribal representatives participated and initiated discussions. No one tribe dominated. Each tribe appeared to have one or several primary spokespersons.

- All tribal reps were involved and active in discussions. Many questions and comments were raised without any provocation from the Corps and most tribes seemed willing to discuss their own specific projects or concerns.

- The Corps primarily presented and spoke to the issues followed by feedback and questions from the tribes. There were usually many questions following the presentation of specific programs. Feedback on interactions and an evaluation of the meeting were also provided after some initial hesitation. Each tribe usually had one or several individuals who spoke and asked questions.

3. Other participants

- No other participants aside from Corps and Tribal representatives were present. The Bureau of Indian Affairs, Eastern Area Office, was invited but declined to attend.

E. WORKSHOP EVALUATION

1. Overall evaluation

- The workshop achieved its goals of presenting Corps programs and examining our working relationships with the Maine tribes very well.

- Meeting with the tribes on an informal personal basis seemed to be effective. Dealing with them on the telephone or through the mail lacked the sense of establishing effective relationships with the tribes, which was the purpose of the workshops anyway. The tribal groups seemly particularly interested in Corp programs and the various capabilities that we have across the country. An inquiry was made concerning any Corps projects which have been done for Federal tribes in other parts of the country. This information will be obtained and shared with the tribes.

- A Corps question regarding any comments on Tribal and Corps interactions was not very fruitful. Several Corps projects were conducted in Maine for the tribes at Indian Island and Pleasant Point, (Section 14 and 205 respectively) however, it appeared that the current group of representatives were not aware of the

projects and their history and these dealings with the Corps. It is hoped that this meeting will set the stage for positive future dialogue and interaction with the Maine tribes.

- At the conclusion of the meeting, tribes were asked to confirm and evaluate the effectiveness of this workshop in presenting the Corps capabilities and in examining our working relationships. All agreed that the workshop was productive and informative and served this purpose. A tribal rep asked why something to this effect (i.e. a workshop) was not done ten years ago. The importance of maintaining the newly formed relationships with many of the tribes was stressed.

2. Suggestions

- As indicated during the meeting in Connecticut with the southern New England Federal tribes, time and funding were the main constraints in planning and implementing these workshops. It is felt that more time was needed in establishing an initial relationship with the tribes prior to our meeting. Many of the tribes in Maine have not had any interactions with the Corps. Based upon the limited interactions and limited funds and time, the Maine workshop can and should be considered a success. Many tribes were amazed at the various Corps capabilities and their possible use in a tribal setting. An erosion control project constructed at the Pleasant Point reservation (Passamaquoddy) in Perry, Maine is in need of further maintenance. It is not known if this possible project would have been initiated were it not for our workshop. We must continue and maintain the dialogue.

To this effect, funding must be made available for future interactions with the tribes and programs should be formulated accordingly. A tribal rep from the Houlton Band of Maliseet Indians, when confronted with the possibility that the Corps may not be involved in local interest flood control projects benefitting only a local entity (the Continuing Authorities Program), asked how this would affect our trust responsibility with the tribes. On the one hand, we are reaching out to tribes with this effort and then on the other hand, we are eliminating projects which may be available to them. Focusing the Corps' efforts on only nationally significant projects may alienate many of our customers, particularly the Indian nations with whom we are trying to establish effective relationships. In order for this effort to be implemented effectively, further funding and programs will need to be made available. The New England Division Tribal Coordinator has pledged to continue this role into the future in dealings with the New England tribes. A similar pledge of assistance to the tribes should likewise be made by the Corps, if our trust responsibility is to be strengthened.

AFTER ACTION REPORT
TRIBAL ASSESSMENT WORKSHOP
SOUTHEASTERN REGIONAL

4-6 APRIL 1995

AFTER ACTION REPORT

OF THE

SOUTHEASTERN REGIONAL

TRIBAL WORKSHOP

4 - 6 APRIL 1995

Submitted by

SOUTH ATLANTIC DIVISION

A. WORKSHOP ADMINISTRATION

1. BIA AREA OFFICE:

Jim Harriman

2. SUB-REGION

Southeastern Region

3. DATE OF WORKSHOP

April 4-6, 1995

4. LENGTH OF WORKSHOP

2 1/2 days

5. LOCATION OF WORKSHOP

Sheraton Inn
Tampa Seminole Reservation
Tampa, Florida

6. CORPS DISTRICTS/DIVISIONS INVOLVED IN WORKSHOP

South Atlantic Division (Lead Division)
- Charleston District
- Jacksonville District
- Mobile District

Lower Mississippi Valley Division
- New Orleans District
- Vicksburg District

Ohio River Division
- Nashville District

7. CORPS/OTHER PARTICIPANTS AT WORKSHOP

SOUTH ATLANTIC DIVISION

General Ralph V. Locurcio, Commander
Jerry Canupp, Chief, Plan Formulation Branch
Dennis Calbreath, Tribal Coordinator

JACKSONVILLE DISTRICT

Colonel Terry L. Rice, Commander
Richard E. Bonner, Deputy District Engineer for Project Mgmt.
A. J. Salem, Chief, Planning Division
Captain William Fogle, Executive Director

JACKSONVILLE DISTRICT (Continued)

Bert Heimer, Assistant Chief, Regulatory Division
John M. Hashtak, Chief, Flood Control and Flood Plain Mgmt.
Bill Baxter, Legal Counsel
Pete Milam, Chief, South Florida Operations Office
Jacquelyn Griffin, Chief, Public Affairs Office
Pat Wordsman, Chief, Transportation Branch
Keith Jones, Hydraulic Engineer
Steve Bowman, Logistics
Rhonda Stubbs, Logistics
Van Eason, Logistics
John Carnes, Photographer
Kim Connelly, Administrative Support
Wanda DePaolis, Administrative Support

CHARLESTON DISTRICT

Don Herndon, Chief, Deputy District Engineer for Project Mgmt.
Jim Joslin, Planning Division

MOBILE DISTRICT

Jim Buckalew, Planning Division
Skeeter McClure, Chief, Planning Division
Major Richard Davis, Deputy District Engineer for Civil Works

LOWER MISSISSIPPI VALLEY DIVISION

Joe Sigrest, Environmental Analyst

NEW ORLEANS DISTRICT

Lieutenant Colonel Greg Kuhr, Deputy District Engineer
Mike Stout, Tribal Coordinator
Falcolm Hull, Flood Plain Management

VICKSBURG DISTRICT

Jim Chandler, Chief, Environmental Branch

NASHVILLE DISTRICT

Don Getty, Hydrolic Engineer
Rob Karwedsky, Archeologist

BUREAN OF INDIAN AFFAIRS

Jim Harriman

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Woodie Van Voorhees

8. TRIBAL PARTICIPANTS AT WORKSHOP

SEMINOLE TRIBE

Jack Smith, Jr.
Betty Mae Jumper
Hosea Girtman
Dave Motlow
Linda Billie
Craig Tepper
Joe Frank
Richard Henry
Bobby Henry

MICCOSUKEE TRIBE

Billy Cypress
Steve Terry
Gene Duncan
Sonia O'Donnell
Clay Reiner
Marla Sanders

POARCH CREEK TRIBE

Eddie Tullis
Libby Hines

CHEROKEE TRIBE

Ed Husky
Eddie Almond
Calvin Murphy

CHITIMACHA TRIBE

Brian Headley

TUNICA-BILOXI TRIBE

Larry Burgess

MISSISSIPPI BAND OF CHOCTAW TRIBE

Joe Gardinski
Alan Bates

9. TOTAL NUMBER OF PARTICIPANTS AT WORKSHOP

60

B. WORKSHOP OUTPUTS

1. ISSUES RAISED BY TRIBES

a. How can tribal lands be included in FIRM maps showing the 100-year floodplain delineation?

Type of problem - Product

Response - A) FPMS special study - Letter to local District Engineer
B) PAS - process LOA w/local Corps District

b. How can tribes get access to H&H data and software?

Type of problem - Process

Response - Get w/local District H&H staff for a detailed briefing on public information and access

c. How can tribes get Water Resource training?

Type of problem - Product

Response - A) Wetlands delineation training may be available through Corps Huntsville Training Center or by bringing training to the reservation. Need to follow through with POC in Regulatory Division.
B) Water Resource planning courses may be funded through PAS. Contact local Corps PAS POC
C) Support for others - e.g. Project Management - coordinate with local Corps SFO POC

d. What is the status of NAGPRA on each reservation?

Type of problem - Product and Process

Response - All Districts have initiated this effort. Periodic progress reports are needed between POCs.

e. Tribes want to know if the Corps can help with GIS.

Type of problem - Product

Response - Digitized mapping capability is available through the PAS Program if linkage is to water resource planning. Otherwise, capability can be through SFO.

f. How does Corps comply with state water quality standards?

Type of problem - Process

Response - In general, the Corps does not have the authority to address water quality problems unless it is a problem created by a Corps project. Non-Federal sponsor normally agrees to address pre-project problems.

g. Can the Corps help when there may be problems getting information from SHPO?

Type of problem - Process

Response - Corps can help if there is a of linkage to Corps project. A problem of compatibility of data may be beyond our control. Suggest deeper review by Corps Environmental staff.

h. A Miccosukee representative said that he had heard that Tribes were exempt from cost sharing for the PAS Program.

Type of problem - Process

Response - Jim Harriman (BIA) - echoed the same opinion saying that he thought the exemption may have been in 99-683.

ACTION: Jerry Canupp will research/advise

i. Tribes would like Corps to advise them as part of the flood warning communication system.

Type of problem - Process

Response - District offices should task their appropriate office.

2. ISSUES RAISED BY THE CORPS.

a. Tribes should consider the Corps for Master Planning.

Type of problem - Product

Response - Tribes evaluate if Corps multi-discipline structure can be of particular use to address planning for the future.

b. Need for better periodic communication.

Type of problem - Process

Response - Each District coordinate with each Tribe to determine if scheduled periodic meeting would be mutually agreeable. Corps and Tribal coordinators examine possibilities and make recommendations.

c. Simplified process to get surplus government computer equipment for schools.

Type of problem - Process

Response - Tribes determine needs for Tribal schools and coordinate with Corps Tribal Facilitator to determine if any are categorized as surplus.

d. Educational Outreach opportunities may be available.

Type of problem - Product

Response - Corps can provide guest speakers to Tribal groups or Tribal schools; particularly when employees are traveling in the vicinity. Tribes may want to take children on field trips to Corps facilities.

C. WORKSHOP PLANNING & PREPARATION

1. DESCRIPTION OF PLANNING PROCESS:

The Southeastern Regional Tribal Workshop Planning Committee was composed of representatives of South Atlantic and Lower Mississippi River Division, Jacksonville, New Orleans, Mobile, Nashville, and Vicksburg Districts.

At our first meeting in December, it was agreed upon to combine the Planning Committee and Executive Advisory Group into one committee which would provide total coordination throughout each respective district and division organization. Because of this action, it was felt that each individual on the Committee had a better understanding of his responsibilities toward fulfilling the mission as outlined in President Clinton's Executive Memorandum and General Genega's Memorandum. We also agreed to solicit input from the Tribes after we developed our first draft on topics and agenda.

Prior to our workshop, our Planning Committee met on 14 December 1994, 09 February 1995, and 09 March 1995. Key issues of the first meeting included single or multiple workshops, consideration of dates, tribal coordination and contact, funding, attendees, and location. Also included was an interpretation of the various memorandums from Headquarters, district/division view of this initiative, and milestones of events.

At our 09 February 1995, each District gave a report on their coordination actions as of that date. All Districts had made initial contact and the majority of the Tribes had indicated an interest in attending the Workshop. The location and date was finalized to 4 - 6 April 1995 at the Seminole Reservation, Tampa, Florida. We reviewed the "generic" invitational letter and requested that each district adopt and edit the letter as necessary and send or hand deliver it to each Tribe. Also discussed were the number of Corps representatives and disciplines which would be beneficial to our Workshop. Draft agenda was finalized and distributed to the Tribes with a request for their input and additional topics for discussion.

At the 09 March meeting, funding for Workshop was finalized, development of "Customs and Sensitivity" informational sheet assignment made, and list of attendees finalized. Colonel Simms, CESAD Deputy for Civil Works attended this meeting and, again gave total commitment to this initiative by the Divisions.

By mid-March our agenda was set, finalization of attendees was in progress, Command importance restated and final parts to our Workshop were falling into place. BIA was invited and accepted our offer to attend.

Our key leadership responsibilities included:

a. A single POC at each district/division for coordination.
b. Requesting our executive offices place high emphasis upon this event.
c. CESAD establishment of milestones and assignment of individuals to these tasks.
d. Continual emphasis to contact the Tribes and encourage representation at the Workshop.

Our key planning issues included:

a. Single or multiple workshop and site.
b. Early contact with Tribes and additional coordination to seek agenda input and distribution of Corps District Notebook.
c. Funding by districts.
d. Preliminary needs assessments of Tribes.

Two additional guests included Jim Harriman, BIA Eastern Region and Woodie Van Voorhees, South Florida Water Management District. Both individuals provided information and input to our various topic discussions and field trip. Jim gave a presentation at the Brighton Reservation site and Woodie discussed the role of the Management District at the lock and dikes sites.

2. IDENTIFICATION OF WORKSHOP GOALS AND OBJECTIVES.

At our initial Planning Committee meeting, we focused upon what we wanted to accomplish in meeting the goals of President Clinton's letter, General Genega's memorandums, CECW-PF and feedback from the Native American Advisory Group committee. Our primary goal was to open dialogue between our governments and to listen to the concerns of the Tribes and initiate interaction with key Corps representatives; additionally, to develop open lines of communication and further develop the trust that has formed with several Tribes and to initiate a new trust relationship with newly contacted Tribes. Also to emphasize the Corps' responsibility toward stewardship to the lands and our focus on partnering with all individuals and groups that are impacted by our actions. To achieve these goals, we determined a structure for our Workshop and developed a list of significant items with assistance from the Tribes and insured we had Corps representatives who were knowledgeable in those areas.

3. WORKSHOP FORMAT.

To accomplish the above goals, we decided upon a Workshop structure that included a general session, two small breakout sessions, a field trip, and wrap-up session. The agenda provided the opportunity for all participants to know the various backgrounds of the individuals and to understand the various organizations/tribes in attendance.

The first day started with a welcome by our Seminole host, Jack Smith, Jr., followed by our Jacksonville District host, Colonel Rice. Colonel Rice restated the responsibility of all parties in protecting the land and coordinating all actions which impact it. He provided the historical background of Jacksonville's relationships with both the Seminole and Miccosukee Nations and reemphasized their goal to continue and improve these relationships. Continuing on this theme, BG. Locurcio stressed a "Partnership" between our governments to achieve common goals and objectives, the correlation between Native American and District/Division Tribes, the importance of each others culture and how this plays into our perception and interpretation of ideas and requirements. Followed was an introduction of each attendee. Also, the Tribes gave a brief overview of their Nation so that we, the Corps, would gain an understanding of the diversity of Tribes and their concerns. Charleston District wrapped up the morning session with the video of the Corps' Mission. Also a brief overview of the afternoon breakout sessions.

The afternoon breakout session was divided into two groups. An "east" group, the Seminoles and Miccosukee Nations, Jacksonville and Charleston Districts. And a "west" group, the Poarch Creek, Cherokee, Chitimacha, Tunica-Biloxi, and Choctaw Nations, and Mobile, Nashville, Vicksburg, and New Orleans Districts. This structure provided additional interaction between the Tribes and their respective District. Each session was facilitated by a Corps representative from Jacksonville District and Lower Mississippi Valley Division, respectively. In each group, a Corps representative gave a short presentation on a specific subject, i.e., master planning, GIS, training, etc., with a question and answer session to follow. Time was also allotted for additional topics to be discussed as they came up in the session. At the conclusion of this period, an overview of the topics surfaced in both groups was presented.

4. INVITATIONS.

The South Atlantic Division developed a format for Districts to follow. Telephone calls to the Tribes were made to establish an agreeable date and location for the workshop. Draft invitation letters and agenda were faxed to the Tribes for comments, suggestions, and input. Invitation letters, draft agenda, and copies of General Genega's "Importance of Tribal Workshops" video were mailed to Tribes (video was mailed to Jacksonville District Tribes). Copies of letter and draft agenda are enclosed. Comments and suggestions were received from the Tribes and utilized in the development of the final agenda. Follow-up visits and telephone calls were made to the Tribes. Notebooks containing the history of the U.S. Army Corps of Engineers, Programs of the Corps, and local contact, etc., were developed and sent to the Tribes prior to the April workshop.

Nine Tribes were invited.
Seven Tribes attended workshop.

Copy of Invitation Letter and Draft Agenda.

February 27, 1995

Planning Division
Flood Control and Flood
Plain Management

Mr. Billy Cypress
Chairman, Miccosukee Tribe of
Indians of Florida
Post Office Box 440021
Tamiami Station
Miami, Florida 33144

Dear Chairman Cypress:

The Jacksonville District Office of the U.S. Army Corps of Engineers would like to invite you and your staff to a workshop meeting to discuss your water resource concerns. About ten of these workshops will be conducted around the country. Our workshop will include all Federally recognized Tribes in the southeast. Initially, our list of invitees include the Miccosukee, Seminole, Cherokee, Mississippi Choctaw, Poarch Creek, Coushatta Tribe of Louisiana, Chitimacha, Catawba, and Tunica-Biloxi Tribes. Our main purpose is to provide you an opportunity to identify areas where the Corps can be of assistance. We would like this to be a "listening session" for us.

Your help is requested in setting up the agenda for this workshop, and making recommendations on the details. The workshop will be held at the Tampa Seminole Reservation during April 4-6, 1995. We understand that the United Southern and Eastern Tribes (USET) have used these facilities in the past and found them to be amiable.

Preliminary discussions between Messrs. Steve Terry and Gene Duncan of your staff and Mr. John Hashtak, our Tribal Coordinator in the Jacksonville District, have indicated that some of the issues that you may want to address are:

A. Flooding problems
B. Water supply and quality standards
C. Native American Grave Protection and Repatriation Act
D. Regulatory issues
E. Delineation of 100-year floodplain (why is this information available everywhere except Indian Reservations?)
F. Desire to be involved in water policy meetings
G. Desire to be involved in early warnings of heavy rains, storms, tc.
H. Planning, design, and construction of water resource projects
I. Technical training opportunities
J. Environmental and cultural concerns

Please advise us if there are any other topics that need to be added to the enclosed agenda.

At an early date, Mr. Hashtak will visit you and will hand carry a package of information describing various Corps programs so that they can be reviewed prior to the workshops.

If you have any questions concerning the workshop or any Corps program, please feel free to call me or John Hashtak, our Tribal Coordinator at 904-232-3594.

We are also looking forward to your visit to our office as part of our newly initiated quarterly coordination meetings. Please advise us when you are free to meet with us in March.

Sincerely,

James A. Connell
Lieutenant Colonel, U.S. Army
Deputy District Engineer

Enclosure

5. FINAL AGENDA

Copy attached.

6. OTHER NOTES ABOUT WORKSHOP PLANNING

Key factors in the successful planning and execution of the workshop were as follows:

A. Adequate lead time to identify planning requirements.
B. Positive relationship with area Tribes.
C. Command support and support by those involved.
D. Adequate length of conference to accomplish coordination and interaction.
E. Decision to include field trip to Seminole Reservation to view Corps/Tribe success story.
F. Realistic focus on what can be accomplished at the first workshop, and what can be accomplished at the individual coordination/assistance meetings.

D. WORKSHOP PROCESS

1. DESCRIPTION OF PROCESSES USED IN WORKSHOP

At the Planning Committee initial meetings, it was decided our first workshop would focus upon short, concise presentations of the Corps resources and listen to the Tribes concerns and requests for additional information. While decisions were made on where the Tribes should go for additional assistance from the Districts, overall our workshop concentrated upon listening to the Tribes' concerns.

The Committee tried to put together a diverse agenda which would provide large group interaction, small group interaction, and field trip. This approach provided the opportunity to interact on a personal level with many members of the group as we mingled on the field trip and through our small group presentations.

Our draft selection of topics were developed through discussing needs which surfaced through previous conversations with the Tribes. This list was then presented to the Tribes for expanding prior to our Workshop. At the Workshop, these topics were displayed and kept prominent in the room. Discussion upon topics were kept general in nature to apply to all tribes. Key Corps representative were identified to assist the Tribes on specific questions.

2. **PARTICIPANT BEHAVIOR**.

There was excellent dialogue between Corps members and Tribal representatives. The conversations were open and informative to both parties. Key speakers provided opportunities to understand both concerns and cultural beliefs that added insight to the proceedings. While the meeting was set to identify concerns of the Tribe, it also gave the opportunity to both parties to gain a further understanding of importance of open communications.

Wrap up comments included:

"Opening doors for other Tribes to become knowledgeable of what Corps can do."
"Identified key players from outside and began to work with them."
"Great first meeting, appreciative of opportunity to be here."
"Look forward to a long term relationship."

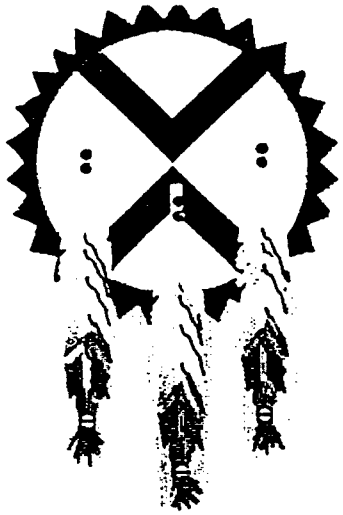
E. FINAL COMMENT ON TRIBAL WORKSHOP

The Workshop provided an opportunity not only to develop a relationship with a potential customer, but also an introduction into a great cultural environment. Our understanding of the needs of the Tribes to improve their environment and our assistance to them through water related investigations and studies will benefit both parties. The Corps of Engineers has the opportunity to enter into a partnership that will enable greater stewardship of the land and provide all involved a new insight into developing a long standing relationship. The Workshop was only a start, and all Districts and Divisions involved must continue to pursue this initiative in the coming years.

SOUTHEASTERN REGIONAL

TRIBAL WORKSHOP

APRIL 4-6, 1995



AGENDA

Tuesday, April 4, 1995

8:30 - 9:00 am	REGISTRATION
9:00 - 9:10 am	WELCOME/INVOCATION - Jack Smith, Jr., Seminole Tribe
9:10 - 9:20 am	OPENING REMARKS - Colonel Terry L. Rice, Jacksonville District Engineer
9:20 - 9:40 am	MEETING PURPOSE - General Ralph V. Locurcio, South Atlantic Division Engineer
9:40 - 10:30 am	INTRODUCTION - Tribes and Corps offices
10:30 - 10:45 am	BREAK
10:45 - 11:30 am	INTRODUCTION OF CORPS MISSION - Colonel George H. Hazel, Charleston District Engineer
11:30 - 1:00 pm	LUNCH
1:00 - 3:00 pm	REGIONAL BREAKOUT SESSIONS
3:00 - 3:15 pm	BREAK
3:15 - 3:45 pm	OVERVIEW OF OPPORTUNITIES - Colonel Terry L. Rice
4:00 pm	TOUR OF NATIVE AMERICAN VILLAGE/MUSEUM - Jack Smith, Jr.

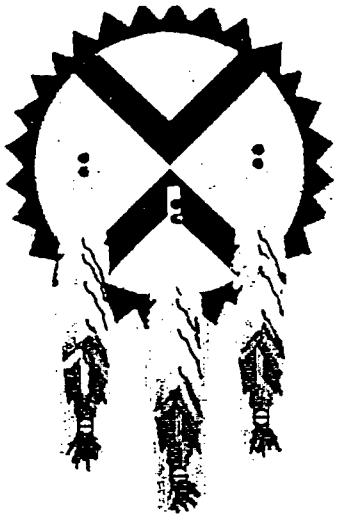
Tampa Seminole Indian Reservation
Sheraton Inn (813) 626-0999
7401 East Hillsborough Avenue, Tampa, Florida

U.S. Army Corps of Engineers

SOUTHEASTERN REGIONAL

TRIBAL WORKSHOP

APRIL 4-6, 1995



AGENDA

Wednesday, April 5, 1995

7:45 am ANNOUNCEMENTS

8:00 am DEPART TAMPA BY BUS FOR BRIGHTON SEMINOLE RESERVATION

10:30 am ARRIVE AT BRIGHTON SEMINOLE RESERVATION

10:45 am BRIEFING - Craig Tepper, Seminole Water Resource Director

11:00 am TOUR BRIGHTON PUMP "B"

12:00 am LUNCH AT ADMINISTRATION BUILDING

1:00 pm TOUR BRIGHTON PUMP "D"

1:45 pm TOUR LAKE OKEECHOBEE AND HERBERT HOOVER DIKE, S-131 - Woodie VanVoorhees, Tribal Coordinator, South Florida Water Management District

2:45 pm TOUR MOORE HAVEN LOCK AND SPILLWAY - Pete Milam, South Florida Operations Office

3:30 pm DEPART FOR TAMPA

6:00 pm ARRIVE AT TAMPA

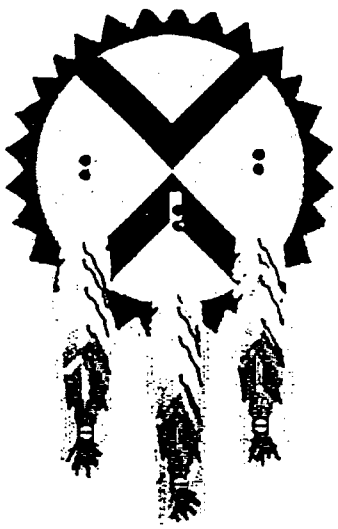
Tampa Seminole Indian Reservation
Sheraton Inn (813) 626-0999
7401 East Hillsborough Avenue, Tampa, Florida

U.S. Army Corps of Engineers

SOUTHEASTERN REGIONAL

TRIBAL WORKSHOP

APRIL 4-6, 1995



AGENDA

Thursday, April 6, 1995

8:30 am ANNOUNCEMENTS - John Hashtak, Tribal Coordinator, Jacksonville District

8:40 am TRIBES SUMMARIZE RECOMMENDATIONS FOR BETTER RELATIONSHIPS

10:00 am IDENTIFY SPECIFIC AREAS OF OPPORTUNITY, AND IDENTIFY POINTS OF CONTACT - Colonel Rice

10:45 am FRAMEWORK FOR CONTINUED DIALOGUE - Colonel Rice

11:00 am ADJOURN

Tampa Seminole Indian Reservation
Sheraton Inn (813) 626-0999
7401 East Hillsborough Avenue, Tampa, Florida

U.S. Army Corps of Engin

COORDINATION FREQUENCY

DISTRICT: Vicksburg District

PRESENT ACTIVITY: Currently will resume dialogue with Mississippi Band of Choctaw to evaluate and map at 2 foot contours the Pearl River community and place into a GIS format. Preparing handbook and will brief leaders of the Jena Band of Choctwa Indians about Corps programs which they may wish to become more familiar.

CONTACT FREQUENCY: Vicksburg District will formally contact the Tribes semi-annually to update them on current Corps programs and requirements.

DISTRICT: Nashville District

PRESENT ACTIVITY: Since Workshop, Nashville District has met twice with Cherokee on the reservation. A list of items have been established that the District and the Cherokee will address under the FPMS and PAS programs.

CONTACT FREQUENCY: Because of the desire of the Cherokee Tribe to become active with the Corps, Nashville District will meet semi-monthly with the Tribe.

DISTRICT: Mobile District

PRESENT ACTIVITY: Since the workshop, Mobile District has sent a copy of an archeological report concerning archeology along the Tennessee-Tombigee Waterway, a letter concerning certain funerary objects that the Mobile District hold that may be culturally affiliated with the Creek Nation, and reviewed the impacts of a proposed Poarch Creek Casino to be located in Wetumpka, Alabama.

CONTRACT FREQUENCY: Mobile District strategic plan is for future interaction with the Poarch Creek Tribe on a quarterly basis, maintaining lines of communication that were established as a result of the workshop, keep the Tribe advised of developments within the PAS Program, and explore possibility of an Indian Heritage Program to introduce the Corps to the Indian youth.

DISTRICT: Charleston District

PRESENT ACTIVITY: Charleston District is finalizing the topographical mapping of the Catawba reservation. Also under development is mapping the flood plain of the Catawba River through the reservation. Charleston is also developing a GIS strategy with the Catawba Tribe which will be presented to them in late June 1995.

CONTRACT FREQUENCY: On a continous basis as necessary, but at a minimum on a quarterly basis.

DISTRICT: New Orleans District

PRESENT ACTIVITY: Prior to December 1994 when planning for the workshop begun, the New Orleans District essentially had no relationships with any of the three Federally recognized tribes within their boundaries. Since that time and through attendance to the Workshop by two of the Tribes, several projects are in the planning stages and a relationship has developed with all three tribes at this time.

Activities with the Chitimacha Tribe include PAS and FPMS services and NAGPRA consultation.

With the Tunica-Biloxi Tribe, inspection of a bridge washout on the reservation occurred and offered the opportunity to discuss the full range of FPMS, planning and engineering services that may be of benefit to the tribe. Also NAGPRA coordination will occur in the next few months.

Contact with the Coushatta Tribe (unresponsive to NOD initial consultation efforts) has expressed interest in knowing how the NOD could assist the tribe. Contact was made at the United South and Eastern Tribes (USET) semi-annual meeting in Lafayette, Louisiana.

In addition, Ms Nancy Powell, of NOD gave a presentation on "Riverine Sedimentation" at the USET meeting at the request of a Miccosukee Tribe representative.

CONTRACT FREQUENCY: Contact will take place on a continous bases by New Orleans District as those projects identified for Corps assistance develop. While no set schedule has been identified, NOD presence will be felt by the Tribes through development of projects and assistance during the coming year.

DISTRICT: Jacksonville District

PRESENT ACTIVITY: Continous dialogue with the Seminole and Miccosukee Tribes and attendance at the USET Meeting in Lafayette, Louisiana.

CONTRACT FREQUENCY: Because of the close relationship Jacksonville Districts has with the Tribes in its areas, contract is frequent as questions arise on Corps assistance. At the minimun, quarterly meetings are scheduled to keep all parties aprised of needs of the Tribes and assistance that the Corps can provide.

AFTER ACTION REPORT
TRIBAL ASSESSMENT WORKSHOP
BUFFALO DISTRICT

17 MAY 1995

DRAFT
AFTER-ACTION REPORT

BUFFALO DISTRICT NATIVE AMERICAN
TRIBAL WORKSHOP
(May 17, 1995)

Enclosures:
1. After Action Report
2. Workshop Agenda (Attachment A)
2. Participant Address/Telephone List (Attachment B)
2. Assessment Format (Attachment C)

NOTE TO DISTRIBUTION RECIPIENTS: Please forward any comments to Tim Daly (see Attachment B) by COB 31 May 95.

DISTRIBUTION:
Chief Leo Henry
Chief Bernie Parker
Colonel Walter Neitzke
Joe Jarnot
Kastle Brill
Laura Ortiz
Art Marks
Mel Schroeder
Mary Price
Richard Leonard
Ed Gustek
Nancy Brighton (CENAN-PL-EA)
Linda Monte (CENAD-PL-R)
Mark Paiva (CEND)
Carroll Kleinhans (CENCD-PE-PD-ER)

TRIBAL WORKSHOP ASSESSMENT
Buffalo District

A. WORKSHOP ADMINISTRATION

1. **BIA Area Office:** Syracuse, New York

2. **Sub-Region:** Buffalo District (Western New York State)

3. **Date of Workshop:** Wed., May 17, 1995

4. **Length of Workshop:** 1/2 day

5. **Location of Workshop:** Buffalo District Headquarters, 1776 Niagara Street, Buffalo, New York 14207

6. **Corps District Involved:** Buffalo District only in workshop; all information will be coordinated with CENAD, CENED, CENCD, and CENAN

7. **Corps Participants at Workshop:** Colonel Walter C. Neitzke (NCB Commander); Kastle Brill (Attorney, NCB Office of Counsel); Joe Jarnot (EM Specialist, NCB Emergency Management Div.); Laura Ortiz (NCB Engineering and Planning Div.); Art Marks (Section Chief, NCB Regulatory Br.) and Mel Schroeder (Compliance Specialist, NCB Regulatory Br.); Mary Price (Chief, NCB Contracting Div.); and Tim Daly (Tribal Coordinator, NCB Environmental Analysis Sect.)

8. **Tribal Participants:** Chief Leo R. Henry (Tuscarora Nation) and Chief Bernie Parker (Tonawanda Band of Traditional Senecas)

9. **Total Number of Participants at Workshop:** 10

B. WORKSHOP OUTPUTS

Issues Raised by Tribal Chiefs

1. Respect - for Indian sovereignty, rights and lands; understanding traditional Indian ways of life and political systems; traditional views of land ownership and treaties; making tribes aware of future Corps actions.

- Type of Issue: Process

- Consequences: If these issues are not addressed and resolved, the will continue to be a generally inadequate level of communication and cooperation between the Federal Government and the Indian Nations. Achieving respect and understanding among our governments is a necessary pre-condition for effective and cooperative future relationships.

- Decision Regarding Issue: All parties agreed to initiate and continue regular lines of communication, including the exchange of cultural, tribal and relevant governmental information; to hold additional meetings in the near future. Buffalo District promised to keep Tribes aware early in the planning process of any Corps actions which might affect tribal lands or rights.

- Specific Actions

  - Short Term: Introductions (individual backgrounds, areas of responsibility); exchange of workshop participant telephone and address list (Attachment 2); general verbal agreement on principles of Tribal sovereignty, respect for tribal rights and lands; consensus on opening direct lines of communication; Both Chiefs gave an overall view of their tribal customs, views, political system, land and treaty perspectives, and indicated that they would look into any relevant literature they could provide.

  - Long Term: Follow up on requests for technical information and assistance; ensure tribal consultation on any future relevant Corps projects; re-invite Chiefs Parker and Henry, as well as the Cayugas, Oneidas, Onondagas and St. Regis Mohawks, to an additional workshop for the Seneca Nation, which will be held somewhere in Western New York by the Fall of 1995 (barring unforeseen circumstances); follow up on holding future meetings.

2. Natural Resources Development - Tribes care for water, land, wildlife, vegetation resources, etc., for "seven generations" into the future, while the greater white society often exploits natural resources without considering

consequences for future generations.

- Type of Issue: Process

- Consequences: If not addressed, continued mistrust and resentment on the part of the Indian peoples regarding white man's respect and intentions toward use and care of natural resources; continued natural resources rights disputes.

- Resolution: Buffalo District will consult tribes on these issues when they affect reservations; explanation of the 1135 Program regarding environmental enhancement.

- Specific Actions: Assure that tribes are put on relevant project mailing lists and kept informed on matters affecting their reservations.

3. Fishing Rights - Chief Henry mentioned past practice of fishing by spearing and shooting Northern Pike, etc., on the Tuscarora Reservation as an Indian right; consequent complaints from outside community.

Type of Issue: Process (political)

- No resolution or specific actions planned.

4. Indian Burial Grounds - Chief Henry mentioned the Akso Salt Mine cave-in area (on the Genesee River in Western New York) as an example of an Indian burial ground which wasn't considered in planning the remediation project; he also cited an instance where human remains were found just outside the Tuscarora Reservation during excavations by a utility company (remains were removed by the Tuscaroras and reburied on the Reservation).

- Type of Issue: Process

- Consequences: Federal agencies are in violation of the law if Native American Graves or human remains and related or sacred objects are not properly treated and returned to rightful Indian authorities.

- Resolution: Buffalo District, as a Federal Agency, will fully comply with NAGPRA and other relevant laws in regard to Corps actions; tribes will be kept apprised of developments regarding NAGPRA and other laws, regs and policies by District Tribal Coordinator.

- Specific Actions: Forwarded copies of Corps Draft SOP for NAGPRA and invited each to comment; District Tribal Coordinator will assure future coordination with tribes regarding relevant Corps actions.

5. District Contracts - Chief Parker inquired about the Federal Contract Set-Aside Program as a possible source of employment and business opportunities for tribes.

- Type of Issue: Process

- Consequences: Possible missed opportunities for Indians

- Resolution: The Chief of Buffalo District Contracting Division (Mary Price) gave an overview of the Section 8A, small/disadvantaged/minority contract set-aside program. She affirmed that tribes or individual Native Americans qualify for this program, and gave a brief explanation of the application process.

- Specific Actions: Add tribes in attendance to the contract mailing list upon their written request.

6. Development of Hydropower - Chief Parker raised the question of assistance in developing hydropower on the Tonawanda Reservation with the ultimate goal of becoming self-sustaining in this regard.

- No consequences or resolutions were identified.

- Specific Actions: Laura Ortiz followed the meeting with a phone call to Chief Parker to let him know that she will pursue her promise to obtain information on hydropower development; once this information is received, she will forward same to Chief Parker.

Issues Raised by Corps

1. Corps Regulatory Program - An overview of the Corps Regulatory program regarding wetlands and discharges into rivers, streams, etc., was given by Art Marks (Corps Regulatory Branch); questions of tribal sovereignty versus regulatory laws were entertained.

- Type of Issue: Process

- Consequences: If not researched and addressed, general uncertainty as to jurisdiction in regulatory matters.

- Resolution: Buffalo District will seek further guidance on subject from higher headquarters.

- Specific Actions: Tribal Chiefs briefed on Regulatory Program; long-term outcome uncertain.

2. Corps Emergency Management Program - Overview given by Joe Jarnot of NCB EMD Office regarding emergency temporary flood assistance, drought assistance and advance measures possibly

available to tribes; he explained, in general terms, ways that tribes can apply for such assistance as in the same manner as U.S. states.

- Type of Issue: Process

- Consequences: Tribes could lose out on future emergency assistance if not made aware of programs available to them.

- Resolution: N/A

- Specific Actions: Tribal Chiefs briefed on EMD Program.

3. Continuing Authorities/PAS Program - Overview was given by Laura Ortiz (Planning Branch) of Section 205 Flood Protection, Section 14 Erosion Protection, the Planning Assistance to States program, and other assistance available to tribes as they are to states. Chief Parker expressed interest in possible flood control assistance, as he noted the fact that his Reservation is flooded every year high water levels in Tonawanda Creek, resulting in crop damage and undermining of several Reservation roads.

- Type of Issues: Product and Process

- Consequences: If not pursued, continued flood damages and crop losses, as well as other possible future unknown losses from lack of assistance under these programs.

- Resolution: Follow up by Planning on possibility of some form of flood assistance; District's stated position is that we are available to provide technical advice, planning assistance and joint water resource projects with the tribes as allowed by law.

- Specific Actions: Provided attending tribal Chiefs with Continuing Authorities booklet; points-of-contact names and phone numbers; and follow-up by Planning Branch on possibility of flood control assistance.

C. WORKSHOP PLANNING & PREPARATION

1. Description of Planning Process:

- The most useful materials provided were the COE Program Notebook; background information from, and telecons with, the local Office of the Resource Conservation Service (East Aurora, NY); the video, "Importance of Tribal Workshops" (General Genega); and the Buffalo District Continuing Authorities (CA) Brochure.

- Workshop planning committee membership included the same people listed in A.7., above, as well as Edward Gustek (NCB PAS Coordinator) and Richard Leonard (Ch, Environmental Analysis Sect).

- District did not form an Executive Advocacy Group.

- Tribes were invited to be involved in planning for the workshop but were not able to because of previous commitments.

- BIA (Syracuse Office) was contacted early in the planning process, but declined a role in the workshop due, in part, to the ongoing political problems of the Seneca Nation (Cattaraugus and Allegany Reservations).

2. Identification of Workshop Goals and Objectives:

- to lay the groundwork for future cooperative working relationships with the tribes involved; and,

- to present a clear overview of relevant Corps programs and resources available to the tribes (PAS, Continuing Authorities, technical advisement);

- to affirm the District's (and Corps') commitment to respect tribal sovereignty, fulfill natural resources Trust responsibilities, and carry out future District plans and actions potentially affecting Indian rights or lands in a government-to-government, tribal-inclusive and cooperative manner.

The above goals and objectives were determined in consultation with Colonel Neitzke, the NCB planning committee, representatives from NCD, NAD, NED, and NAN; and according to COE written guidance on this subject.

3. Workshop Format

- The workshop had an informal "round table" format

located in a small conference room at the Buffalo District Office. A timed, sequential agenda was provided for reference purposes (to assure coverage of all key issues), but, as explained to attendees, was treated as a general guide and not as a "hard and fast" program schedule.

- No facilitators were requested (although I'm not entirely certain what "facilitator" means in this context).

4. Invitations

- Buffalo District invited the following tribes: the Tuscaroras, the Cayugas, the Traditional Senecas (Tonawanda Reservation). The Oneidas, the Onondagas, and the St. Regis Mohawks were invited through CENAN (Nancy Brighton).

- Tribes in attendance numbered two: the Tuscarora Nation and Traditional Band of Senecas (Tonawanda Reservation); The Cayugas declined and the Oneidas, Onondagas and St. Regis Mohawks failed to respond.

- Tribes were invited initially by letter (signed by the District Commander), followed by telephone calls and a site visits to the Tuscarora and Tonawanda Reservations.

- No non-Corps or non-Tribe personnel were invited.

5. Agenda

- See Attachment 1.

6. Other Notes...

- The Seneca Nation, which represents the great majority of recognized Indians in Western New York (Cattaraugus and Allegany Reservations), were not invited at this time due to their internal political strife and recent violence on the Cattaraugus Reservation. They will be invited to a separate workshop sponsored by the Buffalo District at an appropriate time (hopefully by the end of this summer or early Fall '95).

D. WORKSHOP PROCESS

1. Description of Process Used in Workshop:

- The meeting was primarily an airing of concerns, but a number of decisions were made regarding future coordination of Corps actions affecting Indian lands and rights; providing more detailed information on the Corps CA program, as well as Contracting requirements and eligibility; and future consultation on NAGPRA issues.

- The meeting included opening statements by the District Commander and tribal chiefs, overviews by reps from each of the relevant District departments (Counsel, Engineering/Planning, Emergency Management, Regulatory), followed by round table discussions of issues and concerns.

- There were no disruptions or unplanned activities.

- Decisions were made either by consensus or verbal arrangements between District reps and tribal chiefs.

- Resolutions to issues took the form of general agreement on principles of District recognition of tribal sovereignty (with the possible exception of Regulatory matters - yet to be explored and defined), future consultation with tribes on Corps actions, and agreement to meet in the future to institutionalize lines of communication and further refine the initial successes of our meeting.

2. Participant Behavior

- The relative percentage of time talking was roughly evenly split (50/50) as to discussion of issues; Corps personnel took relatively little additional time in presenting program overviews, etc.

- In my estimation there were no particularly outspoken participants. Everyone contributed significantly to the information base and discussion of issues.

- Both tribal chiefs were wholly involved and active during the meeting; both were very knowledgeable and had a broad range of experience in dealing with government agencies and other tribes.

- All of the Corps participants contributed to the presentation and discussion of issues, primarily along their individual lines of expertise; the tribal chiefs raised and discussed issues such as past Federal transgressions, differences in philosophies on land ownership and treaties, Federal jurisdiction, NAGPRA, fishing rights, etc.

3. Other Participants

- N/A

4. Other Observations and Notes

- The ambiance of the meeting was extremely cordial and made for a productive and open exchange of ideas, thanks in no small measure to the open and friendly demeanor of the tribal chiefs and the appreciation for the meeting each expressed during their opening statements.

E. WORKSHOP EVALUATION

1. Overall Evaluation

- I believe we were highly successful in achieving our workshop goals of laying the groundwork for future relations, explaining the Corps mission and organizational structure, presenting Corps programs possibly available to the tribes, fostering mutual understanding and respect, affirming our "official" recognition of the government-to-government relationship we will have with tribes, and opening the door to future meetings on issues or specific projects.

- I believe we succeeded in all of our immediate objectives (see above), principally for reasons as stated in para. 4., above.

- The involved tribes are currently reviewing this document (with accompanying template), and have been asked for their approval, comments and suggestions.

2. Suggestions for Improvements in Workshops

- Where practical, plan relatively small workshops with only a few tribes with more or less common interests, as opposed to holding one or two large or regional workshops with numerous and varied tribes. Among other things, a smaller meeting lends itself more readily to immediate information source access and exchange, provides a friendly atmosphere, and keeps logistical variables to a minimum.

AGENDA

INDIAN TRIBAL WORKSHOP
Wed., May 17, 1995
8:30 am, Conference Room C

Buffalo District
Corps of Engineers

DISTRIBUTION:

Chief Leo Henry (Tuscarora Nation)
Chief Bernie Parker (Tonawanda Band of Senecas)
Colonel Neitzke (District Commander)
Kastle Brill (Attorney, Office of Counsel)
Joe Jarnot (Emergency Management Division)
Laura Ortiz (Planning Division)
Art Marks (Regulatory Branch)
Mel Schroeder (Regulatory Branch)
Dick Leonard (Environmental Analysis Section)
Tim Daly (District Tribal Coordinator)

ATTACHMENT A

INDIAN TRIBAL WORKSHOP
Wed., May 17, 1995
8:30 am, Conference Room C

AGENDA
(Informal "Roundtable" Format)

0830-0900 - Sign-in and informal introductions; coffee, etc. (Tim Daly, Buffalo District Indian Tribal Coordinator)

0900-0930 - Welcome and formal introductions (COL Neitzke, Buffalo District Commander)

- Show video, "Importance of Tribal Workshops"

- Opening statements (Chief Parker and Chief Henry)

- Initial question and answer period

0930-1000 - Overview and discussion of "government-to-government" relationships between Federally-recognized Indian tribes and Corps; explore differences in legal status among tribes; what are Corps Trust responsibilities? (lead - Kastle Brill, Esq., Buffalo District Office of Counsel)

1000-1015 - Break

1015-1045 - Corps Regulatory Program: Authorities; Indian sovereignty; wetland delineation; notification responsibilities, etc. (Art Marks & Mel Schroeder, Buffalo District Regulatory Branch)

1045-1115 - Corps Emergency Management Program: capabilities; authorities; are tribes eligible; how to apply (Joe Jarnot, Buffalo District Emergency Management Division)

1115-1200 - Corps Planning Program: FPM, Section 205, PAS, cost sharing, technical assistance available to tribes, how to apply, etc. (Laura Ortiz, Buffalo District Planning Branch)

1200-1230 - Conclusion: summarize meeting, key points and issues; clear up any uncertanties; discuss "After Action Report" to Corps North Central Division Office; distribute telephone/address list.

AMERICAN INDIAN TRIBAL WORKSHOP
Wednesday, May 17, 1995
Buffalo District, Corps of Engineers

Participants	Address	Telephone
Chief Leo Henry (Tuscarora Nation)	Tuscarora Nation ~~5616 Walmore Road~~ 2006 MT. HOPE RD Lewiston, NY 14092	(716) 297-5990
Chief Bernie Parker (Tonawanda Band of Senecas)	Council of Chiefs 7027 Meadville Road Basom, NY 14013	(716) 542-9942
COL Walter Neitzke (District Commander)	U.S. Army Engineer District, Buffalo 1776 Niagara Street Buffalo, NY 14207	(716) 879-4200
Kastle Brill (Office of Counsel)	"	" 879-4182
Joe Jarnot (Emergency Management)	"	" 879-4133
Laura Ortiz (Planning Division)	"	" 879-4407
Art Marks/Mel Schroeder (Regulatory Branch)	"	" 879-4321/ -4307
~~Dick Leonard~~ MARY PRICE ~~(Environmental Section)~~ CONTRACTING	"	" 879-~~4418~~ 4408
Tim Daly (Tribal Coordinator)	"	" 879-4171

ATTACHMENT B

ATTACHMENT C

Tribal Workshop Assessment Format

Tribal Workshop Assessment Format

10 Nov 94

The format below provides a template for recording the process and outcomes of Corps Regional Tribal Workshops. It serves two purposes:

1. To help Corps Tribal POCs assess their office's relationships with the Tribes in their areas.

2. To provide input into the Corps-wide assessment of Corps-Tribal relations.

For each workshop held, an assessment should be prepared by the Corps Native American Point of Contact using this format. Assessments can be customized as needed by adding entries to the end of this format. If workshop minutes/notes are deemed useful, they should be appended to the assessment. At a minimum, they should include the following elements, shown in bold print below. The questions/phrases shown in regular print illustrate the kinds of details that should be included in each element. Be specific enough to provide a clear understanding of what occurred at each workshop held, but not overly detailed.

Assessments should be provided to Jody Rooney, St. Paul District, CENCS-PE-P, US Army Corps of Engineers, 190 S. 5th St., St. Paul, MN 65101 (phone: 612-290-5250; fax: 612-290-5800) no later than 2 June 1995.

FORMAT

A. WORKSHOP ADMINISTRATION

1. BIA Area Office:
2. Sub-Region (Corps District, geographic region, etc.)
3. Date of workshop
4. Length of Workshop (days)
5. Location of workshop (Corps? Tribal? Other?):
6. ~~7.~~ **Corps Districts/Divisions involved (list all):**
7. ~~8.~~ **Corps participants at workshop (name, position, office)**
8. ~~9.~~ **Tribal participants at workshop (name, Tribe, position)**
9. ~~10.~~ **Total number of participants at workshop**

B. WORKSHOP OUTPUTS

1. Issues raised by Tribes or Corps

For each issue raised, provide the following information. Use copies of the enclosed form as needed. LIMIT: ONE PAGE PER ISSUE. An issue may be either a problem (something that someone is unsatisfied with) or an opportunity (means for improving something).

Tribal issue raised
Type of issue: process or product[1]
Consequences of resolving issue versus not resolving it
Resolution/decision regarding issue
Specific actions agreed upon to address issue: short-term; long-term[2]

Corps issue raised
Type of issue: process or product[1]
Consequences of resolving issues versus not resolving it
Resolution/decision regarding issue
Specific actions agreed upon to address issue: short-term; long-term[2]

2. Were potential means for continuing the relationship discussed? If so, what ideas were generated and what decisions/commitments made (e.g., future meetings, set up a Corps/Tribal committee, etc.)?

3. Was joint Corps/Tribal consensus sought and reached on issues? If so, how?

[1]PROCESS--not program-specific; relating to the way we work with Tribes, and to mutual understanding of rights, responsibilities, and cultural practices, cost sharing, etc.
PRODUCT--program-specific; relating to the processes and outcomes of a specific program or study

[2]SHORT-TERM--possible to resolve in an 18 month time frame; does not require new legislation, regulations, or other changes that require large-scale or high-level decisions.
LONG-TERM--requires longer than 18 months to resolve; implementable only with new legislation, regulations, or other changes that require large-scale or high-level decisions.

