

1.0 CHARTER

1.1 Authority

Specific authority is under the Northwestern New Mexico Rural Water Projects Act (Subtitle B of Title X, P. L. 111-11) (the Act)

1.2 Purpose

Efforts are necessary to move the requirements of this Acts forward to implementation. There is a critical need to have 1) a clear understanding of the major activities that need to occur, their sequencing and interrelationships, and their implications on out year budgets and 2) well defined project management processes, implementation roles, and inter-bureau coordination mechanisms at the regional and Washington, D.C. levels. It is understood that interaction and communication with non-federal parties is also critical and similar efforts will be necessary by those parties. This plan addresses these efforts and is intended to outline the means for the NSJST to move forward toward implementation of the Settlement.

1.3 Stakeholders (Those who's interests may be affected by the outcome)

All federal and non-federal parties required to achieve agreements for successful Act implementation:

- Navajo Nation
- Jicarilla Apache Nation
- State of New Mexico (State Engineer's Office and Interstate Stream Commission)
- City of Gallup
- Secretary's Indian Water Rights Office
- Department of Interior Solicitor
- Department of Justice
- U. S. Fish and Wildlife Service
- Bureau of Indian Affairs
- Bureau of Reclamation

The roles, responsibilities and authorities of the stakeholders are defined within each party's legislation, policies, and rules.

1.3 Federal and Non-federal Implementation Team (IT)

1.3.1 The following parties have agreed to form an IT:

- The Navajo Nation (Department of Justice and DWR)
- State of New Mexico (State Engineer's Office and Interstate Stream Commission)
- Department of Interior Solicitor
- Department of Justice
- U. S. Fish and Wildlife Service
- Bureau of Indian Affairs
- Bureau of Reclamation (IT Lead)

1.3.2 The names, roles, authority, responsibilities, and competencies of the IT members are found in Attachment A.

1.4 Objectives

- 1.4.1 Work together with the common goals of completing the Act implementation which meets the deadlines set forth in the Act.
- 1.4.2 Provide a mechanism for consultation and negotiation aimed towards resolving the issues identified during this process by the participants in a transparent fashion.
- 1.4.3 Avoid surprises. In particular, strive to identify early, all significant issues in order to allow the team the opportunity for resolution at the lowest level and at the earliest possible moment.

- 1.4.4 Provide for open and complete accountability by:
 - 1.4.4.1 Conferring on key decisions.
 - 1.4.4.2 Completing all precedent to construction activities to meet deadlines set forth in the Act and completing them to coincide with the appropriations and the design/construction schedules.
 - 1.4.4.3 Bringing issues of disagreement together to the decisions makers with federal and non-federal parties, where possible.
 - 1.4.4.4 Implementation activities schedule control.
 - 1.4.4.5 Effective budgetary planning.
 - 1.4.4.6 Avoid delays to “time critical” actions.
 - 1.4.4.7 Work issues to their end, at the lowest level possible.
 - 1.4.4.8 Try to work together – Keep issues with the NSJST and avoid going around the Team.

1.5 Public’s Role

- 1.5.1 Documents, when determined appropriate will be made available and posted on an internet site. Some contract negotiations will be publicly advertised and be held open to the public. It is the objective of the Team to provide as much opportunity to the public as possible to be informed and means to achieve this will be constantly reviewed.

2.0 SCOPE MANAGEMENT

- 2.1 The scope of the Implementation Team’s work is defined within the Act. It is acknowledged that during the implementation process, change may occur. Change could occur through mutual agreement, by court order, subsequent legislation, and/or some party’s policies, rules or procedures. It is critical that should such a change or potential for change be identified, that the IT Leader be notified immediately.
- 2.2 Deliverables
The various deliverables required for implementation are described in the implementation schedule. It may be necessary to break activities/issues into smaller focus groups (teams/sub-teams). Each will be assigned a leader with responsibilities found within this document.
- 2.3 Attachment B lists the main activities and the IT members responsible and the supporting members.

3.0 SCHEDULE MANAGEMENT

- 3.1 All activities required to accomplish the requirements of the Act will be listed in a schedule. The definitions of an activity are those which are expected to be greater than 2 weeks in duration. Activity durations can only be adjusted with the approval of the IT Leader, based upon the recommendations of the Team.
- 3.2 The critical path for the Act implementation will be identified and closely monitored. Float is defined as the amount of calendar days between the planned finish of an activity and a milestone. No entity or IT member owns float. The entire Implementation Team owns the float.
- 3.3 A standing function of full IT meetings will be to update progress on the schedule.

4.0 QUALITY MANAGEMENT

4.1 Document Control

- 4.1.1 It is planned to carefully control draft documents in an attempt to assure the latest document is always the subject of discussions and reviews and to avoid re-work. It is intended to develop a shared directory where the latest documents

will be made available. It will be the Team/sub-team leader's responsibility to assure the latest versions of the documents are being utilized.

4.2 Agreement/Contract Approvals/Signature Process

- 4.2.1 The Team Leader will determine the processes and estimated durations required for each document they are responsible for through final signature and/or approval. This process will be monitored thru the schedule.

4.3 Change Control Process

- 4.3.1 When a change is required from the implementation process, these Principles of Business (including schedule, activity logic, responsibilities, etc.) the Team Leader will bring those items to the full IT for discussion and implementation approval.

