

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

Prepared by

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Introduction

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

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

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

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

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

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

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

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

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

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

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

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

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

Recommendation to AMWG

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

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

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