C. WORKSHOP PLANNING & PREPARATION

1. Description of planning process:

Which materials provided (briefing book, tribal notebook, Pink Book, etc.) were most useful? least useful?
Workshop planning committee membership (name, position, office). Include Corps, Tribal, and other representatives.
District/Division Executive Advocacy Group membership.
How often did leadership meet? What were the key leadership issues and resolutions?
How were Tribes involved in planning?
What were the key planning issues and resolutions to them?
What role did the BIA Offices play, if any?

2. Identification of workshop goals and objectives:

What were the workshop goals and objectives?
How were they determined?

3. Workshop format

Describe the workshop format (e.g., round table discussion, set of presentations, etc.)
How was the format arrived at (who was involved in the decision)?
Were facilitators requested?
If so, who were they? from where? how chosen?

4. Invitations

Number of Tribes invited
Number of Tribes in attendance
Invitation and follow-up process for Tribes (mail, press release, telephone, visit, etc.)
Other invitees (non-Corps non-Tribe)

5. Agenda (enclose)

6. Other notes and observations about workshop planning

D. WORKSHOP PROCESS

1. Description of process(es) used in workshop

Was it more of an "airing of concerns" meeting or a "decision" meeting?
What kinds of activities were used in the workshop (e.g., panel discussions, small group discussion/brainstorming, etc.)
Were there any disruptions or unplanned activities? If so, how were they resolved?
How were issues identified and verified/confirmed?
How were decisions made on issues? (voting, issue negotiation, directive)
Were resolutions to issues sought? How?
How were actions to address issues identified and selected?

2. Participant behavior

Relative percentage of workshop time Tribes/Corps spent talking.
Were there any particularly outspoken participants? particularly quiet?
Were Tribal reps involved and active?
Who presented and spoke to issues?

3. Other participants

BIA role in workshop
Role(s) of other participant(s)

4. Other observations and notes

E. WORKSHOP EVALUATION

1. Overall evaluation

How well did the workshop achieve its goals and objectives?
What was successful? Why?
What was not successful? Why?
Were Tribes consulted to confirm workshop outcomes and to evaluate the workshop?

2. Suggestions for improvements in workshops

AFTER ACTION REPORT
TRIBAL WORKHOP ASSESSMENT
ROCK ISLAND DISTRICT

25 MAY 1995

Tribal Workshop Assessment
26 May 1995

A. WORKSHOP ADMINISTRATION

1. BIA AREA OFFICE: Mr. James Fenelon, Sac & Fox Area Field Office, Tama, Iowa.
2. SUB-REGION: Rock Island District
3. DATE OF WORKSHOP: 25 May 1995
4. LENGTH OF WORKSHOP: 1 day
5. LOCATION OF WORKSHOP: Corps of Engineers, Rock Island District
6. CORPS DISTRICTS/DIVISIONS INVOLVED: North Central Division, Rock Island District
7. CORPS PARTICIPANTS AT WORKSHOP:

Name	Position	Office
Dudley Hanson, P.E.	Chief	Planning Division
Ron Deiss	Tribal Coordinator	Environmental Analysis
Diane DeMeyer	Engineering Technician	Flood Control & Special Studies
John Betker	Permits Specialist	Regulatory
Denise Yale	Public Affairs Specialist	Public Affairs
Sharryn Jackson	Social Science Analyst	Economic & Social Analysis
Heidi Wheatley	Recorder	Environmental Analysis
Jennifer Shields	GIS Specialist	Environmental Analysis
Harry Bottorff	GIS Specialist	Waterway Systems
Kevin Anderson	GIS Specialist	Waterway Systems
George Gitter	City Planner	Flood Control & Special Studies

8. TRIBAL PARTICIPANTS AT WORKSHOP:

Name	Position	Tribe
Gladys Buffalo Benson	Tribal Administrator	Sac & Fox Tribe
Deron Ward	Environmental Specialist	Sac & Fox Tribe
Brandon Wanatee	Grants Writer	Sac & Fox Tribe
Loraine Davenport	Utilities Director	Sac & Fox Tribe
Craig Young Bear	Asst. Housing Director	Sac & Fox Tribe
Wanda Lasley	Planning Coordinator	Sac & Fox Tribe

9. TOTAL NUMBER OF PARTICIPANTS AT WORKSHOP: 18

B. WORKSHOP OUTPUTS

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

For each issue raised, provide the following information. Use copies of this form as needed. LIMIT: ONE PAGE PER ISSUE. An issue may be either a problem (something that someone is unsatisfied with) or an opportunity (means for improving something).

Issue raised by (check one): **Tribe** XX **Corps**_____

Issue Description: Flooding: Original tribal grounds, cemetary and pow-wow grounds, have traditional/religious/historical significance, grounds prone to flooding due to Iowa River.

Type of issue (check one): **process**_____ **product** XX

Consequences of resolving issue versus not resolving it

Resolving: Grounds would be restored to their original use.

Not resolving: Result in economic, social, and religious hardships.

Resolution/decision regarding issue: Presently, the tribe is providing the District with a letter of intent for a flood plain study for the Sac and Fox Tribe of the Mississippi in Iowa under the Planning Assistance to States Program.

Specific actions agreed upon to address issue, including who is responsible

Short-term actions: Planning Division has negotiated the Flood Plain Study and the tribe has agreed to the draft cost-sharing agreement, Floodplain Study Scope of Work, and Letter of Intent.

Long-term actions: Execute the contract in FY 96, when aerial photographs for mappin will be completed.

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

For each issue raised, provide the following information. Use copies of this form as needed. LIMIT: ONE PAGE PER ISSUE. An issue may be either a problem (something that someone is unsatisfied with) or an opportunity (means for improving something).

Issue raised by (check one): **Tribe** XX **Corps**_____

Issue Description: Concerned with young tribal members leaving tribal lands and not having good jobs.

Type of issue (check one): **process** XX **product**_____

Consequences of resolving issue versus not resolving it

Resolving: Providing information on student-aide and Co-Op student training with general employment information to promote Corps-Tribal relations.

Not resolving: Tribe may think this issue is not important to the Corps and will dismiss Corps-Tribal relations.

Resolution/decision regarding issue: Provide tribe information on training and employment.

Specific actions agreed upon to address issue, including who is responsible

Short-term actions: Coordinate action with District Native American Programs Manager Stephanie Rosenberg and Sac and Fox Tribe. A formal letter will be sent regarding employment and placing the tribe on the vacancy announcements list.

Long-term actions: Better respresentation in tribal employment in the Corps permanent staff, seasonal, training, and student employment and recruitment.

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

For each issue raised, provide the following information. Use copies of this form as needed. LIMIT: ONE PAGE PER ISSUE. An issue may be either a problem (something that someone is unsatisfied with) or an opportunity (means for improving something).

Issue raised by (check one): **Tribe** XX **Corps** _____

Issue Description: Clean out drainage and sewage ditches, up grade, and provide alternative or back up systems. This deficiency may have affected water quality. The tribe is not connected with county municipal water supply and has well water which may be of questionable quality.

Type of issue (check one): **process** _____ **product** XX

Consequences of resolving issue versus not resolving it

Resolving: Provide more efficient internal water and sewage drainage, enhance tribal lands and improve water quality.

Not resolving: Remaining conditions will accelerate and degrate the internal draina system and a decline in water quality will result.

Resolution/decision regarding issue: Planning Division will meet on-site to discuss and observe drainage and sewage problems and discuss alternative water supplies. This meeti will include proposed program-specific projects to resolve the issues.

Specific actions agreed upon to address issue, including who is responsible

Short-term actions: If resolution/decision can be addressed under present authorization such as Planning Assistance to States or Partners for Environmental Progress, Planning Division will initiate the project.

Long-term actions: Execute contract, possibly modify the proposed flood plain study scope of work which will be executed in FY 96.

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

For each issue raised, provide the following information. Use copies of this form as needed. LIMIT: ONE PAGE PER ISSUE. An issue may be either a problem (something that someone is unsatisfied with) or an opportunity (means for improving something).

Issue raised by (check one): **Tribe** XX **Corps**_____

Issue Description: Repair/rebuild railroad embankment which can be breached by the Iowa River.

Type of issue (check one): **process**_____ **product** XX

Consequences of resolving issue versus not resolving it

Resolving: Repair/rebuild the embankment to prevent flooding of tribal lands and original pow-wow grounds and cemetary.

Not resolving: Presently tribal members are moving out of floodplain and can not use their pow-wow grounds during flooding.

Resolution/decision regarding issue: The District's Planning Division is contacting the tribe and helping them to request a Section 14 study.

Specific actions agreed upon to address issue, including who is responsible

Short-term actions: Members of Planning Division will contact the Environmental Specialist of the Sac and Fox to initiate a Section 14 study and meet on site on tribal lands.

Long-term actions: At this time, funds unavailable to initiate a Section 14. If we have a letter on hand requesting assistance for bankline protection from sponsor prior to September 30, 1995 we can request study funds October 1st and possibly get it going, if site qualifies and meets criteria for Section 14. These projects must have contract awarded before end of FY 96 (Sept. 30, 1996).

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

For each issue raised, provide the following information. Use copies of this form as needed. LIMIT: ONE PAGE PER ISSUE. An issue may be either a problem (something that someone is unsatisfied with) or an opportunity (means for improving something).

Issue raised by (check one): **Tribe** XX **Corps**_____

Issue Description: Aquisition of Federal Surplus Property for tribal use.

Type of issue (check one): **process** XX **product**_____

Consequences of resolving issue versus not resolving it

Resolving: Tribe placed on DRMO at Rock Island Arsenal's mailing list. Information was sent to them on how to screen for eligiblity to receive surplus property.

Not resolving: N/A

Resolution/decision regarding issue:

Tribe placed on Rock Island Arsenal's DRMO's mailing list. Recieved pamphlets from Carl Chalupsky,Area Officer in Minnesota during workshop.

Specific actions agreed upon to address issue, including who is responsible

Short-term actions: Carl Chalupsky will be getting in contact with the tribe to offer his assistance and to answer questions about surplus propery.

Long-term actions: Keep tribe on mailing lists. Get them approved to bid for government surplus property.

C. WORKSHOP PLANNING & PREPARATION

1. DESCRIPTION OF PLANNING PROCESS:

WHICH MATERIALS PROVIDED WERE MOST USEFUL? The Tribal Notebooks were extemely useful for the tribe because they were able to get information on all of our programs and find out who to contact for what work. Corps members found the Tribal Notebooks useful also and the briefing book was of great help too. Pamphlets were given out during the tribal workshop and were noted as being a good source of information.

LEAST USEFUL?

WORKSHOP PLANNING COMMITTEE MEMBERSHIP:

CORPS

Name	Position	Office
Colonel Charles Cox	District Engineer	Rock Island District
Major Michael Duffy	Deputy District Engineer	Rock Island District
Dudley Hanson	Chief & P.E.	Planning Division
Martin Hudson	Chief	Flood Control & Special Studies
Ron Deiss	Tribal Coordinator	Environmental Analysis
John Betker	Permits Specialist	Regulatory
Diane DeMeyer	Engineering Technician	Flood Control & Special Studies
Harry Bottorff	GIS Specialist	Waterways Systems
Denise Yale	Public Affairs Specialist	Public Affairs
Heidi Wheatley	Recorder	Environmental Analysis

SAC & FOX TRIBE

Name	Position
Gladys Buffalo Benson	Administrative Assistant
Deron Ward	Environmental Specialist
Loraine Davenport	Utilities Director
Wanda Lasley	Planning Coordinator

BUREAU OF INDIAN AFFAIRS

Name	Position	Office
James Fenelon	Sac & Fox Area Field Officer	BIA

The Corps Tribal Planning Team met a total of three times. The Planning Team met once before the Planning Meeting held in April with the Sac & Fox Tribe and twice before the Tribal Workshop. We wanted the tribe to know that assistance is available to them and we will be happy to provide it. We were concerned with they way they may possibly feel about dealing with the Corps and wanted to project a professional, yet friendly attitude towards them.

We met with the Sac & Fox Tribe in April to plan for a workshop. We wanted to find out their main concerns and be able to focus on those concerns at the workshop. We found that they were concerned with water quality, flooding, and federal surplus property.

Mr. James Fenelon from the Bureau of Indian Affairs attended both the planning meeting and the tribal workshop.

2. The goals of the workshop were to give an overview of the programs the Corps has to offer that may be of assistance to them in solving the concerns they had raised at the Planning Meeting.

3. The workshop was set up as a series of presentations which were helpful to formulate question and answer sessions. The Sac & Fox Tribe also presented a short list of questions they had and we were able to let them know the steps they should take in solving the problems. The Corps Planning Team arrived at a decision to hold the workshop in an informal atmosphere were a variety of information was available and knowledgeable people in every area of concern were available to answer questions.

4. The Sac & Fox Tribe is the only tribe in our District. We worked with Gladys Buffalo Benson to chose a time convenient for both tribal and Corps members to meet for the workshop. After that decision was made we extended a formal invitation to them by letter. We also invited Mr. James Fenelon from the Bureau of Indian Affairs and he attended.

5. Agenda is enclosed.

D. WORKSHOP PROCESS

1. The workshop was a decision making workshop as well as an airing of concerns. We had presentations and held discussions to find solutions to the concerns raised by the Sac & Fox Tribe. We collectively decided that a team of Corps members from hydraulics, planning and regulatory should visit the tribal lands and prepare a Scope of Work and put together a package to submit for PAS assistance. Deron Ward will write a specific letter of intent to request our assistance with flooding of their burial and pow-wow grounds. The tribal members arrived approximately 50 minutes early. The workshop began earlier than expected but went smoothly and followed the prepared agenda almost exactly. We had several unexpected attendees from the Corps but were pleased to see so much interest in the Tribal Workshop. The Sac & Fox had to replace a person originally planned to attend.

2. Approximately 40 percent of the time was spent in discussion. Deron Ward (tribe), Loraine Davenport (tribe), John Betker (Corps) and Dudley Hanson (Corps) were the most outspoken participants. Tribal representatives were very involved and active in discussions and bringing up problems they were experiencing. We had several presentations given by Corps members which focused on areas of greatest concern shown by the tribe.

Name	Office	Presentation
Sharryn Jackson	Economic and Social Analysis	Partners for Environmental Progress (PEP)
Diane DeMeyer	Flood Control & Special Studies	Planning Assistance to States (PAS)
John Betker	Permits	Regulatory Compliance
Harry Bottorff	Waterway Systems	Geographic Information Systems

3. The BIA was represented by James Fenelon. He helped to give tribal background information and answered questions.

E. WORKSHOP EVALUATION

1. OVERALL EVALUATION

The workshop was very successful. The tribal members felt that they learned a great deal and that we could be of great help to them. We will be sending out a team of Corps members to evaluate the tribal lands and find the best way to solve the problems they have mentioned at the workshop. We were not able to consult with the Sac & Fox tribe about the workshop due to the suspense placed on this after-action report.

NORTH CENTRAL DIVISION

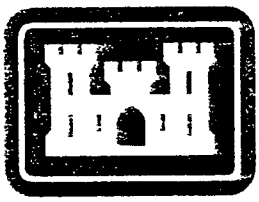
ROCK ISLAND DISTRICT

TRIBAL WORKSHOP

MAY 25, 1995



MESKWAKI NATION





US ARMY CORPS OF ENGINEERS
ROCK ISLAND DISTRICT

Attendees

Name	Position
Dudley Hanson, P.E.	Chief, Planning Division
Ron Deiss	Tribal Coordinator
Diane DeMeyer	Waterways & Special Studies
John Betker	Regulatory
Denise Yale	Public Affairs Specialist
Sharryn Jackson	Economic & Social Analysis
Heidi Wheatley	Recorder
Jennifer Shields	Geographic Information Systems
Harry Bottorff	Geographic Information Systems



Sac & Fox Tribe of the Mississippi of Iowa

"MESKWAKI NATION"

Attendees

Name	Position
Gladys Buffalo Benson	Tribal Administrator
Deron Ward	Environmental Specialist
Brandon Wanatee	Grants Writer
Loraine Davenport	Utilities Director
Larry Lasley	Housing Director
Wanda Lasley	Planning Coordinator

United States Department of the Interior
BUREAU OF INDIAN AFFAIRS

Attendees

Name	Position
James Fenelon	Sac & Fox Area Field Officer

TRIBAL WORKSHOP AGENDA

11:00	Introductions by Corps and Sac & Fox
11:15	Presentation by Denise Yale - *Command Briefing for Rock Island District* Slide Show
12:00	Lunch
12:30	Presentation by Sharryn Jackson - Partners for Environmental Progress (PEP)
	Presentation by Diane DeMeyer - Planning Assistance to States
	15 Minute Break
	Presentation by John Betker - Regulatory Compliance
	Presentation by Harry Bottorff - Geographic Information Systems (GIS)
	Closing Remarks

May 25, 1995

Name	Position	Phone
Ron Deiss	Corps Tribal Coordinator	309 794-5185
John Betker	Corps. Regulatory (Permits)	794-5380
George Gitter	City Planner - Rock Island Corp	309-794-5387
Sharryn Jackson	Social Science Analyst	309-794-6/0
Harry Bottorff	GIS coordinator	309-794-5403
Jim Fenelon	~~Sac & Fox Grace Field~~ Bureau of Indian Affairs	(515) 484-404,
Heidi Wheatley	Recorder, Environmental Analysis	309-794-561(
DERON WARD	Environmental Specialist - SAC & FOX TRIBE	(515) 484-4678
Lorraine Davenport	~~Sac + Fox~~ Tribal Utilities Director	515-484-4678
BRANDON WANATEE	GRANTS WRITER	515-484-4678
Wally Buffalo Benson	Admin assistant	515-484-467
Linda Easley	Jr Svc Coord.	515-484-2888
L. ALG YOUNG BEAR	HOUSING ASST. DIR	515 484-4678
Dudley Hanson	CENCR-PD	309/794-5260

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CENCR-PD-E

19 January 1995
DEISS/5185

MEMORANDUM FOR RECORD

SUBJECT: Tribal Coordination Preworkshop Planning Meeting

1. The subject meeting was held at the U.S. Army Corps of Engineers' (Corps) North Central Division (CENCD) on 11-12 January 1995. Mr. Ron Deiss represented the Corps' Rock Island District (CENCR) as the point of contact (POC) and Tribal Coordinator for the **Conduct of Workshops with Federally Recognized Tribes** outreach program. The meeting included participants from CENCD, the Corps' Ohio River Division (CEORD), and the Office of American Indian Trust, Department of Indian Affairs.

2. The subject meeting focused on two major goals: (1) to promote a familiarity with trust relationships, coordination, and responsibilities with federally recognized tribes and (2) to conduct workshops with federally recognized tribes as per the enclosed memorandum,dated 14 November 1994, and signed by Major General Genega. The goals will be implemented in the form of a Planning Meeting, followed by any proposed Workshops. Meetings and workshops will be considered as outreach programs and focus on listening to tribal representatives and identifying tribal/District partnering opportunities and issues and problems. All meetings and workshops are to be conducted no later than 31 May 1995, as per the aforementioned 14 November 1994 memo, and an after action report will be written by Mr. Deiss.

3. The one federally recognized tribe in CENCR is the Sac and Fox Tribe, near Tama, Iowa. Rock Island District has partnered with this tribe in the past, and is presently coordinating a proposed floodplain study under our "Planning Assistance to States" Program.

4. Mr. Deiss is the Corps designated Tribal Coordinator and Project Manager in charge of implementing Major General Stanley G. Genega's Workshop Planning Guidance. This guidance directs the Corps to form an Executive Advocacy Group of three to five persons. Planning recommends one of the Commanders, an individual from Project Management, Public Affairs, Regulatory Branch of Operations Division, and Environmental Analysis Branch of Planning Division. This group will identify objectives, determine responsibilities, and most importantly, choose the six to nine members of the Planning Team who will meet with tribal representatives.

5. Other than the 31 May 1995 deadline for the conduct of all Planning Team and Workshop meetings, any outreach schedules will require coordination with the Sac and Fox Tribe, as well as with Headquarters, U.S. Army Corps of Engineers, Washington, DC (see enclosed 10 January 1995 memorandum).

6. The implementation of planning for the conduct of workshops with federally recognized tribes is a mandated, fast-track outreach program with high visibility and priority which requires complete and full support of our District as a responsible Federal agency to improve government-to-government relationships with federally recognized tribes.

7. Project Management, Public Affairs, and Regulatory Branch of Operations Division are requested to choose an individual to be included in the Executive Advocacy Group. Please provide the name to Mr. Deiss at 309/794-5185 by 31 January 1995. Planning will then generate a memo for the first Executive Advocacy Group meeting. Any questions concerning this memo can be addressed to Mr. Deiss, telephone 309/794-5185.

Michael A. Cockerill

Encl

MICHAEL A. COCKERILL
Chief, Environmental Analysis Branch
Planning Division

CF (all w/encl):
CDR, CENCD-PD-ER (Kleinhans)

Dist File (PD)
[redacted]
DD
DE
XA
PA
OC
EM/PM
ED
OD
PP

CENCR-PD-E

8 February 1995
DEISS/5185

MEMORANDUM THRU

~~PDE~~

~~PD~~ 2/10/95 Concur with need to set up advocacy group. Have asked Mike Corbin and Ron Deiss to set up an info brfg to give you more background.

~~DD~~

FOR ~~DE~~ 2/15

O.K. - Soon.

SUBJECT: Response to DE Comments on 19 Jan 95 Memorandum For Record (MFR), subject: Tribal Coordination Preworkshop Planning Meeting

1. In response to your questions and comments (Encl 1) regarding SAB and related outreach topics, we believe that the enclosed copy of **Appendix D - Workshop Planning Guidance** (Encl 2) which was attached to Major General Stanley Genega's memo of 14 Nov 94, may answer most of your questions.

2. The subject meeting at North Central Division, attended by Mr. Ron Deiss of our Environmental Analyis Branch, included a discussion of the application of the Workshop Planning Guidance. The guidance could be modified slightly at the district level. The Advocacy Group could be considered as more permanent and the Planning Team could be considered goal oriented with the proposed Workshops.

3. The choices for the representatives of the Executive Advocacy Groups were based upon recommendations at the subject meeting, but any additional members will be taken under consideration.

4. The main thrust of the memo is to take the initial steps toward the implementation of General Genega's memo. It is the opinion of the undersigned that any meeting with Federally Recognized Indian Tribes would include District Commanders as members of the Planning Team. This recommendation is apparent in General Genega's memo and was reinforced at the subject meeting.

5. The members of the Executive Advocacy Group have been chosen, except for the inclusion of either the District Engineer, Deputy District Engineer, or their representative.

6. In addition, the undersigned recommends that further questions, historic contexts, the after action report, etc., concerning implementation of **Conduct of Workshops with Federally Recognized Tribes**, be addressed at the first meeting of the Executive Advocacy Group. It must be realized that this outreach requires formal coordination with the Federally Recognized Tribes, a Planning

CENCR-PD-E
SUBJECT: Response to DE Comments on 19 Jan 95 Memorandum For Record (MFR), subject: Tribal Coordination Preworkshop Planning Meeting

Meeting with the appropriate leaders of the Federally Recognized Tribes, and potential workshops with many members of Federally Recognized Tribes, all achieved by 31 May 1995. This can potentially be achieved and will be discussed as a major goal at the first Executive Advocacy Meeting. Any questions concerning this memo may be addressed to Mr. Deiss at 309/794-5185.

2 Encls

MICHAEL A. COCKERILL
Chief, Environmental Analysis Branch
Planning Division

CF:
CDR, CENCD-PD-ER (Kleinhans) (w/encls)

Dist File (PD) (all w/encls):
PD-E (Deiss)
DD
DE
XA
PA (Yale)
OC
EM/PM
ED
OD
OD-S (Betker)
PP

CENCR-PD-E

24 February 1995
DEISS/5185

MEMORANDUM THRU PD

FOR SEE DISTRIBUTION

SUBJECT: First Tribal Coordination Executive Advocacy Group Meeting

1. Following the **Appendix D - Workshop Planning Guidance,** which was attached to Major General Stanley Genega's memo dated 14 November 1994, the Executive Advocacy Group will meet on 3 March 1995 from 10 to 11 a.m. in the Planning Division Conference Room (2nd Floor Annex).

2. Members of the Rock Island District's (CENCR) Executive Advocacy Group consist of the District Engineer or Deputy District Engineer, Ron Deiss (PD), Perry Hubert (PD-F), Denise Yale (PA), John Betker (OD-S), and James Mills (PP-M). All members of the Advocacy Group are urgently asked to attend the subject meeting, as this group may not meet again in the near future.

3. The Executive Advocacy Group will be briefed on the recently directed Corps of Engineers Tribal Outreach Program with Federally Recognized Tribes, which is under way nationwide. The outreach program will follow the **Conduct of Workshops with Federally Recognized Tribes** manual.

The briefing, followed by any questions or discussion, is expected to take between 15 to 20 minutes. It must be realized that this outreach program requires formal coordination with the Federally Recognized Tribes within CENCR boundaries, consisting of the Sac and Fox Tribe near Tama, Iowa, and also that guidance provided thus far indicates that the program can be attuned to the desires and requirements of CENCR and the Tribes (it's very fluid and ammenable to Tribal goals). The remainder of the hour will include a discussion of who should be included on the Planning Team. This team will meet once at the District level. After that, any future meetings will include the appropriate leaders of the Federally Recognized Tribes as members. The Planning Team is the major thrust of the outreach program, although guidance provides for workshops with additional Tribal members, as required. All meetings and workshops must be completed by 31 May 1995, so that the After Action Report can be provided to North Central Division.

4. This outreach program has some relationship to the Planning Assistance to States (PAS), Section 22, Water Resources Development Act (WRDA) of 1974, since Section 208 of the WRDA of 1992 amends the WRDA of 1974 to include Native American entities (Tribes) as equivalent to a State. Questions may be brought up at the Planning

CENCR-PD-E
SUBJECT: First Tribal Coordination Executive Advocacy Group Meeting

Team or Workshop meetings concerning the PAS project presently underway between the Corps of Engineers and the Sac and Fox Tribe. Other questions already informally asked by this Tribe include loss of Pow Wow Grounds through erosion by the Iowa River, compliance with wetland laws and regulations, curation of Native American artifacts, and the implementation of the Native American Graves and Repatriation Act. These are some of the issues which were discussed in the past with the Sac and Fox Tribe, or which were recently discussed with Ms. Gladys Buffalo Benson, Administrative Assistant of the Sac and Fox Tribe of the Mississippi in Iowa, who is the Tribe's point of contact (POC) for this program.

5. Any questions concerning this memo may be addressed to CENCR's POC for this program, Mr. Ron Deiss (CENCR-PD-E), by calling 309/794-5185.

MICHAEL A. COCKERILL
Chief, Environmental Analysis Branch
Planning Division

DISTRIBUTION:
DE
DD
PD (Deiss)
PD-F (Hubert)
PA (Yale)
OD-S (Betker)
PP-M (Mills)

CF:
CDR, CENCD-PD-ER (Kleinhans)

Dist File (PD):
ED
OD
OC
XA
EM/PM

CENCR-PD-E

March 16, 1995
Wheatley/5616

MEMORANDUM FOR RECORD

Subject: Indian Tribal Coordination Planning Meeting

1. Reference memorandum , PD-E, 14 March 1995, subject: The *Corps Program Notebook.*

2. The subject meeting is scheduled for March 21 at 13:30 in the PD conference room to prepare for the meeting to be held in Tama on 4 April 1995, 1:00pm at the Community Center.

3. Agenda topics for this subject will include but not be limited to:

a. The *Corps Program Notebook.*
b. Logistics and protocol for Tama meeting.
c. Decide specifically who will attend the meeting in Tama and what the attendees roles will be.
d. What should be presented at the meeting and who will be in charge of what presentation.
e. Goals we want to achieve at the Tama meeting.
f. Discuss possible questions or problems that will be brought up by the residents of Tama.

4. The procedures described in the *Corps Workshop Planning Guidance* should be followed when planning for our meeting in Tama: 1) All members of the Planning Team are to attend. 2) Emphasize partnering. 3) The *Corps Program Notebook* should be referenced. We want to provide the best possible service and a professional attitude to make this meeting and further involvement with the Sac and Fox go smoothly.

5. Any questions concerning this meeting should be addressed to Ron Deiss (PD-E) at ext. 5185.

Michael A. Cockerill
Chief, Environmental Analysis Branch

CF:
Dist File (PD)
DE
DD
PD-E (Deiss)
PA (Yale)
PP-M (Mills)
OD-S (Betker)
PD-F (Hudson)

CENCR-PD-E

March 23, 1995
Wheatley/5616

MEMORANDUM FOR RECORD

Subject: Indian Tribal Coordination Planning Meeting

1. Reference planning meeting, PD Conference Room, 21 March 1995, subject: preparation for meeting in Tama, Iowa.

2. The attendee's were as follows:
COL Charles Cox (DE), MAJ Michael Duffy (DD), Dudley Hansen (PD), Martin Hudson (PD-F), Ron Deiss (PD-E), Jim Murray (PD-F), Heidi Wheatley (PD-E).

3. The planning meeting yielded many questions and answers. Highlights of the discussions are listed below.

A familiarity with the Native American Workshop Guidance and Corps Program Notebook will aid in any discussions.
A familiarity with Corps projects that partnered with the Sac and Fox would be beneficial.
Colonel Cox will be the Corps' Planning Team Leader and he stressed listening to and assistance with problems and complaints and wants any workshops to follow quickly.
Major Duffy recommended notifying Mr. James Fenelon of the Corps' directives and of the District Planning Team meeting.

3. Mr. James Fenelon, Bureau of Indian Affairs, was contacted on 22 March 1995 as requested by MAJ Duffy at the planning meeting. Mr. Fenelon showed great interest and will attend the meeting on 4 April 1995. We have sent Mr. Fenelon a copy of the *Corps Program Notebook*, the *Native American Workshop Guidance*, and a copy of the Memorandum for Record, dated 16 March 1995.

4. On 4 April 1995 we will meet in front of the Clock Tower Building at 9:30am to leave for Tama, IA. We should arrive in Tama at 12:00pm. We will stop for a quick lunch before attending the meeting at 1:00pm. Corps attendee's will be as follows:

Colonel Charles Cox - (DE)
Denise Yale - (PA)
John Betker - (OD-S)
Martin Hudson - (PD-F)
Ron Deiss - (PD-E)
Heidi Wheatley (PD-E)

5. Next week a meeting agenda will be faxed to the Sac & Fox Tribe Administrative Assistant, Ms. Gladys Buffalo Benson, listing members of the Corps who will be in attendance and a brief biography on those persons. We will request, at that time, a list of people who will be appointed to their planning team and a brief biography of said persons.

CENCR-PD-E

Subject: Indian Tribal Coordination Planning Meeting

6. All workshops should be completed before the last week in May. The After-Action Report must be completed and received by Division NLT 2 June 1995.

7. Further questions should be directed to Ron Deiss (PD-E) at ext. 5185.

Ron Deiss
Environmental Aanalysis Branch

CF:
Dist File (PD)
DE
DD
PD-E (Deiss, Wheatley)
PA (Yale)
PP-M (Mills)
OD-S (Betker)
PD-F (Hudson)

CENCR-PD-E
28 March 1995

MEETING SCHEDULE

SUBJECT: Planning for the Conduct of Workshops with Federally Recognized Tribes (Planning Team Meeting).

GOAL: To help the Corps tribal POC's assess their offices' relationship with the tribes in their area.

DATE: 4 April 1995 TIME: 1:00pm

LOCATION: Sac & Fox Community Building, Tama, Iowa

CORPS ATTENDEES (Name and Office):

Colonel Charles Cox, Commander & District Engineer
Mr. Martin Hudson, Chief, Flood Control & Special Studies
Mr. Ron Deiss, Tribal Coordinator, Environmental Analysis
Mr. John Betker, Operations Division
Ms. Denise Yale, Public Affairs
Ms. Heidi Wheatley, Environmental Analysis

NON-CORPS ATTENDEES (Name and Agency):

Mr. James Fenelon, Bureau of Indian Affairs
To be determined by Sac & Fox Tribe of the Mississippi in Iowa.

SPECIAL INSTRUCTIONS: We request that a list of names, titles and brief biography of Sac & Fox Planning Team members be sent to Mr. Ron Deiss, Tribal Coordinator, FAX 309/794-5157. Any questions concerning this meeting schedule should be directed to Mr. Ron Deiss at 309/794-5185.

AGENDA:

TOPIC	SPEAKER	EST TIME REQUIRED
Introduction	Colonel Cox	
Introduction	Sac & Fox	
Discussion	All	

Ron Deiss, Tribal Coordinator

Encls (Bibliographies of Corps attendees)

CF: (w/ encls)
Ms. Gladys Buffalo Benson
Administrative Assistant
Sac & Fox Tribe of the Mississippi in Iowa
3137 F Avenue
Tama, IA 52339-9629

Mr. James Fenelon
Sac & Fox Area Field Office
Bureau of Indian Affairs
1657 320th Street
Tama, IA 52339-9608

(w/out encls)
Dist File (PD, w/ encls)
DE
OD-S (Betker)
PD-F (Hudson)
PA (Yale)
PD-E (Deiss, Wheatley, ✓ w/ encls)

CENCR-~~PD-E~~ RSB 4/12

April 12, 1995
Wheatley/5616

MEMORANDUM FOR RECORD

Subject: Indian Tribal Coordination Meeting held April 4, 1995 in Tama, Iowa

1. Reference Planning Team Notes dated April 5, 1995.

2. The subject meeting went well. The sixteen attendees were composed of five Corps members, ten tribal members and one member from the Bureau of Indian Affairs. Attached to this MFR you will find the complete list of names and titles of the participants, meeting notes and meeting agenda.

3. Concerns raised by the Sac & Fox tribe consisted of water problems such as potability and flooding of the old homestead lands, pow wow grounds and the cemetery. Tribe members also showed a great interest in learning more about Federal Surplus Property both at the Corps and the Arsenal and additional information will be sent when the workshop letter is mailed. Public Affairs has subscribed the Sac & Fox tribe to the Tower Times and notification will be included in the letter.

4. Preliminary agenda for the workshop will include those issues mentioned above, promotion of planning assistance projects and will address future assistance with Geographic Information Systems (GIS), partners in Environmental Program, Planning Assistance to States and regulatory compliance. John Betker, Harry Bottorff and Martin Hudson will be working on a preliminary agenda for the workshop which will be planned for the week of May 8, 1995.

5. A letter will be written to Gladys Buffalo Benson asking the tribe to participate in the workshop and to chose a date to hold the workshop the week of May 8, 1995

6. Further questions should be directed to Ron Deiss at 5185.

Ron Deiss
Tribal Coordinator

encls

CENCR-PD-E
28 March 1995

MEETING SCHEDULE

SUBJECT: Planning for the Conduct of Workshops with Federally Recognized Tribes (Planning Team Meeting).

GOAL: To help the Corps tribal POC's assess their offices' relationship with the tribes in their area.

DATE: 4 April 1995 TIME: 1:00pm

LOCATION: Sac & Fox Community Building, Tama, Iowa

CORPS ATTENDEES (Name and Office):

Colonel Charles Cox, Commander & District Engineer
Mr. Martin Hudson, Chief, Flood Control & Special Studies
Mr. Ron Deiss, Tribal Coordinator, Environmental Analysis
Mr. John Betker, Operations Division
Ms. Denise Yale, Public Affairs
Ms. Heidi Wheatley, Environmental Analysis

NON-CORPS ATTENDEES (Name and Agency):

Mr. James Fenelon, Bureau of Indian Affairs
To be determined by Sac & Fox Tribe of the Mississippi in Iowa.

SPECIAL INSTRUCTIONS: We request that a list of names, titles and brief biography of Sac & Fox Planning Team members be sent to Mr. Ron Deiss, Tribal Coordinator, FAX 309/794-5157. Any questions concerning this meeting schedule should be directed to Mr. Ron Deiss at 309/794-5185.

AGENDA:

TOPIC	SPEAKER	EST TIME REQUIRED
Introduction	Colonel Cox	
Introduction	Sac & Fox	
Discussion	All	

Ron Deiss, Tribal Coordinator

PLANNING TEAM MEETING
SAC & FOX TRIBAL OFFICE, APRIL 4, 1995
1:00 PM

NAME	ORGANIZATION	TITLE
MAJ Michael Duffy	Corps	Deputy Commander
Ron Deiss	Corps	Tribal Coordinator
Martin Hudson	Corps	Chief, Flood Control & Special Studies
John Betker	Corps	Regulatory Branch (Permits)
Denise Yale	Corps	Public Affairs
Jim Fenelon	Bureau of Indian Affairs	Field Officer
Duane Keahna	Sac & Fox	Tribal Maintenance
Lorraine Davenport	Sac & Fox	Utilities Director
Ram Dhanwada	Sac & Fox	Tribal Comptroller
Gladys Buffalo Benson	Sac & Fox	Administrative Assistant
Ken Scott	Sac & Fox	Executive Director
Benjamin Bear	Sac & Fox	Health Receptionist
Deron Ward	Sac & Fox	Environmental Specialist
Larry Lasley	Sac & Fox	Housing Director
Wanda Lasley	Sac & Fox	Senior Services

WHEATLEY/dmd/5616

April 14, 1995

Planning Division

Ms. Gladys Buffalo Benson
Administrative Assistant
Sac & Fox Tribe of the
Mississippi of Iowa
3137 F Avenue
Tama, Iowa 52339-9629

Dear Ms. Benson:

I am pleased that you and your staff were able to meet with Major Michael Duffy and my staff on April 4, 1995, and we feel that the meeting was a success. I am also happy to hear that the Tribal Council has approved our Draft Study Proposal for the Planning Assistance to States work.

I would like to schedule the follow-up workshop as quickly as possible so we can begin to look deeper into the concerns you have and look for solutions to those concerns.

Please choose a time during the week of May 8-12 to schedule a workshop to be held here at the Corps of Engineers' Rock Island District. I ask that you please respond no later than April 28, 1995, with the date of your choice and a list of committee members who will attend.

I am pleased to provide assistance, and I look forward to the workshop.

If you have any further questions, please contact my Tribal Coordinator Mr. Ron Deiss of my Planning Division's Environmental Analysis Branch, telephone 309/794-5185.

Sincerely,

ORIGINAL SIGNED BY

Charles S. Cox
Colonel, U.S. Army
District Engineer

CF:
Dist File (PD)
PD (Herrmann)
PD-E (Deiss)
PD-F (Hudson)

CENCR-PD-E 6/1

01 May 1995
Deiss/5185

MEMORANDUM FOR RECORD

SUBJECT: Update on Implementation of Planning for the Conduct of Workshops With Federally-Recognized Tribes

1. Ms. Galdys Buffalo Benson, the Sac and Fox Tribal Point of Contact for the Corps Workshop, was contacted by Ron Deiss, May 1, 1995. Ms. Benson stated that the week of the May 8-12 was not possible, due to previous engagements. She asked that the Corps would pick a day between May 16 - 18, 1995. I stated that I would get back with her ASAP. She stated that possibly four people would be attending, including herself, Deron Ward, and two others. Also, should Mr. Jim Fenelon of the Bureau of Indian Affairs Field Office be invited?

2. I called Nancy Bivens (ES) and the only dates available in the last half of the Month for the DD and DE are May 25 and 31, 1995. I contacted Ms. Benson who preferred May 25 as the date for the Workshop held at the Rock Island District. She stated that they would probably be at the Rock Island District around 11:00 a.m. I replied that I would be sending a Meeting Agenda within the next 7 to 10 days.

3. Prior to the Corps workshop, a Corps Planning Team Meeting for the Tribal Workshop will be held on May 9, 1995 at 10:00 a.m. to 11:00 a.m. in the District Conf. Rm. A. The District Conf. Rm. A has been reserved for May 9, 1995, from 10:00 to 11:30 a.m.

4. A meeting agenda for the Planning Team Meeting for the Tribal Workshop will be both routed and sent CC: MAIL to the Corps Planning Team members. The Corps Planning Team members are Colonel Charles Cox, Major Michael Duffy, Denise Yale, John Betker, Martin Hudson, Ron Deiss, Jim Mills, and Harry Bottorff. Mr. Bottorff is a new member and will be focusing on the Corps GIS capabilities at the 25 May 95 Workshop. Denise Yale is presently working on finding a location for the May 25, 1995 Workshop for 11:00 - 3:00.

5. For your information, the Corps Planning Team Meeting will include an update, finalizing plans for the Workshop to include input from John Betker, Martin Hudson, and Harry Bottorff, focusing on the separate agendas for Regulatory, Planning Assistance to States, and Geographic Information Systems. Other items of discussion will be possible tours of the Lock and Dam 15 and the Clock Tower.

6. Please provide any comments to Ron Deiss, via CC Mail: NCRPDE7, call Ext. 5185, or address concerns at the Corps Planning Team Meeting on May 9, 1995.

RON DEISS
Environmental Analysis Branch

CF:
PD (Dist File)
PD-E (Deiss)
PD-E (Wheatley)
PD-F (Hudson)
PD-W (Bottorff)
NCD-PD-PD-ER (Kleinhans)
DE
DD
PA (Yale)
PP-M (Mills)
OD-S (Betker)

CENCR-~~PD-E~~ PAS S/O
08 May 1995

MEETING SCHEDULE

SUBJECT: In-House Planning Team Meeting to Discuss Tribal Workshop Held at Rock Island District on May 25, 1995.

GOAL: Finalize Agenda for Workshop

DATE: 9 May 1995 TIME: 10:00 am to 11:30

LOCATION: District Conference Room "A"

CORPS ATTENDEES (Name and Office):

Colonel Charles S. Cox, DE
Denise Yale, PA
Ron Deiss, PD-E
James Mills, PP-M
Harry Bottorff, PD-W
Major Michael E. Duffy, DD
Martin Hudson, PD-F
Heidi Wheatley, PD-E
John Betker, OD-S

AGENDA:

TOPIC	SPEAKER	EST TIME REQUIRED
Update	Deiss	5 minutes
Sample Agenda and Proposed Notebook	Deiss and Wheatley	5 minutes
PD-F Workshop Agenda	Hudson	10 minutes
OD-S Workshop Agenda	Betker	10 minutes
PD-W Workshop Agenda	Bottorff	10 minutes
PA Workshop Special Instructions and Lunch	Yale	5 minutes
Workshop Discussion	All	until 11:30 pm

SPECIAL INSTRUCTIONS: PD-F, OD-S, and PD-W should have proposed and tentative agendas (briefs) to be given as meeting topics.

CENCR-PD-E
08 May 1995

MEETING SCHEDULE (Continued)

SUBJECT: In-House Planning Team Meeting to Discuss Tribal Workshop Held at Rock Island District on May 25, 1995.

MTG FOLLOW-UP (Actions(s) required; person(s) responsible - what, when, who):

A) PD-F, OD-S, and PD-W will provide assemble information, give-aways, pamphlets, information, and be responsible for providing their own equipment, poster displays, and support materials for the Workshop Folder.

B) PA will confirm lunch time and provided deadline for donations for the payment of the Workshop lunch (to be catered).

C) PD-E will produce MFR of Meeting, a final meeting agenda, questionnaire, and write a letter (to be signed by DE) formally inviting the tribe to participate in the Workshop. PD-E will also be responsible for the District's after action report and assessment.

PD-E MAY 8,95

Name and Signature of Facilitator

CF: Dist File (PD)
DE (Col. Cox)
DD (Maj. Duffy)
PD-E (Deiss)
PD-E (Wheatley)
PD-F (Hudson)
PD-W (Bottorff)
PA (Yale)
PP-M (Mills)
OD-S (Betker)
EM/PM (Stieger)

CENCR-~~PD-E~~ ICRB 5/10/95

May 10, 1995
Wheatley/5616

MEMORANDUM FOR RECORD

Subject: Indian Tribal Workshop

1. Reference planning meeting, District Conference Room A, 9 May 1995, subject: preparation for workshop to be held at Rock Island District.

2. The following were in attendance:
COL Charles Cox (DE), MAJ Michael Duffy (DD), John Betker (OD-S), Diane DeMeyer (PD-F), Martin Hudson (PD-F), Harry Bottorff (PD-W), Teresa Kirkeeng-Kincaid (PD-W), Denise Yale (PA), Ron Deiss (PD-E), and Heidi Wheatley (PD-E).

3. The workshop planning meeting yielded many questions and answers. Highlights of the discussion are listed below.

Colonel Cox and Major Duffy will not be attending the workshop.
A slide show of Rock Island District will be shown at the Visitor's Center after introductions are made to give the tribe an overview of our District.
The Sac & Fox have accepted our Scope of Work for Planning Assistance to States.
A working lunch should be planned.
DRMO of Rock Island Arsenal should be invited to lunch in case the tribe has any questions on surplus property.
Planning team members will contribute $5.00 each to cover the cost of lunch.
The In-House Planning Team should regroup on 24 May 1995 for a short time to make sure all loose ends are tied.

4. $5.00 lunch contributions should be given to Denise Yale (PA) NLT 19 May 1995.

5. The revised Workshop Agenda is attached. Please make corrections and add comments and return to Ron Deiss (NCRPDE7) before COB 10 May 1995.

6. A formal invitation to the workshop and meeting agenda will be sent to the Sac & Fox tribe and BIA on 11 May 1995.

7. The In-House Planning Team will meet again on 24 May 1995 at 10:00 a.m. in the PD Conference Room.

8. Further questions should be directed to the undersigned at ext. 5185.

Ron Deiss
Tribal Coordinator

encl

CF: PD (Dist File)
DD
DE
PD-F (Hudson, DeMeyer)
OD-S (Betker)
PD-W (Kirkeeng-Kincaid, Bottorff)
PA (Yale)
PD-E (Deiss, Wheatley)

DEISS/dmd/5185

May 12, 1995

Planning Division

Ms. Gladys Buffalo Benson
Administrative Assistant
Sac & Fox Tribe of the
Mississippi of Iowa
3137 F Avenue
Tama, Iowa 52339-9629

Dear Ms. Benson:

I am pleased to invite you and your staff to the Tribal Workshop to be held on May 25, 1995, here at the Rock Island District of the U.S. Army Corps of Engineers, Rock Island, Illinois. The workshop is scheduled to begin at 11 a.m. at the Corps of Engineers' Lock and Dam 15 Visitor Center.

I also have invited Mr. James Fenelon of the Bureau of Indian Affairs to attend the workshop.

A workshop agenda, a map, and suggested directions to the Visitor Center are enclosed for your information. Lunch will be provided.

My staff has contacted the Defense Reutilization Marketing Office (DRMO) at the Rock Island Arsenal to find additional information for you about Federal surplus property. Your tribe has been placed on the mailing list to receive flyers on local spot bids and sales. You should soon be receiving information from DRMO. Questions may be directed to Ms. Sally Maubach, telephone 309/782-1619.

Ms. Denise Yale of my Public Affairs Office has placed your tribe on the mailing list to receive our in-house newspaper, the Tower Times. We hope you find the newspaper informative as well as interesting.

If you have any questions, please call my Tribal Coordinator Mr. Ron Deiss, Environmental Analysis Branch, Planning Division, telephone 309/794-5185.

Sincerely,

ORIGINAL SIGNED BY
D. Hanson

Charles S. Cox
Colonel, U.S. Army
District Engineer

Enclosures

CF (w/encls, except map):
Dist File (PD)
PD (Herrman) (wo/encls)
PD-E (Deiss)
PD-F (Hudson)
PD-W (Bottorff)
OD-SP (Betker)

DEISS/dmd/5185

May 12, 1995

Planning Division

Mr. James Fenelon
Sac & Fox Area Field Office
Bureau of Indian Affairs
1657 320th Street
Tama, Iowa 52339-9608

Dear Mr. Fenelon:

I am pleased to invite you to the Tribal Workshop to be held on May 25, 1995, here at the Rock Island District of the U.S. Army Corps of Engineers, Rock Island, Illinois. The workshop is scheduled to begin at 11 a.m. at the Corps of Engineers' Lock and Dam 15 Visitor Center.

A workshop agenda, a map, and suggested directions to the Visitor Center are enclosed for your information. Lunch will be provided.

If you have any questions, please call my Tribal Coordinator Mr. Ron Deiss, Environmental Analysis Branch, Planning Division, telephone 309/794-5185.

Sincerely,
ORIGINAL SIGNED BY
D. Hanson

Charles S. Cox
Colonel, U.S. Army
District Engineer

Enclosures

CF (all wo/encls):
Dist File (PD)
PD (Herrman)
PD-E (Deiss)
PD-F (Hudson)
PD-W (Bottorff)
OD-SP (Betker)

Sac & Fox Tribe of the Mississippi in Iowa

3137 F Avenue, Tama, IA 52339-9629 (515) 484-4678 FAX (515) 484-5424
(515) 484-5358

"MESKWAKI NATION"

May 23, 1995

District Engineer
U.S. Army Corps of Engineers
Rock Island District
Clock Tower Building
P.O. Box 2004
Rock Island, Illinois 61204-2004

Dear COL Cox:

The Sac & Fox Tribe of the Mississippi in Iowa requests the Rock Island District of the U.S. Army Corps of Engineers to undertake a flood plain study of Tribal Lands in Tama County, Iowa, under Section 22 (Planning Assistance to States) of the Water Resources Development Act of 1974.

The purpose of the study is to identify flood plains within the boundaries of the settlement. Components of the study will include detailed hydrology and hydraulic analyses and digital aerial mapping.

The Sac & Fox Tribe anticipates that they will provide the required non-Federal match of 50 %. We also understand that before starting work on the study a cost sharing agreement between the Tribe and the Corps of Engineers will need to be executed which will require up-front provision of the non-Federal share of the study cost.

We understand the cost estimate for the study is $240,000 ($120,000 Non-Federal/ $120,000 Federal) and will include all facets of the detailed flood plain analysis and the resultant report and mapping.

Sincerely,

Gailey Wanatee

Gailey Wanatee,
Tribal Chairman
Sac & Fox Tribe

AFTER ACTION REPORT
TRIBAL ASSESSMENT WORKSHOP
DETROIT DISTRICT

20 APRIL 1995

AFTER ACTION REPORT
WORKSHOP BETWEEN DETROIT DISTRICT AND
FEDERALLY RECOGNIZED TRIBES IN MICHIGAN
HOUGHTON LAKE, MICHIGAN, APRIL 20, 1995

A. WORKSHOP ADMINISTRATION

1. BIA Area Office
Bureau of Indian Affairs, Minneapolis, Minnesota

2. Sub-Region (Corps District, geographic region, etc.)
Detroit District, all Federally Recognized Tribes in the State of Michigan

3. Date of workshop
20 April 1995

4. Length of Workshop (days)
1 day

5. Location of workshop (Corps? Tribal? Other?)
Holiday Inn, Houghton Lake, Michigan

6. Corps Districts/Divisions involved (list all)
Detroit District

7. Corps participants at workshop (name, position, office)
Colonel Randolph Buck, District Engineer
Karen Krepps, Tribal Coordinator, Environmental Analysis Branch, Engineering & Planning Division
Joseph Wanielista, Planning Branch, Engineering & Planning Division
Gary Mannesto, Chief, Regulatory Functions Branch, Construction Operations Division
Dave Gesl, Regulatory Functions Branch, Construction Operations Division
Jerry Doline, Chief, Emergency Management Branch, Construction Operations Division
Kathleen Moore, Assistant Chief, Office of Counsel
Scott Parker, Chief, Program and Project Management Division
Bill Alsop, Facilitator, Alsop & Associates, Organizational Consultants

8. Tribal participants at workshop (name, Tribe, position)
Dan Tadgerson, Sault Ste. Marie Tribe of Chippewa Indians, Environmentalist
Roger Stack, Chi Chuk Construction, Sault Ste. Marie Tribe, General Manager
Holly Cusack-McVeigh, Ziibiwing Cultural Society, Saginaw Chippewa Tribe, Research Consultant
Kayle Crampton, Ziibiwing Cultural Society, Saginaw Chippewa Tribe, Office Coordinator
Mickey Parish, Bay Mills Indian Community, Executive Director

Ken Gebhardt, Bay Mills Indian Community, Environmentalist
Carol Bergquist, Hannahville Indian Community, Planner
John Cole, Grand Traverse Band - Peshawbestown, Attorney
Christine Mitchell, Grand Traverse Band of Ottawa & Chippewa Indians, Chief, Conservation Department
Tom Callison, Grand Traverse Band Ottawa/Chippewa, Environmentalist
William Beaver, Keweenaw Bay Indian Community, Environmentalist
Ann Marie Ulrich, Sakaogon Chippewa, Mole Lake, WI, Attorney
John Griffin, Sakaogon Chippewa Community, Civil and Environmental Engineer, Environmentalist
James H. Schlender, Great Lakes Indian Fish & Wildlife Commission, Executive Director
James Zorn, Great Lakes Indian Fish & Wildlife Commission, Policy Analyst
L. Scott Weiting, Inter-Tribal Council of Michigan, Environmentalist
Paul Schmeichel, Inter-Tribal Council of Michigan, Environmental Services Director
Tom Gorenflo, Intertribal Fisheries Program, Executive Director
Anne Bolton, Bureau of Indian Affairs, Michigan Agency, Superintendent
John W. Haarala, Bureau of Indian Affairs, Michigan Agency, Natural Resources

9. Total number of participants at workshop
29 participants

B. WORKSHOP OUTPUTS

1. Issues raised by Tribes or Corps

The issues raised concerned wetlands and permits. Consensus was reached during the workshop regarding the "Issues" to be forwarded to Higher Headquarters (HQ). Workshop participants were provided with blank issue forms after the workshop, if they wished to have other issues forwarded to HQ.

Issue Summary Forms attached.

2. Were potential means for continuing the relationship discussed? If so, what ideas were generated and what decisions/commitments made (eg., future meetings, set up a Corps/Tribal committee, etc.)?

Methods to further develop the District's relationship with Michigan Tribes were discussed. Suggestions included: future

workshops, meetings with individual tribes, and attending an executive council meeting of the Michigan Inter-Tribal Council (MITC). Through discussions it was determined that the Colonel would contact the MITC to arrange attendance at an executive council meeting. Meetings with individual tribes could take place after meeting with the executive council of the MITC. It was also decided that the plan for any future workshops would be postponed until guidance or responses were received from Higher Headquarters (HQ) on the issues raised and forwarded to HQ.

3. Was joint Corps/Tribal consensus sought and reached on issues? If so, how?

Consensus was reached on the issues to be forwarded to Higher Headquarters through discussions held prior to the close of the workshop. Finally, each participant was given an opportunity to comment on, and discuss, the issues recorded during the workshop discussions.

C. WORKSHOP PLANNING & PREPARATION

1. Description of planning process:

The planning process began with the formation of a Planning Committee. The first Planning Committee meeting consisted only of Corps personnel. The second and subsequent meetings consisted of Corps and Tribal representatives. With the exception of the first meeting, all meetings were conducted by telephone conference calls. Agenda's were prepared and followed for each meeting. Discussions were open and each member was provided an opportunity to state their opinion. Each meeting lasted no longer than 1 hour and participants seemed satisfied with the process.

The Executive Advocacy Committee had an initial briefing meeting. This meeting lasted about 1 hour. The Committee decided that advising the members of pertinent issues through the computer mail system would be the most efficient method of keeping everyone informed. Therefore there were no additional meetings.

Which materials provided (briefing book, tribal notebook, Pink Book, etc.) were most useful? least useful?

Most useful: Tribal notebook and briefing book

Least useful: Pink Book

Workshop planning committee membership (name, position, office). Include Corps, Tribal, and other representatives.

Planning Committee Members consisted of:

Karen Krepps, Tribal Coordinator, Engineering & Planning Division
David Gesl, Regulatory Functions Branch, Construction Operations Division
Jerry Doline, Chief, Emergency Management, Construction Operations Division
Joe Wanielista, Planning Branch, Engineering & Planning Division
Mickey Parish, Executive Director, Bay Mills Indian Community
Dan Tadgerson, Sault Ste. Marie Tribe of Chippewa Indians, Environmentalist
Christine Mitchell, Grand Traverse Band of Ottawa & Chippewa Indians, Chief, Conservation Department
Tom Callison, Grand Traverse Band Ottawa/Chippewa, Environmentalist
William Beaver, Keweenaw Bay Indian Community, Environmentalist
James Zorn, Great Lakes Indian Fish & Wildlife Commission, Policy Analyst
Paul Schmeichel, Inter-Tribal Council of Michigan, Environmental Services Director
Mike Phelan, Saginaw Chippewa, Environmentalist

District/Division Executive Advocacy Group membership.

Members were:

Col. Randolph Buck, District Engineer
Karen Krepps, Tribal Coordinator, Environmental Analysis Branch, Engineering & Planning Division
William W. Willis, Assistant Chief, Construction Operations Division
Dave L. Dulong, Chief, Engineering & Planning Division
Scott Parker, Chief, Program and Project Management Division
Aquilla Kellar, Chief, Equal Employment Opportunity Office

How often did leadership meet?

Three Planning Committee Meetings were held and one Executive Advocacy Group meeting was held. At each Planning Committee meeting, the next meeting date was selected.

What were the key leadership issues and resolutions?

None.

How were Tribes involved in planning?

After the initial letters went to the Tribes alerting them to the workshop process, each Tribe was contacted by telephone. During the initial conversation with the Tribal Chairperson, the Tribal Chairperson named any individual they wanted to have on the Planning Committee. After that, each committee member was contacted to participate in the planning process.

What were the key planning issues and resolutions to them?

There were two key planning issues. One was the issue of facilitator and the other was the issue of location. No one disagreed with the suggestion to have a facilitator. The selected location for the workshop was the middle of the state. There were no disagreements.

What role did the BIA Offices play, if any?

BIA did not have a role.

2. Identification of workshop goals and objectives:

The goal and objective of the workshop, for Michigan, was to open the lines of communication and identify issues of concern to the Tribes.

What were the workshop goals and objectives?

To open the lines of communication and identify issues of concern.

How were they determined?

They were determined from the Headquarters guidance the District received.

3. Workshop format

The workshop consisted of a two formal presentations and discussion. After a brief introduction by Colonel Buck, tribal members were asked to introduce themselves and say a few words about their tribe or agency and make any initial comments.

How was the format arrived at (who was involved in the decision)?

Planning Committee consensus

Were facilitators requested?

Yes

If so, who were they? from where? how chosen?

The facilitator was Bill Alsop, Alsop & Associates, Organizational Consultants, Carlsbad, New Mexico. The facilitator was selected by the Corps because the non-Corps Planning Committee did not have suggestions for a facilitator and they agreed to leave it up to the Corps. This facilitator had been used by the Detroit District for various other meetings.

4. Invitations:

Number of Tribes invited
10 Tribes, and 3 Inter-Tribal Agencies

Number of Tribes in attendance
7 Tribes, and 3 Inter-Tribal Agencies

Invitation and follow-up process for Tribes (mail, press releases, telephone, visit, etc.)
The letters of invitation were mailed and faxed to the Tribes and Inter-Tribal Agencies. Telephone calls were made a few days after faxing to verify receipt of invitations and personally discuss the workshop.

Other invitees (non-Corps, non-Tribe)
Michigan Office of the BIA

5. Agenda
Attached

6. Other notes and observations about workshop planning
The workshop planning process went smoothly, once it started. There were no problems. Everyone seemed pleased that the Corps was "doing" something and was willing to assist.

D. WORKSHOP PROCESS

1. Description of process(es) used in workshop
The workshop consisted of two formal presentations and discussion. The facilitator, when necessary, helped the group focus on the discussion issue.

Was it more of an "airing of concerns" meeting or a "decision" meeting?
Neither, it was a "what can we do for our future relationship."

What kinds of activities were used in the workshop (e.g., panel discussions, small group discussion/brainstorming, etc)
Open discussion facilitated exchange of ideas and discussion of concerns.

Were there any disruptions or unplanned activities? If so, how were they resolved?

There were none.

How were issues identified and verified/confirmed?

Issues were identified during the open discussion. They were confirmed during the wrap-up discussion.

How were decisions made on issues? (voting, issue negotiation, directive)

Discussion

Were resolutions to issues sought? How?

No, resolutions were not sought. The issues identified require guidance/decisions from Headquarters.

How were actions to address issues identified and selected?

Discussion

2. Participant behavior

Workshop participants were courteous and allowed people to complete their comments. Most of the discussion/comments were made by the Tribal representatives.

Relative percentage of workshop time Tribes/Corps spent talking.

Tribes - 70 percent.
Corps - 30 percent.

Were there any particularly outspoken participants? particularly quiet?

The representatives from the Michigan Inter-Tribal Council and from the Great Lakes Indian Fish and Wildlife Commission were the most outspoken. However, they represent several different tribes and were speaking for many tribes, not just one.

The BIA indicated that they were there to "just listen" and so they said very little unless asked a specific question.

Were Tribal reps involved and active?

Yes, when they had concerns

Who presented and spoke to issues?

Most of the discussion was carried by the Michigan Inter-Tribal Council and the Great Lakes Indian Fish and Wildlife Commission representatives, and Regulatory Functions Branch personnel.

3. Other participants

The Planning Committee limited the workshop participation to Tribal and inter-tribal agencies. The BIA had expressed an interest in hearing what the Tribes said, so they were also invited.

BIA role in workshop

They had no formal role.

Role(s) of other participant(s)

None

4. Other observations and notes

Any future workshops, should be planned well in advance to allow greater participation by the Tribes.

E. WORKSHOP EVALUATION

1. Overall evaluation

The District's opinion is that the workshop was successful. The tribes and inter-tribal agencies expressed their enthusiasium at the Corps' recognizing their existence and valuing their opinions. The workshop participants seemed especially pleased that they were given a chance to speak rather than be "spoken at".

How well did the workshop achieve its goals and objectives?

100%

What was successful? Why?

The workshop achieved its goal of opening the lines of communication. Much of this can be attributed to giving tribal representatives the opportunity to speak.

What was not successful? Why?

All 10 Michigan Tribes were not represented. There were scheduling conflicts which probably could have been avoided if the planning process had begun earlier.

Were Tribes consulted to confirm workshop outcomes and to evaluate the workshop?

The draft issue summary forms have been sent to the Tribes for their comment. We have also supplied the Tribes with a blank issue summary form so that they can fill in additional issues if they have any. There was no formal evaluation of the workshop.

However, several participants made positive comments before leaving the workshop. Both the Michigan Inter-Tribal Council and the Great Lakes Indian Fish and Wildlife Commission representatives contacted the Corps after the workshop and made positive comments about the process, the outcome, and the future.

2. Suggestions for improvements in workshops

None.

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

Native American/Corps of Engineers Inter-Governmental Initiative Workshop, Between the Federally Recognized Tribes of Michigan and the Detroit District in Houghton Lake, Michigan on April 20th, 1995.

Issue raised by (check one): **Tribe** X **Corps** X

Issue Description: The Tribal position is that Tribes have primary jurisdiction over all matters within the exterior boundaries of each reservation (on trust, non-trust and non-Native American owned lands within the external boundaries of each reservation), and that the federal trust responsibility applies throughout the reservation. The Tribes feel that absent tribal assumption of authority under the CWA, the federal government (and not states) should handle all permit matters. Question: What is the Corps position?

Type of issue (check one): **process** ____ **product** X

Consequences of resolving issue versus not resolving it.

Resolving: The Tribes believe Tribal/Federal control of reservation impacts would be consistent with purposes of treaties/ reservation and purposes of trust responsibility, and recognizing tribal land use and cultural values.

Not Resolving: Risk of inappropriate delegation of federal trust responsibility to the states.

Resolution/decision regarding issue: Forward to Headquarters for Policy Guidance.

Specific actions agreed upon to address issue, including who is responsible

Short-term actions: 1. Seek policy guidance from higher Crops authorities. 2. Maintain open communication with Tribes on all permit actions affecting reservations.

Long-term actions: 1. District Engineer has offered open ongoing communication with Tribes and intertribal organizations. 2. National guidance, policy, or legislation defining the roles of Corps/EPA/Tribes/States with respect to 404 permit process.

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

Native American/Corps of Engineers Inter-Governmental Initiative Workshop, Between the Federally Recognized Tribes of Michigan and the Detroit District in Houghton Lake, Michigan on April 20th, 1995.

Issue raised by (check one): **Tribe__X__** **Corps__X__**

Issue Description: The existing "public interest" factors listed in 33 CFR 320.4 do not specifically include "tribal interest" factors, such as trust resources and treaty rights. Does the trust responsibly require that "tribal interest" be afforded separate and specific consideration, and perhaps priority over other "public interests" in the 404 permit process?

Type of issue (check one): **process__X__** **product____**

Consequences of resolving issue versus not resolving it.

Resolving: Corps will appropriately weigh tribal rights, resources, culture and tribal values as part of public interest review.

Not Resolving: Tribal trust resources may not be adequately considered or protected in the permit process.

Resolution/decision regarding issue: Forward to Headquarters for Policy Guidance.

Specific actions agreed upon to address issue, including who is responsible

Short-term actions: Corps will improve communications with Tribe and specifically add each Tribe to the public notice mailing list for all geographic areas of interest.

Long-term actions: Need policy to incorporate Tribal interests in 33 CFR 320.4 as a specified interest which must be taken into consideration throughout the country. Need to define matter of priority of tribal interest verses public interest.

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

Native American/Corps of Engineers Inter-Governmental Initiative Workshop, Between the Federally Recognized Tribes of Michigan and the Detroit District in Houghton Lake, Michigan on April 20th, 1995.

Issue raised by (check one): **Tribe__X__** **Corps__X__**

Issue Description: Since the Native American Tribes are considered sovereign nations, and various treaty rights are recognized by the United States, should primacy or priority be given to tribal desires over other interests, regulations and laws pertaining to regulatory matters with regard to: trust land; non-trust land; external boundaries; and ceded boundaries?

Type of issue (check one): **process__X__** **product____**

Consequences of resolving issue versus not resolving it.

Resolving: Appropriate recognition will be afforded trust resource issues as provided for under sovereign nation status.

Not Resolving: Tribal trust resources may not be adequately considered or protected in the permit process.

Resolution/decision regarding issue: Forward to Headquarters for Policy Guidance.

Specific actions agreed upon to address issue, including who is responsible

Short-term actions: The District will continue to work issue at local level to the greatest extent possible.

Long-term actions: Need National policy guidance, regulations or legislation. Interested Tribes will explore assumption of 404 program.

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

Native American/Corps of Engineers Inter-Governmental Initiative Workshop, Between the Federally Recognized Tribes of Michigan and the Detroit District in Houghton Lake, Michigan on April 20th, 1995.

Issue raised by (check one): **Tribe** X **Corps** X

Issue Description: Given the Tribes recognized sovereignty, should Tribes be granted all permit requests unless clear evidence of environmental damage exists (in other words, 404b(1) guidelines and overall public interest balancing should be waived)?

Type of issue (check one): **process** X **product** ____

Consequences of resolving issue versus not resolving it.

Resolving: Tribes believe Trust responsibility requires total deference to tribal land use plans and underlying goals/objectives/values.

Not Resolving: Inconsistent and conflicting land use on reservations that may undermine treaty obligations and the federal trust responsibility

Resolution/decision regarding issue: Forward to Headquarters for Policy Guidance.

Specific actions agreed upon to address issue, including who is responsible

Short-term actions: None.

Long-term actions: District will seek policy guidance from higher authority.

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

Native American/Corps of Engineers Inter-Governmental Initiative Workshop, Between the Federally Recognized Tribes of Michigan and the Detroit District in Houghton Lake, Michigan on April 20th, 1995.

Issue raised by (check one): **Tribe** X **Corps** X

Issue Description: To facilitate the continuing development of a government-to-government relationship, adequate resourcing should be provided to the District.

Type of issue (check one): **process**____ **product** X

Consequences of resolving issue versus not resolving it.

Resolving: Meaningful implementation of the trust responsibility requires funding.

Not Resolving: Even if trust responsibility is recognized and defined, lack of funding would undermine that responsibility.

Resolution/decision regarding issue: Forward to Headquarters for Policy Guidance.

Specific actions agreed upon to address issue, including who is responsible

Short-term actions: Additional meetings/workshops to assist in improving communications between all parties. Seek allocation of funds.

Long-term actions: Need a written policy, or legislation, which defines trust responsibility and trust resources to clarify trust responsibility for all Federal agencies. Need funding to continue our execution of defined trust responsibilities.

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

Native American/Corps of Engineers Inter-Governmental Initiative Workshop, Between the Federally Recognized Tribes of Michigan and the Detroit District in Houghton Lake, Michigan on April 20th, 1995.

Issue raised by (check one): **Tribe** X **Corps** X

Issue Description: To facilitate the continuing development of a government-to-government relationship, delineation of the Corps view regarding its trust responsibility pertaining to regulatory matters must be provided.

Type of issue (check one): **process**____ **product** X

Consequences of resolving issue versus not resolving it.

Resolving: Consistent policy guidance is necessary for implementation of the trust responsibility at the District level.

Not Resolving: Lack of policy guidance creates uncertainty, inconsistency and potential conflict. Continued strained relations will exist.

Resolution/decision regarding issue: Forward to Headquarters for Policy Guidance.

Specific actions agreed upon to address issue, including who is responsible

Short-term actions: None.

Long-term actions: None.

TRIBAL ASSESSMENT ISSUE SUMMARY FORM*

Native American/Corps of Engineers Inter-Governmental Initiative Workshop, Between the Federally Recognized Tribes of Michigan and the Detroit District in Houghton Lake, Michigan on April 20th, 1995.

Issue raised by (check one): Tribe__X__ Corps____

Issue Description: The Ziibiwing Cultural Society (ZCS), the Cultural Preservation Department of the Saginaw Chippewa Tribe would like to help facilitate government to tribes area responsibility of uncovered burial grounds.

Type of issue (check one): process_X__ product____

Consequences of resolving issue versus not resolving it.

Resolving: ZCS knows that not all Tribes at this time were represented and not all Tribes at this time are capable of responding to the Corps' area of interest (Michigan).

Not Resolving: Risk of inappropriate response of Tribes that should be heard.

Resolution/decision regarding issue: Headquarters awareness.

Specific actions agreed upon to address issue, including who is responsible

Short-term actions: Maintain communication with all Tribes on area burial grounds. Corps to clarify issue within 180 days.

Long-term actions: ZCS would like to act as a delegate for action.

*Prepared by a Tribe After Workshop and during review of Issue Summary Forms prepared by the Corps.

TRIBAL ASSESSMENT ISSUE SUMMARY FORM*

Native American/Corps of Engineers Inter-Governmental Initiative Workshop, Between the Federally Recognized Tribes of Michigan and the Detroit District in Houghton Lake, Michigan on April 20th, 1995.

Issue raised by (check one): **Tribe** X **Corps**____

Issue Description: No funding for Tribes to improve technical staff and ability to run Corps programs (on/off reservation).

Type of issue (check one): **process** X **product** X

Consequences of resolving issue versus not resolving it.

Resolving: Tribes will be able to provide technical expertise in the planning and development of individual projects, and also complete EIS's NEPA, etc.

Not Resolving: Tribes will require outside (consulting or Corps) guidance.

Resolution/decision regarding issue: Headquarters awareness.

Specific actions agreed upon to address issue, including who is responsible

Short-term actions: Tribes and Corps should decide if Tribes will somehow receive funding for environmental staff.

Long-term actions: 1. Tribes will seek funding from federal and/or grant programs and lobby Congress for appropriation of specific funding. 2. Corps actions - None.

*Prepared by a Tribe After Workshop and during review of Issue Summary Forms prepared by the Corps.

AGENDA
WORKSHOP BETWEEN FEDERALLY RECOGNIZED MICHIGAN TRIBES AND
THE DETROIT DISTRICT, U. S. ARMY CORPS OF ENGINEERS
APRIL 20, 1995, 9:30 a.m. - 4:30 p.m.
HOLIDAY INN, HOUGHTON LAKE, MICHIGAN

9:15 a.m	Pre-Workshop Registration	
9:30 a.m.	Welcome; Introductions; Improving our Government-to-Government Relationship	Col. R.O. Buck
10:00 a.m.	Tribal and Council Overviews	Representatives
11:30 a.m.	Corps Programs and Discussion	Joe Wanielista
12:00 Noon	Corps Permit Process and Discussion	Dave Gesl
12:30 p.m.	Lunch (on your own)	
1:30 p.m.	Group Discussion Topic: Regulatory	
2:15 p.m.	Group Discussion Topic: Trust Responsibility	
3:00 p.m.	Break	
3:15 p.m.	Group Discussion Topic: Relationship Building	
4:00 p.m.	Open Discussion	
4:30 p.m.	Adjourn	Col. R.O. Buck

Holiday Inn, Houghton Lake, Michigan, Phone Number 517-422-5175.
The Hotel is on M-55. It is west of I-75, and east of 27.

AFTER ACTION REPORT
TRIBAL ASSESSMENT WORKSHOP
ST. PAUL DISTRICT

2 MAY 1995

Draft 18 May 95

INTER-GOVERNMENTAL WORKSHOP BETWEEN THE FEDERALLY RECOGNIZED TRIBES OF MINNESOTA & NORTH DAKOTA AND THE ST. PAUL DISTRICT CORPS OF ENGINEERS

AFTER ACTION REPORT

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A. WORKSHOP ADMINISTRATION

1. BIA Area Office
   Minneapolis BIA Area Office

2. Sub-Region (Corps District, geographic region, etc.)
   St. Paul District, North Central Division

3. Date of workshop
   2 May 1995

4. Length of Workshop (days)
   1 day

5. Location of workshop (Corps? Tribal? Other?)
   Thunderbird Hotel, Bloomington MN

6. Corps Districts/Divisions involved (list all)
   St. Paul District

7. Corps participants at workshop (name, position, office)

   Colonel James Scott, District Engineer
   Robert Post, Chief, Planning and Engineering Division
   Dave Haumersen, Chief, Construction-Operations Division
   Chuck Crist, Chief, Management and Evaluation Branch
   Ben Wopat, Chief, Regulatory Branch
   Jody Rooney, District Tribal Coordinator
   Tom Crump, Assistant District Tribal Coordinator
   Dave Berwick, Management and Evaluation Branch
   Tom Raster, Management and Evaluation Branch
   Terry Engel, Management and Evaluation Branch
   Ken Gardner, District Public Affairs Officer
   Major Bill Waugh, Engineer Manager
   Jim Ruyak, Project Manager, Headwaters Region
   Mark Dunning, CEWRC-IWR
   Joe Dixon, CESPL-PDWC
   Marilyn Kruchten, Management and Evaluation Branch

8. Tribal participants at workshop (name, Tribe, position)

   Norman Deschampe, Chairman, Grand Portage Reservation
   Joseph Goodthunder, President, Lower Sioux Indian Community Council
   Gary Donald, Chairman, Nett Lake Reservation (Bois Forte)
   Chris Holm, Bois Forte
   Shirley Nordrum, Leech Lake
   Chuck Meyer, Red Lake
   Dave Morrison, Bois Forte
   Steve Thorne, Leech Lake
   William Hardacker, Shakopee Dakota
   Stan Ellison, Shakopee Dakota
   Harlan Beaulieu, Red Lake
   Timothy Blue, Upper Sioux Community

Heather Westra, Prairie Island
Don Wedll, Mille Lacs
Ryan Rupp, Mille Lacs
Joel Peterson, Fond du Lac
Rick Novitsky, Grand Portage Reservation
Bev-Nii Anderson, Leech Lake

9. Total number of participants at workshop
34 participants

B. WORKSHOP OUTPUTS

1. Issues raised by Tribes or Corps
Regulatory issues and how the Corps fulfills trust responsibilities while administering the Clean Water Act Section 404 permit program; defining Trust Responsibility and identifying trust resources; and coordinating programs and budget cycles between Federal agencies and tribes.

Meeting notes and separate Issue Forms are attached.

2. Were potential means for continuing the relationship discussed?
If so, what ideas were generated and what decisions/commitments made (eg., future meetings, set up a Corps/Tribal committee, etc.)?
Several tribes stated that the most effective way to improve the government-to-government relationship would be increased visits to the reservations by the Corps and specifically by the District Engineer. While time constraints and other commitments limit the District Engineer's availability, routine trips to the reservations will be made as often as possible. In addition, special trips will be made prior to making important decisions affecting tribes.

3. Was joint Corps/Tribal consensus sought and reached on issues? If so, how?
Issues raised during the meeting were written on easels at the front of the meeting room. The Corps then prepared the issue summary forms and forwarded them to each participant for comment prior to submitting them to Headquarters.

C. WORKSHOP PLANNING & PREPARATION

1. Description of planning process:

The planning process began in February 1995, when letters were sent from St. Paul District to the tribes in Minnesota and North Dakota. Subsequent telephone calls to the tribes and inter-tribal agencies resulted in an invitation to attend a meeting of the Minnesota Inter-Tribal Council. Major Waugh contacted Joe Day, the Executive Director of the Council to get on the meeting agenda. He then made a presentation to the council, describing the Corps' desire to meet with them on a

government to government basis. The District Engineer then sent a letter to each Tribal Chairman which again explained the District's desire to hold a meeting with them, and which also asked for volunteers to serve on a joint planning committee. Several tribal members then called the district to volunteer to serve on the planning committee. The committee then worked together to develop the details of the meeting such as the date, location and meeting agenda. The tribal members of the committee selected the date for the meeting (from a list of dates on which the District Engineer was available) as well as the location. The tribal members of the committee did not have any specific requests for the meeting agenda, so an agenda was developed by Major Waugh and was then passed on to them for review and comment. The Tribal members then reviewed the draft agenda and made several changes. Once the meeting agenda and details were developed, a second letter from the District Engineer was sent to the tribes with a copy of the meeting agenda and the meeting details. Major Waugh then called each of the tribes several times to get feedback on the process and to determine who would be attending from the tribes. The local BIA office did not play a role in the planning process, although they were kept informed of the details of the meeting. The District Executive Advocacy Group met approximately once a month for the three months preceding the workshop. The Group discussed and reviewed the entire planning process, to include Tribal participation and Corps attendance.

Which materials provided (briefing book, tribal notebook, Pink Book, etc.) were most useful? least useful?

The workshop guidance produced by the Native American Intergovernmental Relations Task Force, General Genega's memorandums and the tribal notebook proved to be the most useful documents in planning the workshop. The Pink Book and the "Communications Strategy" were the least useful. The Communications Strategy gave the tribes the impression that we were declaring the workshops a success before they had been conducted, and implied that the publicity from the workshops was our main priority.

Workshop planning committee membership (name, position, office). Include Corps, Tribal, and other representatives.

Joint Planning Committee Members included:

- Norman Deschampe, Chairman, Grand Portage Reservation
- Joe Day, Executive Director of the Minnesota Inter-Tribal Council
- Chuck Meyer, Natural Resource Manager, Red Lake Band of Chippewa
- Rick Novitsky, Natural Resource Director, Grand Portage Reservation
- Mike Swan, White Earth Biology Department, White Earth Reservation
- Major Bill Waugh, St. Paul District

District/Division Executive Advocacy Group membership.
Colonel James Scott, District Engineer
Robert Post, Chief, Planning and Engineering Division
Dave Haumersen, Chief, Construction Operations Division
Chuck Crist, Chief, Management and Evaluation Branch, Planning and Engineering Division

How often did leadership meet?
After the initial Joint Planning Committee meeting, all information was exchanged by telephone and fax. Two Executive Advocacy Group meetings were held.

What were the key leadership issues and resolutions?
Grossly inadequate funding was provided by Headquarters to properly prepare, coordinate, hold and report on the workshops.

How were Tribes involved in planning?
See planning process paragraph above.

What were the key planning issues and resolutions to them?
See planning process paragraph above.

What role did the BIA Offices play, if any?
BIA did not have a role.

2. Identification of workshop goals and objectives:
The goal of the workshop was to improve the government-to-government working relationship between the district and the Federally Recognized Tribes within the district boundaries.

What were the workshop goals and objectives?
To open the lines of communication and identify issues of concern.

How were they determined?
They were determined from the Headquarters guidance the Districts received.

3. Workshop format
The format for the workshop was a combination of presentations and round table discussions. Colonel Scott opened the meeting with a welcoming statement. All participants then introduced themselves and voiced several initial comments. There were then short presentations by Colonel Scott on the Corps Missions and an overview of the St. Paul District; Terry Engel on Planning Assistance to States & Tribes and Flood Plain Management programs; Tom Raster on Partners for Environmental

Progress; Dave Berwick on Cultural Resources; and Ben Wopat on the Regulatory Program. The rest of the meeting was devoted to open discussion.

How was the format arrived at (who was involved in the decision)?

Planning Committee consensus.

Were facilitators requested?
Yes, the tribal members of the planning team requested a facilitator.

If so, who were they? from where? how chosen?
The Tribal members of the planning team were asked for a suggestion and they recommended Joe Day. He was then hired by the District to facilitate the meeting.

4. Invitations:
Number of Tribes invited
14 Tribes were invited to the workshop. The BIA was invited to the workshop but did not attend.

Number of Tribes in attendance
18 people, including 2 Tribal Chairmen and 1 Council President, representing 10 Tribes attended.

Invitation and follow-up process for Tribes (mail, press releases, telephone, visit, etc.)
The letters of invitation were mailed and faxed to the Tribes. Telephone calls were made about 1 week prior to the workshop to remind the Tribes of the workshop and to answer any questions they might have had.

Other invitees (non-Corps, non-Tribe)
None

5. Agenda
Attached

6. Other notes and observations about workshop planning
The workshop planning process went smoothly. There were no problems. Everyone seemed pleased that the Corps was "doing" something and was willing to assist.

D. WORKSHOP PROCESS

1. Description of process(es) used in workshop
The workshop was a combination of presentations about Corps programs and round table discussions of issues and concerns. When appropriate, issues raised during open discussions were answered during follow up dialog.

Was it more of an "airing of concerns" meeting or a "decision" meeting?

The workshop was both an airing of concerns and exchange of information.

What kinds of activities were used in the workshop (e.g., panel discussions, small group discussion/brainstorming etc)

Both formal presentations and open discussions were used. Formal presentations afforded an efficient way to present information concerning Corps Programs which might be useful to the Tribes, while facilitator lead open discussions were valuable in surfacing issues and concerns.

Were there any disruptions or unplanned activities? If so,how were they resolved?

There were none.

How were issues identified and verified/confirmed?

Issues were identified during the open discussion and written on easels at the workshop. They were confirmed after the workshop by allowing all participants the opportunity to comment on the issue summary forms.

How were decisions made on issues? (voting, issue negotiation, directive)

Decisions concerning the validity of issues were not made. Any issue which was voiced was viewed as a legitimate issue and was recorded as such. The only decision was in properly wording the issue statement to reflect the speakers intent.

Were resolutions to issues sought? How?

Some issues allowed for immediate feed-back through dialog following the issue statement. This generally consisted of clarifying the issue or clarifying the Corps position regarding that issue. Resolution and solutions to issues were not attempted. Resolving issues would have turned the meeting into more of a "decision" meeting and could have stifled the intended purpose of a free exchange of ideas.

How were actions to address issues identified and selected?

By written comments to the issue papers.

2. Participant behavior

Workshop participants were courteous and allowed people to complete their comments. Most of the discussion/comments were made by the Tribal representatives.

Relative percentage of workshop time Tribes/Corps spent talking.

Tribes - 75 percent, Corps - 25 percent.

Were there any particularly outspoken participants? particularly quiet?

There were 5 or 6 participants who were more outspoken than the rest, but everyone was provided the opportunity to speak and most did.

Were Tribal reps involved and active?

There were both Tribal Chairmen and Council members present. They were involved, active and generally set the tone for the entire meeting. Their observations and statements were markedly honored and respected by all participants.

Who presented and spoke to issues?

The handful of more outspoken participants presented the most issues but all participants contributed.

3. Other participants

None

BIA role in workshop

None

Role(s) of other participant(s)

None

4. Other observations and notes

Regional Tribal workshops are valuable in gaining regional insights. In order to further the government-to-government relationship, future workshops should be done with individual tribes and should be done on-reservation.

E. WORKSHOP EVALUATION

1. Overall evaluation

The District's opinion is that the workshop was successful. The tribes expressed their concerns and were listened to. Tribal feedback to date has been positive.

How well did the workshop achieve its goals and objectives?

100%

What was successful? Why?

The workshop achieved its goal of improving the relationship between the district and the Federally Recognized Tribes within the district boundaries. Lines of communication were strengthened and issues were surfaced. The success of the workshop can be attributed to giving tribal representatives the opportunity to speak, and being willing to listen and learn.

What was not successful? Why?

Three tribes in North Dakota within the Civil Works boundaries of St. Paul did not attend although they were invited. The travel distance involved was at least partially responsible.

Were Tribes consulted to confirm workshop outcomes and to evaluate the workshop?

The draft issue summary forms have been sent to the Tribes for their comment. We have also supplied the Tribes with an issue summary form so that they can fill in additional issues if they have any. No formal evaluation of the workshop was conducted. However, several participants made positive comments before leaving the workshop.

2. Suggestions for improvements in workshops

One tribal comment was that these workshops can not be a one shot deal and fulfill the Corps' trust obligations. The workshops were an important step in assessing the relationship between the Corps and the Tribes, and an important step in improving that relationship, but it can't stop here. Providing additional funding to allow for government-to-government meetings with each individual tribe on each reservation would allow the process to continue.

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

Native American/Corps of Engineers Inter-Governmental Initiative Workshop, Thunderbird Hotel, Bloomington, Minnesota

Issue raised by (check one): Tribe X Corps

Issue Description: Some trust resources, such as burial sites and medicinal plants, are best protected by concealing their locations. If the tribes must identify those resources during regulatory permitting process to prove an adverse impact, the Corps should assure that the location of these resources will not be revealed.

Type of issue (check one): process X product

Consequences of resolving issue versus not resolving it.

Resolving: May limit rights of permittee to see and address all the information that was used in a permit decision.

Not Resolving: May force the tribes to decide if revealing the resource to us, and possibly the public, is worse than allowing the permit action to proceed even with its adverse impact.

Resolution/decision regarding issue: None

Specific actions agreed upon to address issue, including who is responsible

Short-term actions: Regulatory to request District Council decision on whether sensitive information can be protected.

Long-term actions: None

NOTES:

ISSUE may be either a problem (something that someone is unsatisfied with) or an opportunity)means for improving something)
PROCESS is not program-specific; relating to the way we work with Tribes, and to mutual understanding of rights, responsibilities, and cultural practices, cost sharing, etc.
PRODUCT is program specific; relating to the processes and outcomes of a specific program or study.
SHORT-TERM is possible to resolve in an 18 month time frame; does not require new legislation, regulations or high level decisions.
LONG-TERM requires longer than 18 month time frame; implementable only with new legislation, regulations or high level decisions.

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

Native American/Corps of Engineers Inter-Governmental Initiative Workshop, Thunderbird Hotel, Bloomington, Minnesota

Issue raised by (check one): Tribe X Corps

Issue Description: Tribes are not notified prior to General Permits being issued the way they are for Individual Permits. The General Conditions of Nationwide Permits are not applicable for activities which effect Tribal Rights, but there is no public review to identify those affects.

Type of issue (check one): process X product

Consequences of resolving issue versus not resolving it.

Resolving: Eliminating General Permits would greatly increase the regulatory burden imposed on the public, and would also increase the regulatory function of the Corps.

Not Resolving: Trust Resources may be impacted by a General Permitted Activity, with no opportunity for protecting the resource until after the activity is completed.

Resolution/decision regarding issue: By definition, General Permits are only applicable for low impact activities. Tribes should notify the Corps of any activity which does impact trust resources, and the General Permit can then be withdrawn.

Specific actions agreed upon to address issue, including who is responsible

Short-term actions: None

Long-term actions: None

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

Native American/Corps of Engineers Inter-Governmental Initiative Workshop, Thunderbird Hotel, Bloomington, Minnesota

Issue raised by (check one): Tribe X Corps

Issue Description: Tribes are dependent upon clean water and air for subsistence. If tribes adopt more stringent standards than states, or if changes to the Clean Water Act erode the standards, will the Corps enforce the more stringent standards?

Type of issue (check one): process X product

Consequences of resolving issue versus not resolving it.

Resolving: Enforcing clean water act standards would limit landowners rights.

Not Resolving: Not enforcing adequate clean water standards could effect the ability of the tribes to hunt, fish, and gather food for subsistence.

Resolution/decision regarding issue: The Corps will enforce the clean water standards which are legally appropriate. Provisions already exist for Tribes to adopt their own clean water standards, and to adopt the Sect 401 clean water certification authority.

Specific actions agreed upon to address issue, including who is responsible

Short-term actions: Tribes may adopt clean water standards as appropriate.

Long-term actions: Tribes may assume Section 401 authority as appropriate.

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

Native American/Corps of Engineers Inter-Governmental Initiative Workshop, Thunderbird Hotel, Bloomington, Minnesota

Issue raised by (check one): Tribe X Corps

Issue Description: Federal actions which effect tribes should consider Tribal members as a resource. For instance, if an action "only" effects 15 people, but those 15 represent half of the total tribal population, there could be a major impact on the tribe even though there is only a minor impact when considered against the entire state population.

Type of issue (check one): process X product

Consequences of resolving issue versus not resolving it.

Resolving: Acknowledging Tribal members as a resource will assure that Federal actions consider there impact on Tribal Nations.

Not Resolving: Not resolving the issue could result in an adverse impact to tribes being understated.

Resolution/decision regarding issue: Effect on people is already a consideration when evaluating Federal actions. Education concerning Tribal concerns, needs, and rights will continue.

Specific actions agreed upon to address issue, including who is responsible

Short-term actions: The District will continue to provide Tribal Trust training through its training program.

Long-term actions: None

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

Native American/Corps of Engineers Inter-Governmental Initiative Workshop, Thunderbird Hotel, Bloomington, Minnesota

Issue raised by (check one): Tribe X Corps

Issue Description: The Corps should consider the long-term impacts of projects, not just the short-term. The Corps normally considers project lives of 40, 50 or in extreme cases 100 years. Tribal policy is to consider effects on the next 7 generations. The costs of closing/dismantling/restoring a site to its natural condition after the project has completed must be considered and planned for when deciding on Federal actions. A mine which causes an economic boom for 20, 30 or 40 years should be weighed against the decades of restoration work required to restore the site, assuming that the damage to the environment is not irreparable.

Type of issue (check one): process X product

Consequences of resolving issue versus not resolving it.

Resolving: More accurate assessment of effects of Federal Actions

Not Resolving: Less accurate assessment of effects of Federal Actions

Resolution/decision regarding issue: Long term effects are currently a part of the assessment of Federal actions. Education of District personnel to emphasis the importance of the entire life-cycle of Federal actions will continue.

Specific actions agreed upon to address issue, including who is responsible

Short-term actions: The District will continue to emphasize the importance of the entire life-cycle of Federal actions during Regulatory and Tribal Trust training classes.

Long-term actions: None

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

Native American/Corps of Engineers Inter-Governmental Initiative Workshop, Thunderbird Hotel, Bloomington, Minnesota

Issue raised by (check one): Tribe X Corps

Issue Description: The District has requested that Tribes define their trust resources and identify the adverse impact that a proposed action will have on those resources. The Tribes stated that this poses a burden on them, since they have limited manpower and expertise. The District feels that the Tribes are the only ones in a position to know what is considered a trust resource.

Type of issue (check one): process X product

Consequences of resolving issue versus not resolving it.

Resolving: Improving the Government-to-Government relationship that the Corps and the Tribes are building.

Not Resolving: Continued conflict over what is a trust resource and who's job it is to identify those resources.

Resolution/decision regarding issue: The District will continue to request the Tribes to identify their trust resources. The Tribes should request assistance when they are unable to identify trust resources, and the District will work the Tribes find ways to gather the required information.

Specific actions agreed upon to address issue, including who is responsible

Short-term actions: The Tribes can use several Corps programs (Planning Assistance, Support for Others, etc.) to help identify trust resources through wetland mapping, aerial and ground surveys, etc.

Long-term actions: None

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

Native American/Corps of Engineers Inter-Governmental Initiative Workshop, Thunderbird Hotel, Bloomington, Minnesota

Issue raised by (check one): Tribe X Corps

Issue Description: There are many Federal agencies with programs that are useful to the tribes. The different Federal Agencies do very little coordination between themselves to assure that the program pieces fit together in an integrated package. It is left up to the tribes to coordinate the activities of all the agencies involved.

Type of issue (check one): process X product

Consequences of resolving issue versus not resolving it.

Resolving: Will provide better support for Tribal Governments but will require funding to support coordination efforts.

Not Resolving: Will result in duplication of efforts as several Federal agencies all solve problems piecemeal.

Resolution/decision regarding issue: North Central Division is a participant, but not a signatory to, the 5 Agency group which coordinates activities informally. In addition, the Planning Assistance program could be used to develop a masterplan for resource planning.

Specific actions agreed upon to address issue, including who is responsible

Short-term actions: Continued participation in the 5-Agency Workgroup.

Long-term actions: None

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

Native American/Corps of Engineers Inter-Governmental Initiative Workshop, Thunderbird Hotel, Bloomington, Minnesota

Issue raised by (check one): Tribe X Corps

Issue Description: Different programs within the various Federal Agencies have different funding cycles, deadlines for submitting applications, etc. In addition, the budgets for the various programs are dependent upon annual appropriations. This makes it difficult for Tribes to plan for the future.

Type of issue (check one): process X product

Consequences of resolving issue versus not resolving it.

Resolving: Would allow smoother implementation over the long-term. It would require multi-year appropriations.

Not Resolving: Tribes would continue to be forced to react to different funding cycles and application deadlines on an annual basis.

Resolution/decision regarding issue: Implementation of multi-year budgets would help resolve the issue, but will be difficult/impossible to implement.

Specific actions agreed upon to address issue, including who is responsible

Short-term actions: North Central Division will continue to coordinate Corps activities through the 5 Agency Workgroup.

Long-term actions: Headquarters will pursue multi-year funding for programs.

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

Native American/Corps of Engineers Inter-Governmental Initiative Workshop, Thunderbird Hotel, Bloomington, Minnesota

Issue raised by (check one): Tribe X Corps

Issue Description: Is the Corps doing anything at the National level to protect Tribal Trust Resources that are affected by Corps programs? For instance, is the Corps doing any lobbying to oppose changes to dilute the Clean Water Act?

Type of issue (check one): process X product

Consequences of resolving issue versus not resolving it.

Resolving: Better protection of Trust Resources.

Not Resolving: Possible degradation of Trust Resources because programs are not adequate to protect them.

Resolution/decision regarding issue: The Corps does not lobby for or against our programs. The Tribes, and possibly the BIA, are ultimately responsible for lobbying for or against programs which affect their resources.

Specific actions agreed upon to address issue, including who is responsible

Short-term actions: The Tribes should take actions they deem appropriate to lobby for or against programs at the National level.

Long-term actions: None

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

Native American/Corps of Engineers Inter-Governmental Initiative Workshop, Thunderbird Hotel, Bloomington, Minnesota

Issue raised by (check one): Tribe X Corps

Issue Description: There is a maximum of $300,000 Planning Assistance funds for each state and each tribe. If a state or a Tribe has more studies than the limit, they must prioritize their requests. When the study requests reach the Washington level, they must be prioritized up to the available appropriations. It is unclear how the Tribal requests will be rated against one another or against State requests.

Type of issue (check one): process product X

Consequences of resolving issue versus not resolving it.

Resolving: Will promote an understanding of how the funding system works.

Not Resolving: May lead to misunderstandings when one study is funded and another is not due to appropriations limits.

Resolution/decision regarding issue: Education concerning the process used will alleviate misunderstandings.

Specific actions agreed upon to address issue, including who is responsible

Short-term actions: District will continue to provide information regarding the national prioritization process to all our customers.

Long-term actions: None

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

Native American/Corps of Engineers Inter-Governmental Initiative Workshop, Thunderbird Hotel, Bloomington, Minnesota

Issue raised by (check one): Tribe X Corps

Issue Description: Corps projects and studies take a long time to complete.

Type of issue (check one): process X product

Consequences of resolving issue versus not resolving it.

Resolving: Better service to our customers.

Not Resolving: Customers will go elsewhere.

Resolution/decision regarding issue: Every effort should be made to complete project/studies as expeditiously as possible.

Specific actions agreed upon to address issue, including who is responsible

Short-term actions: Be honest and candid with our study/project partners up front so they are aware of the typical length of time required for certain types of studies/projects.

Long-term actions: Improve our performance through program specific changes such as the Section 14 program recently implemented and through District initiatives such as TQM.

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

Native American/Corps of Engineers Inter-Governmental Initiative Workshop, Thunderbird Hotel, Bloomington, Minnesota

Issue raised by (check one): Tribe X Corps

Issue Description: The Regulatory process has several Washington imposed restrictions which sometimes require Tribes to respond to Public Notices within a tight timeframe. Because of limited staff, these deadlines sometimes present a problem.

Type of issue (check one): process product X

Consequences of resolving issue versus not resolving it.

Resolving: Removing the restrictions would allow Tribes more time to respond to Public Notices.

Not Resolving: Removing the restrictions may cause unreasonable delays to people applying for permits, including when Tribes are applying for a permit.

Resolution/decision regarding issue: Tribes may request time extensions on a case by case basis. In general, the time frames protect the rights of the applicant to a timely decision.

Specific actions agreed upon to address issue, including who is responsible

Short-term actions: Tribes may request time extensions on a case by case basis.

Long-term actions: None

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

Native American/Corps of Engineers Inter-Governmental Initiative Workshop, Thunderbird Hotel, Bloomington, Minnesota

Issue raised by (check one): Tribe X Corps

Issue Description: The Tribes believe that the District's definition of Tribal Trust resources is too narrow. Counsel's opinion is that in order for there to be a trust responsibility, the resource must be specifically mentioned in a Federal legal document such as a treaty or Executive Order. The tribes believe that a broader definition which includes all the resources deemed essential by the tribe would be more appropriate.

Type of issue (check one): process X product

Consequences of resolving issue versus not resolving it.

Resolving: An understanding of what is and what is not a trust resource is essential for implementing many Corps programs.

Not Resolving: Not adequately resolving the trust resource issue will result in some trust resources going unprotected and other non-trust resources being protected incorrectly.

Resolution/decision regarding issue: Further investigations to adequately define trust resources are required.

Specific actions agreed upon to address issue, including who is responsible

Short-term actions: Office of Counsel, Regulatory and the tribal facilitator will investigate definition of trust resources through coordination with BIA, Department of Interior and Tribal attorneys.

Long-term actions: Dependent upon results of Short-term actions

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

Native American/Corps of Engineers Inter-Governmental Initiative Workshop, Thunderbird Hotel, Bloomington, Minnesota

Issue raised by (check one): Tribe X Corps

Issue Description: The Regulatory permit evaluation procedures do not include a category for protecting trust resources. There should be a separate factor or factors for evaluating the impact to trust resources specifically required in the permit review process. Trust responsibility should be given more weight than the General Public Review.

Type of issue (check one): process product X

Consequences of resolving issue versus not resolving it.

Resolving: Will allow systematic review of permit impact on trust resources.

Not Resolving: Review of permits will continue to include trust resources in a haphazard or arbitrary way, such as including them in the "Needs and Welfare of the People" evaluation factor.

Resolution/decision regarding issue: None

Specific actions agreed upon to address issue, including who is responsible

Short-term actions: Regulatory will continue their efforts to establish written guidance for evaluating trust resources during the permit evaluation process.

Long-term actions: The Public Interest Review Evaluation Factors should be amended to include Tribal Trust Resources.

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

Native American/Corps of Engineers Inter-Governmental Initiative Workshop, Thunderbird Hotel, Bloomington, Minnesota

Issue raised by (check one): Tribe X Corps

Issue Description: The Regulatory program has a provision for Public Hearings, but these are inadequate for issues with high tribal impact. In order to adequately gather information from tribal members, a separate tribal hearing should occur on the reservation. Some tribal members will be unwilling to express their views and beliefs at General Public hearings, especially if there is considerable controversy about the issue.

Type of issue (check one): process product X

Consequences of resolving issue versus not resolving it.

Resolving: Will allow more accurate gathering of data concerning controversial issues.

Not Resolving: May result in some information not being including in the decision making process.

Resolution/decision regarding issue: Separate hearings on-reservation are an important step in gathering information for the decision making process.

Specific actions agreed upon to address issue, including who is responsible

Short-term actions: The District will hold separate hearings on-reservation for issues with high tribal interest or when requested to do so by a tribe.

Long-term actions: None

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

Native American/Corps of Engineers Inter-Governmental Initiative Workshop, Thunderbird Hotel, Bloomington, Minnesota

Issue raised by (check one): Tribe X Corps

Issue Description: The Corps requests information concerning tribal resources in order to make decisions on permits, operating plans, etc. In order to respond, the tribes are forced to define the resources using Corps of Engineers, Euro-Asian terms. Many resources that the tribes value (spirituality, heritage, one-with-the-earth type concepts) are extremely hard or impossible to define, put in writing and/or quantify.

Type of issue (check one): process X product

Consequences of resolving issue versus not resolving it.

Resolving: Will allow all important factors to be included in the decision making process.

Not Resolving: Will exempt many important factors from the decision making process.

Resolution/decision regarding issue: Face-to-face meetings between the decision maker (usually the District Engineer but in some cases delegated lower) is the best method to communicate the deeply held feelings that are so important to include in the decision making process. In some cases, the District historian (trained in Native American studies and documenting oral history) may prove to be another useful resource.

Specific actions agreed upon to address issue, including who is responsible

Short-term actions: Schedule face-to-face meeting with the decision maker when requested for specific issues.

Long-term actions: Continue training of all district personnel on Tribal issues and values.

AGENDA

JOINT WORKSHOP
FEDERALLY RECOGNIZED TRIBES OF MINNESOTA
AND
ST. PAUL DISTRICT, U.S. ARMY CORPS OF ENGINEERS

MAY 2, 1995
9 A.M. – 3 P.M.
THUNDERBIRD HOTEL, BLOOMINGTON, MN

9:00 – 9:30	Registration	
9:30 – 9:50	Opening Comments & Introductions	
9:50 – 10:00	Corps Mission & Organization	Colonel James Scott
10:00 – 10:45	Corps Civil Works Program	
	Planning Assistance to States (Tribes)	Terry Engel
	Flood Plain Management Services	Terry Engel
	Partners for Environmental Progress	Tom Raster
	Cultural Resources	David Berwick
10:45 – 11:30	Corps Regulatory Program	Ben Wopat
11:30 – 1:00	Lunch (on your own)	
1:00 – 2:45	Open Discussion	
2:45 – 3:00	Closing Remarks	

PLEASE SIGN IN

NAME	REPRESENTING	ADDRESS
Chris Hoem	Bois Forte	5344 Lake Shore Dr. Nett L. MN 55772
Shirley Nordrum	Leech Lake	Rt. 3 Box 100 CASS Lake MN 56633
Chuck Meyer	RED LAKE BAND OF CHIPPEWA	PO BOX 279 RED LAKE, MN 56671
Judy Goodthunder	Lower Sioux Community	Morton, Mn 56270
David C Morrison Sr.	Bois Forte	Box 16 Nett Lake, MN. 55772
Steve Thorne	Leech Lake	810 Linden Exchange Bldg Mpls. Mn
William Hardacker	Shakopee Dakota	2330 Sioux Trail NW Prior Lake 55372
Stan Ellison	" "	" " "
Harlan Beaulieu	Red Lake Chippewa	Box 550 Red Lake Mn 56671
Gary Donald	Bois Forte	P.O. Box 16 Nett Lake, Minn. 55772
Jim Enyah	C of E	Box 120 Remer, Mn. 56672
Timothy Blue	Upper Sioux Com	PO Box 147 Granite Falls mn 56241
Heather Westra	Prairie Island	1158 Island Blvd. Prairie Island, MN 55069
Don Wedll	Mille Lacs	HCR 67 Box 194 Onamia Mn 56359
Ryan Rupp	Mille Lacs	HCR 67 Box 194 ONAMIA MN 56359
Joel Peterson	Fond du Lac	105 Univ. Rd Cloquet, MN 55720

PLEASE SIGN IN

NAME	REPRESENTING	ADDRESS
Tom Crump	Corps of Engineers	190 Fifth St. East St. Paul MN
DAVE BERWICK	CORPS of ENGINEERS	"
BILL WAUGH	" " "	"
TOM RASTER	" " "	"
Dave Haumersen	"	
Bob Post	"	
Chuck Crist	"	
Col. James T. Scott	"	
Terry Engel	"	
Ken Gardner		
MARK DUNNING	"	CEWRC-IWR Alexandria, VA
Jody Rooney	"	IWR-A
JOE DIXON	"	CESPL PD WC
Rick Novitsky	Grand Portage MN RTC	BX 428 Grand Portage MN
Norman Deschampe	Grand Portage Band	Box 428 Grand Portage, MINN
Ben Wopat	Corps of Engineers	St. Paul 55 Army Corps of Engrs Cen.
BEV-NII ANDERSON	LEECH LAKE RTC	

AFTER ACTION REPORT
TRIBAL ASSESSMENT WORKSHOP
ST. PAUL AND DETROIT DISTRICTS

9 MAY 1995

AFTER ACTION REPORT
JOINT WORKSHOP BETWEEN ST. PAUL AND DETROIT DISTRICTS
WITH FEDERALLY RECOGNIZED TRIBES IN WISCONSIN
AND FOND DU LAC AND GRAND PORTAGE IN MINNESOTA
WAUSAU, WISCONSIN, MAY 9, 1995

A. WORKSHOP ADMINISTRATION

1. BIA Area Office
Bureau of Indian Affairs, Minneapolis, Minnesota

2. Sub-Region (Corps District, geographic region, etc.)
Detroit and St. Paul Districts, all Federally Recognized Tribes in the State of Wisconsin and Fond du Lac and Grand Portage in the State of Minnesota

3. Date of workshop
9 May 1995

4. Length of Workshop (days)
1 day

5. Location of workshop (Corps? Tribal? Other?)
Best Western Midway Hotel, Wausau, Wisconsin

6. Corps Districts/Divisions involved (list all)
Detroit and St. Paul Districts

7. Corps participants at workshop (name, position, office)
Colonel James Scott, St. Paul District Engineer
Colonel Randolph Buck, Detroit District Engineer
Karen Krepps, Tribal Coordinator, Environmental Analysis Branch, Engineering & Planning Division, Detroit District
Joseph Wanielista, Planning Branch, Engineering & Planning Division, Detroit District
Terry Engle, Management and Evaluation Branch, Planning & Engineering, St. Paul District
Tom Crump, Assistant District Tribal Coordinator, Management and Evaluation Branch, Planning & Engineering, St. Paul District
Ben Wopat, Chief, Regulatory Branch, St. Paul District
Marilyn Kruchten, Management and Evaluation Branch, Planning & Engineering Division, St. Paul District

8. Tribal participants at workshop (name, Tribe, position)
John Teller, Menominee Nation, Chairman
Royal E. Warrington, Menominee Tribe, Director of Legislative Staff
Gary Schuettpek, Menominee Tribe, Environmental Services
Douglas Cox, Menominee Tribe, Environmental Services
Joe Strohl, Menominee Tribal, Lobbyist
Dan Powless, Bad River Tribe

Mark A. Powless, Oneida Tribe of Indians of Wisconsin, Community Liason
Greg Bunker, Stockbridge-Munsee Community of Mohician Indians, Director of Environmental Services
Laurie Maloney, St. Croix Chippewa, Director of Environmental Services
Kurt Moser, Lac du Flambeau Chippewa, Water Quality
John W. Thiel, Wisconsin Tribal (WISTEC) Environmental Committee
Steven L. Dodge, US EPA V, Tribal Liason
Fred A. Ackley, Sokaogon Chippewa Mole Lake Reservation,
Joseph L. Young, Forest County Potawatomi, Attorney
Bob Beduhn, Barr Engineering Company, Engineer
James Zorn, Great Lakes Indian Fish and Wildlife Commission, Policy Analyst
Ann McCammon-Sultis, Great Lakes Indian Fish and Wildlife Commission, Policy Analyst
Andrew Morgan, Sokaogon Chippewa, Tribal Attorney
Ann-Marie Ulrich, Sokaogon Chippewa, Tribal Attorney
D.C. Anderson, Sokaogon Chippewa, Water Quality Manager
DuWayne Derickson, Sokaogon Chippewa, Tribal Planner
Arlyn Ackley, Sr., Sokaogon Chippewa, Tribal Chairman
Charles D. Fox, Jr., Sokaogon Chippewa, Vice-Chairman
John P. Griffin, Sokaogon Chippewa, Environmental Director
Donald Gurnoe, Red Cliff Band Chippewa, Tribal Administrator

9. Total number of participants at workshop
33 participants

B. WORKSHOP OUTPUTS

1. Issues raised by Tribes or Corps

The issues raised concerned defining Trust Responsibility; who is qualified to define what trust resources are; and tribal representation in any group that is making policy or decisions affecting tribes. After preparation of the draft issue summary forms, they will be forwarded to the meeting participants for comment.

Draft Issue Forms are attached. St. Paul will provide final forms after coordinating drafts with Tribes.

2. Were potential means for continuing the relationship discussed? Is so, what ideas were generated and what decisions/commitments made (eg., future meetings, set up a Corps/Tribal committee, etc.)?

Discussion focused on permit issues and trust rather than how to continue the relationship. However, several participants commented during the workshop that they wanted the relationship to continue and the Corps concurred. Continued discussions will aid in the development of the relationship.

3. Was joint Corps/Tribal consensus sought and reached on issues? If so, how?

Consensus was reached on the issues to be forwarded to Higher Headquarters through the preparation of the issue summary forms after the workshop concluded. The Corps prepared the issue summary forms and forwarded them to each participant for comment.

C. WORKSHOP PLANNING & PREPARATION

1. Description of planning process:

The planning process began in February 1995, when letters were sent from St. Paul and Detroit Districts to the tribes in Wisconsin and Minnesota. Subsequent telephone calls to the tribes and inter-tribal agencies resulted in an invitation to attend the March Executive Council meeting of the Great Lakes Inter-Tribal Council. Both Major Bill Waugh and Dr. Karen Krepps attended the March meeting. Major Waugh gave a short briefing outlining the directive and the Corps' intent to conduct a workshop. The Executive Council decided that Mr. Donald Moore, Executive Director of the Great Lakes Inter-Tribal Council and Mr. James Schlender, Executive Director of the Great Lakes Indian Fish & Wildlife Commission would work with Major Waugh and Dr. Krepps in formulating an agenda for the workshop. A draft agenda was prepared and sent to Mr. Moore and Mr. Schlender for comment. Based on their comments throughout the planning stage, a final agenda was prepared.

Executive Advocacy Committee's were established at both St. Paul and Detroit Districts. Major Waugh kept the St. Paul committee informed and Dr. Krepps kept the Detroit committee informed.

Which materials provided (briefing book, tribal notebook, Pink Book, etc.) were most useful? least useful?

Most useful: Tribal notebook and briefing book

Least useful: Pink Book

Workshop planning committee membership (name, position, office). Include Corps, Tribal, and other representatives.

Joint Planning Committee Members consisted of:
Karen Krepps, Tribal Coordinator, Engineering & Planning Division, Detroit District
Major Bill Waugh, Planning & Engineering Division, St. Paul District
James Zorn, Great Lakes Indian Fish & Wildlife Commission, Policy Analyst
Don Moore, Great Lakes Inter-Tribal Council, Executive Director

District/Division Executive Advocacy Group membership.

Detroit Members were:
Col. Randolph Buck, District Engineer
Karen Krepps, Tribal Coordinator, Environmental Analysis Branch, Engineering & Planning Division
William W. Willis, Assistant Chief, Construction Operations Division
Dave L. Dulong, Chief, Engineering & Planning Division
Scott Parker, Chief, Program and Project Management Division
Aquilla Kellar, Chief, Equal Employment Opportunity Office

St. Paul Members were:
Colonel James Scott, District Engineer
Major Bill Waugh, Planning & Engineering Division
Robert Post, Chief, Planning & Engineering Division
Dave Haumersen, Chief, Construction Operations Division
Chuck Crist, Chief, Management and Evaluation Branch, Planning & Engineering Division

How often did leadership meet?

After the initial Joint Planning Committee meeting, all information was exchanged by telephone and fax. The Detroit District held one Executive Advocacy Group meeting. The St. Paul District held Executive Advocacy Group meeting(s) as necessary.

What were the key leadership issues and resolutions?

None.

How were Tribes involved in planning?

Initial letters went to the Tribes alerting them to the workshop process and asking each to nominate someone to the Planning Committee. While no tribes responded to the request, it was decided by the Chairpersons at the March Executive Council meeting of the Great Lakes Inter-Tribal Council that the Executive Directors of the Great Lakes Inter-Tribal Council and the Great Lakes Indian Fish and Wildlife Commission would work with the Corps to plan the workshop.

What were the key planning issues and resolutions to them?
There were two key planning issues. One was the agenda and the other was the issue of location. The draft agenda was prepared by the Corps and revised based on comments from the Great Lakes Inter-Tribal Council and the Great Lakes Indian Fish and Wildlife Commission. The Great Lakes Inter-Tribal Council Executive Director suggested Stevens Point in Wisconsin for the meeting and Wausau as an alternate location. There were no disagreements.

What role did the BIA Offices play, if any?
BIA did not have a role.

2. Identification of workshop goals and objectives:
The goal and objective of the workshop, was to open the lines of communication and identify issues of concern to the Tribes.

What were the workshop goals and objectives?
To open the lines of communication and identify issues of concern.

How were they determined?
They were determined from the Headquarters guidance the District's received.

3. Workshop format
The workshop consisted of a two formal presentations and discussion. After a brief introduction by Colonel Scott and Colonel Buck, tribal members were asked to introduce themselves and say a few words about their tribe or agency and make any initial comments.

How was the format arrived at (who was involved in the decision)?
Planning Committee consensus.

Were facilitator requested?
No

If so, who were they? from where? how chosen?
Not applicable

4. Invitations:
Number of Tribes invited
12 Tribes, and 2 Inter-Tribal Agencies

Number of Tribes in attendance
9 Tribes, and 2 Inter-Tribal Agencies

Invitation and follow-up process for Tribes (mail, press releases, telephone, visit, etc.)
The letters of invitation were mailed and faxed to the Tribes and Inter-Tribal Agencies. Telephone calls were made about 1 week prior to the workshop to remind the Tribes and Inter-Tribal Agencies of the workshop and to answer any questions they might have had.

Other invitees (non-Corps, non-Tribe)
None

5. Agenda
Attached

6. Other notes and observations about workshop planning
The workshop planning process went smoothly, once it started. There were no problems. Everyone seemed pleased that the Corps was "doing" something and was willing to assist.

D. WORKSHOP PROCESS

1. Description of process(es) used in workshop
The workshop consisted of two formal presentations and discussion. Open discussion continued throughout the day.

Was it more of an "airing of concerns" meeting or a "decision" meeting?
The workshop was more an "airing of concerns."

What kinds of activities were used in the workshop (e.g., panel discussions, small group discussion/brainstorming etc)
Open discussion facilitated exchange of ideas and discussion of concerns.

Were there any disruptions or unplanned activities? If so, how were they resolved?
There were none.

How were issues identified and verified/confirmed?
Issues were identified during the open discussion. They were confirmed after the workshop by allowing all participants the opportunity to comment on the issue summary forms.

How were decisions made on issues? (voting, issue negotiation, directive)
Written comments

Were resolutions to issues sought? How?
No, resolutions were not sought. The issues identified require guidance/decisions from Headquarters.

How were actions to address issues identified and selected?
Written comments

2. Participant behavior
Workshop participants were courteous and allowed people to complete their comments. Most of the discussion/comments were made by the Tribal representatives.

Relative percentage of workshop time Tribes/Corps spent talking.
Tribes - 75 percent.
Corps - 25 percent.

Were there any particularly outspoken participants? particularly quiet?
The representatives from the Sokaogon Tribe were the most outspoken. The representatives from the EPA and Barr Engineering had identified themselves as "observers" and made no comments.

Were Tribal reps involved and active?
Yes, when they had concerns.

Who presented and spoke to issues?
Most of the discussion was carried by the Sokaogon Tribe.

3. Other participants
The Planning Committee limited the workshop participation to Tribal and inter-tribal agencies. The representative from Barr Engineering had heard about the workshop from some other source and appeared at the workshop.

BIA role in workshop
They had no formal role.

Role(s) of other participant(s)
None

4. Other observations and notes

Any future workshops, should be planned well in advance to allow greater participation by the Tribes.

The representatives from Mole Lake felt that the representative from Barr Engineering was there to "get information" for Crandon Mine. Crandon Mine, a private company has applied to the Corps for a permit. This is a very controversial issue. The Barr Engineering representative, feeling some discomfort, spoke with some of the Mole Lake representatives and worked it out.

E. WORKSHOP EVALUATION

1. Overall evaluation

The District's opinion is that the workshop was successful. The tribes and inter-tribal agencies expressed their concerns and were listened to.

How well did the workshop achieve its goals and objectives?

100%

What was successful? Why?

The workshop achieved its goal of opening the lines of communication. Much of this can be attributed to giving tribal representatives the opportunity to speak.

What was not successful? Why?

Nine out of 10 Wisconsin Tribes were represented. The 2 Minnesota Tribes within the Civil Works boundaries of Detroit did not attend although they were invited. There were scheduling conflicts which probably could have been avoided if the planning process had begun earlier.

Were Tribes consulted to confirm workshop outcomes and to evaluate the workshop?

The draft issue summary forms have been sent to the Tribes for their comment. We have also supplied the Tribes with a black issue summary form so that they can fill in additional issues if they have any. There was no formal evaluation of the workshop. However, several participants made positive comments before leaving the workshop.

2. Suggestions for improvements in workshops

None.

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

Native American/Corps of Engineers Inter-Governmental Initiative Workshop, Between the Federally Recognized Tribes of Wisconsin and Minnesota and the Detroit and St. Paul Districts in Wausau, Wisconsin on May 9th, 1995

Issue raised by (check one): **Tribe X** **Corps____**

Issue Description: There is no consistent definition of Trust Responsibility and Trust Resources. The Corps is currently gathering information from various sources, including the National Assessment, in an attempt to better understand its Trust Responsibilities. In order to be a more accurate assessment, the National Assement Team should include Tribal representatives.

Type of issue (check one): **process X** **product____**

Consequences of resolving issue versus not resolving it.

Resolving: An understanding of trust responsibility and trust resource is essential for implementing many Corps programs.

Not Resolving: Not adequately resolving the trust issue will result in some trust resources going unprotected and other non-trust resources being protected incorrectly.

Resolution/decision regarding issue: Further investigations to adequately define trust resources are required. One of the outcomes from the National Assessment should be a better understanding of the Corps' Trust Responsibility.

Specific actions agreed upon to address issue, including who is responsible

Short-term actions: Office of Council, regulatory and the tribal facilitator will investigate definition of trust through coordination with BIA, Department of Interior and Tribal attorneys.

Long-term actions: Tribal representatives should be included in future efforts to define trust responsibility.

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

Native American/Corps of Engineers Inter-Governmental Initiative Workshop, Between the Federally Recognized Tribes of Wisconsin and Minnesota and the Detroit and St. Paul Districts in Wausau, Wisconsin on May 9th, 1995

Issue raised by (check one): **Tribe__X__** **Corps____**

Issue Description: The Corps has requested that Tribes define their trust resources and identify the adverse impact that a proposed action will have on the resources. The Tribes stated that this posses a burden on them, since they have limited manpower and expertise. Sometimes the Tribes are pitted against big companies in permit application decisions, and they don't have the capability or money to identify adverse impacts as the companies have to refute those impacts. It was described as "bows and arrows against big guns. The Corps feels that the Tribes are the only ones in a position to know what is considered a trust resource.

Type of issue (check one): **process__X__** **product____**

Consequences of resolving issue versus not resolving it.

Resolving: Improving the Government-to-Government relationship that the Corps and the Tribes are building.

Not Resolving: Continued conflict over what is a trust resource and who's job it is to identify those resources.

Resolution/decision regarding issue: Corps Districts will continue to request the Tribes to identify their trust resources. The Tribes should request assistance when they are unable to identify trust resources, and the District will work with the Tribes to find ways to gather the required information.

Specific actions agreed upon to address issue, including who is responsible

Short-term actions: The Tribes can use several Corps programs (Planning Assistance, Support for Others, etc.) to help identify trust resources through wetland mapping, aerial and ground surveys, etc.

Long-term actions: None

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

Native American/Corps of Engineers Inter-Governmental Initiative Workshop, Between the Federally Recognized Tribes of Wisconsin and Minnesota and the Detroit and St. Paul Districts in Wausau, Wisconsin on May 9th, 1995

Issue raised by (check one): **Tribe__X__** **Corps____**

Issue Description: In opposing a proposed permit, the Tribes are at a disadvantage because the applicant does not have to disclose all information at the start of the permit process, and yet the clock is running. In the Crandon Mine case, the applicant has yet to disclose the detailed operating plan (where spoil will be stored, the chemical composition of the spoil, how the spoil will be treated) and yet the Tribe has been requested to detail their Trust Resources and how they will be impacted.

Type of issue (check one): **process_X__** **product____**

Consequences of resolving issue versus not resolving it.

Resolving: Will allow the Tribes to more accurately assess the impacts that a proposed permitted activity will have on their trust resources.

Not Resolving: Will put the Tribe in the untenable position of not knowing the details of a proposed action, but having to respond none-the-less.

Resolution/decision regarding issue: None

Specific actions agreed upon to address issue, including who is responsible

Short-term actions: The Corps will provide the Tribes with all available information as soon as it is available. Additional time to respond to late breaking information will be provided on a case by case basis.

Long-term actions: The National targets for processing permits should be changed to reflect the added effort required when Trust Responsibilities are a major part of the decision making process.

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

Native American/Corps of Engineers Inter-Governmental Initiative Workshop, Between the Federally Recognized Tribes of Wisconsin and Minnesota and the Detroit and St. Paul Districts in Wausau, Wisconsin on May 9th, 1995

Issue raised by (check one): **Tribe** X **Corps**____

Issue Description: There are many Federal agencies have a trust responsibility to tribes and which have programs that are useful to the tribes. The different Federal Agencies do very little coordination between themselves to assure that the program pieces fit together in an integrated package. It is left up to the tribes to coordinate the activities of all the agencies involved.

Type of issue (check one): **process** X **product**____

Consequences of resolving issue versus not resolving it.

Resolving: Will provide better support for Tribal Governments but will require funding to support coordination efforts.

Not Resolving: Will result in duplication of efforts as several Federal agencies all solve problems piecemeal.

Resolution/decision regarding issue: North Central Division is a participant, but not a signatory to, the 5 agency group which coordinates activities informally. In addition, the Planning Assistance program could be used to develop a masterplan for resource planning.

Specific actions agreed upon to address issue, including who is responsible

Short-term actions: Continued participation in the 5-agency workgroup.

Long-term actions: None

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

Native American/Corps of Engineers Inter-Governmental Initiative Workshop, Between the Federally Recognized Tribes of Wisconsin and Minnesota and the Detroit and St. Paul Districts in Wausau, Wisconsin on May 9th, 1995

Issue raised by (check one): **Tribe** X **Corps** ____

Issue Description: Tribes are concerned about protecting the ecosystem for the next generation. The basic resources are clean water and clean air, without which there would be no life. Other resources, such as wild rice, religion, culture, are dependent upon these basic resources. The Tribes need help from the Corps to protect the resources that sustain life.

Type of issue (check one): **process** X **product** ____

Consequences of resolving issue versus not resolving it.

Resolving: Better protection of trust Resources

Not Resolving: Loss of trust resources

Resolution/decision regarding issue: Several Corps programs, including Planning Assistance and PEP, can provide assistance in performing activities which protect the ecosystem. The Regulatory program is also administered in a way that protects the ecosystem.

Specific actions agreed upon to address issue, including who is responsible

Short-term actions: When requested, the Corps will use the Planning Assistance and PEP programs to perform studies which help to protect the ecosystem.

Long-term actions: None

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

Native American/Corps of Engineers Inter-Governmental Initiative Workshop, Between the Federally Recognized Tribes of Wisconsin and Minnesota and the Detroit and St. Paul Districts in Wausau, Wisconsin on May 9th, 1995

Issue raised by (check one): Tribe__X__ Corps____

Issue Description: In order to understand and fulfill its trust obligations, the Corps must read the Treaties from which that obligation is derived. The Treaties have been in place for many years, they don't change. When interpreting treaty language, ambiguities should be decided in favor of the tribes.

Type of issue (check one): process_X__ product____

Consequences of resolving issue versus not resolving it.

Resolving: A better understanding of the Corps trust responsibilities.

Not Resolving: Lack of understanding of the Corps trust responsibilities.

Resolution/decision regarding issue: Reading the appropriate treaties should be included in the decision making process when trust resources are involved.

Specific actions agreed upon to address issue, including who is responsible

Short-term actions: Treaties will be included in the decision making documents where appropriate.

Long-term actions: None

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

Native American/Corps of Engineers Inter-Governmental Initiative Workshop, Between the Federally Recognized Tribes of Wisconsin and Minnesota and the Detroit and St. Paul Districts in Wausau, Wisconsin on May 9th, 1995

Issue raised by (check one): **Tribe X** **Corps____**

Issue Description: The States have no trust responsibility to Tribes; the Federal Government does. When the Corps does work jointly with states, as is the case in the Crandon Mine EIS, the determination of Trust Responsibilities should not be transferred to the States. The Corps should make it clear that it is the one interpreting the Trust Responsibility and making the decision based upon that responsibility.

Type of issue (check one): **process X** **product____**

Consequences of resolving issue versus not resolving it.

Resolving: Assuring that the trust responsibility is upheld by the appropriate agency.

Not Resolving: Dilution of Trust Responsibility by delegating it to an agency which is not bound by trust responsibility.

Resolution/decision regarding issue: Trust Responsibility will be retained within the Corps and not be delegated to state agencies.

Specific actions agreed upon to address issue, including who is responsible

Short-term actions: Joint agreements will clearly state that trust responsibility is not delegated and remains within the Corps.

Long-term actions: None

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

Native American/Corps of Engineers Inter-Governmental Initiative Workshop, Between the Federally Recognized Tribes of Wisconsin and Minnesota and the Detroit and St. Paul Districts in Wausau, Wisconsin on May 9th, 1995

Issue raised by (check one): Tribe__X__ Corps____

Issue Description: It is a real challenge to constantly educate non-Indians about the Tribes, their values, and their rights. The Corps requests information concerning tribal resources in order to make decisions on permits, operating plans, etc. In order to respond, the tribes are forced to define the resources using Corps of Engineers, Euro-Asian terms. Many resources that the tribes value (spirituality, heritage, one-with-the-earth type concepts) are extremely hard or impossible to define, put in writing and/or quantify.

Type of issue (check one): process_X__ product____

Consequences of resolving issue versus not resolving it.

Resolving: Will allow all important factors to be included in the decision making process.

Not Resolving: Will exempt many important factors from the decision making process.

Resolution/decision regarding issue: Educating non-Indians may be a challenge, but it is the only way that issues which are important to the Tribes can be included in the decision making process. Face-to-face meetings between the decision maker (usually the District Engineer but in some cases delegated lower) is the best method to communicate the deeply held feelings that are so important to include in the decision making process. In some cases, the district historian (trained in Native American studies and documenting oral history) may prove to be another useful resource.

Specific actions agreed upon to address issue, including who is responsible

Short-term actions: As requested by the Tribes on specific issues, face-to-face meeting will be scheduled with the decision maker.

Long-term actions: Continue training of all district personnel on Tribal issues and values.

AGENDA

AN INFORMATIONAL WORKSHOP
BETWEEN THE
FEDERALLY RECOGNIZED TRIBES OF WISCONSIN AND MINNESOTA
AND THE
DETROIT AND ST. PAUL DISTRICTS
U.S. ARMY CORPS OF ENGINEERS

MAY 9TH, 1995
WAUSAU, WISCONSIN

9:00	Welcome	Col. Scott
9:15	District Overview, St. Paul	Col. Scott
9:30	District Overview, Detroit	Col. R.O. Buck
9:45	Tribal Overviews	
11:00	Corps Programs & Discussions	Joe Wanielista
11:30	Lunch (on your own)	
12:30	Corps Regulatory Program & Discussion	Ben Wopat
1:00	Open Discussion	
2:45	Closing Remarks	
3:00	Adjourn	

Best Western Hotel, Wausau, Wisconsin, Telephone (715) 842-1616

Meeting Notes

WISCONSIN TRIBAL WORKSHOP
MAY 9, 1995

MAJOR ISSUES:

1. Trust responsibility.

2. Trust resources.

3. States have no trust responsibility.

4. New District Engineer - will he be briefed on tribal issues (Crandon mine)?

5. Treaties - people need to read them.

6. 5-agency Memorandum of Understanding - the Corps should participate.

7. National assessment team - Tribal representatives should be included.

8. Challenge of educating people about Tribes.

DISCUSSION FOLLOWING PRESENTATIONS BY DISTRICT ENGINEERS:

1. What is the Corps' definition of trust responsibility?

Response: It is being developed. It will come out of the various treaties.

2. What is the definition and criteria for trust resources?

Response: We haven't defined it yet. We are in the middle of developing volumes on that.

3. Is the District writing a formal policy on trust responsibility?

Response: There is no national Corps policy today. These meetings are being held to bring up questions and concerns to coalesce a trust responsibility policy. These workshops will feed into the national assessment. We are collecting data now.

4. If the Corps is collecting data and developing policy, the Indian people should be on the Board writing the documents (one Native American from each district as an ambassador on the Board to develop the national policy). There is a need for face-to-face contact at the national level, too.

Response: Agreement that a cross section of Indian Tribes should be included. Will provide an answer soon.

5. If Tribal representatives are on the national board, they should have some decision-making authority so they are accountable to the Tribes.

6. Tribes have been asked to define trust resources on the Crandon mine

project. The Tribes do not have the capability or the money to do an inventory. They need assistance from the Corps. Tribes don't have the money to hire experts to compete with big companies (bows and arrows against big guns).

Response: Corps has asked the Tribes to provide information on resources. What are we trying to prevent impacts on? The Corps needs the Tribal input because the Tribes would be affected first.

7. Basic resources are clean water and clean air. Without these life-sustaining resources, none of us would be here. It is a global problem.

8. Tribes need to know the rules earlier so they can compete (in a permit process with a time limit). The process gives the permit applicant a real head start because they know what they want to do. The Tribes currently don't know what the rules are, and this leaves them in an untenable position.

9. How soon until we get policy guidance on Corps trust responsibility?

Response: Important issue to capture: We need a timeline from the national study group.

10. The Corps is not the only agency wrestling with the issue of trust responsibility. Trust is a case-by-case thing; you can't list 10 things to define it. Other Federal agencies could demonstrate what they have done with trust responsibility. Tribes have entered into a Memorandum of Understanding with a number of Federal agencies (5-Agency MOU). Agencies and Tribes meet to talk together on issues related to the Tribes. Eight to 11 Federal agencies in this region participate. The group works on a regional basis to make national policy. The Corps attends the meetings, although it is not signed on by resolution.

11. Tribes concerned with protecting the ecosystem for the next generation - wild rice, religion, culture. Need help from the Corps so the water is suitable habitat.

12. Corps wears two hats: it carries out its water resource duties from Congress and it acts as a judge and decision-maker in regard to 404 permits. Tribes have to provide information to the Corps so the permit issue is decided in the Tribe's favor. Tribes must show which categories of public interest factors need to be protected. Tribes need to give the Corps ammunition to show that the Corps looked at tribal interests and ruled in the Tribe's favor. The Tribes want the Corps to have a strong case.

Response: The Corps has a responsibility to the general public and to the Tribes. The Corps is responsible for protecting the tribal interests, and we must work together. The Tribes are one with the land. The permit applicant is interested in the land and in the local economy. The Corps must look at all the issues.

13. People need to read the treaties. The treaties don't change. If there is ambiguity in the treaty, it must be decided in favor of the Tribe.

DISCUSSION FOLLOWING PRESENTATIONS BY CORPS STAFF:

14. The evaluation process for a permit application, or how the Corps makes a determination, is as intangible to the Tribes as trust responsibility is to the Corps.

Response: Tribes will be provided copies of the decision documents to show issues being considered. The Corps is working with the Tribes to develop permit procedures to come to an agreement on how to handle trust responsibilities.

15. The Corps doesn't understand that what Tribes need on the reservation extends beyond reservation boundaries.

Response: While there may be no direct impact on trust resources, there may be indirect impacts. Private ownership within the reservation may still have impacts on trust resources.

16. A resolution from the Tribe (rather than a letter from the Tribe) shows the full backing of the Tribe.

17. For the permit process, the burden of proof is on the applicant. How does the Corps check the information provided? (Crandon mine: Applicant used State's information on the number of people engaged in forestry. The Tribe knows the number is higher than what the State shows.)

Response: It is a challenge. The Corps cross checks and verifies the information provided from many sources. The most time is spent on the critical issues - surface water, groundwater, wetlands, air quality. The views provided from many sources tell us what the critical issues are. If the tests are inadequate, the Corps runs its own tests.

18. Does the Corps have experts to evaluate air quality?

Response: The Environmental Protection Agency has experts who give the Corps advice.

19. The Tribes have a different concept of water quality than the Corps does. Tribes allow no discharge on the reservation. Fish harvest is an important value to the Tribes, and fish move both upstream and downstream.

Response: The Corps does not have the capability to address tribal concerns unless the Tribes educate the Corps. The Corps needs to see the close association of land and people. The Tribes need to work with the Corps to develop this understanding.

20. Will the Corps use water quality studies provided by the Tribes?

Response: Certainly. The Corps considers all the information provided.

21. The permit (Crandon mine) will be denied if the project would have unacceptable impacts to trust resources. The Tribe doesn't know what is in

the ore, so they don't know what the impacts would be. They can't characterize the wastes.

Response: The Corps tries to come to a common ground with the applicant and the objector. Can the project be altered to minimize impacts or eliminate impacts? The applicant must provide what is considered essential information or the permit is denied on that basis.

22. It is a real challenge to constantly have to educate people about the Tribes.

Response: The decision-maker must understand the issues on the reservation in person. You can't get it from reading something. You must have contact with tribal members. You must see it and hear it.

23. Tribes are concerned about clear delineation of authority for the Environmental Impact Statement for Crandon mine. The State of Wisconsin and the mining company have no trust responsibility.

Response: The Corps will be responsible for preparing the Environmental Impact Statement.

AFTER ACTION REPORT
TRIBAL ASSESSMENT WORKSHOP
ALBURQUERQUE DISTRICT

5 JULY 1995

INTERGOVERNMENTAL WORKSHOP, AFTER ACTION REPORT BETWEEN THE FEDERALLY RECOGNIZED TRIBES OF NEW MEXICO, COLORADO, AND TEXAS WITHIN THE BOUNDARIES OF THE ALBUQUERQUE DISTRICT, CORPS OF ENGINEERS

A. Workshop Administration

1. **BIA Area Office:** BIA Albuquerque Area Office

2. **Subregion:** Albuquerque District, Southwestern Division

3. **Date of Workshop:** 5 July 1995

4. **Length of Workshop:** 1 day

5. **Location of Workshop:** Indian Pueblo Cultural Center, Albuquerque, New Mexico

6. **Corps District Involved:** Albuquerque District

7a. **Corps Participants at Workshop:**

Colonel Gary R. Burroughs, District Engineer
Susan Shampine, Acting Chief, Operations Branch
Matt Bourgeois, Formulation Section
Gary Lopez, Hydrologic Engineering Section
Tina Sishc, Contracting Branch
Don Soards, Emergency Operations Branch
Jean Manger, Regulatory Branch
John Schelberg, District Tribal Coordinator
Greg Everhart, Environmental Section

7b. **Bureau of Reclamation Participant at Workshop:**

Robert Leutheuser, Manager, Resource Management Division

8. **Tribal Participants at Workshop:**

Ron D. Shutiva, Pueblo of Acoma, Governor
Malcolm Montoya, Pueblo of Sandia, Natural Resources Office
Cel Gachupin, Pueblo of Zia, Natural Resources Office
Ray P. Lucero, Pueblo of Laguna,
E. J. Lujan, Pueblo of Santa Ana,
Albert D. Gonzales, BIA - Laguna Agency

9. Total Number of Participants at Workshop: 16

B. WORKSHOP OUTPUTS

1. Issues Raised by Tribes or Corps: Do Tribes compete against each other for PAST money? Explanations of types/scales/ limitations/relationships between FPMS and PAST. Frequency, location, elevation of aerial surveillance by regulatory; requirements for permits. Domestic water supply. 100-year floods and flood plain determinations. Irrigation structures. Structural integrity of an earthen dam. Stagnant water/mosquitos/impoundments. Recreation development. Bank stabilization. Invasion of the Rio Grande bosque by tamarisk and Russian Olive. Extent of compliance with Native American Graves Protection and Repatriation Act, tribes involved, schedules.

Separate Issue forms are attached.

2. Were potential means for continuing the relationship discussed? If so, what ideas were generated and what decisions were made? Follow up phone calls and/or letters from COE. Letter requests and phone calls from Tribes to identified points of contact for specific activities.

3. Was joint Corps/Tribal consensus sought and reached on issues? The tenor of the meeting was information exchange with participants agreeing to individually follow up with more information and/or determinations of the possibility of a project being undertaken. Issues did not require a consensus.

C. WORKSHOP PLANNING AND PREPARATION

1. Description of Planning Process:

In February, 1995, the Chiefs of Environmental Section, Planning Branch, Engineering and Planning Division, and Operations Branch were briefed concerning the workshop goals of the COE. In March a second briefing was held for Chiefs of Engineering and Planning Division and Operations Branch, and the District Engineer. In April all of the tribes within the District boundaries were contacted by telephone in order to: update mailing address following winter tribal elections, ascertain points of contact, and establish a tentative date and location for the workshop. The Indian Pueblo Cultural Center in Albuquerque was generally preferred by the New Mexico tribes. A tentative date was set for early June but several tribes requested a change and July 5, 1995, was subsequently selected.

A letter signed by the District Commander was mailed to all Tribes in June, and a late acceptance by a Bureau of Reclamation representative provided the opportunity to fax a revised invitation to the all of the Tribes. This served as a last minute reminder.

No burning issues surfaced during the early telephone calls; therefore, the organizing committee (all COE personnel) decided that the COE presentations (agenda attached) would

address topics identified at previous workshops across the country. Operations Branch was included, in part, due to the location of two dams on Tribal land and the proximity of those two dams to other Tribes. Previous relations between the Albuquerque District/Operations had not been the best; however, they improved markedly over the past five years. We believed that any unresolved issues would be sure to surface at the workshop. There was ample opportunity for Tribal representatives to ask questions and make their own presentations.

Which materials provided (briefing book, etc.) were most useful? Least useful?

Most useful for the execution of the workshop included the workshop guidance from the *Native American Intergovernmental Relations Task Force* and the *Tribal Notebook.* Most useful for dealing with District personnel were the memos from General Genega (and Zirchsky) and the Division Commander. Most useful in the long haul, assuming that the initiative can be sustained, will be the *Pink Book.* Least useful was the communication strategy.

Workshop planning committee membership (name, position, office).

John D. Schelberg; Tribal POC; Environmental Section
Susan Shampine; Acting Chief; Operations Branch
Matt Bourgeois; Planning Assistance to States and Tribes; Formulation Section

District/Division Executive Advocacy Group membership.

There was none.

How often did leadership meet?

Formally - Twice. The initial briefing and the second briefing which included the District Commander. Informally - asked for updates by telephone, E-Mail, and through the chain of command.

What were key leadership issues and resolutions?

(1) Another unfunded mandate from headquarters. This became more muted and less frequent following the arrival of the money through PAST and FPMS. (2) The integration of the entire planning for and execution of the workshop into the overall workload to personnel balance. It is difficult for a small District with too much work to do to take on an additional project and keep everything else on schedule.

How were the tribes involved in planning?

Asked about issues during the early telephone calls.

What were the key planning issues and resolutions to them?

There were no key issues raised. There was interest in such topics as planning, flood plain delineation, erosion control, etc. See B.1., above.

What role did the BIA Offices play, if any?

They asked to be kept informed, and one representative from one office attended the workshop.

2. Identification of workshop goals and objectives:

As stated in the letter inviting the Tribal representatives to the workshop, the goal was "... *improving communication and government-to-government relationships...*" between the Tribal Governments and the Corps.

Several of the tribes are intimately familiar with the District but most have had little to no contact and we are largely an unknown. Opening the lines of communication was a major goal. Identifying issues of concern or importance; providing information; and providing the Tribes an opportunity to speak about issues of their choice were also important goals.

How were they determined?

The goals were determined from the guidance received from Headquarters and the Tribal Task force.

3. Workshop Format

The format was a combination of presentations and open floor discussion. A stage with a lectern and microphone was available but was not used since the group was small and the room acoustics were good. The District Commander opened with a welcome and a brief overview, asked everyone to introduce themselves, and asked the Tribal representatives to introduce themselves and to indicte topics of concern. The COE presentations were made in accordance with the Agenda (attached). The remainder of the workshop involved questions and discussions with the entire group. This was followed by small group sessions in which COE personnel were available for one-on-one discussions. COE personnel used 33 mm slides and the Bureau of Reclamation representative used the overhead projector.

How was the format arrived at?

Planning committee consensus.

Were facilitators requested?

No.

4. Invitations

Number of Tribes invited

25 Tribes were invited to attend.

Number of Tribes in attendance

Five Tribes and a Tribal employee of one of the BIA Agency offices. One Governor was in attendance; the remainder were staff- level personnel.

Invitation and follow-up process for Tribes.

All were contacted by telephone approximately three months prior to the workshop. Occasional phone calls occurred thereafter. A formal letter and the agenda were mailed approximately one month prior to the workshop, and a revised agenda was faxed to all Tribes approximately one week prior to the workshop.

Other invitees.

Bureau of Reclamation.

5. Agenda.

Attached.

Other notes and observations about workshop planning.

While the planning process was uneventful, it was exacerbated by virtue of occurring in a relatively small District. Sick leave, TDY, annual leave, and work load all contributed to the juggling act and in some instances delayed decisions or products.

D. WORKSHOP PROCESS

1. Description of process(es) used in workshop

The workshop was a combination of presentations concerning COE programs and an open forum for Tribal representatives to speak. It was not a decision meeting. If a question could not be answered then the individual posing the question was told that someone would call with an answer.

Was it more of an "airing of concerns" meeting or a "decision" meeting?

The workshop was an exchange of information and answering questions; no decisions were made.

What kinds of activities were used in the workshop?

Formal presentations were made by the COE and BOR. Questions and answers followed each presentation. Then Tribal representatives had the floor for additions questions and questions/information on topics not covered. Finally, COE and BOR personnel were available for one-on-one discussions.

Were there any disruptions or unplanned activities?

There were none.

How were issues identified and verified/confirmed?

The dictionary definitions of "issue" revolve around a solution to a problem or difficulty; a point of debate; etc. There were none at this workshop. Rather it was information providing and question answering. Notes were taken during the meeting. Questions were answered at the meeting or through follow up telephone calls by knowledgeable COE personnel. The six tribal representatives were all business - get in, get the information, and move on. Three of the six were using their cellular phones during the breaks.

How were decisions made on issues?

None. See paragraph immediately preceding.

Were resolutions to issues sought? How?

None. See above.

How were actions to address issues identified and selected?

None. See above.

2. Participant Behavior.

All participants were courteous and allowed people to speak without interruption.

Relative percentage of workshop time Tribes/Corps spent talking.

Tribes - 40 percent; Corps - 60 percent.

Were there any particularly outspoken participants? Particularly quiet?

All participants contributed by asking questions. The Tribal representative from the BIA asked the fewest questions.

Were tribal reps involved and active?

Yes.

Who presented and spoke to issues?

No issues were dealt with. All representatives asked questions.

3. Other Participants

Bureau of Indian Affairs
Bureau of Reclamation

BIA role in workshop.

One individual attended the workshop and asked questions.

Role(s) of Other Participant(s).

Bureau of Reclamation representative made a presentation concerning BOR programs of potential interest to the Tribes.

4. Other observations and notes.

The workshop may have been better attended if one had been held in the northern part of the state - closer to the tribes living there and in southern Colorado and the other in Albuquerque. There may have been better attendance had several workshops been held. For example, one for Pueblos and one for Athapaskans. However, given the limited resources of a small District, more than one workshop would be very difficult. The workshop is a beginning of improved interaction. Follow up letters with information are planned for those who did not attend; follow up is underway with those who did.

All of the Federally Recognized Tribes in New Mexico are currently cooperating on a joint undertaking entitled: New Mexico Indian Economic Development Summit for Indian and business leaders. They are taking advantage of provisions in the 1993 Omnibus Budget Reconciliation Act which created empowerment zones and enterprise communities and provided a variety of tax incentives and breaks for businesses locating on reservations and hiring Indians. They are working with the Department of Commerce and state senators and are putting together a two day meeting in Albuquerque in August, 1995.

E. WORKSHOP EVALUATION

1. Overall Evaluation

The District is of the opinion that the workshop was a success (except for the lower than hoped for attendance). The meeting itself was productive, much information was exchanged, follow up is occurring; and the participants thanked COE representatives for the presentations and for the workshop.

How well did the workshop achieve its goals and objectives?

Completely.

What was successful? Why?

Providing information, alerting those in attendance to programs which would be beneficial to several of them immediately, and gaining a better understanding of problems and concerns of the Tribes. The success can be attributed to the facts that the Tribal representatives had the opportunity to speak, several opportunities to ask questions, and there was sufficient time for the workshop that no one felt compelled to rush.

What was not successful? Why?

Relatively low attendance, in part attributable to the travel distances and necessity for an overnight stay.

Were tribes consulted to confirm workshop outcomes and to evaluate the workshop?

There was no formal evaluation. Follow up answers to specific questions and additional mailings are on going.

2. Suggestions for improvements in workshops.

❑ Because of impact of work, it would be better to have a separate District Tribal Point of Contact from the Tribal Task Force representative.

❑ Additional non-project funding which would permit workshops with tribal subsets within a District (based on geographic proximity, linguistic affiliation, or tribal meetings scheduled for other non-project purposes, etc.).

❑ Reminders from higher headquarters that this was not a one time undertaking, but an on-going effort which can be benefit the COE-Tribal intergovernmental relationship.

TRIBAL ASSESSMENT ISSUE/QUESTION SUMMARY FORM

Native American/Corps of Engineers InterGovernmental Initiative Workshop, Indian Pueblo Cultural Center, Albuquerque, New Mexico

Issue/Question raised by: Tribe _____ Corps _____

Issue Description:

Type of Issue: Process _____ Product _____

Consequences of resolving issue versus not resolving it.

Resolving:

Not Resolving:

Resolution/decision regarding issue:

Specific actions agreed upon to address issue, including who is responsible.

Short-term actions:

Long-term actions:

AGENDA

NATIVE AMERICAN TRIBES - U.S. ARMY CORPS OF ENGINEERS
INTERGOVERNMENTAL WORKSHOP
INDIAN PUEBLO CULTURAL CENTER
ALBUQUERQUE, NEW MEXICO

JULY 5, 1995

9:00 Welcome, Albuquerque District Overview, Plan for the Workshop
Col. Gary Burroughs, Commander Albuquerque District

9:30 Corps Programs: Overview of Missions and Purposes of the Corps of Engineers

Operations of Field Projects - Susan Shampine

Planning Assistance to Tribes - Matt Bourgeois

Flood Plain Management Services - Gary Lopez

Work for Others -

Procurement Opportunities for Small Disadvantaged Business - Tina Sishc

Emergency Operations - Don Soards

Regulatory Program: 404 Permitting Overview and 401 Water Quality Certification Authority - Jean Manger

Bureau of Reclamation: Overview of Programs
Albuquerque Area Office - Rob Leutheuser

11:30 Lunch

1:00 Current and Future Needs of Tribes
Tribal Representatives

2:30 Small Groups Questions and Answers

3:45 Concluding Remarks

4:00 Conclusion

TRIBAL ASSESSMENT ISSUE/QUESTION SUMMARY FORM

Native American/Corps of Engineers InterGovernmental Initiative Workshop, Indian Pueblo Cultural Center, Albuquerque, New Mexico

Issue/Question raised by: Tribe __X___ Corps _____

Issue/Question Description: Recreation development by the Santa Ana Pueblo at Jemez Dam.

Type of Issue: Process _____ Product __X___

Consequences of resolving issue versus not resolving it.

Resolving: {NA}

Not Resolving: {NA}

Resolution/decision regarding issue: Albuquerque District's Jemez Dam is on Santa Ana Pueblo land. Acting Chief of Operations Branch will follow up and arrange a meeting to discuss the possibility and the requirements.

Specific actions agreed upon to address issue, including who is responsible.

Short-term actions: Operations Branch will arrange meeting.

Long-term actions:

TRIBAL ASSESSMENT ISSUE/QUESTION SUMMARY FORM

Native American/Corps of Engineers InterGovernmental Initiative Workshop, Indian Pueblo Cultural Center, Albuquerque, New Mexico

Issue/Question raised by: **Tribe __X___** **Corps _____**

Issue/Question Description: Structural integrity of an earthen dam (Santa Ana #2) on the east side of Santa Ana Pueblo.

Type of Issue: **Process _____** **Product __X___**

Consequences of resolving issue versus not resolving it.

Resolving: {NA}

Not Resolving: {NA}

Resolution/decision regarding issue: Albuquerque District's Jemez Dam is on Santa Ana Pueblo land

Specific actions agreed upon to address issue, including who is responsible.

Short-term actions: Operations and dam safety will discuss and follow up.

Long-term actions: Depends on outcome of inspection and existing authorities.

TRIBAL ASSESSMENT ISSUE/QUESTION SUMMARY FORM

Native American/Corps of Engineers InterGovernmental Initiative Workshop, Indian Pueblo Cultural Center, Albuquerque, New Mexico

Issue/Question raised by: **Tribe** __X___ **Corps** _____

Issue/Question Description: Several Tribes were interested in irrigation structures, such as acequias and associated diversion dams, stock ponds, etc.

Type of Issue: **Process** _____ **Product** __X___

Consequences of resolving issue versus not resolving it.

Resolving: {NA}

Not Resolving: {NA}

Resolution/decision regarding issue: With the exception of acequias the COE does not deal with irrigation matters. However, there is a (nit-picking) question concerning the applicability of the acequia legislation to Reservation land. The acequia program was discussed and the BOR representative invited inquires and/or meetings to explore the possibilities.

Specific actions agreed upon to address issue, including who is responsible.

Short-term actions: Acquire resolution of applicability of acequia legislation to Reservation land from Headquarters.

Long-term actions: Assuming resolution of issue by higher authorities, information will be mailed to all tribes.

TRIBAL ASSESSMENT ISSUE/QUESTION SUMMARY FORM

Native American/Corps of Engineers InterGovernmental Initiative Workshop, Indian Pueblo Cultural Center, Albuquerque, New Mexico

Issue/Question raised by: **Tribe** __X___ **Corps** _____

Issue/Question Description: Bank stabilization along the Jemez River.

Type of Issue: **Process** _____ **Product** __X___

Consequences of resolving issue versus not resolving it.

Resolving: {NA}

Not Resolving: {NA}

Resolution/decision regarding issue: Albuquerque District's Jemez Dam is on Santa Ana Pueblo land. PAST representative will follow up and arrange a meeting to discuss the possibility and the requirements.

Specific actions agreed upon to address issue, including who is responsible.

Short-term actions: PAST.

Long-term actions:

TRIBAL ASSESSMENT ISSUE/QUESTION SUMMARY FORM

Native American/Corps of Engineers InterGovernmental Initiative Workshop, Indian Pueblo Cultural Center, Albuquerque, New Mexico

Issue/Question raised by: **Tribe** __X___ **Corps** _____

Issue/Question Description: Stagnant water/mosquitos/water impoundments around Jemez Dam.

Type of Issue: **Process** _____ **Product** __X___

Consequences of resolving issue versus not resolving it.

Resolving: Problems will be cleared up and the COE will be responsive to a complaint and responsible for problems associated with one of its Dams

Not Resolving: COE will be perceived as irresponsible and ducking from problems created by one of its projects. Relations with the Santa Anas will not improve and a government to government request will have been ignored.

Resolution/decision regarding issue: Albuquerque District's Jemez Dam is on Santa Ana Pueblo land. Acting Chief of Operations Branch will follow up and investigate the problem.

Specific actions agreed upon to address issue, including who is responsible.

Short-term actions: Operations Branch will investigate.

Long-term actions: Depending on results of the investigation a long-term fix (such as grading, filling, etc.) may be required.

TRIBAL ASSESSMENT ISSUE/QUESTION SUMMARY FORM

Native American/Corps of Engineers InterGovernmental Initiative Workshop, Indian Pueblo Cultural Center, Albuquerque, New Mexico

Issue/Question raised by: **Tribe** __X___ **Corps** _____

Issue/Question Description: Several Tribes were interested in flood plain mapping/determinations/management, etc.

Type of Issue: **Process** _____ **Product** __X___

Consequences of resolving issue versus not resolving it.

Resolving: {NA}

Not Resolving: {NA}

Resolution/decision regarding issue: Additional discussion at the workshop by FPMS representative.

Specific actions agreed upon to address issue, including who is responsible.

Short-term actions: Additional information being mailed to interested tribes. Invited to set up meetings with the FPMS personnel and discuss specifics.

Long-term actions: Information being mailed to all tribes.

TRIBAL ASSESSMENT ISSUE/QUESTION SUMMARY FORM

Native American/Corps of Engineers InterGovernmental Initiative Workshop, Indian Pueblo Cultural Center, Albuquerque, New Mexico

Issue/Question raised by: **Tribe** __X___ **Corps** _____

Issue/Question Description: Invasion of the bosque by Russian Olive and Tamarisk.

Type of Issue: **Process** _____ **Product** __X___

Consequences of resolving issue versus not resolving it.

Resolving: {NA}

Not Resolving: {NA}

Resolution/decision regarding issue: Neither COE nor BOR have eradication programs for the general bosque. Two years ago the BOR representative participated in a six-month long interagency task force investigation all aspects of the Rio Grand bosque (i.e., ecology, history, management, recreation, etc.) and was able to speak to the issue and discuss various methods of eradication which the Tribes could employ. None of the methods were acceptable to the tribes (or to the BOR for that matter). New Mexico State University is in the midst of a five-year study of the effectiveness of imported natural enemies of tamarisk but the results will not be available for years.

Specific actions agreed upon to address issue, including who is responsible.

Short-term actions: None.

Long-term actions: None.

TRIBAL ASSESSMENT ISSUE/QUESTION SUMMARY FORM

Native American/Corps of Engineers InterGovernmental Initiative Workshop, Indian Pueblo Cultural Center, Albuquerque, New Mexico

Issue/Question raised by: **Tribe** __X___ **Corps** _____

Issue/Question Description: What is the extent of COE's (Albuquerque District's) compliance with the Native American Graves Protection and Repatriation Act (NAGPRA).

Type of Issue: **Process** _____ **Product** __X___

Consequences of resolving issue versus not resolving it.

Resolving: {NA}

Not Resolving: {NA}

Resolution/decision regarding issue: Albuquerque District has completed all inventories, notified all affected Tribes, is preparing Federal Register notices, and has met twice with representative from Cochiti Pueblo. Meeting with Santo Domingo and Santa Clara Pueblos are pending.

Specific actions agreed upon to address issue, including who is responsible.

Short-term actions: None.

Long-term actions: None.

TRIBAL ASSESSMENT ISSUE/QUESTION SUMMARY FORM

Native American/Corps of Engineers InterGovernmental Initiative Workshop, Indian Pueblo Cultural Center, Albuquerque, New Mexico

Issue/Question raised by: **Tribe** __X___ **Corps** _____

Issue Description: Erosion control. Most of the kinds of erosion control of interest to those in attendance (arroyos, thunderstorm runoff, etc.) is not within COE authorization.

Type of Issue: **Process** _____ **Product** _____

Consequences of resolving issue versus not resolving it.

Resolving:

Not Resolving:

Resolution/decision regarding issue: It was pointed out that the State and Natural Resource Conservation Service are potential avenues to address problems of this type.

Specific actions agreed upon to address issue, including who is responsible.

Short-term actions: Contact the State of New Mexico and Natural Resource Conservation Service

Long-term actions: The country would be better served if Agencies such as COE, BOR, NRCS, etc. worked together and maintained interagency working groups whose emphasis would be to accomplish projects. In lieu of that, the least the Agencies could do is to do a much better job of "advertising" what they can and cannot do.

TRIBAL ASSESSMENT ISSUE/QUESTION SUMMARY FORM

Native American/Corps of Engineers InterGovernmental Initiative Workshop, Indian Pueblo Cultural Center, Albuquerque, New Mexico

Issue/Question raised by: **Tribe** __X___ **Corps** _____

Issue/Question Description: Do tribes compete against each other for Planning Assistance to States and Tribes (PAST) money? What kinds of projects? How large? Limitations? Relationships between PAST and Flood Plain Management Studies.

Type of Issue: {NA}__X__ **Process** _____ **Product** _____

Consequences of resolving issue versus not resolving it.

Resolving: {NA}

Not Resolving: {NA}

NOTE: If funding levels are reduced and the programs are therefore reduced or terminated then the Tribes will view it as lack of good faith on the part of the Congress. They understand that the COE is not the entity cutting the funding. If the program continues but is underfunded with respect to the number of possible applicants the COE will have to be objective in project selection.

Resolution/decision regarding issue: Questions were answered by the PAST and FPMS representatives at the workshop. A brochure explaining the highlights of the programs will be mailed out to all tribes within the District Boundaries.

Specific actions agreed upon to address issue, including who is responsible.

Short-term actions: Questions answered at workshop.

Long-term actions: Mail out information brochure. Several tribal representatives in attendance stated that they will send letters requesting assessments of possible studies.

TRIBAL ASSESSMENT ISSUE/QUESTION SUMMARY FORM

Native American/Corps of Engineers InterGovernmental Initiative Workshop, Indian Pueblo Cultural Center, Albuquerque, New Mexico

Issue/Question raised by: **Tribe** __X___ **Corps** _____

Issue/Question Description: A number of questions concerning additional details or clarifications about the 404 permit process. Also wanted to know how often, when, and at what elevation aerial surveillance was conducted. There was a concern that a ceremony could be interrupted. Wanted to know if a permit were required to stabilize a bank which would impact a shrine if it continued to erode.

Type of Issue: {NA}__X__ **Process** _____ **Product** _____

Consequences of resolving issue versus not resolving it.

Resolving: {NA}

Not Resolving: {NA}

NOTE: The answers were satisfactory and no one in attendance had any problems with 404 permits.

Resolution/decision regarding issue: Questions were answered by the regulatory representative at the workshop. An announcement was made, and all Tribes will be notified by mail, of a fall workshop concerning Tribal certification to be held at one of the northern Pueblos.

Specific actions agreed upon to address issue, including who is responsible.

Short-term actions: Questions answered at workshop.

Long-term actions: Fall workshop for Tribal certification

TRIBAL ASSESSMENT ISSUE/QUESTION SUMMARY FORM

Native American/Corps of Engineers InterGovernmental Initiative Workshop, Indian Pueblo Cultural Center, Albuquerque, New Mexico

Issue/Question raised by: **Tribe** __X___ **Corps** _____

Issue/Question Description: Several Tribes were interested in domestic water supply both at the Pueblo level and at the household level.

Type of Issue: {NA}__X__ **Process** _____ **Product** _____

Consequences of resolving issue versus not resolving it.

Resolving: {NA}

Not Resolving: {NA}

Resolution/decision regarding issue: Neither the COR nor the BOR undertakes such projects.

Specific actions agreed upon to address issue, including who is responsible.

Short-term actions:

Long-term actions:

AFTER ACTION REPORT
TRIBAL ASSESSMENT WORKSHOP
TULSA DISTRICT

SEPTEMBER 1995



US Army Corps
of Engineers
Tulsa District

Native American/ Corps of Engineers Inter-Governmental Initiative

Tulsa District

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NATIVE AMERICAN/CORPS OF ENGINEERS INTER-GOVERNMENTAL INITIATIVE TULSA DISTRICT AFTER ACTION REPORT

INTRODUCTION

This report describes Tulsa District's efforts in conjunction with the Native American/Corps of Engineers Inter-Governmental Initiative. The Corps Inter-Governmental Initiative is in response to a memorandum issued by President Clinton directing Federal agencies to develop an effective government-to-government relationship with Federally-recognized Native American tribes. (President Clinton's memorandum is included in Appendix A.) In compliance with a directive issued by the Acting Assistant Secretary of the Army for Civil Works, Dr. John Zirschky, a Native American Tribal Government Task Force was established to provide support for Corps districts in implementing the Corps Inter-Governmental Initiative. A key element of the Initiative was that Corps districts conduct workshops with tribal governments. Tulsa District held two such workshops in the late winter and early spring of 1995. This report outlines the workshops, their outcomes, and ongoing efforts established by the District to execute the spirit of President Clinton's memorandum and Dr. Zirschky's directive.

DISTRICT GOALS AND OBJECTIVES

Following the Corps national agenda, the goal of the Tulsa District is to develop and maintain a dialog between the Tulsa District and the Federally-recognized tribal governments that have jurisdictions within Tulsa District boundaries. As part of this dialog, another goal of the District is to identify issues and questions that can be resolved or answered at the District level and to forward those issues and questions that need to be addressed at the Washington level to Washington.

Objectives related to those goals are:

1. Develop a list of all Federally-recognized tribal governments that have jurisdictions within Tulsa District boundaries.

2. Establish a Native American Tribal Government Coordinator, along with an Executive Committee and an Inter-Governmental Advocacy Committee, to assist the Coordinator in executing the District initiative.

3. Contact all tribal governments and inform them of the Corps initiative.

4. Meet with tribal government to discuss workshops and meetings oriented toward fostering inter-governmental dialog.

5. Develop a Fact Book outlining the Corps mission and responsibilities.

6. Hold workshops on inter-governmental relations and include all Federally-recognized tribes having jurisdictions within Tulsa District boundaries.

7. Contact tribes to follow up on issues and questions raised in the workshops.

8. Monitor the effectiveness of the District's Inter-Governmental Initiative utilizing existing customer care program techniques.

Workshops on inter-governmental relations are central to the District's initiative. The workshops are intended to formally present the Corps missions and responsibilities to tribal governments and to allow tribal governments to present issues and questions that have particular importance to them to the Corps. The workshop will also allow informal contact to be made by working level staff members of the Tulsa District with representatives of tribal governments. The Tulsa District considers these informal contacts a critical element for inter-governmental relations.

TRIBAL GOVERNMENTS WITHIN TULSA DISTRICT BOUNDARIES

A listing of all Federally-recognized tribal governments having jurisdictions within Tulsa District boundaries was derived from the list of tribes that are serviced by the Bureau of Indian Affairs offices in Muskogee, Oklahoma, and Anadarko, Oklahoma. A total of 44 Federally-recognized tribes have jurisdictions in the Tulsa District geographical area. These tribes are listed in Table 1.

TABLE 1

FEDERALLY-RECOGNIZED TRIBES
WITHIN
THE U.S. ARMY CORPS OF ENGINEERS,
TULSA DISTRICT BOUNDARIES

Apache Tribe of Oklahoma
Caddo Tribe of Oklahoma
Comanche Tribe of Oklahoma
Delaware Tribe of Western Oklahoma
Fort Sill Apache Tribe of Oklahoma
Kiowa Tribe of Oklahoma
Wichita and Affiliated Tribes
Cheyenne-Arapaho Tribes of Oklahoma
Iowa Tribe of Kansas and Nebraska
Kickapoo of Kansas
Prairie Band Potawatomi of Kansas
Sac and Fox of Missouri
Kaw Tribe of Oklahoma
Otoe-Missouria Tribe of Oklahoma
Pawnee Tribe of Oklahoma
Tonkawa Tribe of Oklahoma
Absentee-Shawnee Tribe of Oklahoma
Citizen Band Potawatomi Tribe
Iowa Tribe of Oklahoma
Kickapoo Tribe of Oklahoma
Kickapoo Traditional Tribe of Texas
Sac and Fox Nation of Oklahoma
Alabama-Coushatta Tribe of Texas
Cherokee Nation of Oklahoma
Chickasaw Nation of Oklahoma
Choctaw Nation of Oklahoma
Creek Nation of Oklahoma
Seminole Nation of Oklahoma
Cherokee-Shawnee
Osage Nation of Oklahoma
Ottawa Tribe of Oklahoma
Wyandotte Tribe of Oklahoma
Peoria Tribe of Oklahoma
Delaware Tribe of Indians
Eastern Shawnee Tribe of Oklahoma
Miami Tribe of Oklahoma
Quapaw Tribe
Seneca-Cayuga Tribe of Oklahoma
Modoc Tribe of Oklahoma
Alabama-Quassarte Tribal Town
Kialegee Tribal Town
Thlopthocco Tribal Town
United Keetoowah Band of Cherokees

A unique characteristic of Oklahoma is its historical status as Indian Territory. Many tribes from all parts of the United States were removed from their original homelands and relocated to what is now Oklahoma. Only a few of the tribes now residing in Oklahoma are aboriginal. Many tribes were granted lands in Oklahoma by the United States government or land was purchased by the tribes during the 19th century. Because of relocation actions and allotment programs by the United States government, the political, economic, cultural, and sociological characteristics of the Native American groups in Oklahoma are unique. Diverse tribes with diverse interests are present in the state. Some tribes have large tribal rolls, with memberships numbering in the thousands, while others only have a few hundred. Some have tribal lands; some do not. Some tribal lands were once reservations; some were part of a sovereign dependent nation (Indian Territory). Each tribe is unique in terms of its character and also in its relationship with the Tulsa District.

THE TRIBAL GOVERNMENT COORDINATOR

To facilitate inter-governmental communication, a Tribal Government Coordinator was established. The role of the Coordinator is to:

- Facilitate effective and timely communication between the District and the tribes.
- Identify issues that need to be addressed.
- Serve as the District's single point-of-contact for Tribal Government staff and officials who have questions or issues that need to be raised with the Corps.

The Coordinator participates in District projects or actions that may affect tribal governments. The Coordinator also assists action offices in preparing written and verbal communication to tribal governments. The responsibilities of the Coordinator include advising the District Engineer on tribal issues. The Coordinator does not assume the communication responsibilities of action offices in the District that have delegated responsibilities. The Coordinator is not to be an advocate for either a tribal or a District position.

The Tribal Government Coordinator for the Tulsa District is:

Robert Jobson
U.S. Army Corps of Engineers, Tulsa
Cultural Resources Program, Planning Division
Phone Number: (918) 669-7193

An Inter-Governmental Advocacy Committee was established to assist the Coordinator in executing the District's initiative. The committee was made up of representatives of the various functional elements of the District to ensure that inquiries and issues were addressed by appropriate Division offices. An Executive Committee was established made up of the Tribal Government Coordinator and two Planning Division personnel. The Executive Committee facilitates the use of District resources and staff in executing the District's initiative.

CONTACT WITH TRIBAL GOVERNMENT REPRESENTATIVES

The first contact with tribal officials regarding the Inter-Governmental Initiative was made in October 1994. Many tribal officials have had working relationships with the District's archeologists regarding cultural resource issues. This made it easier to develop contacts regarding the Corps initiative. Telephone contact was made followed by on-site visits. The purpose of the contacts was to describe the initiative and to ask for the tribes' views on the number of workshops to have, and the locations, dates, and times, as well as the format, for the workshops. A total of 12 tribes were contacted during the planning stage for the workshop. When possible, meetings were held with tribal councils to best use the limited time and staff that were available. Faxes of information were also used.

During planning meetings, tribal government officials stated that it would be important to present issues from a tribal government's perspective. Most also felt that it was important to hear what the Corps mission and responsibilities were. Many tribal members stated that they were unfamiliar with the Corps mission and would like to hear more. Tribal government staff stated that tribes were becoming more involved with environmental quality and water resource management. These areas are relatively new responsibilities for tribes, and state and federal government agencies are relying more on tribal involvement.

On a more basic level, tribal staff suggested that tribal governments' budgets were limited and some sort of assistance with travel expenses would increase participation. Tribal representatives from all parts of Oklahoma suggested that two workshops be held, one in the western part of Oklahoma and one in the eastern part. The rationale was that eastern tribes had a different historical background than most of the tribes in the west. And, workshops in the east and the west would be good because of travel logistics.

FACT BOOK

A Fact Book was developed as part of the government-to-government initiative. The book describes the Corps and the Tulsa District's missions, programs, responsibilities, and gives names of points of contact who can best answer questions about specific areas of responsibility. The book contains information in the form of fact sheets about the programs as well as the organization of the Corps. A letter was enclosed with the fact books as they were

mailed to the tribal governments within the Tulsa District boundaries. The letter encouraged the tribal governments to review the contents of the Fact Book prior to the workshops so they could develop specific questions and to use the Fact Book as a general orientation to the Corps missions.

Three fact books were mailed to each of the tribal governments two weeks prior to both the eastern and the western workshops to ensure that the tribal staff had time to review the contents. The book was written to be used as a general reference book for questions and issues that may arise in the future.

WORKSHOP FORMAT

Based on interviews with tribal officials, two-day workshops were planned. An advance flyer announcing the workshops and a tentative agenda went out to the 44 tribal governments. A sample agenda is attached in Appendix B.

The following week a formal invitation letter was sent to each of the elected leaders of the Federally-recognized tribes. The letter included a tentative agenda, a request for comments, and a workshop planning questionnaire. The planning questionnaire asked tribal governments to identify who would be attending from their tribe and to specify issues they would like to have addressed at the workshop. The questionnaire also asked for comments about the structure of the workshop. Appendix C contains a copy of the questionnaire.

Based on conversations with the tribes, responses to the planning questionnaire, and responses to the District's letter, the District developed a final agenda. Appendix D contains a copy of that agenda. The first day included introductions of the participants and was structured to have the Corps explain its missions and responsibilities as well as provide a general orientation to Corps policies in dealing with tribal governments. The second day was structured so that tribal governments could provide a discussion of the issues and questions important to them.

A facilitator conducted the meeting. The facilitator opened the meeting by discussing the agenda. Although the agenda had been discussed with the tribes prior to the workshop, the facilitator noted that the workshop was intended to be flexible to accommodate the needs of the participants. The facilitator encouraged tribal members to raise issues and questions during the course of the workshop. As issues and questions were raised, the facilitator had them written on large sheets of paper which were then taped to the walls of the meeting room. This allowed attendees to review the issues and questions at their leisure.

Two Corps employees also wrote down the questions and issues raised verbally to ensure an accurate written representation. The facilitator asked the workshop participants to review the sheets to ensure that all questions and issues were addressed. The facilitator also asked Corps of Engineers staff to list any question they might have about tribal governments, their

organization, and their missions and responsibilities. Each participant was given comment sheets on which issues and questions could be submitted in writing. An example of the comment sheet is contained in Appendix E.

During the introductions, each tribal representative was given an opportunity to make an opening statement. Each representative was introduced. Some made opening statements, some did not. After the introductions, a panel composed of representatives of each of the Divisions in the District Office made presentations. Representatives of Planning Division, Real Estate Division, Operations Division, Human Resources Office, and Contracting Division made short statements about the mission and responsibilities of their office.

The facilitator explained that the afternoon session would consist of information stations that would have displays and handouts concerning the responsibilities and missions of the Corps. The afternoon session was intended to be an informal come-and-go structure. Each station was staffed with persons who could meet one-on-one with tribal representatives to answer questions they might have. Stations were set up for Resource Management, Permit Program, Real Estate, Water Resources and Environmental Restoration, Contracting, and Human Resources and Cultural Resources. The stations had table top displays describing the specific area of interest and printed material related to the station's theme available for handout. A station was also set up to specifically deal with questions and comments. Corps staff were instructed to write down comments made by tribal representatives during the course of the afternoon session to ensure that those comments were also included on the posted question/issue sheets. Appendix F displays the layout for the various displays used in the information stations.

On the second day, the facilitator reconvened the workshop and summarized the previous day's activities. The rest of the day was devoted to addressing each of the posted issues. The facilitator solicited additional comments and questions. Tribal representatives were given the opportunity to clarify the posted information. After all the issues and questions were addressed and the posted information clarified, the Corps staff provided an additional opportunity for tribal representatives to meet with them on a one-on-one basis. The facilitator informed the tribal representatives present that they would be sent a list of all the issues and questions raised at the two workshops so they would have an opportunity to further address the issues and questions. The District had developed a comment form and had postage-paid envelopes available so that the representatives could submit questions and comments by mail after the workshops were over.

WORKSHOP IMPLEMENTATION

Two workshops were held. The workshop for the tribes in the western part of Oklahoma was held in Oklahoma City, Oklahoma, on February 27 and 28 at the Saddle Back Inn Motel. A workshop for tribes in the eastern part of Oklahoma was held on April 2 and 3 at Arrowhead

Lodge, a facility owned by the Choctaw Nation at Lake Eufaula, Oklahoma. Attendee lists for each of these workshops are provided in Appendix G.

Twenty persons representing 17 tribes attended the Oklahoma City workshop. Seventeen persons representing 11 tribes attended the Eastern Area workshop. Six staff members of the Bureau of Indian Affairs and two congressional staff representatives attended the Eastern area workshop.

Corps staff from various offices, including Corps project offices and the Southwestern Division Office, were present at the workshops. The District Commander participated in both workshops. The District Commander and his staff encouraged field personnel and others to attend the workshop. One important outcome of the workshop was that Corps personnel developed one-on-one contact with tribal government staff and listened to issues and questions from the tribes' perspective. Informal face-to-face conversations between Corps personnel and tribal government representatives lay the foundation for future contact.

WORKSHOP FOLLOW UP AND OUTPUTS

After the workshops, all the issue sheets were collected and reviewed and the comments sheets and written staff notes were examined. Based on the review and examination, a list of issues, comments, and questions were compiled for each workshop. Audio tapes of the meetings and notes taken by Corps staff were also reviewed to check the accuracy of the statements placed on the sheets. Tribal government staff raised issues, concerns, and questions during the one-on-one conversations with Corps staff. The Corps staff summarized the conversations in the form of questions or issue statements.

Staff from the District provided oral responses to many of the questions and issues raised at the two workshops. As a follow up, a written response was provided for each of the comments and questions raised. The list of questions, comments, and issues was distributed to the District staff for their written responses. The list is attached in Appendix H.

A letter was sent to the tribal government representatives who attended the workshops. The letter contained the list of questions, comments, and issues raised at the two workshops. The tribal government representatives were asked to review the list and provide additional input about how the issues, comments, and questions are stated. The letter also asked the representatives to address any comments, issues, or questions not included in the list. A sheet which provided a format for adding comments was attached to the list. As of the date of this report, one tribe provided a response. That response is included in Appendix H.

A copy of this report will be forwarded to the U.S. Army Corps of Engineers Native American Tribal Government Task Force. The Task Force is made up of representatives from Corps of Engineers offices around the Nation. The Task Force will review the results of the

Tulsa District workshops along with information from other workshops held throughout the United States and will identify those issues which have national policy consideration and forward them to the Assistant Secretary of the Army for Civil Works.

This report will become part of the Task Force Report which will be available in January 1996.

The workshops have produced some immediate outputs. Based on conversations at the February 1995 workshop, Tulsa District initiated a Government Services Administration action to declare excess approximately 25 acres at Kaw Lake, Oklahoma, and transfer those lands through the Bureau of Indian Affairs to the Kaw Tribe. There have been a number of requests from tribes to participate in the Continuing Authorities Program. Although there are Federal funding uncertainties, steps have been taken to initiate these investigation when funding is available. A meeting with the Cherokee Nation has been scheduled concerning integrating Corps data with the tribe's geographical information system. The tribe has also met with District regulatory staff to discuss permitting. A number of tribes have requested meetings related to the Native American Grave Protection and Repatriation Act, and the District cultural resources staff has held several related meetings. The Alabama-Coushatta Tribe of Texas, which had a representative at the District workshop, has begun a floodplain management study with Galveston District on its reservation lands. Although started prior to the workshops, construction has begun on bank protection projects for the Kiowa and Tonkawa tribes. Face-to-face contacts at the workshops have helped foster communication in getting these projects started smoothly. In addition, the workshops have facilitated a partnership that respects the unique character of tribal government customers.

MONITORING THE INTER-GOVERNMENTAL INITIATIVE

The Tribal Government Coordinator will develop a method to monitor the effectiveness of the District initiative by January 1996. This may mean including tribal governments in the customer care evaluations employed by the District. Additional follow-up workshops may also be implemented in the Spring of 1996 depending on funding constraints for such activities. The Corps Task Force may have recommendations for monitoring the effectiveness of the initiative in its final report.

APPENDIX A

MEMORANDUM FOR THE EXECUTIVE HEADS OF DEPARTMENTS AND AGENCIES

APRIL 29, 1994

President William J. Clinton

THE WHITE HOUSE

WASHINGTON

April 29, 1994

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Government-to-Government Relations with Native American Tribal Governments

The United States Government has a unique legal relationship with Native American tribal governments as set forth in the Constitution of the United States, treaties, statutes, and court decisions. As executive departments and agencies undertake activities affecting Native American tribal rights or trust resources, such activities should be implemented in a knowledgeable, sensitive manner respectful of tribal sovereignty. Today, as part of an historic meeting, I am outlining principles that executive departments and agencies, including every component bureau and office, are to follow in their interactions with Native American tribal governments. The purpose of these principles is to clarify our responsibility to ensure that the Federal Government operates within a government-to-government relationship with federally recognized Native American tribes. I am strongly committed to building a more effective day-to-day working relationship reflecting respect for the rights of self-government due the sovereign tribal governments.

In order to ensure that the rights of sovereign tribal governments are fully respected, executive branch activities shall be guided by the following:

(a) The head of each executive department and agency shall be responsible for ensuring that the department or agency operates within a government-to-government relationship with federally recognized tribal governments.

(b) Each executive department and agency shall consult, to the greatest extent practicable and to the extent permitted by law, with tribal governments prior to taking actions that affect federally recognized tribal governments. All such consultations are to be open and candid so that all interested parties may evaluate for themselves the potential impact of relevant proposals.

(c) Each executive department and agency shall assess the impact of Federal Government plans, projects, programs, and activities on tribal trust resources and assure that tribal government rights and concerns are considered during the development of such plans, projects, programs, and activities.

(d) Each executive department and agency shall take appropriate steps to remove any procedural impediments to working directly and effectively with tribal governments on activities that affect the trust property and/or governmental rights of the tribes.

(e) Each executive department and agency shall work cooperatively with other Federal departments and agencies to enlist their interest and support in cooperative efforts, where appropriate, to accomplish the goals of this memorandum.

(f) Each executive department and agency shall apply the requirements of Executive Orders Nos. 12875 ("Enhancing the Intergovernmental Partnership") and 12866 ("Regulatory Planning and Review") to design solutions and tailor Federal programs, in appropriate circumstances, to address specific or unique needs of tribal communities.

The head of each executive department and agency shall ensure that the department or agency's bureaus and components are fully aware of this memorandum, through publication or other means, and that they are in compliance with its requirements.

This memorandum is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right to administrative or judicial review, or any other right or benefit or trust responsibility, substantive or procedural, enforceable by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

The Director of the Office of Management and Budget is authorized and directed to publish this memorandum in the Federal Register.

William J. Clinton

APPENDIX B

WORKSHOP ANNOUNCEMENT

US Army Corps
of Engineers
Tulsa District

Native American/ Corps of Engineers Inter-Governmental Workshops

HOST:
The Tulsa District

PURPOSE:
Identify Tribal Governments issues and concerns.

Provide information about the Corps' mission and responsibilities.

MORE DETAILS:
Invitations and more details to be mailed the week of February 6, 1995.

Announcing the Oklahoma City, Oklahoma Workshop

Monday and Tuesday February 27 & 28, 1995

(specfic site and time to be announced)

For more information contact:
Robert Jobson
Native American Tribal Coordinator
(918) 669-7193

APPENDIX C

INFORMATION PLANNING QUESTIONNAIRE

NATIVE AMERICAN/CORPS OF ENGINEERS INTER-GOVERNMENTAL WORKSHOP PLANNING INFORMATION

The Tulsa District of the U.S. Army Corps of Engineers is planning a workshop on Native American/Corps of Engineers Inter-Governmental Relations. To help us plan for the workshop, please provide the following information:

1. List the name of your Tribal Government. Show it as it will appear on name tags:
IOWA TRIBE of OKLA

2. Will staff from your Tribal Government be attending the workshop in Oklahoma City on February 27-28, 1995?

[ ] No; If no, please note if your Tribal Government is interested in a future workshop and return this form to the address listed at the bottom of page 3.

____ Interested in future workshop ____ Not interested.

[X] Yes; If yes, please answer the questions below:

a. List the name and title of the person who will act as your Tribal Government representative. Show that person's name and title as it will appear on the name tag and workshop roster:

Representative Name: EUGENE BIG SOLDIER

Representative Title: Council person

b. Will this representative need lodging? (The Corps of Engineers will provide one night's lodging for one representative.)

[X] Yes

[ ] No

c. Will this representative be attending the evening dinner hosted by the Corps of Engineers on February 27, 1995? (The Corps of Engineers has made arrangements to cover the cost of the meal for one representative and one participant.)

[X] Yes

[ ] No

- OVER -

d. Are there others from your Tribal Government who will be participating in the February 27-28, 1995, workshop?

[X] No; If no, skip to question 3.

[ ] Yes; If yes, answer the following:

Please list the names and titles of other participant(s). Use additional pages if needed.

Name	Title

e. How many of these participants (not including the Tribal Government representative) will be attending the evening dinner? (Note: The Corps will cover the expense of one participant's meal. The meals of the other participants will be at their own expense. The cost of the meals is estimated to be $10.00.)

Number Attending Dinner:_____

3. The workshop will open with remarks from Tribal Government representatives on the subject of inter-governmental relations. Although the second day will be devoted to the Tribal Governments' perspective on inter-governmental relations, each tribe has the option to make a short remark (about 5 minutes) on the subject to start the workshop. Does your Tribal Government want to make an opening remark?

[ ] Yes; If yes, who will be making the remarks?

Name:_____

Title:_____

[X] No opening remarks will be made by the tribal representative.

4. The second day of the workshop will include a flexible break out session, with the Tribal Governments presenting information about their organization, issues and concerns, points of contract, and other subjects related to inter-governmental relations. Does your Tribal Government wish to staff an information table where our Corps staff can ask questions?

[ ] Yes

[X] No

5. Please list any issues your Tribal Government would like to see the Corps address in this workshop.

_____

_____

_____

_____

6. One purpose of this workshop is to foster two-way communication between the Corps of Engineers and Tribal Governments. Please make any suggestions about how the Corps could structure the workshop to help promote two-way communication.

_____

_____

_____

_____

THANK YOU FOR HELPING US PLAN THE WORKSHOP!

Invitations and details of the workshop will be mailed soon. If you have any questions about this information or about the workshop, call Robert Jobson at telephone number 918-669-7193. To help us ensure that your Tribal Government representatives are included in these activities, use the attached postage-paid envelope to return this form by February 17, 1995, to:

U.S. Army Corps of Engineers, Tulsa District
ATTN: CESWT-PL-E
P.O. Box 61
Tulsa, OK 74121-0061

APPENDIX D

WORKSHOP
AGENDA

AGENDA
NATIVE AMERICAN/CORPS OF ENGINEERS INTER-GOVERNMENTAL WORKSHOP OKLAHOMA CITY, OKLAHOMA

First Day: Monday, February 27, 1995
Facilitator: Dr. Edwin J. Rossman

8:00-10:00 am	REGISTRATION
10:00-10:10 am	WELCOME - Colonel Otis Williams
10:10-11:30 am	OPENING REMARKS - Tribal Leaders Robert Jobson, Moderator
11:30-11:45 am	BREAK
11:45-12:15 am	INTRODUCTION OF CORPS MISSION - Panel of Corps Representatives David Steele, Moderator
12:15-1:30 pm	LUNCH - On your own
1:30-4:30 pm	POSTER INTRODUCTION AND POSTER SESSION Corps staffed information booths with printed material and displays
4:30 pm	BREAK
7:00 pm	DINNER - Hosted by Corps

Second Day: Tuesday, February 28, 1995
Facilitator: Mr. Robert Jobson

8:00-8:10 am	SUMMARY OF DAY ONE - David Steele
8:10-10:00 am	ISSUES FROM PERSPECTIVE OF TRIBES - Tribal representatives Robert Jobson, Moderator
10:00-10:15 am	BREAK
10:15-12:00 pm	ISSUES FROM PERSPECTIVE OF TRIBES/BREAK OUT SESSION Tribal staffed tables with information about tribal governments, points of contact, areas of responsibilities, issues, and concerns
12:00-1:30 pm	LUNCH - On your own
1:30 pm	FINAL REMARKS AND FUTURE ACTIONS - Colonel Otis Williams
2:00 pm	END

APPENDIX E

COMMENT SHEET

QUESTIONS OR COMMENTS?
Native American/U. S. Army Corps of Engineers Inter-governmental Workshop

The Corps of Engineers is interested in addressing your Tribe's concerns and questions. Please write down your questions or comments about the Corps mission and responsiblities in the space provided below. If you would like a written response to your question or concern, please provide your name and address. Feel free to use the back of this form or add pages if needed. Thank you for your participation.

_____

_____

_____

_____

_____

_____

_____

_____

-OPTIONAL INFORMATION-

NAME_____

TRIBE:_____

ADDRESS:_____

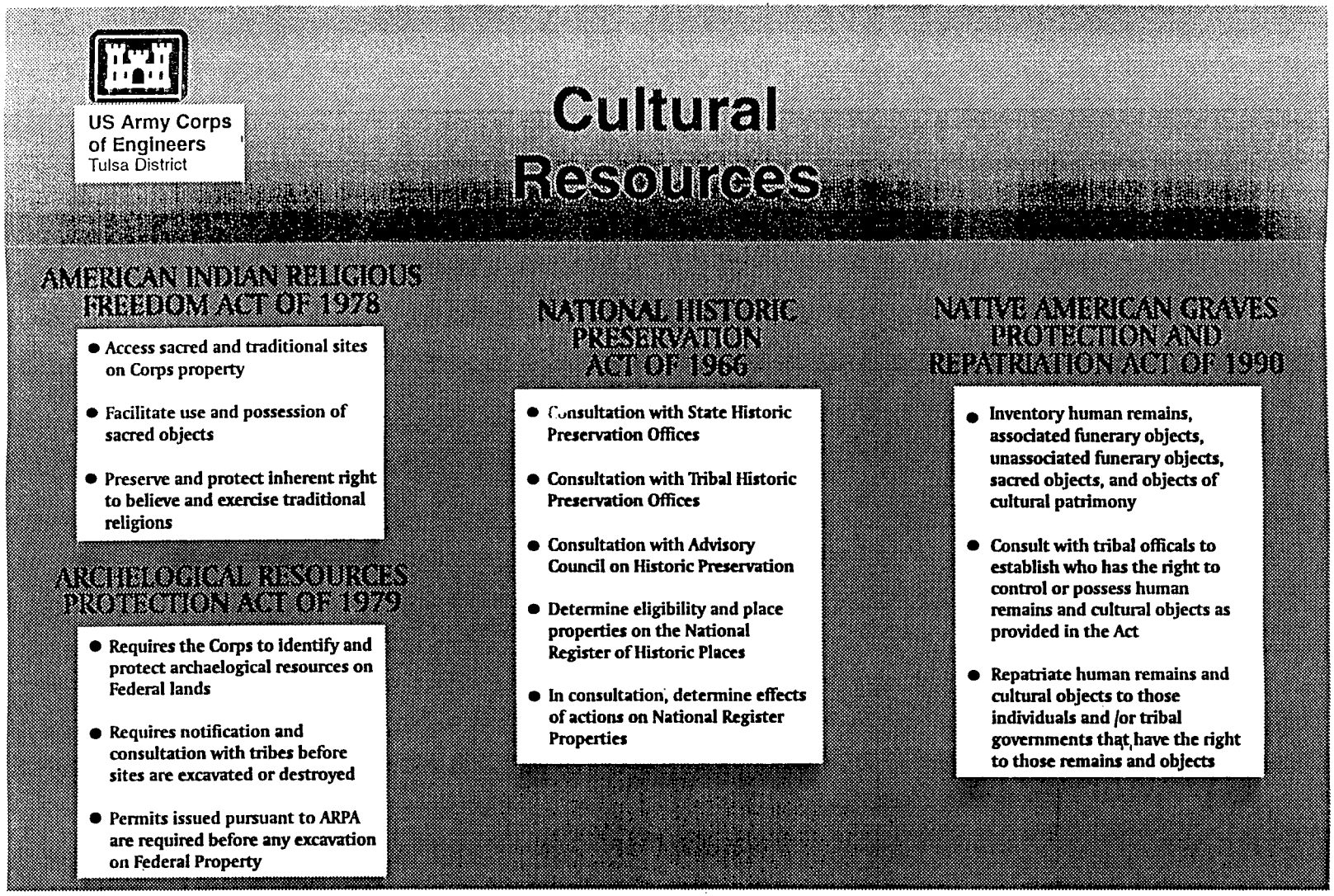
CITY:_____ STATE: _____ ZIP:_____

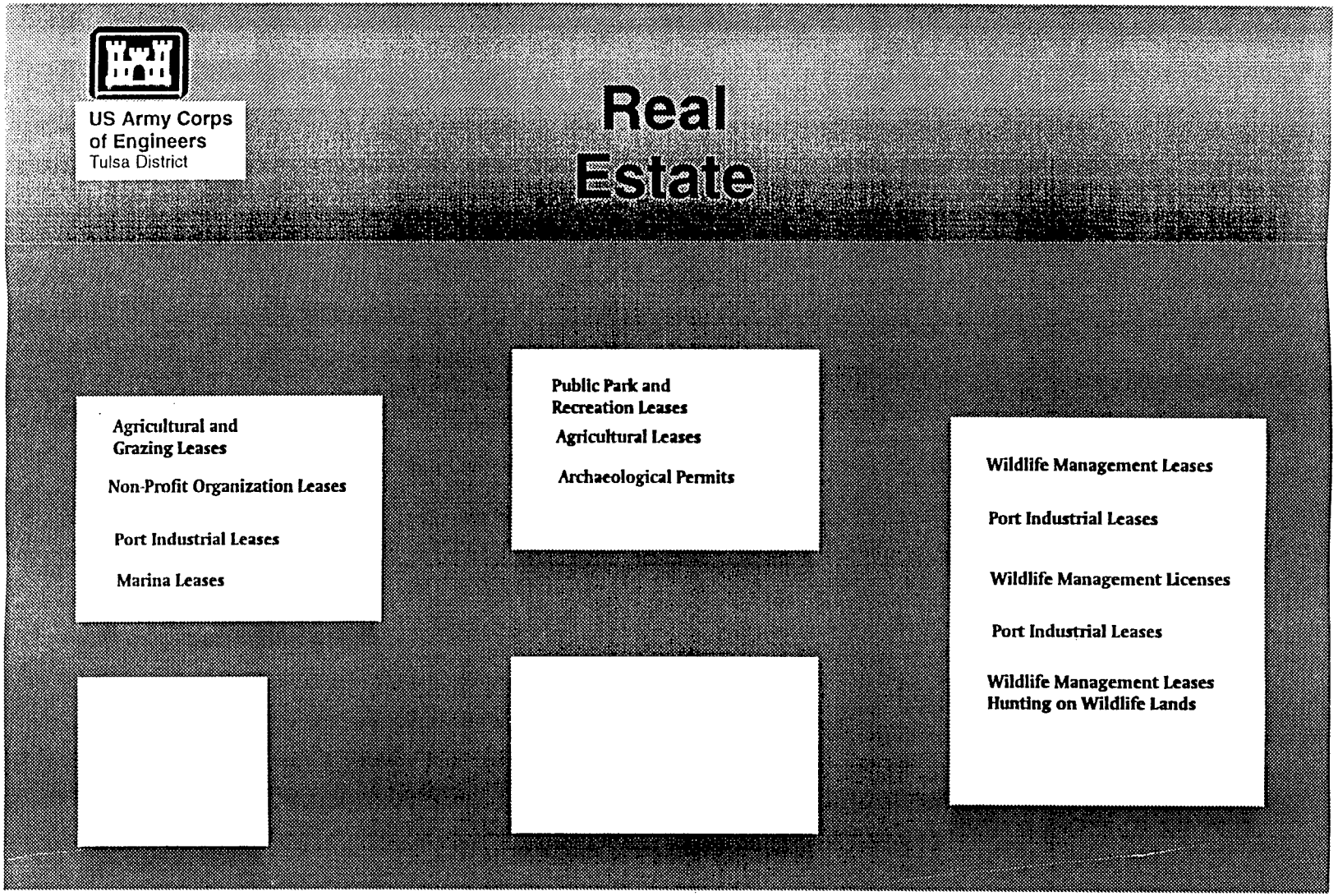
PHONE NUMBER (AREA CODE):_____

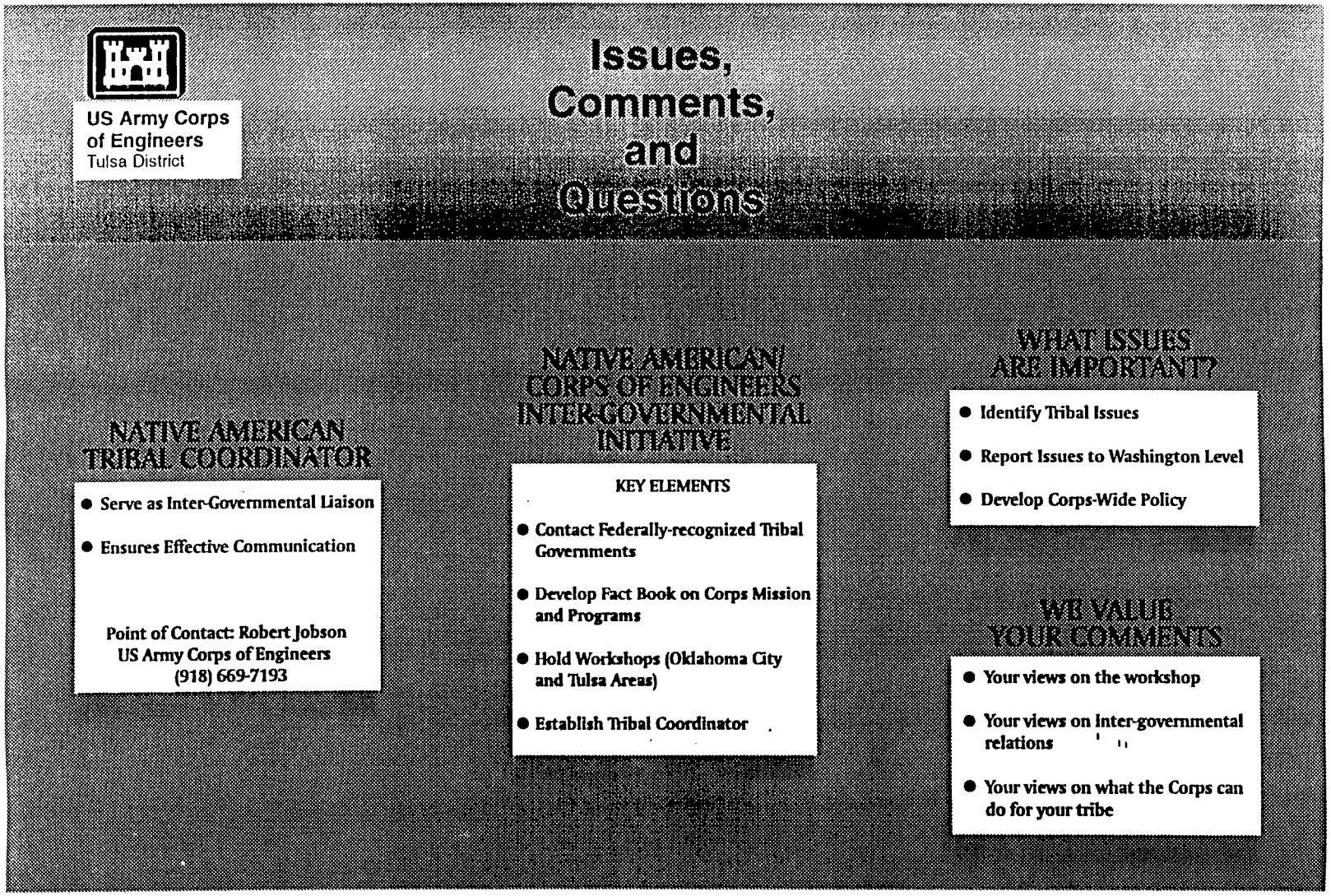
Place in the comment are at the "COMMENTS AND QUESTIONS" table or use one of the self-addressed, postage-paid envelopes.

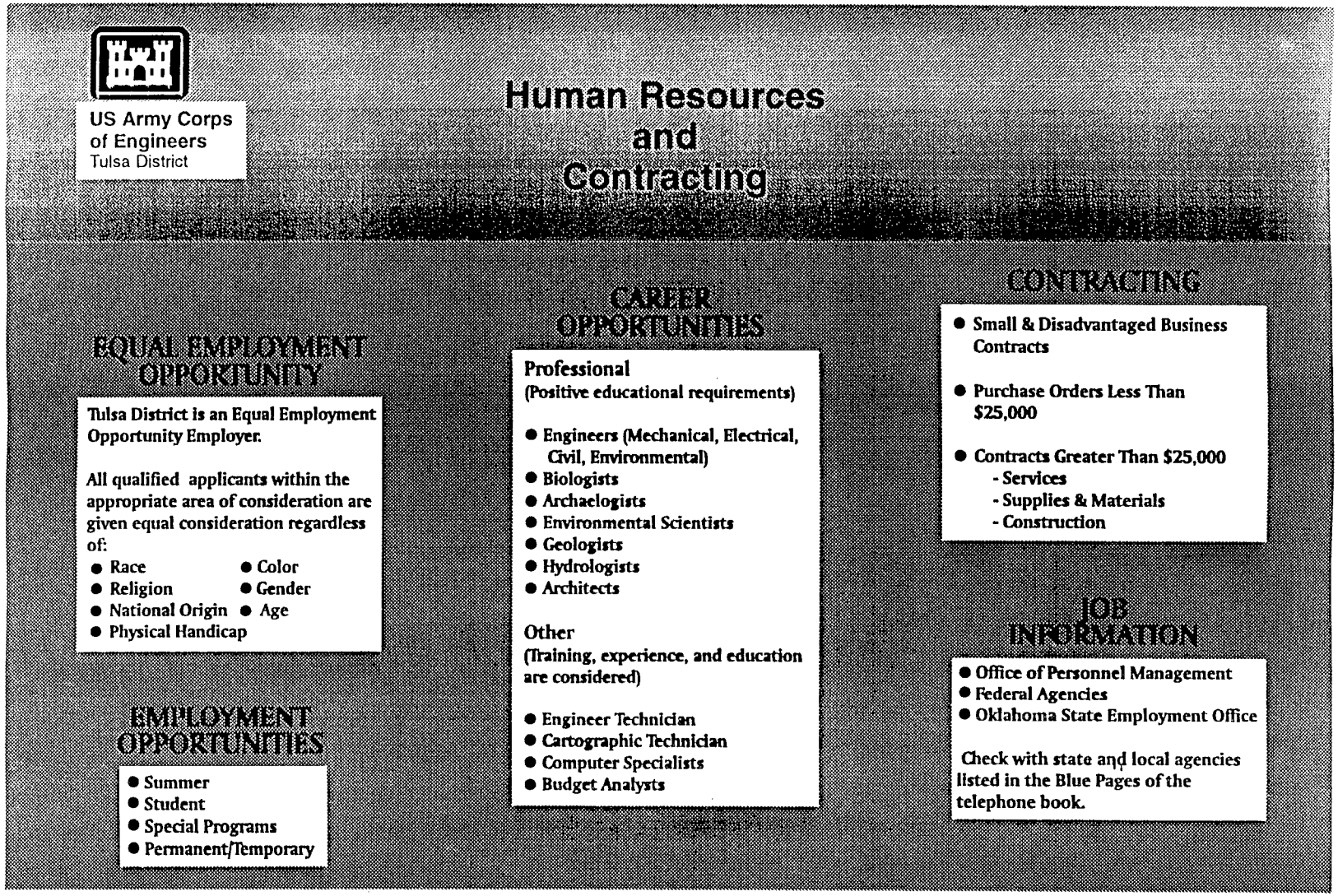
APPENDIX F

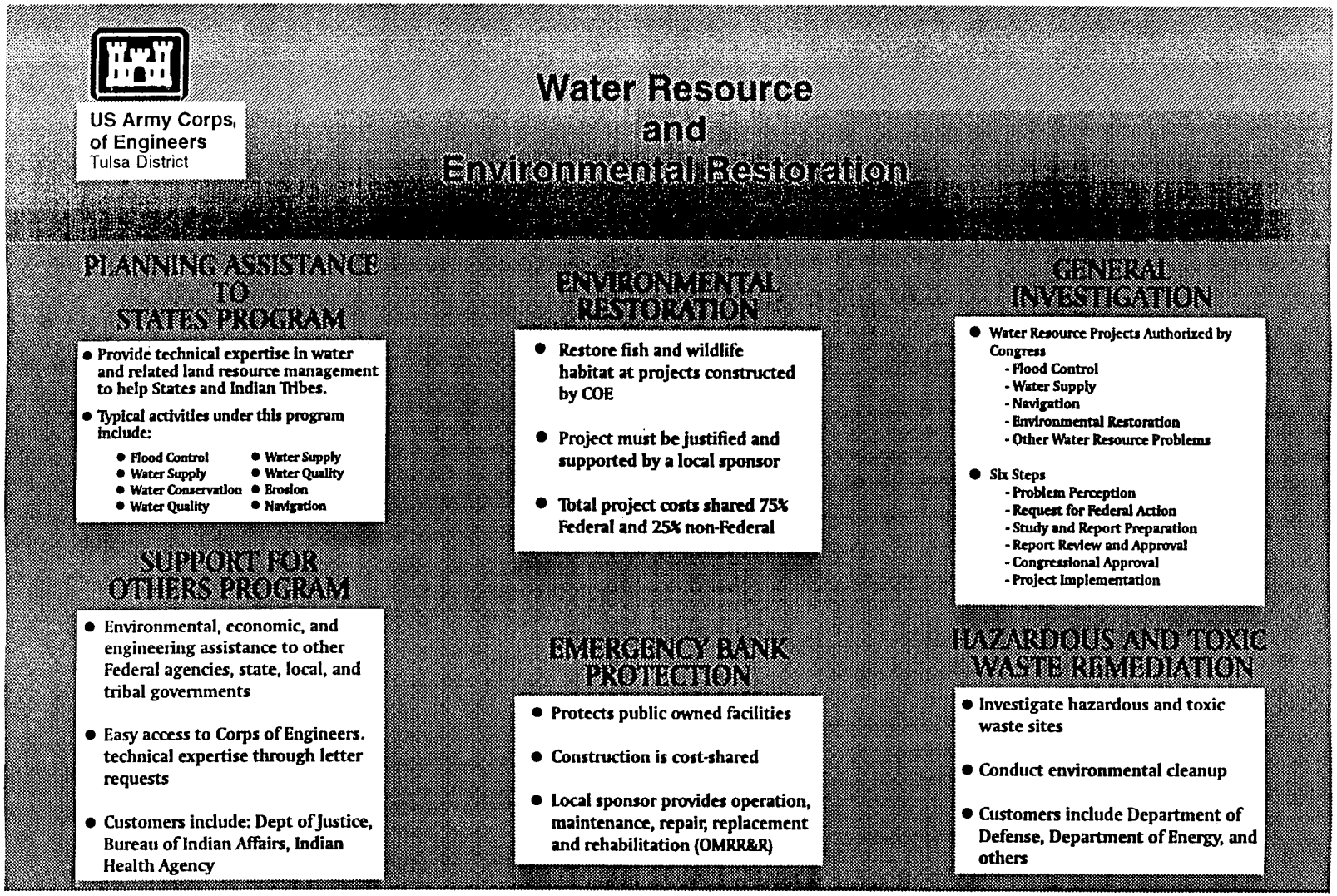
LAYOUT OF
WORKSHOPS
DISPLAYS


US Army Corps
of Engineers
Tulsa District
Cultural
Resources
AMERICAN INDIAN RELIGIOUS FREEDOM ACT OF 1978
● Access sacred and traditional sites on Corps property
● Facilitate use and possession of sacred objects
● Preserve and protect inherent right to believe and exercise traditional religions
ARCHELOGICAL RESOURCES PROTECTION ACT OF 1979
● Requires the Corps to identify and protect archaeological resources on Federal lands
● Requires notification and consultation with tribes before sites are excavated or destroyed
● Permits issued pursuant to ARPA are required before any excavation on Federal Property
NATIONAL HISTORIC PRESERVATION ACT OF 1966
● Consultation with State Historic Preservation Offices
● Consultation with Tribal Historic Preservation Offices
● Consultation with Advisory Council on Historic Preservation
● Determine eligibility and place properties on the National Register of Historic Places
● In consultation, determine effects of actions on National Register Properties
NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT OF 1990
● Inventory human remains, associated funerary objects, unassociated funerary objects, sacred objects, and objects of cultural patrimony
● Consult with tribal officals to establish who has the right to control or possess human remains and cultural objects as provided in the Act
● Repatriate human remains and cultural objects to those individuals and /or tribal governments that have the right to those remains and objects


US Army Corps
of Engineers
Tulsa District
Real
Estate
Agricultural and
Grazing Leases
Non-Profit Organization Leases
Port Industrial Leases
Marina Leases
Public Park and
Recreation Leases
Agricultural Leases
Archaeological Permits
Wildlife Management Leases
Port Industrial Leases
Wildlife Management Licenses
Port Industrial Leases
Wildlife Management Leases
Hunting on Wildlife Lands


US Army Corps
of Engineers
Tulsa District
Issues,
Comments,
and
Questions
NATIVE AMERICAN
TRIBAL COORDINATOR
● Serve as Inter-Governmental Liaison
● Ensures Effective Communication
Point of Contact: Robert Jobson
US Army Corps of Engineers
(918) 669-7193
NATIVE AMERICAN/
CORPS OF ENGINEERS
INTER-GOVERNMENTAL
INITIATIVE
KEY ELEMENTS
● Contact Federally-recognized Tribal Governments
● Develop Fact Book on Corps Mission and Programs
● Hold Workshops (Oklahoma City and Tulsa Areas)
● Establish Tribal Coordinator
WHAT ISSUES
ARE IMPORTANT?
● Identify Tribal Issues
● Report Issues to Washington Level
● Develop Corps-Wide Policy
WE VALUE
YOUR COMMENTS
● Your views on the workshop
● Your views on inter-governmental relations
● Your views on what the Corps can do for your tribe


US Army Corps
of Engineers
Tulsa District
Human Resources
and
Contracting
EQUAL EMPLOYMENT OPPORTUNITY
Tulsa District is an Equal Employment Opportunity Employer.
All qualified applicants within the appropriate area of consideration are given equal consideration regardless of:
Race
Color
Religion
Gender
National Origin
Age
Physical Handicap
EMPLOYMENT OPPORTUNITIES
Summer
Student
Special Programs
Permanent/Temporary
CAREER OPPORTUNITIES
Professional
(Positive educational requirements)
Engineers (Mechanical, Electrical, Civil, Environmental)
Biologists
Archaeologists
Environmental Scientists
Geologists
Hydrologists
Architects
Other
(Training, experience, and education are considered)
Engineer Technician
Cartographic Technician
Computer Specialists
Budget Analysts
CONTRACTING
Small & Disadvantaged Business Contracts
Purchase Orders Less Than $25,000
Contracts Greater Than $25,000
- Services
- Supplies & Materials
- Construction
JOB INFORMATION
Office of Personnel Management
Federal Agencies
Oklahoma State Employment Office
Check with state and local agencies listed in the Blue Pages of the telephone book.


US Army Corps, of Engineers
Tulsa District
Water Resource and Environmental Restoration
PLANNING ASSISTANCE TO STATES PROGRAM
Provide technical expertise in water and related land resource management to help States and Indian Tribes.
Typical activities under this program include:
Flood Control
Water Supply
Water Conservation
Water Quality
Water Supply
Water Quality
Erosion
Navigation
SUPPORT FOR OTHERS PROGRAM
Environmental, economic, and engineering assistance to other Federal agencies, state, local, and tribal governments
Easy access to Corps of Engineers. technical expertise through letter requests
Customers include: Dept of Justice, Bureau of Indian Affairs, Indian Health Agency
ENVIRONMENTAL RESTORATION
Restore fish and wildlife habitat at projects constructed by COE
Project must be justified and supported by a local sponsor
Total project costs shared 75% Federal and 25% non-Federal
EMERGENCY BANK PROTECTION
Protects public owned facilities
Construction is cost-shared
Local sponsor provides operation, maintenance, repair, replacement and rehabilitation (OMRR&R)
GENERAL INVESTIGATION
Water Resource Projects Authorized by Congress
- Flood Control
- Water Supply
- Navigation
- Environmental Restoration
- Other Water Resource Problems
Six Steps
- Problem Perception
- Request for Federal Action
- Study and Report Preparation
- Report Review and Approval
- Congressional Approval
- Project Implementation
HAZARDOUS AND TOXIC WASTE REMEDIATION
Investigate hazardous and toxic waste sites
Conduct environmental cleanup
Customers include Department of Defense, Department of Energy, and others

APPENDIX G

WORKSHOP ATTENDEES

NATIVE AMERICAN/CORPS OF ENGINEERS
INTERGOVERNMENTAL WORKSHOP FEBRUARY 27-28, 1995
ATTENDEES LIST

Morris Bullock
Alabama-Coushatta Tribe of TX
Route 3, Box 640
Livingston, TX 77351
409-563-2320

Mildred Hudson
Otoe-Missouria Tribe of OK
Route 1, Box 62
Red Rock, OK 74651
405-723-4466

Noah Frank
Caddo Tribe of OK
P.O. Box 487
Binger, OK 73009
405-656-2342

Mary Cecile Carter
Caddo Tribe of OK
Route 1, Box 365
Mead, OK 73449
405-920-0853

Lupe Gooday
Fort Sill Apache Tribe of OK
Route 3, Box 138C-2
Anadarko, OK 73005
405-247-9225

Charles Seymour
Prairie Band Potawatomi of KS
14880 K Road
Mayetta, KS 66509
913-966-2255

Benny Potts
Prairie Band Potawatomi of KS
14880 K Road
Mayetta, KS 66509
913-966-2255

Reggie Wassano
Cheyenne-Arapaho Tribe of OK
P.O. Box 38
Concho, OK 73022
405-262-0345

Robert Aunguoe
Kiowa Tribe of OK
P.O. Box 369
Carnegie, OK 73015
405-654-2300

Donnie Smith, Jr.
Absentee-Shawnee Tribe of OK
2025 South Gordon Cooper Drive
Shawnee, OK 74801
405-275-4030

Chenenia LaDeax
Sac and Fox Nation of OK
Route 2, Box 246
Stroud, OK 74079
918-968-2583

Leslie Standing
Wichita and Affiliated Tribes
P.O. Box 729
Anadarko, OK 73005
405-247-2428

Wallace Coffey
Comanche Tribe of OK
P.O. Box 908
Lawton, OK 73502
405-492-4988

George Wallace
Comanche Tribe of OK
P.O. Box 908
Lawton, OK 73502
405-492-3789

Cheryl Lewis
Comanche Tribe of OK
HC-32, Box 1720
Lawton, OK 73502
405-492-4988

Harrison Fields
Pawnee Tribe of OK
P.O. Box 470
Pawnee, OK 74058
918-762-3624

Walter I. Hare, Jr.
Kaw Nation
Drawer 50
Kaw City, OK 74641
405-269-2552

Rita Anderson
Kaw Nation
Drawer 50
Kaw City, OK 74641
405-269-2552

Eugene Big Soldier
Iowa Tribe of OK
Route 1, Box 721
Perkins, OK 74059
405-547-2402

Kinsel Lieb
Ponca Tribe of OK
P.O. Box 2, White Eagle
Ponca City, OK 74601
405-762-8104

Melvin Allen, Sr.
Tonkawa Tribe of Oklahoma
P.O. Box 70
Tonkawa, OK 74653
405-628-2561

U.S. ARMY CORPS OF ENGINEERS
P.O. BOX 61
TULSA, OK 74121-0061

Colonel Otis Williams
Executive Office
918-669-7201

David Steele
Planning Division
918-669-7182

Gene Lilly
Planning Division
918-669-7196

Carolyn Schultz
Planning Division
918-669-7197

James M. McDaniel, Jr.
Planning Division
918-669-7185

Frank Winchell
Planning Division
918-669-7193

Becky Northern
Planning Division
918-669-7188

Paula Willits
Planning Division
918-669-7200

David Combs
Planning Division
918-669-7188

Robert Jobson
Planning Division
918-669-7193

Ed Rossman
Planning Division
918-669-7547

Everett Laney
Operations Division
918-669-7411

Loren Mason
Operations Division
918-669-7409

Andrew Commer
Operations Division
918-669-7401

Larry Hogue
Operations Division
918-669-7370

Ross Adkins
Public Affairs Office
918-669-7366

Mary Beth Hudson
Public Affairs Office
918-669-7366

Peggy Factor
Human Resources Office
918-669-7346

Grace Cantu
Human Resources Office
918-669-7346

Brenda Randolph
Real Estate Division
918-669-7262

Richard Freeman
Real Estate Division
918-669-7250

David Jones
Real Estate Division
918-669-7558

Maggie Fletcher
Equal Employment Opportunity
Office
918-669-7357

Arlene Smith
Contracting Division
918-669-7274

Ray Kunka
Fort Supply Project Office
P.O. Box 248
Fort Supply, OK 73841
405-766-2701

Kathy Carlson
Canton Lake Project Office
P.O. Box 69
Canton, OK 73724
405-886-2989

Charlie Schrodt
Wister Lake Project Office
Route 2, Box 100
Wister, OK 74966
918-655-7206

Larry Casey
Wister Lake Project Office
Route 2, Box 100
Wister, OK 74966
918-655-7206

Harry Duncan
Lake Texoma Project Office
Route 4, Box 493
Denison, TX 75020
903-465-4990

Bryan Staub
U.S. Army Corps of Engineers
Indian Program Manager
P.O. Box 45946
Tinker Air Force Base, OK
405-231-4640

Harold Green
U.S. Army Corps of Engineers
Southwestern Division
ATTN: CESWD-ETP-P
1114 Commerce Street
Dallas, TX 75242-0216
214-767-2323

Elizabeth Beat
U.S. Army Corps of Engineers
Southwestern Division
ATTN: CESWD-ETP-P
1114 Commerce Street
Dallas, TX 74242-0216
214-767-2316

NATIVE AMERICAN/CORPS OF ENGINEERS
INTERGOVERNMENTAL WORKSHOP
APRIL 3-4, 1995
ATTENDEE LIST

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Tulsa, OK 74121-0061

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Executive Office
918-669-7201

David Jones
Real Estate Division
918-669-7558

Brenda Randolph
Real Estate Division
918-669-7262

Richard Freeman
Real Estate Division
918-669-7250

Loren Mason
Operations Division
918-669-7409

Everett Laney
Operations Division
918-669-7411

Andy Commer
Operations Division
918-669-7402

David Steele
Planning Division
918-669-7182

David Combs
Planning Division
918-669-7188

Robert Jobson
Planning Division
918-669-7193

Ed Rossman
Planning Division
918-669-7547

Carolyn Schultz
Planning Division
918-669-7197

Paula Willits
Planning Division
918-669-7200

Becky Northern
Planning Division
918-669-7188

Jim McDaniel
Planning Division
918-669-7185

Amy Picarella
Planning Division
918-669-7193

John Hill
Planning Division
918-669-7194

Frank Winchell
Planning Division
918-669-7193

Kay Hoover
Office of Counsel
918-669-7178

Arlene Smith
Contracting Division
918-669-7274

Thelma Smith
U.S. Army Corps of Engineers
Human Resources Office
Fort Worth District
P.O. Box 17300
Fort Worth, TX 76102-0300
817-334-3464

Dale Wierimaa
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918-799-5843

Kent Grimes
Eufaula Resident Office
Route 4, Box 5500
Stigler, OK 74462-9440
918-799-5843

Dennis Johnson
Robert S. Kerr Resident Office
HC-61, Box 238
Sallisaw, OK 74955-9445
918-775-4475

Larry Casey
Wister Project Office
Route 2, Box 7B
Wister, OK 74966
918-655-7206

Tish Livesay
Wister Project Office
Route 2, Box 7B
Wister, OK 74966
918-655-7206

Jim Gizzi
Fort Gibson Resident Office
P.O. Box 370
Fort Gibson, OK 74434-0370
918-682-4314

Jay Jones
Oologah Resident Office
P.O. Box 700
Oologah, OK 74053-0700
918-443-2250

Jeff London
Keystone Resident Office
Route 1, Box 100
Sand Springs, OK 74063-9338
918-865-2621

Mike Calavan
Tenkiller Project Office
Route 1, Box 259
Gore, OK 74435-9547
918-487-5252

Bill Powers
Kaw Project Office
Route 2, Box 500
Ponca City, OK 74601-9629
405-762-5611

Dean Cummings
Hugo Resident Office
P.O. Box 99
Sawyer, OK 74754-0099
405-326-3345

Bill Barnhart
Pine Creek Resident Office
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Valliant, OK 74728-0730
405-494-6374

Jim Pryor
Waurika Project Office
P.O. Box 29
Waurika, OK 73573-0029
405-963-2111

Carolyn Murphy
U.S. Army Corps of Engineers
Galveston District
Planning Division
P.O. Box 1229
Galveston, TX 77553-1229
409-766-3059

Debe Homer
Congressman J. C. Watts Office
2420 Springer Drive
Suite 120
Norman, OK 73069
405-329-6500

Curt Price
Congressman Tom Coburns Office
215 State Street, Suite 815
Muskogee, OK 74401
918-687-2533

Richard Allen
Cherokee Nation of Oklahoma
P.O. Box 948
Tahlequah, OK 74465
918-456-0671 x466

Rita Easterling
Chickasaw Nation of Oklahoma
P.O. Box 1548
Ada, OK 74820
405-436-2603

Traile Glory
Chickasaw Nation of Oklahoma
P.O. Box 2240
Ada, OK 74820
405-436-0784

Kennedy Brown
Chickasaw Nation of Oklahoma
P.O. Box 1548
Ada, OK 74820
405-436-2603

Tom Williams
Choctaw Nation of Oklahoma
P.O. Drawer 1210
Durant, OK 74727
405-924-8280

Alan Cook
Muscogee (Creek) Nation of Oklahoma
P.O. Box 580
Okmulgee, OK 74447
918-756-8700

Tim Thompson
Muscogee (Creek) Nation of Oklahoma
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Henryetta, OK 74437
918-652-7189

Dennis Williams
Muscogee (Creek) Nation of Oklahoma
P.O. Box 580
Okmulee, OK 74447
918-756-8700 x274

Woody Anderson
Muscogee (Creek) Nation of Oklahoma
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Okmulgee, OK 74447
918-756-8700

Thomas Ahaisse
Seminole Nation of Oklahoma
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Seminole, OK 74868
405-382-8617

Leonard Maker
Osage Nation of Oklahoma
627 Grandview
Pawhuska, OK 74056
918-287-1084

Barbara Kyser
Wyandotte Tribe of Oklahoma
P.O. Box 250
Wyandotte, OK 74370
918-678-2292

Kathy Deweese
Wyandotte Tribe of Oklahoma
P.O. Box 250
Wyandotte, OK 74370
918-687-2297

Tony Martin
Kialegee Tribal Town
P.O. Box 332
Wetumka, OK 74883
405-452-3262

Curtis Zunigha
Delaware Tribe of Indians
108 South Seneca
Bartlesville, OK 74003
918-336-5272

Grace Goodeagle
Quapaw Tribal Business Committee
P.O. Box 765
Quapaw, OK 74363
918-542-1853

Donna Miller
Delaware/Shawnee Tribe
5913 East 27th Street
Tulsa, OK 74112
918-741-4338

Jim Fields
Wewoka Bureau of Indian
Affairs
P.O. Box 553
Wewoka, OK 74884
405-257-6259

Roy Willis
Wewoka Bureau of Indian
Affairs
P.O. Box 1611
Wewoka, OK 74884
405-257-6250

Nappy Cowen
Osage Bureau of Indian Affairs
P.O. Box 1539
Pawhuska, OK 74056
918-267-1309

Dennis Springwater
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APPENDIX H

ISSUES, QUESTIONS
AND
RESPONSES:

Issues and Questions raised at the February and April 1995 Native American/U. S. Army Corps of Engineers Inter-Governmental Workshops

DEPARTMENT OF THE ARMY
TULSA DISTRICT, CORPS OF ENGINEERS
POST OFFICE BOX 61
TULSA, OKLAHOMA 74121-0061

August 8, 1995

REPLY TO
ATTENTION OF:

Planning Division
Economics and Social Analysis Branch

Mr. Morris Bullock
Alabama-Coushatta Tribe of Texas
Route 3, Box 640
Livingston, TX 77351

Dear Mr. Bullock:

As a follow-up for the Native American/Corps of Engineers Intergovernmental Workshops held last spring, I am asking you for help. I have enclosed a detailed listing of all the issues, questions and concerns raised in the workshops. Included with each item is a response from the Corps. Please review to insure that your tribal government's perspective is addressed. Also make notation of any clarification or additional views that your tribal government would like to make, using the last page of the listing. If there are issues, questions, or concerns not listed please make a notation.

As you can see from the length of the attached listing, a large number of important issues were raised by tribal governments. It is our desire to address each one. I hope you can take the time to assist us by reviewing and commenting on the issues. The Tulsa District places importance on its relationship with tribal governments and your continued participation will strengthen the relationship we have developed.

I have provided a postage paid envelope for returning your response. Please return before August 31, 1995.

Thank you for your help. If you have any questions, please call Ed Rossman at (918) 669-7547.

Sincerely,

G. David Steele

G. DAVID STEELE, P.E.
Chief, Planning Division

Enclosures

NATIVE AMERICAN/U. S. ARMY CORPS OF ENGINEERS
INTERGOVERNMENTAL WORKSHOPS

ISSUES, QUESTIONS, & RESPONSES

Issues and questions raised at the February and April 1995
Native American/ U. S. Army Corps of Engineers Intergovernmental Workshops

NATIVE AMERICAN/U. S. ARMY CORPS OF ENGINEERS INTERGOVERNMENTAL WORKSHOPS

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LISTING OF ISSUES, QUESTIONS, & RESPONSES

This is a list of all the issues and questions raised at the Native American/U. S. Army Corps of Engineers Intergovernmental Workshops held in Oklahoma during the spring of 1995. The issues and questions are listed by where they were raised, either in the Western Workshop in Oklahoma City or in the Eastern Workshop held at Arrowhead Lodge. Issues are listed first, followed by the questions. If your Tribal Government would like to add to the listing, please make your remarks on the pages provided at the end of this listing.

EASTERN WORKSHOP ISSUES

Cultural Resources

1. The Native American Graves Protection and Repatriation Act (NAGPRA) and historic preservation are important to Tribal Governments.

RESPONSE: The Corps is aware of the importance and seriousness of the NAGPRA and the value of historic properties, both prehistoric and historic, that tribal governments have interests. Tulsa District has established a repatriation facility for the purposes of NAGPRA, and will repatriate all remains and materials specified in NAGPRA to those tribes that have the strongest interest in those remains and materials. Tulsa District also has developed and will continue to develop programs that identify and protect historic properties.

2. Disturbance of the Spiritual Journey has occurred with the disturbance of graves. There needs to be a cultural partnership in the determination of repatriations. Native American input in the area of identification of remains is essential. The Corps or museums may not have expertise in determining the value.

CORPS RESPONSE: Tulsa District is working on developing a strong dialog with tribes concerning the identification and treatment of human remains and cultural materials. It is essential that tribes have a lead role in determining cultural affiliation and value.

3. Reburial must be hidden or grave robbers will be back to sell the remains.

CORPS RESPONSE: The Tulsa District respects the confidence of and the necessity for secrecy concerning the location of reburied human remains and cultural material.

4. An intertribal re-burial site on Corps property may best serve the need of the tribes in terms of unclaimed and undocumented remains.

CORPS RESPONSE: The Tulsa District does not anticipate any unclaimed or undocumented remains. The District in cooperation with Native American Tribes plans to return remains from cemeteries and prehistoric burial

sites on Corps properties. An intertribal re-burial site may be an appropriate solution if, by some remote chance, remains are unclaimed. This would take place only after all Tribal Governments have been contacted.

5. Protection of historic and prehistoric grave sites on Lake Texoma project lands is a critical issue.

CORPS RESPONSE: The Tulsa District will make every effort to identify and protect historic and prehistoric Native America an cemeteries on Corps lands including cemeteries at Lake Texoma as prescribed by the Native American Graves Protection and Repatriation Act, the National Historic Preservation Act, the Archeological Resources Protection Act and the American Indian Religious Freedom Act.

6. There are many culturally significant lands under what is now the lake or on project lands. (Kaw and Copan)

CORPS RESPONSE: The sites in the lake are the most protected sites on project lands. Although inundated, they should remain intact. Those sites above the lake level are protected by specific management policies we have implemented at all of our projects. The sites on the shoreline are subject to erosion on a daily basis. We patrol those sites to reduce vandalism and install erosion control as manpower and budgets allow.

7. There needs to be recognition that artifacts have both cultural and spiritual importance.

CORPS RESPONSE: Tulsa District recognizes and respects the human rights that tribes and their citizens have concerning the cultural and spiritual importance of cultural material. The Tulsa District has a team of cultural resource experts who have provided training to all the District's rangers on how to recognize and protect important cultural materials.

<u>Environment and Flooding</u>

8. Flooding is a concern of those Tribal Governments that have tribal lands along the Spring River (a tributary of the Grand River). The Tribal Governments (Wyandotte and Quapaw) are concerned that operation of Grand Lake may impact flooding along the Spring River.

CORPS RESPONSE: The Corps of Engineers recognizes the flooding concerns of those having lands along the Spring River and other waterways entering Grand Lake. Grand Lake is owned and operated by the Grand River Dam Authority. Studies have been proposed which would evaluate the adequacy of project land interests necessary for flood control operations.

9. Mining in northeastern Oklahoma has caused lead and zinc pollution of area waters. The Wyandotte and Quapaw tribes are concerned about contamination of their tribal lands and adjacent waters.

CORPS RESPONSE: The State of Oklahoma Department of Environmental Quality is the agency responsible for monitoring substances of lead and zinc in waterways in the State of Oklahoma. The Corps too is concerned about such contamination on its lakes and properties.

Permitting

10. The Corps is arbitrary in enforcing (fines) grass mowing restrictions on Corps lands.

CORPS RESPONSE: Enforcement of violations depends on the availability of Park Rangers to pursue violators and on the Park Rangers' priorities at each project based on workloads and schedules. All Corps lands are zoned for particular land use activities. Mowing may be authorized in some areas and not in others. Park Rangers at the projects enforce fines for all violations of grass mowing restrictions as required by regulations.

11. There is much confusion about the wetlands law, about who enforces it, and where it is applicable.

CORPS RESPONSE: We understand there is much confusion about wetland identification and regulation in many sectors of the public. Federal agencies with responsibilities in wetlands are working together to resolve policy differences in administering wetlands law. Yet the fact remains that wetlands are regulated under provisions of different laws.

Specific activities in wetlands are regulated under two main laws. Most recently, provisions of the Food, Agriculture, Conservation, and Trade Act of 1990 (FACTA) prohibit the conversion of wetlands to agricultural lands by Federal farm program beneficiaries. The Natural Resource Conservation Service (NRCS - formerly known as the Soil Conservation Service) administers FACTA provisions commonly known as Swampbuster provisions.

The second law regulating activities in wetlands has been around since 1972. Section 404 of the Clean Water Act (originally called the Federal Water Pollution Control Act of 1972, it was renamed in 1977) requires prior authorization from the Corps of Engineers for the discharge of dredged or fill material into "waters of the United States". Wetlands are just one part of "waters of the United States". The term "discharge of dredged or fill material" includes any placement of material into or excavation of material from any area meeting the definition of waters of the United States. This covers virtually any surface water area. Section 404 permit requirements apply to wetlands and creeks without regard to whether the land underlying the site is owned by private individual; Tribal Government; corporation; or an element of local, State, or Federal Government. The Corps of Engineers is the agency responsible for identification and delineation of wetlands subject to Section 404. On agricultural lands, responsibility

for identification of wetlands is shared with the NRCS due to their extensive role in wetlands under FACTA. The Corps of Engineers is also responsible for the evaluation of and final decisions on proposed actions requiring authorization under Section 404.

For a specific action with the potential to impact wetlands, we suggest foremost that you contact the Regulatory Branch of the Tulsa District, Corps of Engineers (phone number: 918-669-7401). Personnel in the Regulatory Branch are in constant communication with the NRCS and will involve the appropriate office of the NRCS if necessary for actions subject to FACTA.

Water Rights

12. The Tribal River Authority has an ongoing disagreement with the Federal Government over the Arkansas River riverbed, along which the Corps has several projects, and the McClellan-Kerr Arkansas River Navigation system. The issues are:

- Control over use of the riverbed;
- Compensation for use of the riverbed;
- Compensation for the rock and gravel used to construct the navigation system; and
- Mineral and hunting rights on project lands.

CORPS RESPONSE: The Tulsa District recognizes that the Federal Government and Tribal Governments have not come to an agreeable solution over the issue of ownership of the Arkansas River riverbed. Currently, two cases are pending in the United States Court of Federal Claims dealing with this issue. Tulsa District action in this matter is dependent on this pending litigation.

13. The Corps of Engineers built Sardis Lake. The State of Oklahoma owes the debt, but the tribes are now making claim to owning the water.

CORPS RESPONSE: The Corps makes no determination of water rights. The Corps built the impoundment for Sardis Lake according to Congressional authorization. While the Corps owns lands on which the lake is located, the State of Oklahoma administers water rights.

14. The State of Oklahoma has not addressed the issue of water rights in Osage County. This is a principal concern of the Osage Nation for the future.

CORPS RESPONSE: The Corps of Engineers recognizes that some of the water rights issues in the State of Oklahoma are currently under contention. However the Corps has no authority for determining water rights.

15. The Choctaw Nation claims ownership of the water in Sardis Lake, Oklahoma.

CORPS RESPONSE: The Corps operates and maintains the dam structure and lands adjacent to Sardis Lake. The Oklahoma Water Resources Board is currently under contract for water supply storage of the Sardis impoundment. The Corps does not make any claims to any stream waters or water impounded by the Sardis dam.

Contracting and Human Resource Opportunities

16. The Delaware Tribe has an interest in Copan Lake. The tribe is interested in contract opportunities at the project.

CORPS RESPONSE: The Corps will ensure that the Delaware Tribe is made aware of any contract opportunities at Copan Lake.

17. The various cutbacks in government funding will directly impact the Corps in terms of jobs, contracts, and career opportunities for Native Americans.

CORPS RESPONSE: The Corps recognizes that current budget conditions of the Federal Government means changes in jobs, contracts, and career opportunities offered by the Corps. At this time, the District cannot specify what those changes will be.

Government-to-Government Relations

18. Tribes are reluctant to deal with the government because there is a distrust of the government's motives.

CORPS RESPONSE: The District will make every effort to explain its reasons for conducting business with all governmental entities. The District will specifically develop ways to improve communication between the Corps and the tribes through the Native American/U. S. Army Corps of Engineers Intergovernmental Initiative.

19. Overall relations between the Corps and Tribal Governments can be improved.

CORPS RESPONSE: The District is working to improve tribal relations with Tribal Governments through the Native American/U. S. Army Corps of Engineers Inter-governmental Initiative and workshops with tribal staff members. A Fact Book has been written to identify Corps programs and points of contact.

20. If possible, Corps data need to be integrated into the Geographic Information System data base being developed by the Cherokee Tribe.

CORPS RESPONSE: The District staff will pursue data compatibility issues with the Cherokee Tribe.

Land Ownership/Use

21. The original landowners should have priority usage of Corps land, especially tribal lands. This should include excess property.

CORPS RESPONSE: When a project is authorized, we consider the original landowner to be the person holding title at the time negotiations are initiated. Public Law 91-646 allowed the Corps to offer priority agricultural and grazing leases to the original landowner from the date of purchase through 1989. We can only offer a one-year priority lease to landowners on land acquired after 1989. We have no other authority to offer priority use on Federal land managed by the Corps. Our current leasing regulations do allow us to waive competition to governmental entities (including Tribal Governments) on lands available for leasing.

The General Services Administration (GSA) has jurisdiction over the disposal of all Federal lands determined excess to project requirements. Once the land has been reported to GSA, under Public Law 93-599, GSA can transfer excess land to the Secretary of the Interior to be held in trust for a particular tribe provided the excess land is contiguous to other tribal lands. If an excess parcel is not contiguous with other tribal lands and the parcel was not purchased from a Tribal Government, special legislation may be required to enable GSA to transfer the excess land to the Department of the Interior.

22. There is considerable neglect of lands and properties adjacent to State-owned lakes.

CORPS RESPONSE: The Corps leases some project lands to the States for a variety of purposes. The States are required to maintain lands and properties in accordance to the terms of the lease. The Corps has no jurisdiction on land owned by the State.

WESTERN WORKSHOP ISSUES

Cultural Resources

23. The Corps should develop a regional initiative to implement NAGPRA and not wait on regulations to be made.

CORPS RESPONSE: Tulsa District is actively identifying and repatriating human remains and cultural material and is not waiting for further regulatory guidance.

24. Cemeteries that have remains of tribal members should be treated like cemeteries with non-Native American remains. Burial areas should be treated with equal respect.

CORPS RESPONSE: Tulsa District is in the process of identifying Native American cemeteries on Federal lands and is developing a means of protecting and caring for these cemeteries.

25. In the past, the Corps has not taken responsibility for immediate action needed to protect cemeteries, burial grounds, and other cultural artifacts related to Native American tribes.

CORPS RESPONSE: Times and laws have changed the way the Corps and the rest of the Federal Government treats cemeteries, burial grounds, and cultural materials. Tulsa District is actively trying to ensure that these materials and properties and remains are not damaged or desecrated.

Permitting

26. The Corps has held Tribal Governments accountable for changes in the Section 404 permitting program. This is a problem especially when the process takes so long and changes occur as the permits are in progress.

CORPS RESPONSE: The Section 404 Permit Program exists in an environment that is subject to change based upon changes in law, expiration of regulations, and clarification of policy. For this reason, our letters include a caution to remain informed regarding the Section 404 Permit Program.

When the Corps authorizes a project or otherwise verifies applicability of an existing general permit, the authorization is valid for a specified limited time. This time frame is generally more than adequate to complete most construction projects. If regulations change during project construction, the prior written verification of authorization from the Corps can be relied upon by the permittee as sufficient for the law provided the verification has not expired.

In the event construction is underway but will not be completed within the original expiration date provided in the letter, simply write a letter explaining the status of construction and expected completion date and request an extension of the previous authorization. In most situations, authorization is extended for a reasonable time with very little delay.

If, on the other hand, the start of construction has been delayed for unforeseen reasons and the verification from the Corps has or will expire, request a new verification or authorization from the Corps for your project.

Whenever you have any questions regarding the policies or requirements of the regulations implementing Section 404 of the Clean Water Act, feel free to call personnel in the Regulatory Branch at 918-669-7400.

27. All Section 404 permits and cultural resources issues should be reviewed by effected Tribal Governments.

CORPS RESPONSE: We understand some of the Tribal Governments desire an opportunity to review and comment on proposed Section 404 permit actions. We are working to add all Tribal Governments within the Tulsa District boundary to the public notice mailing list for the Section 404 Permit Program this summer. Tribal representatives will have an opportunity to notify us in case they do not want to receive copies of our public notices. Of the many projects we evaluate for authorization each year, an average of 40 require distribution of a public notice

soliciting comments from interested parties. Section 404 program developments and policy changes are also provided to the public for notification or comment via public notice.

Water Rights

28. Native Americans have trouble accessing waters from lands they once owned.

CORPS RESPONSE: The only restricted access to Corps waters is around the dam for safety reasons. Public access, as associated with recreation use, is allowed to all other waters on or across Corps property. Restrictions may be applied to the use of motorized vehicles, hunting, or other activities. The term access could be used to define several types of uses. The term could be used to reference a corridor to the water across project lands for livestock, the right to withdraw water for domestic/industrial use, water wells, and other uses. These sorts of uses need to be addressed individually. Questions about access can be directed to the specific project office.

29. How does the Corps have control over a resource if it does not own that resource? (Specifically water)

CORPS RESPONSE: In recent times, the States have had jurisdiction over the ownership of water rights in the reservoirs owned and operated by the Corps. The U.S. Congress authorized and funded the Corps to purchase project lands and construct improvements (for example, dams, recreation areas, and roads). Congress also authorized the Corps to operate the reservoirs for many purposes, including flood control, navigation, hydroelectric power, water supply storage, and, in a few cases, recreation. The Corps does not control the water rights in any impoundments.

Contracting and Human Resource Opportunities

30. The Federal Government contracts with persons who claim to have Native American status. Yet, these contractors have minimal contacts with Tribal Governments or members and still claim to be a minority contractor.

CORPS RESPONSE: The Tribal Governments have jurisdiction over determining a tribal member's status. There is no way for the Contracting official to monitor the contractors contacts with tribal governments or members.

31. The Corps should participate in Native American conferences to discuss contracting and employment opportunities. This would also be a forum to discuss the Corps mission and responsibilities.

CORPS RESPONSE: The Native American Tribal Government Coordinator will contact the Tribal Governments when such conferences are going to be held and will send the appropriate Corps staff member to participate.

32. Native American firms have a difficult time competing with large firms for Corps contracts.

CORPS RESPONSE: The Corps will provide assistance to any firm interested in contracting with the Corps.

Government-to-Government Relations

33. The Corps should coordinate with Bureau of Indian Affairs (BIA) environmental staff regarding Corps capabilities.

CORPS RESPONSE: The Tribal Government Coordinator and the Corps' Director of Environmental Compliance will contact each of the BIA offices to acquire a list of environmental contacts. In turn, the Corps will provide information to the BIA about the Corps mission and capabilities.

34. Small tribes may need assistance in dealing with the Corps and other Federal agencies. They may have some of the same responsibilities as larger tribes but do not have the staff to accomplish the mission. Each tribe is unique, not only culturally but also in its government-to-government relations. The Corps needs to be flexible to accommodate the unique political character of each tribe.

CORPS RESPONSE: The Tulsa District is aware of the unique character of each tribe. Face-to-face contact between Corps and tribal staff will help facilitate these intergovernmental relationships.

35. Tribes need more time to consider issues and questions that come up. The staffs of Tribal Governments are often small and cannot respond in allotted time frames. In areas of repatriation, Tribal Governments need time for developing appropriate ceremonial items and ceremonies.

CORPS RESPONSE: The Corps is flexible in meeting scheduling requirements in the area of repatriation. Communication is important to ensure that the Corps understands Tribal Government needs.

36. There needs to be more cooperation between the Corps and Tribal Governments in solving problems.

CORPS RESPONSE: The Corps will continue to improve its cooperative spirit with Tribal Governments. Open and frequent communication is a key element in ensuring that a cooperative spirit is developed and maintained.

37. Why does the Corps continue with the Red River Chloride Control Project when the Corps has made an agreement to stop?

CORPS RESPONSE: The reason the Corps continues with the Red River Chloride Control project is that United States Congress authorized and funded the Corps to do so. The Red River Authority of Texas is the sponsor of the project. An Environmental Impact Statement was completed in 1977 with no objections from State or local agencies. In 1991, the Corps decided to initiate a Supplemental Environmental Impact Statement to assess the effects of several changes in project features. Although some resource agencies now have withdrawn their support for the project, the Corps plans to complete the Supplemental Environmental Impact Statement, and develop environmental monitoring measures. The Corps is committed to carry out the project as Congressionally authorized, incorporating public concerns about the project into the environmental monitoring process, and ensuring minimal environmental consequences. Should normal National Environmental Policy Act process preclude continuation of the Red River Chloride control project, construction will be stopped.

38. More contact needs to be made with the tribes for meaningful conversation between the tribes and the Corps.

CORPS RESPONSE: Through the Native American/U. S. Army Corps of Engineers Intergovernmental Initiative, the Corps hopes to build stronger ties with Tribal Governments. The Corps has established a Native American Tribal Government Coordinator to facilitate more direct contact with Tribal Governments.

39. There needs to be a cooperative spirit between the Corps and the tribes in terms of finding potential economic opportunities.

CORPS RESPONSE: The District has worked with several Tribal Governments in developing economic opportunities at Corps lakes. The Corps will continue in this partnership with Tribal Governments.

Land Ownership/Use

40. Tribes should be contacted when Corps activities take place adjacent to or near tribal lands.

CORPS RESPONSE: The Tulsa District routinely notifies adjacent landowners, including Tribal Governments, of changes in Corps activities on Corps lands.

41. There should be no unilateral decisions is dealing with surplus lands that were once tribal lands. The same applies to water rights.

CORPS RESPONSE: When reports of excess land are prepared and sent to the General Services Administration, notations are made in the report if there has been interest expressed by a particular tribe. Unfortunately, the Corps has little information about former tribal lands in its jurisdiction. Tribal Governments may want to review the location of the former lands and provide data for any future excess land actions by the Tulsa District.

42. Tribes place a high value on land. Land and associated resources have cultural, religious, and traditional significance to tribes that may not be shared by local, State, and Federal governments.

CORPS RESPONSE: In planning and environmental studies, public law and regulations require the Corps to identify the social and cultural significance of lands in question. The Tulsa District makes efforts to ensure that the spirit and letter of the law and associated regulations are addressed.

EASTERN WORKSHOP QUESTIONS

Cultural Resources

43. How will the Corps deal with unidentified remains?

CORPS RESPONSE: The Tulsa District will follow what the law and regulations specify concerning unidentifiable remains. Native American human remains and cultural items not claimed under Section 3(a) of NAGPRA shall be disposed of in accordance with regulations promulgated by the Secretary of the Interior in consultation with the NAGPRA review committee established under Section 8 of NAGRPA, Native American tribes, and representative of museums and the scientific community. However, it is anticipated that there will be very few cases where human remains are not attributable to some known living Native American individual or tribe.

44. Can the Corps provide environmental audits in support of tribal economic development?

CORPS RESPONSE: Under the Work for Others Program, the Corps can provide assistance to tribes on a cost-reimbursable basis. There are a number of restrictions depending on the situation. Specific audits may be discussed. Contact the District's Tribal Government Coordinator for specific information.

Water Rights/Control

45. Is all the water storage in Oklahoma under Corps jurisdiction?

CORPS RESPONSE: The Corps provides flood control operation of lakes constructed and owned by local, State, and other Federal agencies in the State of Oklahoma. The Corps contracts for water supply storage at lakes owned by the Federal Government and built and operated by the Corps. In conjunction with the Southwestern Power Administration, an agency of the U.S. Department of Energy, the Corps makes releases for hydroelectric power. In accordance with law, the Corps make releases from dams to help support the inland navigation system (McClellan-Kerr Arkansas River Waterway). State and local governments and other Federal agencies and private groups own and operate lakes in the state of Oklahoma. The Corps has no jurisdiction over water storage at those lakes.

46. Why are all lakes in Oklahoma under the jurisdiction of one agency?

CORPS RESPONSE: The U.S. Congress has authorized and funded several Federal agencies to construct and operate lakes in Oklahoma. State and local entities have also constructed lakes in the state and those lakes are operated for their designated purposes.

Permitting

47. What is the Corps policy on the redistribution of dead eagles, hawks, and other animals that have traditional importance to Native American tribes.

CORPS RESPONSE: The Corps will continue to work closely with the U.S. Fish and Wildlife Service and Tribal Governments on the redistribution of traditionally important animal remains. The Native American Tribal Government Coordinator can be contacted for more information (918-669-7193)

Contracting

48. Is there a higher priority rating for Native American Tribal Governments doing contract work than for others?

CORPS RESPONSE: The Corps treats governmental entities with the same status as the private sector in awarding contracts

Environmental

49. Who is responsible for current, future, and past hazardous waste studies in Ottawa County, Oklahoma?

CORPS RESPONSE: The Oklahoma Department of Environmental Quality and the U.S. Environment Protection Agency have responsibility for many of the cleanup activities in Ottawa County. The U.S. Army Corps of Engineers has been asked to provide technical expertise in these cleanup actions. The Corps is also responsible for cleanup activities of lands formerly used by the U.S. Department of Defense. These include munition plants, airfields, and prisoner-of-war camps. The Corps has also been involved in cleanup on lands now owned by the Corps but once used and contaminated by previous owners. Information about specific sites can be directed to the Oklahoma Department of Environmental Quality.

50. Is there a problem with mercury contamination of bass at McGee Creek Lake, Oklahoma?

CORPS RESPONSE: The U.S. Department of Interior constructed and operates McGee Creek Lake. The Oklahoma Department of Wildlife Conservation can be contacted about fish in that lake.

WESTERN WORKSHOP QUESTIONS

Cultural Resources

51. When will the NAGPRA inventory list be made available?

CORPS RESPONSE: As required by law and regulation, within 6 months of November 16, 1995. However, it is anticipated that most of Tulsa District's inventory lists will be made available well before November 16, 1995.

52. Can the Corps provide technical assistance for National Historic Registration Projects?

CORPS RESPONSE: Yes, the Corps can provide assistance upon request.

Contracting

53. How many minority contractors does the Corps have and how many are Native American?

CORPS RESPONSE: The Corps does not have statistics on the number of minority contractors readily available. The Tulsa District does have an active small and disadvantaged business contracting program where consideration is given to potential contractors' minority and gender status. Questions about the program can be directed to the Corps Tribal Government Coordinator at telephone number 918-669-7193.

54. Do tribes have to go through the State for the Planning Assistance to States program?

CORPS RESPONSE: Tribal Governments do not have to go through the State to become part of the Corps Planning Assistance to States program. Specific information about the Planning Assistance to States program can be found in the Native American/Corps of Engineers Intergovernmental Initiative Fact Book or by contacting the Corps Tribal Government Coordinator at telephone number 918-669-7547.

55. Can there be more Department of Defense contracts directed toward providing tribal members more jobs?

CORPS RESPONSE: The Tulsa District is only responsible for contracts related to the Tulsa District's mission. The Tulsa district has an active small and disadvantage business contracting programming in place. More information can be obtained from the Tribal Government Coordinator at telephone number 918-669-7547.

Government-to-Government Relations

56. Are General Investigation studies for Tribal Governments 100 percent Federally funded? How much money is available?

CORPS RESPONSE: General Investigation studies are conducted in two phases. The first phase, the reconnaissance phase is funded 100 percent with Federal funds. The second phase is cost shared with a sponsor, such as a Tribal Government, on a 50/50 basis. Funds are appropriated by Congress on a project by project basis. Mere information can be obtained from the Tribal Government Coordinator at telephone number 918-669-7547.

57. Tribes are forced to adhere to State regulations when only Federal laws apply (Kaw). Do tribes have to meet State regulations when the tribes lease Corps lands?

CORPS RESPONSE: All leasing documents contain a provision or condition requiring the lessee to comply with all applicable Federal, State, county, and municipal laws, ordinances, and regulations where the premises are located.

58. Can tribes have access to surplus water quality instruments?

CORPS RESPONSE: There are several ways to acquire surplus equipment. The Corps is required to surplus equipment through the Defense Reutilization Agency at Tinker Air Force Base near Oklahoma City, Oklahoma. A temporary transfer of equipment is possible through the Bureau of Indian Affairs.

59. Can the Corps provide technical services to tribes, such as for the bank erosion on Black Bear Creek?

CORPS RESPONSE: The Corps has several programs to assist in bank erosion problems. Interested Tribal Governments should contact the Tulsa District Planning Division at 918-669-7182.

60. What are some funding sources for the Tribal Governments water resource/environmental programs?

CORPS RESPONSE: There are a variety of water resource and environmental programs offered by the Corps. Each has its own cost-sharing requirements. The Corps does not make grants. However, there are cost-sharing agreements that give governmental entities credit for in-kind services and options to use grant monies provided by other State and Federal agencies.

61. Can tribes be included in a market feasibility study under the Partners for Environmental Progress Program?

CORPS RESPONSE: Tribal Governments can be included in market feasibility studies under the Partners for Environmental Progress Program. Interested tribal officials can contact Planning Division staff at 918-669-7547 for further details.

Environmental

62. Is anyone working on the nitrate groundwater problems?

CORPS RESPONSE: The Oklahoma Department of Environmental Quality has jurisdiction over groundwater in the State of Oklahoma. The Corps has several investigations and projects examining potential groundwater problems associated with former operations of Department of Defense facilities in the state.

63. Is the Corps concerned about future drought? How can the tribes be involved in drought contingency plans?

CORPS RESPONSE: The Corps has completed a drought contingency plan for the entire United States. Copies can be obtained through the Tulsa District office. The contingency plans call upon the resources of State and local governments. Tribal Governments could play a role similar to that of local and State governments. Mr. Gene Lilly at telephone number 918-669-7196 is the point of contact for the District drought contingency planning.

64. What is considered a navigable water? Is the Washita River a navigable river?

CORPS RESPONSE: Navigable waters are defined in our regulations as "those waters subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce." This definition applies to the the Corps of Engineers regulatory authority and may differ from definitions used for other purposes. Navigable waters as defined by the Corps are subject to Section 10 of the Rivers and Harbors Act of 1899. Virtually any work activity or structure proposed in, over, under, or adjacent to a navigable water requires prior authorization from the Corps of Engineers under Section 10. All other tributaries and water bodies are subject to Section 404 of the Clean Water Act.

In the Tulsa District, navigable waters are limited to major portions of the Verdigris River, Poteau River, Canadian River, and small portions of the Arkansas River, Bird Creek, Grand-Neosho River, Illinois River, North Canadian River, San Bois Creek, Washita River, and Red River, and Lake Texoma, Eufaula Lake, and Tenkiller Ferry Lake.

The Washita River is considered navigable subject to the authority of Section 10 due only to the conservation pool effects of Lake Texoma, more specifically upstream to the vicinity of the town of Ravia, Johnston County. Upstream of this point, the Washita River is subject to Section 404 of the Clean Water Act as a constituent of "waters of the United States". For specific limits of other navigable waters, contact the Regulatory Branch at 918-669-7400.

65. Does the Corps provide technical assistance for developing natural resources and environmental protection (such as landfills)?

CORPS RESPONSE: The Corps could provide technical assistance to Tribal Governments under the Work for Others Program. This program has restrictions and is done on a cost-reimbursable basis. Tribal Governments interested in the program can contact Planning Division staff at 918-669-7547.

Permitting

66. Does the Corps contract out any of its 404 permitting work?

CORPS RESPONSE: At the present time, the Tulsa District does not contract out any of the Section 404 program. Other Corps districts across the nation have contracted out program elements such as permit compliance inspections. Certain program elements regarding determination of jurisdiction, evaluation, and decision making are responsibilities which the Corps has no authority to delegate or contract.

ADDITIONAL COMMENTS/ISSUES

Please add any comments to the above items using this page. You may also list an issue that was not addressed. Please limit each page to one issue. Five copies of this page have been provided. You may wish to photocopy this blank page, if needed. If you have any questions, please call Ed Rossman at 918-669-7547.

List the name of your Tribal Government:_____

Item Number (if applicable):_____

Subject of the item:_____

Additional Comments (use back if needed):

_____

_____

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_____

THANK YOU FOR YOUR TIME!

PLEASE RETURN MAIL USING THE ENCLOSED POSTAGE PAID ENVELOPE TO:

US ARMY CORPS OF ENGINEERS, TULSA
PO BOX 61
TULSA, OK 74121-0061 ATTN: PL-E

_____

_____

AFTER ACTION REPORT
TRIBAL WORKSHOP ASSESSMENT
SACRAMENTO DISTRICT

29 APRIL 1995

TRIBAL WORKSHOP ASSESSMENT

A. WORKSHOP ADMINISTRATION

1. BIA AREA OFFICE: California

2. SUB-REGION: Sacramento District, Corps of Engineers

3. DATE OF WORKSHOP: April 29, 1995

4. LENGTH OF WORKSHOP: One day

5. LOCATION OF WORKSHOP: Redding, California

6. CORPS DISTRICTS/DIVISIONS INVOLVED: Sacramento District (CESPK), San Francisco District (CESPN), South Pacific Division (CESPD)

7. CORPS PARTICIPANTS AT WORKSHOP:

SPK: Lt. Col. M. Stuhr, Deputy DE, Civil
J. Taylor, PAO
L. Finley-Miller, Engr Div
J. Szabo, SADBU
T. Werner, ERB, Reg Pl Br
K. Norton, Reg Br
S. Kenton Osborn, ERB
P. Dwyer, Real Est Div
M. Verke, Emrg Mgmt Div
P. Johnson, ERB

SPN: D. Lerner, Plng Div
B. DeJaeger, Env Plng
M. Jacoby, Plng Div

SPD: T. Snow, Plng Div

8. TRIBAL PARTICIPANTS AT WORKSHOP:

See enclosed list.

9. TOTAL NUMBER OF PARTICIPANTS AT WORKSHOP: 35

C. WORKSHOP PLANNING & PREPARATION

1. Description of Planning Process:

The briefing book and tribal notebook were the most useful to the planning committee. The pink book was not made available as it would have been too much material to absorb. The workshop planning committee consisted primarily of the nine individuals who participated in the Redding workshop. They are listed under Section A of this report. Preparations for the workshops to be conducted throughout the Division's area of jurisdiction included three meetings at Division with staff present from South Pacific Division (SPD), the POCs from Los Angeles District (SPL), Sacramento District (SPK), and San Francisco District (SPN), and three/four Task Force members. The BIA participated in one of these meetings and provided background information such as a tribal directory and the relationship between tribes and the BIA. The meetings at SPD provided the forum for determining the roles of Division and Districts, workshop locations, and generally who would participate in which workshops. Other issues included finalizing the content of the tribal notebook and funding sources for the workshops.

Both SPN and SPK participated in the Redding workshop with SPK serving as the lead. Beginning in March, SPK held weekly meetings with the District planning committee in attendance. Discussions included reviewing the draft tribal notebook, what experiences the staff had had in working with tribes, and the format and organization of the workshop. The tribal notebook was especially useful as the basis for discussion for reviewing the Corps programs and what issues might be raised at the workshop. The Deputy District Engineer participated in some of these meetings as well as the workshop itself.

Of greatest concern to the committee were the funding and qualification restrictions which could preclude tribal participation in many of the programs. This is a problem especially in California where there are many Federally Recognized Tribes with very small land bases and inadequate resources for providing matching "in kind" efforts or funds. Misrepresenting the Corps' capabilities under these circumstances was discussed at length and the committee resolved not to overstate what the Corps might be able to do for the tribes.

Representatives for non-Federally Recognized Tribes were also expected to attend the workshop and the committee understood that many of the programs would not apply. However, the potential for Corps assistance under a legitimate study

or investigation was also examined by the committee so there was some preparation to address this issue should it arise.

The BIA did not participate in the workshop; only in the Division meeting. They were not requested to be involved in the presentation of the workshop but were helpful in providing early planning assistance.

The Native American Heritage Commission, a California State agency, was contacted early in the planning of the workshop for their advice on an appropriate workshop location and persons to contact for their capabilities in reaching other tribal representatives. These people were then contacted by telephone and information was also exchanged by fax. There was considerable interest evidenced by these representatives in learning about what the Corps has to offer them.

2. IDENTIFICATION OF WORKSHOP GOALS AND OBJECTIVES:

President Clinton's memo of April 29, 1994 provided the primary goals and objectives of the workshop. All involved in the planning process were given a copy of the memo and it was discussed initially and referred to often. In addition, however, the committee realized that there was little familiarity with the various Corps programs, in part because there had been so little interaction with tribes to date. Therefore, a second objective was to briefly identify the salient characteristics of each program. This became the responsibility of a committee member who was also a technical expert on a particular program or programs. A third and extremely important objective was to impart a listening mode so that those attending would feel comfortable in raising issues. Accomplishment of this objective lay in the structure of the workshop itself and the way in which the Corps members were to respond.

These objectives developed through the series of weekly meetings in which the committee participated. Each meeting lasted on the average of two hours. Written materials provided to the committee included the draft tribal notebook as well as the President's memo. Committee members were asked to review the draft tribal notebook not only to assist SPD in the preparation of the final notebook but also to assist the committee members in becoming familiar with the requirements of the programs and how they might apply to tribes. This step also served to focus on the purpose of the workshop and to provide a sense of direction in organizing the content of the workshop.

3. WORKSHOP FORMAT:

The workshop format was suggested by the Public Affairs Officer (PAO), who was fully involved in the staff meetings as

well as the workshop itself. It followed the "risk communication" model. This requires technical experts at the workshop, a minimum time for presentation of Corps programs, poster stations around the room illustrating a few key points about the program, and the encouragement of the attendees to ask questions directed to specific technical people. Attendees were informally grouped around round tables in the room. The technical people stood by their poster stations. Because the group of attendees was small, all questions were raised and addressed at large. Questions were recorded at the meeting by the technical people to whom they were addressed, however, there were also a few recording issues/comments at large to ensure good coverage. The PAO served as facilitator. Although there was an agenda sent out with the invitational letter, the attendees were informed at the meeting that it was very flexible.

4. INVITATIONS:

A list of Federally and non-Federally Recognized Tribes was compiled from several sources. Approximately 160 Invitational letters were sent to all such groups in California. Although it was recognized from the outset that the workshop attendees in northern California would likely be small, it was also felt that the Corps could announce in advance its intentions to hold other workshops. Some invitational letters were also sent to individuals because of their standing in the community as leaders, even though they might not be tribal representatives in a governmental sense. Some tribal representatives were contacted by telephone.

There were eight persons representing 24 Federally Recognized Tribes and 13 representing non-Federally Recognized Tribes at the workshop.

5. AGENDA:

Enclosed.

6. OTHER NOTES AND OBSERVATIONS ABOUT WORKSHOP PLANNING:

During the workshop planning process, members of the committee expressed an uneasiness about meeting with the tribes without some guidance as to appropriate behavior. A two-hour "sensitivity" training session was arranged for not only the committee members but also other staff, such as Regulatory personnel, who may have occasion to work with tribes. Both the District Engineer and the Deputy District Engineer attended. The session was presented by an anthropologist who is very experienced in tribal land claims in the western states, and also by a California Indian who is a member of a Federally Recognized Tribe and also quite knowledgeable about other issues of concern to Indians in California.

D. WORKSHOP PROCESS

1. DESCRIPTION OF PROCESS(ES) USED IN WORKSHOP:

Since there was so little familiarity with Corps programs, this workshop was viewed primarily as an opportunity to begin a dialogue with the tribes. Issues in some instances were discussed, however, caution prevailed in providing instant answers. It was not a "decision meeting" and that determination had been made in the planning process.

Only one unplanned activity occurred; the giving of a blessing by one of the tribal representatives. This was anticipated but not included in the agenda since the committee felt it was more appropriate for the tribal representatives to offer it.

Issues were identified verbally by the tribal representatives. If the issue was easily answered, it was at the time. All issues were noted in writing by committee members to be addressed later (but still in a timely manner).

2. PARTICIPANT BEHAVIOR:

A conscious effort was made to limit the time for Corps overviews and program presentations. For example, each program presentation (there were six) was two minutes only. Five of the technical committee members were present to answer questions only. (The workshop was co-hosted by SPK and SPN, who have somewhat different responsibilities.) The Deputy District Engineer's welcome, SPD and the PAO's comments were also very brief.

The tribal representatives spoke about 65% of the time; the Corps the remainder. Corps participation was primarily in response to questions and comments.

One individual was particularly outspoken and had confused the Corps as an agency under the Department of the Interior (even though the Deputy District Engineer was wearing his Class B uniform). Once this individual understood that the Corps could not resolve some of his concerns because they were clearly out of Corps jurisdiction, his remaining questions were not as pointed. He was still quite vocal, however, no Corps person (which would have been inappropriate) or tribal representative attempted to discourage him from speaking.

At least 12 of the representatives raised issues. Others commented. Some of the representatives were more vocal and asked numerous questions. If the questions were of a technical nature, the appropriate technical person addressed the question. If the

question was about policy or was very general, the Deputy District Engineer answered.

3. OTHER PARTICIPANTS:

None.

4. OTHER OBSERVATIONS AND NOTES:

Prior to the workshop, the question was raised to a few tribal representatives whether the Colonel should wear a uniform. They thought it was appropriate. The decision was made to wear the Class B uniform, rather than the Class A, which would have been too formal for this workshop.

E. WORKSHOP EVALUATION:

1. OVERALL EVALUATION:

Recognizing that there had been little contact with tribes, (California tribes have very small land bases--usually under 100 acres), the workshop appears to be a good beginning. Many of the representatives drove considerable distances (up to 100 miles one way) to attend, an indication that the interest in what the Corps has to offer is definitely present.

From the verbal and written comments of the tribal representatives, the workshop overall was successful. It is difficult at this time to evaluate what was unsuccessful, since there has been so little contact in northern California with the tribes.

A questionnaire was developed prior to the meeting. Attendees were asked to fill it out before they left for the day. In addition to evaluation of the workshop itself, they were asked if they had had any contact with the Corps previously and whether it was a satisfactory experience. All comments on the workshop were positive. There was little experience with the Corps previously; no negative comments were received.

As a result of a request during the workshop, a second workshop will be held during the first week in October in Sacramento, California. The attendees expressed a desire to have it extend for two days, for the BIA to participate for one half day only, and for presentations to be made by the Corps on the requirements of NEPA. This is in the planning phase now.

In addition, a newsletter will be sent to all attendees and other tribal representatives in the State in July, that will outline the issues raised in the Redding workshop and address the resolutions or actions in response.

2. SUGGESTIONS FOR IMPROVEMENTS IN WORKSHOPS:

Make discussions relevant to the groups and tribal representatives in attendance rather than generic presentations. For example, a few negative comments were generated during the workshop because projects in other parts of the country were used as types of work the Corps does. These were overcome in a simple manner by a Corps person who overheard the comments and asked the technical presenter if there were any examples of that type of work in northern California. This could have been anticipated.

The "risk communication" model is an effective tool for the workshop format. Experience elsewhere indicates that it works well for large as well as small groups. It is labor intensive but if the objective is to establish better relationships, in part through better communication, then this is a very good approach.

Involve the Public Affairs Officer from the very beginning in the preparation for the workshop. Much of the success of this workshop is due to the PAO and his commitment to sustaining a non-confrontational environment. While this is an obvious objective, the manner in which it is done needs to be developed and discussed with the committee as full participants.

If the PAO cannot be a substantial participant, then the workshop organizer and planning committee needs to be aware of how to obtain other expertise. Types of facilitators vary, and one selected for this kind of workshop must be able to guide the meeting in a positive manner and not simply be a recorder of events. This would be especially important if the "authority" figure present is very formal or is not otherwise able to establish a rapport with the addendees. The POC or workshop organizer needs to understand the personalities of the Corps players and make adjustments in the format of the workshop accordingly.

Adequate preparation by the Corps committee presenting the workshop is imperative.

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

For each issue raised, provide the following information. Use copies of this form as needed. LIMIT: ONE PAGE PER ISSUE. An issue may be either a problem (something that someone is unsatisfied with) or an opportunity (means for improving something).

Issue raised by (check one): **Tribe** x **Corps** _____

Issue Description:

Pomo Indians want to gather herbs near Lake Mendocino and want to acquire Pomo cultural center at Lake Mendocino.

Type of issue (check one): **process** _____ **product** x

Consequences of resolving issue versus not resolving it

Resolving:

Pomo would be able to use Center in a manner they deem appropriate.

Not resolving:

Corps may incur negative relationship with Pomo.

Resolution/decision regarding issue:

This is primarily a real estate issue but it is also a park issue. POC will make inquiries it is already apparent that the issue is not easily resolved.

Specific actions agreed upon to address issue, including who is responsible

Short-term actions:

POC will make effort to identify issues. Operations would have to make any decision as to the fate of the Cultural Center, which is on Federal property (Corps owned).

Long-term actions:

Unknown at this time.

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

For each issue raised, provide the following information. Use copies of this form as needed. LIMIT: ONE PAGE PER ISSUE. An issue may be either a problem (something that someone is unsatisfied with) or an opportunity (means for improving something).

Issue raised by (check one): **Tribe** X **Corps** _____

Issue Description:

Notification of Base Realignment and Closure Act proposals.

Type of issue (check one): **process** X **product** _____

Consequences of resolving issue versus not resolving it

Resolving:

Tribes can fully participate in the disposal process for military lands.

Not resolving:

Resolution/decision regarding issue:

Tribes are already notified by Real Estate Division. The question was addressed in the workshop.

Specific actions agreed upon to address issue, including who is responsible

Short-term actions:

Long-term actions:

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

For each issue raised, provide the following information. Use copies of this form as needed. LIMIT: ONE PAGE PER ISSUE. An issue may be either a problem (something that someone is unsatisfied with) or an opportunity (means for improving something).

Issue raised by (check one): **Tribe** X **Corps** _____

Issue Description:

Better direct notification of proposed actions that might affect tribes. Also, Corps should make a presentation about a proposed project to the appropriate Tribal Councils.

Type of issue (check one): **process** X **product** _____

Consequences of resolving issue versus not resolving it

Resolving: Corps creditibility sustained. Corps would better meet the spirit and intent of NEPA.

Not resolving:
Could potentially be in violation of NEPA.

Resolution/decision regarding issue:

Planning Division needs to be aware of tribes in any given area.

Specific actions agreed upon to address issue, including who is responsible

Short-term actions:
Mailing lists will be checked for particular project to ensure tribes that documents are provided to them Planning Division, Environmental Resources Branch will be responsible for this.

Long-term actions:

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

For each issue raised, provide the following information. Use copies of this form as needed. LIMIT: ONE PAGE PER ISSUE. An issue may be either a problem (something that someone is unsatisfied with) or an opportunity (means for improving something).

Issue raised by (check one): **Tribe** X **Corps**_____

Issue Description:

Concern about getting flows the tribes were promised when the Trinity River Dam was built.

Type of issue (check one): **process** X **product**_____

Consequences of resolving issue versus not resolving it

Resolving:

Not resolving: This is a complex issue and may not be resolvable in any reasonable time frame or at all.

Resolution/decision regarding issue:

None yet made.

Specific actions agreed upon to address issue, including who is responsible

Short-term actions: POC needs to investigate issue with Corps staff to determine if there is any action Corps can take.

Long-term actions:

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

For each issue raised, provide the following information. Use copies of this form as needed. LIMIT: ONE PAGE PER ISSUE. An issue may be either a problem (something that someone is unsatisfied with) or an opportunity (means for improving something).

Issue raised by (check one): **Tribe** X **Corps** _____

Issue Description:

Potential well contamination due to stream flooding.

Type of issue (check one): **process** X **product** _____

Consequences of resolving issue versus not resolving it

Resolving:

Corps creditibility sustained.

Not resolving:

Community is not assisted in problem solving.

Resolution/decision regarding issue:

Can investigate situation and make recommendations. Problem not due to any Corps project.

Specific actions agreed upon to address issue, including who is responsible

Short-term actions: Action not yet assigned.

Long-term actions:

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

For each issue raised, provide the following information. Use copies of this form as needed. LIMIT: ONE PAGE PER ISSUE. An issue may be either a problem (something that someone is unsatisfied with) or an opportunity (means for improving something).

Issue raised by (check one): **Tribe** X **Corps** _____

Issue Description:

Status of permit for gravel operations in northwestern California stream.

Type of issue (check one): **process** _____ **product** X

Consequences of resolving issue versus not resolving it

Resolving: Determination if complications in the permit have prevented its issue. Notify tribe.

Not resolving: May not be resolvable if tribe is not meeting requirements for obtaining 404 permit or there are other complicating factors such as opposition from public or other agencies.

Resolution/decision regarding issue:

Issue is in San Francisco District jurisdiction, however, both Sacramento and San Francisco Districts can follow through with inquiry and perhaps a letter.

Specific actions agreed upon to address issue, including who is responsible

Short-term actions:

POC: Check with San Francisco District Regulatory.

Long-term actions:

Unknown at this time.

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

For each issue raised, provide the following information. Use copies of this form as needed. LIMIT: ONE PAGE PER ISSUE. An issue may be either a problem (something that someone is unsatisfied with) or an opportunity (means for improving something).

Issue raised by (check one): **Tribe** X **Corps** _____

Issue Description:

Construction of bridge abutements that have eroded away. Bridge is on reservation.

Type of issue (check one): **process** _____ **product** X

Consequences of resolving issue versus not resolving it

Resolving: Land on far side of stream will be accessible year round.

Not resolving: Land which could be used for agricultural purposes will remain inaccessible.

Resolution/decision regarding issue:

Will have to investigate which program might apply and how the work could be funded.

Specific actions agreed upon to address issue, including who is responsible

Short-term actions:

A field visit could be made to inspect the bridge.

Long-term actions:

If any program is applicable, Corps and/or tribe could seek funds and/or in kind effort to build bridge. At the least the Corps could complete a feasibility report on the potential for constructing the abutments.

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

For each issue raised, provide the following information. Use copies of this form as needed. LIMIT: ONE PAGE PER ISSUE. An issue may be either a problem (something that someone is unsatisfied with) or an opportunity (means for improving something).

Issue raised by (check one): **Tribe** X **Corps** _____

Issue Description:

Concern whether Corps had issued any 404 permits for development on Mt. Shasta. Mt. Shasta is a sacred mountain to several tribes in northern California.

Type of issue (check one): **process** _____ **product** X

Consequences of resolving issue versus not resolving it

Resolving:

Creditibility of Corps sustained.

Not resolving:

If a 404 permit was issued without soliciting comments from Native Americans, it would be a violation of Section 106 of the National Historic Preservation Act, possibly NEPA and Corps permit regulations.

Resolution/decision regarding issue:

Check with Regulatory Branch to determine if any permits had been issued for Mt. Shasta.

Specific actions agreed upon to address issue, including who is responsible

Short-term actions:

A letter to the inquiring individual was written and sent May 2, 1995 stating that no permits had been issued for Mt. Shasta.

Long-term actions:

Make sure Regulatory staff is aware that Mt. Shasta is sacred to the tribes and if a permit is applied for, ensure that the comments of the tribes are actively sought early in the process.

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

For each issue raised, provide the following information. Use copies of this form as needed. LIMIT: ONE PAGE PER ISSUE. An issue may be either a problem (something that someone is unsatisfied with) or an opportunity (means for improving something).

Issue raised by (check one): **Tribe** X **Corps** _____

Issue Description:

Flood control assistance for Pinoleville Indian Reservation

Type of issue (check one): **process** _____ **product** X

Consequences of resolving issue versus not resolving it

Resolving: Use Corps authority/expertise in resolving community problem.

Not resolving: Community is not assisted in problem.

Resolution/decision regarding issue:

Interim letter to be written to Reservation. San Francisco District has jurisdiction and will follow up with investigation.

Specific actions agreed upon to address issue, including who is responsible

Short-term actions:

Ted Werner will write a letter to the Pinoleville Reservation.

Long-term actions:

Maxine Jacoby of San Francisco District will follow up with site visit.

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2922

REPLY TO
ATTENTION OF

April 11, 1995

Executive Office

Mr. Jeff Wilson
Cloverdale Pomo
404 La Quinta Ct.
Windsor, California 95492

Dear Mr. Wilson:

You are cordially invited to participate in a workshop for Native American Tribal Representatives with the Corps of Engineers in Redding, California, on Saturday, April 29, 1995.

The workshop is one step in our efforts to support President Clinton's initiative to improve our working relationships with the Tribes. Our goal is to strengthen communications and to bring together Tribal and Corps leaders for frank discussions of ways that we can improve our relationship. We also want to provide you with information about Corps programs and responsibilities that might affect or be useful to you.

The Corps of Engineers is the Federal Government's largest water resources development and management agency. Prior to the meeting we will send you a copy of the Corps of Engineers' Program Notebook for Native American Indian Tribes, which will explain more about the Corps and our programs.

The meeting will be held on Saturday, April 29, 1995, at the Hilltop Best Western Motel in Redding, starting at 10:00 a.m. and finishing by 3:30 p.m. Lunch will be provided. Forms for reimbursement of mileage expenses will be available at the meeting. Directions to the motel and the tentative agenda are enclosed. The agenda is flexible to accommodate your needs.

If you are unable to attend, please send another Tribal Representative. Please respond if you are able to participate in the workshop by returning the enclosed form.

Another workshop will be scheduled in Southern California later this year. You may wish to attend that meeting instead.

For further information please contact my Tribal Coordinator, Ms. Patti Johnson, at (916) 557-6611. The Tribal Coordinator for the Corps' San Francisco District, which is co-sponsoring the workshop, is Dr. Richard Lerner. He may be reached at (510) 841-5362. You may also call our toll free number (1-800-227-0951) and leave a message. Your call will be returned within one working day.

Sincerely,

John N. Reese
Colonel, Corps of Engineers
District Engineer

Enclosure

NATIVE AMERICAN TRIBES-CORPS OF ENGINEERS
INTERGOVERNMENTAL WORKSHOP

April 29, 1995
Best Western Hilltop Inn, Redding, California

Yes, I will be attending the Workshop: _____

No, I will not be attending the Workshop but please inform me of future workshops: _____

I will be representing: _____

_____

_____

Directions to Redding Best Western Hilltop Inn

From Highway I-5 in Redding, take East Cypress Avenue Exit and go east. Go about one block east of I-5, then turn north onto Hilltop Drive (Hilltop is parallel to I-5). Go about one block on Hilltop Drive and you will find the Best Western Hilltop Inn at the first driveway on the left (west) side of the street.

For those who want to stay overnight at the inn the night before or after the April 29th meeting, you may call the inn without charge at 1-800-336-4880. A special rate of $54.00 is available to those attending the meeting. With tax, the total is $59.40 for either single or double occupancy.

Enclosure

AGENDA

NATIVE AMERICAN TRIBES-CORPS OF ENGINEERS INTERGOVERNMENTAL WORKSHOP

Best Western Hilltop Inn
Redding, California
Saturday, April 29, 1995

10:00	REGISTRATION
10:30	WELCOME and STATEMENT OF PURPOSE, Colonel Michael Stuhr, Sacramento District, and San Francisco District, Co-Hosts
10:45	INTRODUCTIONS and OPENING STATEMENTS, Tribal Leaders
11:45	BUFFET LUNCH - Hosted by the Corps
1:15	CORPS PROGRAMS - Corps Representatives (Overview of the missions and programs of Corps; how to use the Program Notebook)
2:00	BREAK
2:15	ROUND TABLE DISCUSSION - Tribal Leaders and Corps Representatives
2:45	CONCLUDING REMARKS - Tribal Leaders and Corps
3:30	CONCLUSION

LIST OF ATTENDEES
NATIVE AMERICAN WORKSHOP
Redding, California
April 29, 1995

Wyelian Shoop Scott
Resighini Rancheria Klamath

DAVID K. TRIPP
KARUK TRIBE (JUMP DANCE)

Bill Dunn
Rumsey Rancheria

REBA FULLER, SPOKESPERSON
CENTRAL SIERRA ME-WUK COMMITTEE
P O BOX 699
TUOLUMNE CA 95379

NELDA LONGWAY Tuol INDIAN HEATH
P.O Box 1523
Tuol CA 95379

GARY Z Hendrix
Yurok Tribe
15900 Hy Klamath Ca

IRIS S. MARTINEZ
Coyote Valley Band of Pomo Indian
P.O. Box 39
Redwood, Valley, Ca 95470

Kim Freeman-Robles
Pasketa Band of Nomlaki Indians
P.O. Box 399 473-5196 Fax
Williams Ca 95987.

Brenda Freeman
P.O Box 1316
Williams CA
Nomlaki

Loretta Wyer - Esselen Nation
P.O. Box 7383
Spreckels, Ca 93962

Alton Hostler JR
P.O. Box 763
Hoopa, Ca 95546

Lorena Gorbet - Maidu Nation
P.O. Box 204
Susanville, CA 96130 (916) 257-9691

Matt Hensley -
555 S. Cloverdale Blvd #1
Cloverdale, CA 95425

Vernon T. Johnson
Calif Council of Tribal Governments Inc
27740 Shasta Dam Blvd #B
Shasta Lake, Ca 96019
Phone 916 275-7192

Robert J. Jones — NWEAI / NCIDC
241 F St. — AICC
Eureka, CA.
707-445-8451

FACSIMILE HEADER SHEET

U.S. Army Corps of Engineers
South Pacific Division
Directorate of Planning
630 Sansome Street
San Francisco, California 94111-2206

Telephone: 415-705-2427
FAX: 415-705-1743 or -1462

TO: *Office/Symbol/Name* *Telephone*

JODY ROONEY

FROM: *Signature* *Office* *Telephone*

Todd Snow 415-705-1622

SUBJECT: Supplement to After Action Report for Redding CA Workshop

PAGES (including header): 4 **DATE:** 12 Jul 95

COMMENTS:

We just received some input from San Francisco District for the AAR for the Sacramento Area Workshop held in Redding in April 95. I probably will not bother to send this to you formally.

Todd

CESPN-PE-PS (CESPD-PD-R/9 May 1995) (1105) 1st End Stradford/rs/415/744-3344

SUBJECT: After Action Reports for Native American Workshops

Commander, USAED, San Francisco District, 211 Main Street, Rm. 918,
San Francisco, CA 94105-1905 5 July 1995

FOR Commander, South Pacific Division, ATTN: CESPD-PD-R (Snow)
630 Sansome St., San Francisco, CA 94111-2206

CESPN observations and evaluations regarding the 29 April 1995 tribal workshop were sufficiently summarized in the assessment prepared by CESPD-PD-R. The oversight of not submitting a written report, SAB, in accordance with the established suspense was due to a misunderstanding of responsibilities of workshop participants from each district.

Subsequent to the workshop, CESPN has focused its efforts on fulfilling the letter and intent of the Government-to-Government program, communicating with Native American tribal representatives and gathering the information relevant to two issues identified at the workshop (Enclosure 1 and 2).

Point of contact is Richard Lerner, 510-841-5362.

Encls 1+2

for Jeffrey Ofenloch
MICHAEL J. WALSH
LTC, EN
Commanding

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

For each issue raised, provide the following information. Use copies of this form as needed. LIMIT: ONE PAGE PER ISSUE. An issue may be either a problem (something that someone is unsatisfied with)or an opportunity (means for improving something).

Issue raised by (check one): Tribe __x__ Corps _____

Issue Description:

An outspoken Native American, Wm. Scott of the Resighini Rancheria, complained repeatedly at the April 29 meeting of SPD, SPN and SPK with California tribes about delays in getting a permit from the Corps to mine over 300,000 cubic yards of gravel from the Klamath River. After meeting follow-up by Richard Lerner of SPN, he determined that the Rancheria had applied for a permit. Resource agencies objected, resulting in a decrease of the quantity to be mined and a change from "deep pit" technique to a "skimming" technique. Thus, the agencies withdrew objections and a new public notice was issued, with the expectation that the permit will soon be issued. Mr. Scott approached Mr. Lerner at the California Indian Basketry Association conference on June 16-18, 1995, following Mr. Lerner's presentation on the Government-to-Government relations program. Mr. Lerner was reminded of Mr. Scott's participation at the tribal workshop in a most cordial manner.

Type of issue (check one): Process _____ Product __x__

Consequences of resolving issue versus not resolving it

Resolving: Resighini Rancheria will achieve its planned gravel extraction and compete commerically with other interests.

Not resolving: Further delays in acquiring Corps permit, with possible denial.

Resolution/decision regarding issue:

Will have to continue to coordinate with Resighini Rancheria to assist in obtaining the permits and ageny approvals.

Specific actions agreed upon to address issue, including who is responsible.

Short-term actions:

See description above.

Long-term actions:

Continue dialog between Corps, resource agencies and Resighini Rancheria to try to avoid objections in future gravel extration projects.

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

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Issue raised by (check one): Tribe __X__ Corps _____

Issue Description:

A strong request was made by David Tripp, Traditional Dance Leader of the Karuk Tribe, asking for Corps help in providing a bridge so that participants could be lead by Mr. Tripp to an important ceremonial ground that now requires difficult and circuitous routes up and down steep banks and through a waterway. Richard Lerner has had several discussions with Mr. Tripp since the April 29 workshop. Mr. Lerner clarified that the tribe must formally write to the Corps and directed Mr. Tripp to the appropriate District individuals and addresses in the Tribal Handbook.

Type of issue (check one): Process _____ Product __X__

Consequences of resolving issue versus not resolving it

Resolving: Land which is currently difficult to access would be accessible year round and ensure increased participation at events taking place at the ceremonial ground.

Not resolving: Inaccessibility to people seeking to participate at the ceremonial ground would continue. Bridge construction could be delayed for a considerable time due to funding constraints.

Resolution/decision regarding issue:

Will have to investigate which Corps program applies and the feasibility of Corps funding.

Specific actions agreed upon to address issue, including who is responsible.

Short-term actions:

Formal request from the Karuk Tribe.

Long-term actions:

Corps could prepare a feasibility report on the potential for bridge construction and, if the project meets the applicable program requirements, the Corps and/or tribe could seek funds and/or in-king effort to build the bridge.

AFTER ACTION REPORT
TRIBAL WORKSHOP ASSESSMENT
LOS ANGELES DISTRICT

16 MAY 1995

Tribal Workshop Assessment
Window Rock, Arizona
May 16, 1995

Los Angeles District
POC: Stephen Dibble

A. Workshop Administration

1. BIA Area Office:

Navajo Area Office
P.O. Box 1060
Gallup, New Mexico 87305
(505) 863-8314
Wilson Barber, Area Director
Elouise Chicharello, Tribal Government Services Officer
(505) 863-8259

The Navajo Tribe is the only Arizona Indian tribe not served by the Phoenix Area Office. Because of its size, it is the only U.S. tribe with its own Area Office.

2. Sub-Region:

The Navajo Nation is located partially within the South Pacific and Southwest Divisions, which includes the Los Angeles, Sacramento, and Albuquerque Districts.

3. Date of Workshop:

May 16, 1995

4. Length of Workshop:

One Day

5. Location of Workshop:

Window Rock, Arizona
Capitol of the Navajo Nation

6. Corps Districts/Divisions involved:

South Pacific Division
Southwest Division

Los Angeles District
Sacramento District
Albuquerque District

7. Corps participants at workshop:

Col. David Peixotto-Acting Commander
South Pacific Division--(415) 705-1580

Col. Michal Robinson-District Engineer
Los Angeles District--(213) 894-5300

Beverly Getzen-Acting Director, Directorate of Planning
South Pacific Division--(415) 705-1560

Steve Dibble-Point of Contact/Interaction With Federally Recognized Tribes
Los Angeles District--(213) 894-3399

Joe Dixon-Chief, Planning Section C, Phoenix
Los Angeles District--(602)640-2003

Jim Crum-Chief, Emergency Operations Branch
Los Angeles District--(213) 894-3440

Vee Adams-Deputy for Small Business
Los Angeles District--(213) 894-5679

John Gill-Environmental Resources Branch
Los Angeles District--(213) 894-1458

Tedd Carr-Operations Branch
Los Angeles District--(213) 894-5635

Patti Johnson-Point of Contact/Interaction With Federally Recognized Tribes
Sacramento District--(916) 557-6611

Jim Taylor-Public Affairs Officer
Sacramento District--(916) 557-5101

Walter Yep-Chief, Planning Division
Sacramento District--557-6699

John Schelberg-Point of Contact/Interaction With Federally Recognized Tribes
Albuquerque District--(505) 766-2657

Greg Everhart--(505) 766-2657
Albuquerque District

Sannie Osborne-Chief, Environmental Planning
Sacramento District

Norma Hallissy-Secretary
Los Angeles District

8. Tribal participants at workshop:

Albert Hale-President of the Navajo Nation
Melvin Bautista-Executive Director, Division of Natural Resources
Marvin Smith-Project Manager/Planner, Division of Natural Resources

Registered attendees (see attachment)

9. Total number of participants at workshop:

Corps of Engineers

South Pacific Division	2
Los Angeles District	8
Sacramento District	4
Albuquerque District	2
Total Corps	16

Navajo Nation

The estimated total number of attendees is approximately 80. Of these, 58 Navajo Nation attendees registered; many did not register.

SIGN - IN

Name	Organization
Jonah Begay	Navajo Land Department
Janet Cohen	NN Historic Preservation Dept.
John Hollister	NV Dept of Water Res. Mgt.
[illegible]	NN Museum Dept
Hanny Charley	Navcomb Chapter
Anna M. Tinde	DCD/Community Plng.
GEORGE LITTLE	WATER DEV. & MAINT. DEPT.
Cynthia Begay	Oak Springs Chapter
Wallace C. Archer, Sr.	Tuba Lakai Chapter
[illegible]	NAVAJO FORESTRY DEPT
[illegible]	Div. Nat. Res. Manager/Planner
Priscilla V. Puente	Navajo Land Dept.
Kathy Natonabah	Dept. of Agriculture
[illegible]	Legislative Dept - Crystal
[illegible]	Tsaile/Wheatfields Chapter
[illegible]	D.E.D. Bus Reg Dept.
[illegible]	NDOT
[illegible]	DNVA
[illegible]	Dine Dept of Ag
[illegible]	V.R. N.N.
[illegible]	CSA/OVP
[illegible]	Water Development Dept
[illegible]	DIV of Health
[illegible]	N.N. Council
[illegible]	SIS Chapter
[illegible]	and Office w/
Sylvester H. Chee	Rock Point Chapter

SIGN-IN SHEET

Name	Organization
Jeff Cole	Navajo Fish + Wildlife
James A. Mike	NHCC - NN
Rayelita Haley	N.L.D. (Land depart.)
Deb Misra, P.E.	N AML Reclamation
Leonard Dempsey	N.L.D. (Land Depart)
Gary Hoskie	NLD
Robert O. Allen	NLD Atty.
John Billison	NLD - Syst. Analyst
Clarence N. Gorman	PARKS + RECREATION
Aldon Francisco	NN ARCHAEOLOGY DEPT
Raymond Kee	Navajo Land Dept
Boyd Nystedt	Navajo Nation EPA
Gary Hudiburgh	Navajo Nation EPA
David Jose	DNVA Window Rock AZ
Walt Jones	Apache County, Colorado
ALBERT LEE	TWO GREY HILL CHAPTER
LEANNA VANKEUREN	WATER DEVELOPMENT - NN
Rodger Dahozy	Ft. DEFIANCE. GRAZING - REP
Harrison W. Begay	Rock Point Chapter
Pauline J. Garnez	R/L # 18
Christopher Mike	NN H2O Development
Julius Pete	EXEC. STAFF ASS'T
Stanley C. Lane	Coppermine Chapter

SIGN-IN

Name	Organization
TSOSIE, LeRoy	Rock Point Chapter
Robert W. Billie	Navajo Forestry Dept.
Leonard Arviso	Pres. Staff
Ron Smith	~~ROADS~~
ALVIN Allen	Steep Spring Chapter
JERRY FREDDIE	COUNCIL DELEGATE NAVAJO NATION COUNCIL
Melvin Bautist	Division of Natural Resources
Dan Y. Begay	Forest Lake Chapter

B. WORKSHOP OUTPUTS

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

For each issue raised, provide the following information. Use copies of this form as needed. LIMIT: ONE PAGE PER ISSUE. An issue may be either a problem (something that someone is unsatisfied with) or an opportunity (means for improving something).

Issue raised by (check one): **Tribe____X____** **Corps_____**

Issue Description: Regulatory Program--three Corps district for the Navajo Nation. They would like there to only be one.

Type of issue (check one): **process____X____** **product____X____**

Consequences of resolving issue versus not resolving it

Resolving: Less confusion and more consistency in dealing with Regulatory.

Not Resolving: Status Quo

Resolution/decision regarding issue: Issue will be put forward in our after-action report.

Specific actions agreed upon to address issue, including who is responsible

Short-term actions: Corps--issue will be put forward in our after action report.

Long-term actions: None.

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

For each issue raised, provide the following information. Use copies of this form as needed. LIMIT: ONE PAGE PER ISSUE. An issue may be either a problem (something that someone is unsatisfied with) or an opportunity (means for improving something).

Issue raised by (check one): Tribe____X____ Corps_____

Issue Description: Section 22, Planning Assistance to the Tribes and States program--tribe felt that the dollar limit should be based on population. Smaller tribes get the same amount as large tribes even though their needs are not as great.

Type of issue (check one): process____X____ product_____

Consequences of resolving issue versus not resolving it

Resolving: New policy would help reservations which have a greater need because of higher populations

Not Resolving: Status Quo

Resolution/decision regarding issue: Cannot be resolved at this level.

Specific actions agreed upon to address issue, including who is responsible

Short-term actions: Corps--issue will be brought forward in the after-action report

Long-term actions: None

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

For each issue raised, provide the following information. Use copies of this form as needed. LIMIT: ONE PAGE PER ISSUE. An issue may be either a problem (something that someone is unsatisfied with) or an opportunity (means for improving something).

Issue raised by (check one): **Tribe____X____** **Corps_____**

Issue Description: Need for design work on the Navajo Nation landfills which need to be closed. Navajo indicate that landfills are required to be closed by fall of 1995.

Type of issue (check one): **process_____** **product____X____**

Consequences of resolving issue versus not resolving it

Resolving: Navajo would be able to obtain services under Support for Others Program to get the designs they need.

Not Resolving: Status Quo

Resolution/decision regarding issue: Corps to look into capabilities in this area.

Specific actions agreed upon to address issue, including who is responsible

Short-term actions: Dave Taylor of the Corps will contact Navajo Nation Environmental Protection Administration to look at the possibilities in this area.

Long-term actions: None

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

For each issue raised, provide the following information. Use copies of this form as needed. LIMIT: ONE PAGE PER ISSUE. An issue may be either a problem (something that someone is unsatisfied with) or an opportunity (means for improving something).

Issue raised by (check one): Tribe____X____ Corps_____

Issue Description: Grazing Committee was not able to attend this workshop and would like to hear this presentation. Their representative at the workshop felt that there were some Corps' programs which might be useful to their organization.

Type of issue (check one): process_____ product____X____

Consequences of resolving issue versus not resolving it

Resolving: The dessimination of this information would improve relations, and possibility open up more opportunities for the Corps to assist the Navajo Nation with their needs.

Not Resolving: Navajo would not be satisfied if we do not respond; and the Grazing Committee would not would not have an awareness of our program and capabilities. Potential solutions to some of their needs would not be realized.

Resolution/decision regarding issue: Corps to arrange a presentation to this group.

Specific actions agreed upon to address issue, including who is responsible

Short-term actions: Corps will immediately contact Grazing Committee to arrange such a presentation.

Long-term actions: None

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

For each issue raised, provide the following information. Use copies of this form as needed. LIMIT: ONE PAGE PER ISSUE. An issue may be either a problem (something that someone is unsatisfied with) or an opportunity (means for improving something).

Issue raised by (check one): **Tribe____X____** **Corps_____**

Issue Description: The Navajo asked about the Corps doing a water supply project.

Type of issue (check one): **process_____** **product____X____**

Consequences of resolving issue versus not resolving it

Resolving: Cannot be resolves at this level.

Not Resolving: Status Quo

Resolution/decision regarding issue: Issue will be put forward in our after-action report. We can do such a project in the context of a multi-purpose project. Could initiate Recon on our own authority.

Specific actions agreed upon to address issue, including who is responsible

Short-term actions: Corps--issue will be put forward in our after action report.

Long-term actions: None.

C. WORKSHOP PLANNING & PREPARATION

1. Description of Planning Process:

The guidance provided by the Task Force was very useful in planning the workshop. Of all the items provided by the Task Force, the Notebook for Native American Tribes proved to be the most useful, especially during the workshops.

Near the beginning of the process the official planning team for the Los Angeles district was selected. It consisted of Ms. Cindy Lester, Mr. Mark Durham of Regulatory, Mr. Eldon Kraft of Planning, Mr. Tedd Carr of Operations, and Ms. Vee Adams of Small and Disadvantaged Business. Mr. Melvin Bautista and Mr. Marvin Smith were involved in coordination and input from the Navajo. In addition, Joe Dixon of the Task Force was involved in providing information, guidance and support throughout.

The major force in influencing the format and approach to this workshop was from the South Pacific Division. Twice we met at the South Pacific Division Offices with Todd Snow and Beverly Getzen. Also participating were Richard Lerner and Richard Stratford from San Francisco District, Patti Johnson from Sacramento, Joe Dixon and Steve Dibble from Los Angeles District. There was also a significant number of continuing phone communications and LAN traffic between SPD and SPL.

The Navajo were involved through two meetings at Window Rock, and by telephone. A letter from Col. Robinson was first sent to President Hale. This was followed up by phone, FAX, and an in person meeting with Mr. Melvin Bautista and Mr. Marvin Smith. Additional phone and FAX communications were made to finalize the details of the workshop. A draft agenda was sent to the Navajo about a month in advance and they were asked to provide input and ideas on it.

In regard to input from the Navajo, they did not appear to be overly interested in participating in planning or providing input. They have been bombarded by federal agencies trying to comply with President Clinton's memo. In addition, the amount of previous contact has not been overly significant in the day-to-day life of the Navajo Nation, nor did they have any issues with the Corps. Therefore, there was not much interest prior to the workshop. The appeared to be generally politely tolerant of what we were trying to accomplish.

The BIA was consulted prior to initiating contact with the Navajo. Elouise Chicharello, Tribal Operations Officer was consulted. She suggested that we first write the Navajo an initial letter, followed up with a phone call. Ms. Chicharello was useful in providing information on personalities within the Navajo Nation. Due to sensitivities in the relationship between the Navajo and the BIA, Ms. Chicharello was not included in the list of attendees to the workshop.

2. Identification of workshop goals and objectives:

The goals of the workshop were to open up lines of communication, and by so doing, improve relations between the Corps and the Navajo.

3. Workshop format:

The workshop format generally took the form of a public meeting. There were opening statements by the leadership of the Corps and the Navajo. After the opening statements the Corps gave a brief overview of our program. Questions and comments were encouraged throughout. In the afternoon the Corps experts were situated in the room in a manner which allowed the Navajo to ask questions on an individual basis. In addition posters were mounted on boards summarizing some of our programs in an effort to encourage comments, and/or questions.

Beverley Getzen from South Pacific Division moderated the meeting. She was chosen for her particular skill at facilitating, and for her knowledge of the overall Corps' program.

4. Invitations:

Only the Navajo were invited to this workshop. The process to invite the Navajo to the workshop was simplified with the help of Mr. Melvin Bautista, Executive Director of the Division of Natural resources. He coordinated all of the invitations to the Navajo Nation. The Navajo also invited Apache County to send a representative, which they did. Apache county lies within the Navajo Nation.

5. Agenda:

The Agenda is attached

6. Other notes and observations about workshop planning:

Important to make more in person contacts with the tribes prior to the workshop. This would increase attendance. It would also be more useful in developing the agenda so as to better meet their needs and interests.

AGENDA

NAVAJO NATION - U.S. ARMY CORPS OF ENGINEERS
INTERGOVERNMENTAL WORKSHOP
WINDOW ROCK, ARIZONA
MAY 16, 1996

9:00 Welcome and Statement of Purpose, Col. Peixotto, Acting Commander, South Pacific Division

Navajo Statement, Albert Hale, President, The Navajo Nation

9:30 Plan for the Workshop, Col. Michal Robinson, Los Angeles District Commander, Host District

Overview of Corps District Offices
(INCLUDES AN INTRODUCTION OF PEOPLE PRESENT)
Sacramento District--5 minutes
Walter Yep
Albuquerque District--5 minutes
John Schelberg

9:45 Overview of Navajo Nation - Navajo Rep.

10:15 Corps Programs, Overview of the missions and purposes of the Corps of Engineers

Planning Assistance
Joe Dixon--20 minutes

Work for Others/Environmental
Beverly Getzen--5

Regulatory Program
John Gill--10 minutes

Small and Disadvantaged Business
Vee Adams--10 minutes

Emergency Operations
Jim Crum--10 minutes

11:10 Previous Interaction the Corps Navajo Representatives

11:45 Lunch

1:15 Current and Future Needs of Navajo Nation
Navajo Nation

D. WORKSHOP PROCESS

1. Description of Process used in workshop:

This workshop took the form of an informational/airing of concerns format. After introductory remarks by Col. Peixotto and Col. Robinson, and President Albert Hale, the Corps program was presented. The program was presented by Corps experts. Questions and comments were encouraged throughout the program. Most of the concerns and comments centered around the Planning, and Emergency Operations programs.

In the afternoon, the program experts were situated throughout the room. The audience was given the opportunity to walk-up and ask questions.

2. Participant behavior:

The Corps spent most of the time talking. Roughly speaking, the percentages were approximately 85% Corps and 15% Navajo. Most of the Navajo input was from President Albert Hale with his opening remarks and Marvin Smith who gave an overview of the Navajo Nation. Other than that, there were quite a few questions and comments from the Navajo audience.

Of the Navajo participants, Marvin Smith was the most active. He gave an overview of the Navajo Nation, and he was quite proactive in participating in the discussions, and encouraging others to express their concerns and questions. The audience seemed to be quite interested in what we had to say about our program. They listened attentively and took notes.

On the Corps program and issues there were program experts from each area who gave a brief overview of each program. Beverley Getzen, the moderator from the Corps was effective in responding to the flow of the meeting.

3. Other Participants:

The only participants in this workshop were the Corps and the Navajo. Walt Jones, a representative from Apache County was also there. He also is a Navajo.

The BIA took no active role in the workshop. Their only involvement was in the way of advice and guidance.

E. WORKSHOP EVALUATION

1. Overall evaluation

Overall the workshop was a success. The Navajo were given an overview of the mission and capabilities of the Corps. In turn, the Corps was received an introduction to the problems, concerns, and needs of the Navajo. This short term evaluation of success is based on the fact that the participants seemed to be genuinely interested in what we had to say. They took notes and asked questions. In addition , we are, and will be taking some actions to follow up on their requests and concerns. This workshop is the first step in the process of improving relationships with the tribe. As a first step this workshop can be judged a success.

2. Suggestions for improvements in workshops

Spend more time in person prior to the workshop to increase attendance, and to better develop the agenda.

Tribal Workshop Assessment
Phoenix, Arizona
May 19, 1995

Los Angeles District
POC: Stephen Dibble

A. Workshop Administration

1. BIA Area Office:

Phoenix Area Office
P.O. Box 10
Phoenix, Arizona 85001
Walter R. Mills, area Director
Michael Smith, Natural Resource Officer
(602) 379-4511

2. Sub-Region:

South Pacific Division
Los Angeles District

3. Date of Workshop:

May 19, 1995

4. Length of Workshop:

One Day

5. Location of Workshop:

Phoenix, Arizona

6. Corps Districts/Divisions involved:

South Pacific Division
Los Angeles District

7. Corps participants at workshop:

LTC Jerome J. Dittman-Deputy District Engineer
Los Angeles District--(213) 894-5300

Todd Snow
South Pacific Division--(415) 705-1622

Steve Dibble-Point of Contact/Interaction With Federally Recognized Tribes
Los Angeles District--(213) 894-3399

Joe Dixon-Chief, Planning Section C, Phoenix
Los Angeles District--(602)640-2003

Jim Crum-Chief, Emergency Operations Branch
Los Angeles District--(213) 894-3440

Vee Adams-Deputy for Small Business
Los Angeles District--(213) 894-5679

Ron Fowler-Regulatory Branch
Los Angeles District--(602) 640-

Tedd Carr-Operations Branch
Los Angeles District--(213) 894-5635

Paul Blakey
HQUSACE--(202) 761-1109

Elizabeth Brooks-Secretary
Los Angeles District

8. Tribal participants at workshop:

Arnold Taylor-DWR Manager
Hopi Tribe--(520) 734-9330

Teddy Smith Jr.-DIR Lead Program
Yavapai-Apache Nation--(520) 567-3649

Theodore Smith Sr.-Chairman
Yavapai-Apache Nation--(520) 5670-3527

Delbert Holmes-Council Member
Fort Mohave Indian Tribe--(619) 326-4591

James Hill-Attorney
White Mountain Apache--(520) 338-4346, x-415

Michael Smith--Natural Resource Officer
Bureau of Indian Affairs--(602) 379-4511

9. Total number of participants at workshop:

Corps of Engineers

South Pacific Division	1
Los Angeles District	8
Total Corps	9

Tribes

5 tribal members registered
1 BIA official attended

B. WORKSHOP OUTPUTS

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

For each issue raised, provide the following information. Use copies of this form as needed. LIMIT: ONE PAGE PER ISSUE. An issue may be either a problem (something that someone is unsatisfied with) or an opportunity (means for improving something).

Issue raised by (check one): Tribe____X____ Corps_____

Issue Description: James Hill of the White Mountain Apache indicated a desire to have the Tribe take over the 404 program. Also wanted to know if there was funding for it.

Type of issue (check one): process____X____ product_____

Consequences of resolving issue versus not resolving it

Resolving: Tribe takes over 404 for their reservation.

Not Resolving: Status Quo

Resolution/decision regarding issue: Cannot be resolved at this level.

Specific actions agreed upon to address issue, including who is responsible

Short-term actions: Ron Fowler--will go through Cindy Lester to District Engineer for guidance. Will get them Congressional committee members list to him.

Long-term actions: None

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

For each issue raised, provide the following information. Use copies of this form as needed. LIMIT: ONE PAGE PER ISSUE. An issue may be either a problem (something that someone is unsatisfied with) or an opportunity (means for improving something).

Issue raised by (check one): Tribe____X____ Corps_____

Issue Description: James Hill of White Mountain Apache felt that there should be a single point-of-contact at the Washington level. Also, he felt that there should be an official policy regarding interaction with Native American Tribes.

Type of issue (check one): process_____ product____X____

Consequences of resolving issue versus not resolving it

Resolving: Greater consistency and less hesitancy when interacting with the Corps.

Not Resolving: Continued confusion when they interact with the Corps.

Resolution/decision regarding issue: Cannot be resolved at this level. Will bring issue forward to HQ in our after action report.

Specific actions agreed upon to address issue, including who is responsible

Short-term actions: Will bring issue forward in our after action report.

Long-term actions: None

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

For each issue raised, provide the following information. Use copies of this form as needed. LIMIT: ONE PAGE PER ISSUE. An issue may be either a problem (something that someone is unsatisfied with) or an opportunity (means for improving something).

Issue raised by (check one): Tribe____X____ Corps_____

Issue Description: Suggestion by the tribes that the Corps meet with Intertribal Council of Arizona to present our program.

Type of issue (check one): process____X____ product_____

Consequences of resolving issue versus not resolving it

Resolving: Better involvement by more tribes in the program.

Not Resolving: Status Quo

Resolution/decision regarding issue: Corps to set up meeting with Intertribal Council of Arizona.

Specific actions agreed upon to address issue, including who is responsible

Short-term actions: Steve Dibble to set up meeting with the Intertribal Council of Arizona.

Long-term actions: None.

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

For each issue raised, provide the following information. Use copies of this form as needed. LIMIT: ONE PAGE PER ISSUE. An issue may be either a problem (something that someone is unsatisfied with) or an opportunity (means for improving something).

Issue raised by (check one): Tribe_____ Corps__X__

Issue Description: Small and Disadvantaged Business Program--Involvement by the Tribes, both as subcontractors and as prime contractors through set-asides.

Type of issue (check one): process__X__ product_____

Consequences of resolving issue versus not resolving it

Resolving: Better involvement by the tribes in the SADBU Program.

Not Resolving: Status Quo

Resolution/decision regarding issue: Vee Adams to contact tribes whenever there is a scheduled workshop and give assistance.

Specific actions agreed upon to address issue, including who is responsible

Short-term actions: Vee Adams will contact tribes whenever there is a workshop and give assistance.

Long-term actions: Same as short term.

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

For each issue raised, provide the following information. Use copies of this form as needed. LIMIT: ONE PAGE PER ISSUE. An issue may be either a problem (something that someone is unsatisfied with) or an opportunity (means for improving something).

Issue raised by (check one): Tribe_____ Corps____X_____

Issue Description: Opportunities for mititary organizations to provide services to the tribes as part of that organization's training program.

Type of issue (check one): process_____ product____X_____

Consequences of resolving issue versus not resolving it

Resolving: Opportunity for easy access to potential services from military training programs.

Not Resolving: Status Quo

Resolution/decision regarding issue: Corps to get active and reserve component contacts to the tribes.

Specific actions agreed upon to address issue, including who is responsible

Short-term actions: Steve Dibble to get contact names to the tribes.

Long-term actions: None.

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

For each issue raised, provide the following information. Use copies of this form as needed. LIMIT: ONE PAGE PER ISSUE. An issue may be either a problem (something that someone is unsatisfied with) or an opportunity (means for improving something).

Issue raised by (check one): **Tribe** X **Corps** X

Issue Description: WRDA--need to get language in upcoming act to provide more services to the tribes, specifically language to modify the cost-benefit computations to take into account the economic realities on the reservations.

Type of issue (check one): **process** X **product** X

Consequences of resolving issue versus not resolving it

Resolving: Opportunity for easier access to Corps programs.

Not Resolving: Status Quo

Resolution/decision regarding issue: Tribes need to bring forward concerns to their Congressional delegation so that appropriate language can be put in the bill.

Specific actions agreed upon to address issue, including who is responsible

Short-term actions: Steve Dibble to get contact names to the tribes.

Long-term actions: None.

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

For each issue raised, provide the following information. Use copies of this form as needed. LIMIT: ONE PAGE PER ISSUE. An issue may be either a problem (something that someone is unsatisfied with) or an opportunity (means for improving something).

Issue raised by (check one): **Tribe____X____** **Corps____X____**

Issue Description: Mr. Arnold Taylor of the Hopi would like to have someone from the Corps come out to see what programs could be of benefit to them.

Type of issue (check one): **process_____** **product____X____**

Consequences of resolving issue versus not resolving it

Resolving: Opportunity to access a Corps Program.

Not Resolving: Status Quo

Resolution/decision regarding issue: Tribes need to go back to their reservations and look at specific problems.

Specific actions agreed upon to address issue, including who is responsible

Short-term actions: Tribes--need to look at specific problems and then request a visit by the Corps to determine the possibilities of assistance.

Long-term actions: Same as short-term.

C. WORKSHOP PLANNING & PREPARATION

1. Description of Planning Process:

The guidance provided by the Task Force was very useful in planning the workshop. Of all the items provided by the Task Force, the Notebook for Native American Tribes proved to be the most useful, especially during the workshops.

Near the beginning of the process the official planning team in Los Angeles was selected. It consisted of Ms. Cindy Lester, Mr. Mark Durham of Regulatory, Mr. Eldon Kraft of Planning, Mr. Tedd Carr of Operations, and Ms. Vee Adams of Small and Disadvantaged Business. In addition, Mr. Joe Dixon of the Task Force was involved in providing information, guidance and support throughout.

The major force in influencing the format and approach to this workshop was from the South Pacific Division. Twice we met at the South Pacific Division Offices with Todd Snow and Beverly Getzen. Also participating were Richard Lerner and Richard Stratford from San Francisco District, Patti Johnson from Sacramento, Joe Dixon and Steve Dibble from Los Angeles District. There was also a significant number of continuing phone communications and LAN traffic between SPD and SPL.

The only assistance and input we were able to obtain from tribes in organizing the workshop was from the Cocopah Tribe. This occurred prior to our initial letter of invitation. Valerie Prehoda who works for the Cocopah was consulted by phone and in person. She is quite active within the state. Ms. Prehoda, nor a representative from the Cocopah tribe attended the workshop however.

The BIA were consulted prior to the workshop. They attended one of the meetings at South Pacific Division.

2. Identification of workshop goals and objectives:

The goal of the workshop was to open up lines of communication, and by so doing, improve relations between the Corps and the tribes.

3. Workshop format:

The workshop format generally took the form of a public meeting. There were opening statements by the leadership of the Corps and the tribes in attendance. After the opening statements the Corps gave a brief overview of our program. Questions and comments were encouraged throughout. In the afternoon the Corps engaged in an open discussion of issues and concerns. In addition, posters were mounted summarizing some of our programs in an effort to illicit comments, and/or questions.

Mr. Joe Dixon of Planning Section C moderated the meeting. He was chosen for his knowledge of the overall Corps' program.

4. Invitations:

Twenty one tribes were invited to the meeting. There were 4 different tribes in attendance. All tribes were sent an initial letter of invitation. This was followed up by phone, and by FAX. The BIA was not officially invited. They did, however, sent a representative.

5. Agenda:

The agenda is attached

6. Other notes and observations about workshop planning:

Important to make more in person contacts with the tribes prior to the workshop. This would increase attendance. It would also be more useful in developing the agenda so as to better meet their needs and interests.

AGENDA

ARIZONA TRIBES - U.S. ARMY CORPS OF ENGINEERS INTERGOVERNMENTAL WORKSHOP PHOENIX, ARIZONA MAY 19, 1995

9:30 Welcome and Statement of Purpose, LTC Jerome J. Dittman, Deputy District Engineer, Los Angeles District.

Introductions

10:15 Corps Programs, Overview of the missions and purposes of the Corps of Engineers

Planning Assistance
Joe Dixon

Regulatory Program
Ron Fowler

Small and Disadvantaged Business
Vee Adams

Emergency Operations
Jim Crum

11:10 Previous Interaction the Corps Tribal Representatives

11:45 Lunch

12:45 Current and Future Needs of Arizona Tribes Tribal Representatives

Discussion and Questions - Tribal and Corps Reps.

3:30 Concluding Remarks
Corps Leaders/Tribal Leaders

4:00 Conclusion

D. WORKSHOP PROCESS

1. Description of Process used in workshop:

This workshop took the form of an informational/airing of concerns format. After introductory remarks by LTC Dittman and Tribal representatives, the Corps program was presented. The program was presented by Corps experts. Questions and comments were encouraged throughout the program. Most of the concerns and comments centered around the Planning, and Regulatory programs.

In the afternoon, The Corps and tribal representatives engaged in an open discussion of concerns and questions.

2. Participant behavior:

The Corps spent most of the time talking. Roughly speaking, the percentages were approximately 80% Corps and 20% Tribal representatives. All tribal representatives participated in the discussion except for Delbert Holmes from the Fort Mohave Tribe.

The audience seemed to be quite interested in what we had to say about our program. They listened attentively and took notes.

On the Corps program and issues there were program experts from each area who gave a brief overview of each program. LTC Dittman and Joe Dixon, the moderator from the Corps were effective in responding to the flow of the meeting.

3. Other Participants:

The only participants other than the Corps and the Tribes was a representative from the BIA, Michael Smith. He provided useful input for discussion.

4. Other observations and notes:

The format that we had at the Phoenix meeting made for more intimate discussion that the more public meeting in Window Rock.

E. WORKSHOP EVALUATION

1. Overall evaluation

Overall the workshop was a success. The tribes were given an overview of the mission and capabilities of the Corps. In turn, the Corps was received an introduction to the problems, concerns, and needs of the tribes present. This short term evaluation of success is based on the fact that the participants seemed to be genuinely interested in what we had to say. They took notes and asked questions. In addition , we are, and will be taking some actions to follow up on their requests and concerns. This workshop is the first step in the process of improving relationships with the tribe. As a first step this workshop can be judged a success.

2. Suggestions for improvements in workshops

Spend more time in person prior to the workshop to increase attendance, and to better develop the agenda.

AFTER ACTION REPORT
TRIBAL WORKSHOP ASSESSMENT
OMAHA AND KANSAS CITY DISTRICTS

22 MAY 1995

TRIBAL WORKSHOP ASSESSMENT

A. WORKSHOP ADMINISTRATION

1. **BIA Area Office:** Aberdeen & Anadarko
2. **Sub-Region:** CEMRO & CEMRK
3. **Date of Workshop:** 22 May 1995
4. **Length of Workshop (days):** 1 day
5. **Location of Workshop:** Omaha, NE at Ramada Inn conference center
6. **Corps Districts/Divisions involved:** CEMRD, CEMRO & CEMRK
7. **Corps participants at workshop:** see enclosure 1
8. **Tribal participants at workshop:** see enclosure 1
9. **Total number of participants at workshop:** 28

B. WORKSHOP OUTPUTS

1. **Issues raised by Tribes or Corps:** as attached

C. WORKSHOP PLANNING & PREPARATION

1. **Description of workshop planning process:**

a) The most useful material was the BIA/Tribal directory.

b) The least useful information was the "How to Hold a Workshop" outline in Appendix D.

c) The workshop planning committee was composed of:

Mike George, Native American Coordinator, Exec. Office
Debbie Brey, Section 22 Coordinator, Planning Div.
Ralph Werthman, Realty Specialist, Real Estate Div.
Mary Dills, MAJ USACE, Regulatory Branch
Marty Timmerwilke, Outdoor Rec. Planner, Operations Div.
Roger Grosser, Archeologist, Operations Div. CEMRK

d) Executive Advocacy Group membership was:

Colonel Michael Meuleners, District Engineer, Omaha Dist.
Robert Roumph, Deputy District Engineer, Omaha Dist.
Dave Vader, Native American Coordinator, Omaha Dist.
Mike George, Acting Native American Coord., Omaha Dist.

e) Leadership met as needed, typically daily as workshops got closer to action date. There were no leadership issues.

f) Tribes were involved in planning through the Mni Sosi Coalition. This is a coalition of all the Tribes in the Missouri River Basin with an Executive Director. We worked through the Executive Director who had direct contact with the Tribes. We also worked with the Dakota Territory Chairmans Council, a group made up of Tribal Chairmen from each Tribe in

the Dakotas.

g) The key planning issue was how to maximize attendance. It was decided that there would be three workshops throughout the Division; that Invitational Travel Orders would be issued for 2 members of each Tribe; and that each Workshop would be a maximum of one day. This strategy limited the travel distance of any one Tribe since there are 27 reservations containing 30 Tribes over a 6 state region in the Missouri River Division; made it possible for Tribes with limited budgets to attend; and kept the time short enough to fit in busy schedules.

h) The BIA played no role.

2. Identification of workshop goals and objectives:

a) Workshop Goals and Objectives were to open a dialogue and develop points of contacts between the Tribes and the Corps on issues of mutual concern.

b) Goals and objectives were determined by the Executive Advocacy Group.

3. Workshop format:

a) The format was formal presentation followed by round table discussion.

b) The format was decided on by the Executive Advocacy Group based on information from the Mni Sosi coordination.

c) There were no facilitators hired. Colonel Michael Meuleners, District Engineer, facilitated the meeting.

4. Invitations:

a) 10 Tribes were invited.

b) 7 Tribes attended. Tribes attending were Yankton Sioux, Ponca, Omaha, Winnebago, Potowatomi, Sac & Fox, and Iowa. Tribes not attending were Flandreau, Santee and Kickapoo.

c) Tribes were given a "heads-up" phone call one month prior to the workshop by the District Native American Coordinator. An invitational letter with registration form (enclosure 2 & 3) was sent three weeks prior to the workshop. Tribes that did not register were called again one week prior to the workshop by the Native American Coordinator (or by Corps field personnel that work closely with a particular Tribe) and invited again. This was followed by a FAX of the original invitation and registration material.

d) The Mni Sosi Coalition was invited and chose to attend the

Billings, MT workshop.

5. **Agenda:** enclosure 4

D. WORKSHOP PROCESS

1. **Description of processes used in workshop:**

a) This was an "airing of concerns" meeting.

b) Workshop format was a series of short presentations of Corps capabilities to work with Tribes and then the Corps listening to Tribal concerns and problems.

c) There were no disruptions.

d) Issues were identified as workshop participants brought them forward. Workshops were kept informal and participants were encouraged to speak up at any time.

e) Decisions were made by affected program managers or the District Engineer, as appropriate.

f) Resolutions were sought by discussion and annotation by participants.

2. **Participant behavior:**

a) Ratio of workshop participation was 60% Corps and 40% Tribe.

b) There were no particularly outspoken participants. All of the Tribal participants would be considered quiet by our cultural standard. By their cultural standard they were quite verbose.

c) Tribal representatives were involved and active.

d) Both the Corps and the Tribes presented and spoke to issues.

3. **Other participants:**

a) There were no other participants at the Workshop.

4. **Other observations and notes:** Corps field people were brought in for the Workshop. These people work day-to-day with the Tribes and were able to put Tribal participants at ease as well as solve minor issues right on the spot.

E. WORKSHOP EVALUATION

1. Overall evaluation:

a) This workshop was effective for opening a dialogue with Tribes where there had been no previous contacts.

b) The most successful aspect was the "Civil Works Program and Authorities" manual that was passed out to each Tribe. This manual helped the Tribes understand the Corps bureaucracy and what the specific authorities were we could use to work with them.

c) Too many Tribes at each Workshop. This prevented one-on-one dialogue with individual Tribes.

d) The Tribes were asked for their overall assessment of the Workshop. The Kansas Tribes, the Ponca Tribe and the Omaha Tribe were all appreciative of the opportunity to meet with the Corps and open a dialogue. There were no negative comments.

2. Suggestions for improvements in workshops: There should be no additional workshops. Instead an active program should be pursued of meeting with the Tribes on a one-on-one basis. This would be more consistent with how we deal with other government entities and allow more in depth discussion of issues and problem resolution.

GOVERNMENT-TO-GOVERNMENT WORKSHOP
Omaha, Nebraska
May 22, 1995

Name	Tribe/Organization
Dennis Brown	Sac & Fox
Benny Potts	PBP Nation
John Grothaus	Corps of Engrs, Kansas City
Barry Zephier	Yankton Sioux Tribe
Daniel Archambeau	Yankton Sioux Tribe
Lucille Big Fire	Winnebago Tribe
Fred LeRoi	Ponca Tribe
Louis DeRain	White Cloud KS
Larry Cavin	Corps of Engrs, Kansas City
Ralph Werthmann	Corps of Engrs, Omaha
Roger Grosser	Corps of Engrs, Kansas City
Ralph Roza	Corps of Engrs, Omaha
Marty Timmerwilke	Corps of Engrs, Omaha
Red Harris	Corps of Engrs, Omaha
Debbie Brey	Corps of Engrs, Omaha
Lisa White Wing	Winnebago Tribe of Nebraska
Mike Knoff	Corps of Engrs, Omaha
COL Michael Meuleners	Corps of Engrs, Omaha
Mike George	Corps of Engrs, Omaha
Kevin Quinn	Corps of Engrs, Omaha
Norma Kolbe	Corps of Engrs, Omaha
Michael Shea	Corps of Engrs, Omaha
Bob Roumph	Corps of Engrs, Omaha
Steve Earl	Corps of Engrs, Omaha
Stuart Cook	Corps of Engrs, Omaha
Dr. Rudi Mitchel	Omaha Tribe of Nebr
Mark Versch	Omaha Tribe of Nebr

DRAFT

Dear **[INSERT NAME]**,

You and your representatives are invited to a U.S. Army Corps of Engineers, Omaha District, sponsored workshop on Corps and Tribal Government-to-Government relations. The workshop will be at the Fireside Inn, 1223 Mullowney Lane, Billings, MT starting at 1:00 p.m. on the afternoon of May 24, 1995. The purpose of this conference is to open a dialogue and develop points of contact between the Tribes and the Omaha District on issues of mutual concern. We also intend to solicit and encourage information from the Tribes on what we are doing right, what needs improvement, and how we, the Corps of Engineers, can help the Tribes more effectively. A copy of the conference agenda is enclosed.

To encourage maximum participation, the Corps will pay per diem (room and meals) for two participants from each Tribe as well as milage for one vehicle. Additional participants are welcomed and encouraged to attend, though we will be unable to cover their expenses. A registration form is attached and must be filled out and returned as soon as possible so that we may prepare Invitational Travel Orders and finalize accomodations.

A block of rooms has been set aside for conference participants at the Fireside Inn, (406) 248-7151. You should make your own reservations no later than May 8, 1995 and verify with the motel you are attending the Corps and Tribal Government Partnering Workshop.

If you have questions or need additional information please contact Mr. Mike George at (402) 221-3988. I look forward to meeting with you at the conference.

Sincerely,

Colonel etc.

U.S. ARMY CORPS OF ENGINEERS
OMAHA DISTRICT

REGISTRATION FORM

U.S. ARMY CORPS OF ENGINEERS
OMAHA DISTRICT

GOVERNMENT-TO-GOVERNMENT WORKSHOP
MAY 22, 1995

Please check the appropriate box:

[ ] I or my representative will be unable to attend the Government-to-Government Workshop.

[ ] I and/or my representative(s) plan to attend the Government-to-Government Workshop. There is a $4.00 registration fee for each attendee.

TRIBE/ORGANIZATION_____

NAME AND PHONE NUMBER OF PARTICIPANTS FOR INVITATIONAL TRAVEL ORDERS:

NAME:_____**PHONE #**_____

NAME:_____**PHONE #**_____

NAME OF OTHER PARTICIPANTS:

_____

_____

_____

_____

_____

[ ] Registration Fee of $4.00 per person enclosed. (Make checks payable to Mike George).

[ ] Participants will pay registration fee at Workshop.

PLEASE FAX OR MAIL THIS FORM BY MAY 12, 1995

U.S. Army Corps of Enigineers
Omaha District, attn: CEMRO-DP-NA
215 North 17th Street
Omaha, NE 68102-4978

FAX: (402) 280-0074

U.S. ARMY CORPS OF ENGINEERS
OMAHA DISTRICT
KANSAS CITY DISTRICT

GOVERNMENT-TO-GOVERNMENT
WORKSHOP

RAMADA INN AIRPORT, OMAHA, NE
MAY 22, 1995

AGENDA

1200 - 1300	REGISTRATION
1300 - 1315	WELCOME and INTRODUCTION
1315 - 1345	PLANNING ASSISTANCE AUTHORITIES & ABILITIES
1345 - 1415	REGULATORY PROGRAM (SECTION 10/404) APPLICABILITY TO TRIBES
1415 - 1500	**BREAK**
1515 - 1540	EMERGENCY OPERATIONS ATHORITIES & ABILITIES
1540 - 1600	REAL ESTATE AND LEASING ISSUES
1600 - 1630	PROJECT OPERATIONS (FT. RANDALL, GAVINS POINT, MISSOURI RIVER)
1630 - ?	**OPEN FORUM**--Q & A; DISCUSSION

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

all

Issue Raised By: Tribe

Issue Description: Lack of flood plain delineations on reservations.

Type of Issue: Product

Consequence of resolving issue versus not resolving:
Resolving this will improve relations with the Tribes but will be at an added financial cost to the Corps. This will help Tribes in locating housing for their members.

Resolution/decision regarding issue: District will contact Tribes under Planning Assistance programs and schedule work for delineating flood plains.

Specific actions agreed upon to address issue, including who is responsible:

Short-term actions: Planning will contact Tribes.

Long-term actions: Flood plain studies will be initiated.

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

Issue Raised By: Tribe

Issue Description: Cost Share requirments for Tribes under Planning Assisstance programs are too high and prohibit Tribal participation.

Type of Issue: Process

Consequence of resolving issue versus not resolving:
Resolving this will improve relations with the Tribes but will be at an added financial cost to the Corps.

Resolution/decision regarding issue: Concerns will be forwarded to Head Quarters.

Specific actions agreed upon to address issue, including who is responsible:

Short-term actions: District will forward concerns as part of after action report.

Long-term actions: None

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

Issue Raised By: Tribe

Issue Description: Federal Acquisition Regulations (FAR) do not recognize sovereign status of Tribes.

Type of Issue: Process

Consequence of resolving issue versus not resolving:
Resolving this will improve relations with the Tribes. There would need to be new authorities such as laws or regulations to change the FAR.

Resolution/decision regarding issue: Tribe was informed of how the FAR is out of the Corps control.

Specific actions agreed upon to address issue, including who is responsible:

Short-term actions: Make concern part of after action report.

Long-term actions: None

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

Issue Raised By: Tribe

Issue Description: Availability of Section 404 program for assumption of Tribes. Money and/or training available under program to Tribes.

Type of Issue: Process

Consequence of resolving issue versus not resolving:
Resolving this will improve relations with the Tribes and save the Corps administrative costs of the program on the reservations.

Resolution/decision regarding issue: Tribes were introduced to applicable Regulatory program managers. They were informed about the program and what is required to assume it from EPA.

Specific actions agreed upon to address issue, including who is responsible:

Short-term actions: State Regulatory program managers will meet with Tribes about training and technical assistance.

Long-term actions: Continue Tribal coordination.

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

Issue Raised By: Tribe

Issue Description: Relative low priority of Glover's Point as a mitigation site as part of the Missouri River Mitigation construction. Tribe wants it a higher priority.

Type of Issue: Product

Consequence of resolving issue versus not resolving:
Resolving this will improve relations with the Tribes.

Resolution/decision regarding issue: Missouri River Project Manager is going to meet on-site with Tribe to assess the mitigation value of the site.

Specific actions agreed upon to address issue, including who is responsible:

Short-term actions: On-site meeting by project manager with Tribe.

Long-term actions: Evaluate potential for increasing priority of site and keep Tribe informed.

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

Issue Raised By: Tribe

Issue Description: Tribal hunting and fishing jurisdiction on Corps land. Tribes do not have authority over non-tribal members on Corps land even within the boundaries of a reservation. Corps should give them jurisdiction by regulation (Change to Title 36).

Type of Issue: Process

Consequence of resolving issue versus not resolving:
Resolving this will improve relations with the Tribes but severly hurt relations with States. This issue is a result of the U.S. Supreme Court Bourland decision.

Resolution/decision regarding issue: Tribes concerns will be forwarded as part of after action report.

Specific actions agreed upon to address issue, including who is responsible:

Short-term actions: Concern will be part of after action report.

Long-term actions: Will require a change in the 1944 Flood Control Act.

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

Issue Raised By: Tribe

Issue Description: Availability of Corps lands to Tribes for recreation development.

Type of Issue: Process

Consequence of resolving issue versus not resolving:
Resolving this will improve relations with the Tribes.

Resolution/decision regarding issue: Tribes were informed of procedures for leasing land either under commercial or parks & recreation leases. Tribes were introduced to applicable Field Project Managers.

Specific actions agreed upon to address issue, including who is responsible:

Short-term actions: Tribes will contact Project Managers when they are interested in leasing land.

Long-term actions: None

TRIBAL WORKSHOP ASSESSMENT

A. WORKSHOP ADMINISTRATION

1. **BIA Area Office:** Aberdeen
2. **Sub-Region:** CEMRO
3. **Date of Workshop:** 23 May 1995
4. **Length of Workshop (days):** 1 day
5. **Location of Workshop:** Bismarck, ND at Radisson Inn
6. **Corps Districts/Divisions involved:** CEMRD, CEMRO
7. **Corps participants at workshop:** see enclosure 1
8. **Tribal participants at workshop:** see enclosure 1
9. **Total number of participants at workshop:** 28

B. WORKSHOP OUTPUTS

1. **Issues raised by Tribes or Corps:** as attached

C. WORKSHOP PLANNING & PREPARATION

1. **Description of workshop planning process:**

a) The most useful material was the BIA/Tribal directory.

b) The least useful information was the "How to Hold a Workshop" outline in Appendix D.

c) The workshop planning committee was composed of:

Mike George, Native American Coordinator, Exec. Office
Debbie Brey, Section 22 Coordinator, Planning Div.
Ralph Werthman, Realty Specialist, Real Estate Div.
Mary Dills, MAJ USACE, Regulatory Branch
Marty Timmerwilke, Outdoor Rec. Planner, Operations Div.
Roger Grosser, Archeologist, Operations Div. CEMRK

d) Executive Advocacy Group membership was:

Colonel Michael Meuleners, District Engineer, Omaha Dist.
Robert Roumph, Deputy District Engineer, Omaha Dist.
Dave Vader, Native American Coordinator, Omaha Dist.
Mike George, Acting Native American Coord., Omaha Dist.

e) Leadership met as needed, typically daily as workshops got closer to action date. There were no leadership issues.

f) Tribes were involved in planning through the Mni Sosi Coalition. This is a coalition of all the Tribes in the Missouri River Basin with an Executive Director. We worked through the Executive Director who had direct contact with the Tribes. We also worked with the Dakota Territory Chairmans Council, a group made up of Tribal Chairmen from each Tribe in the Dakotas.

g) The key planning issue was how to maximize attendance. It was decided that there would be three workshops throughout the Division; that Invitational Travel Orders would be issued for 2 members of each Tribe; and that each Workshop would be a maximum of one day. This strategy limited the travel distance of any one Tribe since there are 27 reservations containing 30 Tribes over a 6 state region in the Missouri River Division; made it possible for Tribes with limited budgets to attend; and kept the time short enough to fit in busy schedules.

h) The BIA played no role.

2. Identification of workshop goals and objectives:

a) Workshop Goals and Objectives were to open a dialogue and develop points of contacts between the Tribes and the Corps on issues of mutual concern.

b) Goals and objectives were determined by the Executive Advocacy Group.

3. Workshop format:

a) The format was formal presentation followed by round table discussion.

b) The format was decided on by the Executive Advocacy Group based on information from the Mni Sosi coordination.

c) There were no facilitators hired. Colonel Michael Meuleners, District Engineer, facilitated the meeting.

4. Invitations:

a) 9 Tribes were invited.

b) 7 Tribes attended. Tribes attending were Turtle Mtn Band of Chippewa, Cheyenne River Sioux Tribe, Crow Creek Sioux Tribe, Rosebud Sioux Tribe, Standing Rock Sioux Tribe, Sisseton-Wahpeton Sioux Tribe, and the Oglala Sioux of the Pine Ridge. Tribes not attending were the Lower Brule Sioux Tribe and the Three Affiliated Tribes.

c) Tribes were given a "heads-up" phone call one month prior to the workshop by the District Native American Coordinator. An invitational letter with registration form (enclosure 2 & 3) was sent three weeks prior to the workshop. Tribes that did not register were called again one week prior to the workshop by the Native American Coordinator (or by Corps field personnel that work closely with a particular Tribe) and invited again. This was followed by a FAX of the original invitation and registration material.

d) The Mni Sosi Coalition was invited and chose to attend the Billings, MT workshop.

5. Agenda: enclosure 4

D. WORKSHOP PROCESS

1. Description of processes used in workshop:

a) This was an "airing of concerns" meeting.

b) Workshop format was a series of short presentations of Corps capabilities to work with Tribes and then the Corps listening to Tribal concerns and problems.

c) There were no disruptions.

d) Issues were identified as workshop participants brought them forward. Workshops were kept informal and participants were encouraged to speak up at any time.

e) Decisions were made by affected program managers or the District Engineer, as appropriate.

f) Resolutions were sought by discussion and annotation by participants.

2. Participant behavior:

a) Ratio of workshop participation was 60% Corps and 40% Tribe.

b) There were no particularly outspoken participants. All of the Tribal participants would be considered quiet by our cultural standard. By their cultural standard they were quite verbose.

c) Tribal representatives were involved and active.

d) Both the Corps and the Tribes presented and spoke to issues.

3. Other participants:

a) There were no other participants at the Workshop.

4. Other observations and notes: Corps field people were brought in for the Workshop. These people work day-to-day with the Tribes and were able to put Tribal participants at ease as well as solve minor issues right on the spot.

E. WORKSHOP EVALUATION

1. Overall evaluation:

a) This workshop was effective for opening a dialogue with Tribes where there had been no previous contacts.

b) The most successful aspect was the "Civil Works Program and Authorities" manual that was passed out to each Tribe. This manual helped the Tribes understand the Corps bureaucracy and what the specific authorities were we could use to work with them.

c) Too many Tribes at each Workshop. This prevented one-on-one dialogue with individual Tribes.

d) The Tribes were asked for their overall assessment of the Workshop. The Cheyenne River Sioux Tribe, the Rose Bud Sioux and the Crow Creek Sioux Tribe were appreciative of the opportunity to meet with the Corps and open a dialogue. There were no negative comments.

2. Suggestions for improvements in workshops: There should be no additional workshops. Instead an active program should be pursued of meeting with the Tribes on a one-on-one basis. This would be more consistent with how we deal with other government entities and allow more in depth discussion of issues and problem resolution.

GOVERNMENT-TO-GOVERNMENT WORKSHOP
Bismarck, North Dakota
May 23, 1995

Name	Tribe/Organization
Everette Enno	Trenton Indian Service Area
Louis DuBray	Cheyenne River Sioux Tribe
Pearl G. Iron Shell	Rosebud S. Tribe
Dale Kastner	Corps of Engrs, Omaha
Tim Kolke	Corps of Engrs, Omaha
Mike George	Corps of Engrs, Omaha
Henry LaDue	Turtle Mtn Band of Chippewa Trenton Indian Service
Kevin Kirkie	Crow Creek
Tony Willman	Crow Creek
Jim Winters	Corps of Engrs, Omaha
Steve Tanner	Sisseton Wahpeton Sioux Tribe
Shiela M. Crawford	Sisseton Wahpeton Sioux Trib
Daniel M. Cimarosti	Corps of Engrs, Omaha
Debbie Brey	Corps of Engrs, Omaha
George H. Wolf	Corps of Engrs, Omaha
A.K. (Konnie) Olson	Corps of Engrs, Omaha
Phillip Sheffield	Corps of Engrs, Omaha
Jason Renschler	Corps of Engrs, Omaha
Duanna Pudwill	Standing Rock Sioux Tribe
COL Michael Meuleners	Corps of Engrs, Omaha
Steve Naylor	Corps of Engrs, Omaha
Ralph Werthmann	Corps of Engrs, Omaha
Bob Roumph	Corps of Engrs, Omaha
Red Harris	Corps of Engrs, Omaha
Marty Timmerwilke	Corps of Engrs, Omaha
Cliff Weber	Corps of Engrs, Omaha
Bob Kindrick	Corps of Engrs, Omaha
Roy Proffitt	Corps of Engrs, Omaha

REGISTRATION FORM

U.S. ARMY CORPS OF ENGINEERS
OMAHA DISTRICT

GOVERNMENT-TO-GOVERNMENT WORKSHOP
MAY 23, 1995

Please check the appropriate box:

[ ] I or my representative will be unable to attend the Government-to-Government Workshop.

[ ] I and/or my representative(s) plan to attend the Government-to-Government Workshop. There is a $4.00 registration fee for each attendee.

TRIBE/ORGANIZATION_____

NAME AND PHONE NUMBER OF PARTICIPANTS FOR INVITATIONAL TRAVEL ORDERS:

NAME:_____**PHONE #**_____

NAME:_____**PHONE #**_____

NAME OF OTHER PARTICIPANTS:

_____

_____

_____

_____

_____

[ ] Registration Fee of $4.00 per person enclosed. (Make checks payable to Mike George).

[ ] Participants will pay registration fee at Workshop.

PLEASE FAX OR MAIL THIS FORM BY MAY 12, 1995

U.S. Army Corps of Enigineers
Omaha District, attn: CEMRO-DP-NA
215 North 17th Street
Omaha, NE 68102-4978

FAX: (402) 280-0074

DRAFT

Dear **[INSERT NAME]**,

You and your representatives are invited to a U.S. Army Corps of Engineers, Omaha District, sponsored workshop on Corps and Tribal Government-to-Government relations. The workshop will be at the Fireside Inn, 1223 Mullowney Lane, Billings, MT starting at 1:00 p.m. on the afternoon of May 24, 1995. The purpose of this conference is to open a dialogue and develop points of contact between the Tribes and the Omaha District on issues of mutual concern. We also intend to solicit and encourage information from the Tribes on what we are doing right, what needs improvement, and how we, the Corps of Engineers, can help the Tribes more effectively. A copy of the conference agenda is enclosed.

To encourage maximum participation, the Corps will pay per diem (room and meals) for two participants from each Tribe as well as milage for one vehicle. Additional participants are welcomed and encouraged to attend, though we will be unable to cover their expenses. A registration form is attached and must be filled out and returned as soon as possible so that we may prepare Invitational Travel Orders and finalize accomodations.

A block of rooms has been set aside for conference participants at the Fireside Inn, (406) 248-7151. You should make your own reservations no later than May 8, 1995 and verify with the motel you are attending the Corps and Tribal Government Partnering Workshop.

If you have questions or need additional information please contact Mr. Mike George at (402) 221-3988. I look forward to meeting with you at the conference.

Sincerely,

Colonel etc.

U.S. ARMY CORPS OF ENGINEERS
OMAHA DISTRICT

U.S. ARMY CORPS OF ENGINEERS
OMAHA DISTRICT

GOVERNMENT-TO-GOVERNMENT
WORKSHOP

RADISSON INN, BISMARCK, ND
MAY 23, 1995

AGENDA

1200 - 1300	REGISTRATION
1300 - 1315	WELCOME and INTRODUCTION
1315 - 1340	PLANNING ASSISTANCE AUTHORITIES & ABILITIES
1340 - 1400	REGULATORY PROGRAM (SECTION 10/404) APPLICABILITY TO TRIBES
1400 - 1415	EMERGENCY OPERATIONS AUTHORITIES & ABILITIES
1415 - 1430	REAL ESTATE AND LEASING ISSUES
1430 - 1500	**BREAK**
1500 - 1530	PROJECT OPERATIONS (BIG BEND, OAHE, GARRISON, MASTER MANUAL)
1530 - ?	**OPEN FORUM**--Q & A; DISCUSSION

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

Issue Raised By: Tribe

Issue Description: Lack of flood plain delineations on reservations.

Type of Issue: Product

Consequence of resolving issue versus not resolving:
Resolving this will improve relations with the Tribes but will be at an added financial cost to the Corps. This will help Tribes in locating housing for their members.

Resolution/decision regarding issue: District will contact Tribes under Planning Assistance programs and schedule work for delineating flood plains.

Specific actions agreed upon to address issue, including who is responsible:

Short-term actions: Planning will contact Tribes.

Long-term actions: Flood plain studies will be initiated.

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

Issue Raised By: Tribe

Issue Description: Cost Share requirments for Tribes under Planning Assisstance programs are too high and prohibit Tribal participation.

Type of Issue: Process

Consequence of resolving issue versus not resolving:
Resolving this will improve relations with the Tribes but will be at an added financial cost to the Corps.

Resolution/decision regarding issue: Concerns will be forwarded to Head Quarters.

Specific actions agreed upon to address issue, including who is responsible:

Short-term actions: District will forward concerns as part of after action report.

Long-term actions: None

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

Issue Raised By: Tribe

Issue Description: Federal Acquisition Regulations (FAR) do not recognize sovereign status of Tribes.

Type of Issue: Process

Consequence of resolving issue versus not resolving:
Resolving this will improve relations with the Tribes. There would need to be new authorities such as laws or regulations to change the FAR.

Resolution/decision regarding issue: Tribe was informed of how the FAR is out of the Corps control.

Specific actions agreed upon to address issue, including who is responsible:

Short-term actions: Make concern part of after action report.

Long-term actions: None

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

Issue Raised By: Tribe

Issue Description: Poor infrastructure such as roads and recreation areas on reservation portions of the reservoirs.

Type of Issue: Product

Consequence of resolving issue versus not resolving:
Resolving this will improve relations with the Tribes. There would need to be new authorities such as laws or regulations to do this type of work.

Resolution/decision regarding issue: Tribe was informed of lack of authority to develop new recreation areas or upgrade roads off of project lands.

Specific actions agreed upon to address issue, including who is responsible:

Short-term actions: Make concern part of after action report.

Long-term actions: None

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

Issue Raised By: Tribe

Issue Description: Lack of fencing along Corps lands.

Type of Issue: Product

Consequence of resolving issue versus not resolving:
Resolving this will improve relations with the Tribes but will have a cost to the Corps that will exceed the value of the land being fenced.

Resolution/decision regarding issue: Tribe was informed of prohibitive cost of fencing.

Specific actions agreed upon to address issue, including who is responsible:

Short-term actions: None

Long-term actions: None

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

Issue Raised By: Tribe

Issue Description: Availability of Section 404 program for assumption of Tribes. Money and/or training available under program to Tribes.

Type of Issue: Process

Consequence of resolving issue versus not resolving:
Resolving this will improve relations with the Tribes and save the Corps administrative costs of the program on the reservations.

Resolution/decision regarding issue: Tribes were introduced to applicable Regulatory program managers. They were informed about the program and what is required to assume it from EPA.

Specific actions agreed upon to address issue, including who is responsible:

Short-term actions: State Regulatory program managers will meet with Tribes about training and technical assistance.

Long-term actions: Continue Tribal coordination.

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

Issue Raised By: Tribe

Issue Description: Tribal hunting and fishing jurisdiction on Corps land. Tribes do not have authority over non-tribal members on Corps land even within the boundaries of a reservation. Corps should give them jurisdiction by regulation (Change to Title 36).

Type of Issue: Process

Consequence of resolving issue versus not resolving:
Resolving this will improve relations with the Tribes but severly hurt relations with States. This issue is a result of the U.S. Supreme Court Bourland decision.

Resolution/decision regarding issue: Tribes concerns will be forwarded as part of after action report.

Specific actions agreed upon to address issue, including who is responsible:

Short-term actions: Concern will be part of after action report.

Long-term actions: Will require a change in the 1944 Flood Control Act.

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

Issue Raised By: Tribe

Issue Description: Availability of Corps lands to Tribes for recreation development.

Type of Issue: Process

Consequence of resolving issue versus not resolving:
Resolving this will improve relations with the Tribes.

Resolution/decision regarding issue: Tribes were informed of procedures for leasing land either under commercial or parks & recreation leases. Tribes were introduced to applicable Field Project Managers.

Specific actions agreed upon to address issue, including who is responsible:

Short-term actions: Tribes will contact Project Managers when they are interested in leasing land.

Long-term actions: None

TRIBAL WORKSHOP ASSESSMENT

A. WORKSHOP ADMINISTRATION

1. **BIA Area Office:** Billings
2. **Sub-Region:** CEMRO
3. **Date of Workshop:** 24 May 1995
4. **Length of Workshop (days):** 1 day
5. **Location of Workshop:** Billings, MT at Fireside Inn
6. **Corps Districts/Divisions involved:** CEMRD, CEMRO
7. **Corps participants at workshop:** see enclosure 1
8. **Tribal participants at workshop:** see enclosure 1
9. **Total number of participants at workshop:** 21

B. WORKSHOP OUTPUTS

1. **Issues raised by Tribes or Corps:** as attached

C. WORKSHOP PLANNING & PREPARATION

1. **Description of workshop planning process:**

a) The most useful material was the BIA/Tribal directory.

b) The least useful information was the "How to Hold a Workshop" outline in Appendix D.

c) The workshop planning committee was composed of:

Mike George, Native American Coordinator, Exec. Office
Debbie Brey, Section 22 Coordinator, Planning Div.
Ralph Werthman, Realty Specialist, Real Estate Div.
Mary Dills, MAJ USACE, Regulatory Branch
Marty Timmerwilke, Outdoor Rec. Planner, Operations Div.
Roger Grosser, Archeologist, Operations Div. CEMRK

d) Executive Advocacy Group membership was:

Colonel Michael Meuleners, District Engineer, Omaha Dist.
Robert Roumph, Deputy District Engineer, Omaha Dist.
Dave Vader, Native American Coordinator, Omaha Dist.
Mike George, Acting Native American Coord., Omaha Dist.

e) Leadership met as needed, typically daily as workshops got closer to action date. There were no leadership issues.

f) Tribes were involved in planning through the Mni Sosi Coalition. This is a coalition of all the Tribes in the Missouri River Basin with an Executive Director. We worked through the Executive Director who had direct contact with the Tribes. We also worked with the Montana - Wyoming Tribal Leaders Council, a group made up of Tribal leaders from each Tribe in Montana and Wyoming.

g) The key planning issue was how to maximize attendance. It was decided that there would be three workshops throughout the Division; that Invitational Travel Orders would be issued for 2 members of each Tribe; and that each Workshop would be a maximum of one day. This strategy limited the travel distance of any one Tribe since there are 27 reservations containing 30 Tribes over a 6 state region in the Missouri River Division; made it possible for Tribes with limited budgets to attend; and kept the time short enough to fit in busy schedules.

h) The BIA played no role.

2. Identification of workshop goals and objectives:

a) Workshop Goals and Objectives were to open a dialogue and develop points of contacts between the Tribes and the Corps on issues of mutual concern.

b) Goals and objectives were determined by the Executive Advocacy Group.

3. Workshop format:

a) The format was formal presentation followed by round table discussion.

b) The format was decided on by the Executive Advocacy Group based on information from the Mni Sosi coordination.

c) There were no facilitators hired. Colonel Michael Meuleners, District Engineer, facilitated the meeting.

4. Invitations:

a) 11 Tribes were invited.

b) 6 Tribes attended. Tribes attending were Crow, Kootenai, Salish, Assiniboine, Fort Peck Sioux and Blackfeet. Tribes not attending were Rocky Boy, Northern Cheyenne, Arapahoe, Shoshone and Ft. Belknap.

c) Tribes were given a "heads-up" phone call one month prior to the workshop by the District Native American Coordinator. An invitational letter with registration form (enclosure 2 & 3) was sent three weeks prior to the workshop. Tribes that did not register were called again one week prior to the workshop by the Native American Coordinator (or by Corps field personnel that work closely with a particular Tribe) and invited again. This was followed by a FAX of the original invitation and registration material.

d) The Mni Sosi Coalition was invited and chose to attend the Billings, MT workshop.

5. Agenda: enclosure 4

D. WORKSHOP PROCESS

1. Description of processes used in workshop:

a) This was an "airing of concerns" meeting.

b) Workshop format was a series of short presentations of Corps capabilities to work with Tribes and then the Corps listening to Tribal concerns and problems.

c) There were no disruptions.

d) Issues were identified as workshop participants brought them forward. Workshops were kept informal and participants were encouraged to speak up at any time.

e) Decisions were made by affected program managers or the District Engineer, as appropriate.

f) Resolutions were sought by discussion and annotation by participants.

2. Participant behavior:

a) Ratio of workshop participation was 50% Corps and 50% Tribe.

b) There were no particularly outspoken participants. All of the Tribal participants would be considered quiet by our cultural standard. By their cultural standard they were quite verbose.

c) Tribal representatives were involved and active.

d) Both the Corps and the Tribes presented and spoke to issues.

3. Other participants:

a) Mni Sosi Tribal Coalition sent 2 representatives.

4. Other observations and notes: Corps field people were brought in for the Workshop. These people work day-to-day with the Tribes and were able to put Tribal participants at ease as well as solve minor issues right on the spot.

E. WORKSHOP EVALUATION

1. Overall evaluation:

a) This workshop was effective for opening a dialogue with Tribes where there had been no previous contacts.

b) The most successful aspect was the "Civil Works Program and Authorities" manual that was passed out to each Tribe. This manual helped the Tribes understand the Corps bureaucracy and what the specific authorities were we could use to work with them.

c) Too many Tribes at each Workshop. This prevented one-on-one dialogue with individual Tribes.

d) The Tribes were asked for their overall assessment of the Workshop. The Salish and Kootenai and Fort Peck Tribes were appreciative of the opportunity to meet with the Corps and open a dialogue. There were no negative comments.

2. Suggestions for improvements in workshops: There should be no additional workshops. Instead an active program should be pursued of meeting with the Tribes on a one-on-one basis. This would be more consistent with how we deal with other government entities and allow more in depth discussion of issues and problem resolution.

GOVERNMENT-TO-GOVERNMENT
Billings, Montana
May 24, 1995

Name	Tribe/Organization
Bill Stops	Crow Tribe
Mark Running Wolf	Blackfeet Water Resources
Joseph W. Weatherwax	Blackfeet Water Resources
Carl Fourstar	Fort Peck Tribes
Walt Big Crow	Oglala Sioux Tribe
J. Lloyd Jackson	Flathead Nation
Naida Lefthand	Kootenai
Ray K. Eder	Fort Peck Tribes
Woody Corbine	Mni Sose Intertribal Coalition
Christine Goodluck	Crow Tribe
COL Michael Meuleners	Corps of Engrs, Omaha
Bob Roumph	Corps of Engrs, Omaha
Mike George	Corps of Engrs, Omaha
Ralph Werthmann	Corps of Engrs, Omaha
Marty Timmerwilke	Corps of Engrs, Omaha
Debbie Brey	Corps of Engrs, Omaha
Red Harris	Corps of Engrs, Omaha
Bob McInerney	Corps of Engrs, Omaha
Matt Bilodeau	Corps of Engrs, Omaha
Roy Snyder	Corps of Engrs, Omaha
John Daggett	Corps of Engrs, Omaha

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Sincerely,

Colonel etc.

REGISTRATION FORM

U.S. ARMY CORPS OF ENGINEERS
OMAHA DISTRICT

GOVERNMENT-TO-GOVERNMENT WORKSHOP
MAY 24, 1995

Please check the appropriate box:

[ ] I or my representative will be unable to attend the Government-to-Government Workshop.

[ ] I and/or my representative(s) plan to attend the Government-to-Government Workshop. There is a $4.00 registration fee for each attendee.

TRIBE/ORGANIZATION_____

NAME AND PHONE NUMBER OF PARTICIPANTS FOR INVITATIONAL TRAVEL ORDERS:

NAME:_____**PHONE #**_____

NAME:_____**PHONE #**_____

NAME OF OTHER PARTICIPANTS:

_____

_____

_____

_____

_____

[ ] Registration Fee of $4.00 per person enclosed. (Make checks payable to Mike George).

[ ] Participants will pay registration fee at Workshop.

PLEASE FAX OR MAIL THIS FORM BY MAY 12, 1995

U.S. Army Corps of Enigineers
Omaha District, attn: CEMRO-DP-NA
215 North 17th Street
Omaha, NE 68102-4978

FAX: (402) 280-0074

U.S. ARMY CORPS OF ENGINEERS
OMAHA DISTRICT

GOVERNMENT-TO-GOVERNMENT
WORKSHOP

FIRESIDE INN, BILLINGS, MT
MAY 24, 1995

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1515 - 1545	PROJECT OPERATIONS (FT. PECK, MASTER MANUAL)
1515 - ?	**OPEN FORUM**--Q & A; DISCUSSION

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

Issue Raised By: Tribe

Issue Description: Cofidentiality of cultural resources studies done on project lands or part of planning assistance. Concerned that pot hunters will get information and loot sites.

Type of Issue: Process

Consequence of resolving issue versus not resolving:
Resolving this will improve relations with the Tribes and protect cultural sites.

Resolution/decision regarding issue: Tribes were informed information is not released to the general public. FOIA concerns will be researched and findings reported to the Mni Sosi coalition.

Specific actions agreed upon to address issue, including who is responsible:

Short-term actions: District Native American Coordinator will research FOIA concern and forward answer to Mni Sosi.

Long-term actions: None

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

Issue Raised By: Tribe

Issue Description: Availability of Section 404 program for assumption of Tribes. Money and/or training available under program to Tribes.

Type of Issue: Process

Consequence of resolving issue versus not resolving:
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Specific actions agreed upon to address issue, including who is responsible:

Short-term actions: State Regulatory program managers will meet with Tribes about training and technical assistance.

Long-term actions: Continue Tribal coordination.

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

Issue Raised By: Tribe

Issue Description: Flooding of cultural sites below Hungry Horse Dam in Montana caused by water releases from the dam. Flathead Nation is frustrated with lack of concern from Federal agencies involved including the USFS, COE, BOR and BPA.

Type of Issue: Product

Consequence of resolving issue versus not resolving:
Resolving this will improve relations with the Tribes and protect cultural sites.

Resolution/decision regarding issue: This dam is in NPD jurisdiction and Tribe was referred to them. Tribe was aware of jurisdiction but felt NPD was not responsive. We agreed to make concerns as part of after action report.

Specific actions agreed upon to address issue, including who is responsible:

Short-term actions: Make part of after action report.

Long-term actions: None

TRIBAL ASSESSMENT ISSUE SUMMARY FORM

Issue Raised By: Tribe

Issue Description: Lack of flood plain delineations on reservations.

Type of Issue: Product

Consequence of resolving issue versus not resolving:
Resolving this will improve relations with the Tribes but will be at an added financial cost to the Corps. This will help Tribes in locating housing for their members.

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