5.0 COMMUNICATION MANAGEMENT

5.1 Implementation Team Needs

- 5.1.1 Internal Team (horizontal needs)
 - 5.1.1.1 Use email, unless issue demands in writing
 - 5.1.1.2 It is envisioned to have an electronic document repository for ease on the teams to avoid duplication of efforts. Attorney client privilege must be protected for such a concept.
- 5.1.2 Three Forms:
 - 5.1.2.1 Advanced planned meetings. Agenda to be supplied together with any pertinent issue papers to members by the IT Team Leader ahead of the meeting. Identification agenda items ahead by members are necessary. (Notes, action items, all decisions and issue resolutions will be documented)
 - 5.1.2.1.1 Keep Team current (status)
 - 5.1.2.1.2 Critical path activities
 - 5.1.2.1.3 Critical Issues
 - 5.1.2.1.4 Status
 - 5.1.2.1.5 Action Plans or contingency planning
 - 5.1.2.1.6 2nd Tier Issue planning
 - 5.1.2.1.7 Schedule
 - 5.1.2.1.8 Risk Level and Mitigation Plan Analysis
 - 5.1.2.1.9 Issue resolution

(Interval will be monthly or as determined by IT)

5.1.2.2 IT Team Leader distributes a "Team Issue Notification" (TIN). This is intended to immediately or as soon as practicable; notify all interested parties of an issue, change, pending decision, or the decision if it was determined to be time critical. Pertinent information to include;

- 5.1.2.2.1 Description, including the scope/magnitude of the issue.
- 5.1.2.2.2 Potential, reasonable alternatives.
- 5.1.2.2.3 Potential cost and schedule impacts.
- 5.1.2.2.4 Pre-decisional timeframe, if any.
- 5.1.2.2.5 A recommended resolution, if appropriate.

5.1.2.3 In writing: Issues will be described in letters where a TIN is not appropriate.

5.1.3 Others

Omnibus Public Lands Management Act of 2009 (Public Law 111-11)

- 5.1.3.1 Specialty meetings with Teams or party representatives. (As specifically requested by those parties)
- 5.1.3.2 Use "Guest Presentations" to assist in understanding issues

5.2 External to Implementation Team needs

5.2.1 Individual Party Needs (Vertical needs)

- 5.2.1.1 Meeting summaries will suffice.
- 5.2.1.2 Issue papers, if used.
- 5.2.1.3 A goal is to bring consistent messages to management. Briefing papers will be used by F&WS, BIA, SOL, and Reclamation. Each agency will share their version with the others in order to attempt to meet this goal.

5.3 It is envisioned a public “internet” site will be developed to provide for the appropriate transparency.

5.4 OTHER?

6.0 RISK MANAGEMENT

6.1 RISK ANALYSIS

The definition of a risk of concern is an event which if it occurs will have an impact on cost, schedule, or performance.

A quantitative approach to risk management will be utilized to assess uncertainty and the associated impacts to the project. Identified risks will be assigned an *impact* value and a *probability* value, which together indicate overall risk level. The risk level value provides a clear indication of the likelihood that any particular risk event will occur, as well as the magnitude of potential impacts likely to result from such occurrence.

The criteria for rating the probability of occurrence and the potential project impacts are summarized in the Attachment C. The Probability-Impact Matrix is a visual representation of the color-coded system used to assess the characteristics of risk. The Risk Register is a summary of the currently identified moderate to high risk items.

6.2 Risk Register

Three basic categories of risk will be analyzed. They are:

- 6.2.1 Legal/technical risks
- 6.2.2 External risks
- 6.2.3 Organizational risks.

A Risk Register can be found in the latest meeting summary.

7.0 CLOSEOUT

Implementation Team closeout will be considered complete upon completion of all of the identified agreements and contracts in the Act.

NAVAJO SAN JUAN SETTLEMENT TEAM (NSJST) – PRINCIPLES OF BUSINESS

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AGREEMENT:

We agree to strive to maintain this process in good faith to successfully coordinate and consult in managing Implementation through project completion. It is critical that each entity designate a Principal Representative to assure effective communication and representation is achieved. We believe that the Implementation Team's adoption of these processes is adequate and that signatures from the individual entities are not necessary.

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Rev July 29, 2009

ATTACHMENT A

ACT IMPLEMENTATION TEAM

Representatives of the non-federal parties are:

Navajo Nation

Stanley Pollack

Role: Team member – Assistant Attorney General, Water Rights Unit, NN, Department of Justice

Authority: Apply resources, as needed, for NN

Responsibility: Represent their respective organization and in so doing being single point of contact for other team members. Lead IT teams as assigned by the Team Leader, problem solve issues and proactively participate in risk mitigation. Communicate horizontally within NN to provide competent support and necessary reviews. Communicate vertically with NN to facilitate approvals and signatures and to provide the NN real time status information.

Competency: Provide as necessary resources for litigation and litigation risk management, legal issues, associated with ongoing litigation and future litigation (if any), agreements water contracts, hydrology, land issues, water operations, NAPI issues, NN appropriations, as appropriate, and other process legal reviews.

State of New Mexico

John Utton, NM Special Assistant Attorney General, San Juan Adjudication

John Whipple, Colorado River Program manager, NM Interstate Stream Commission

Role: Team member

Authority: Apply resources, as needed, for NM

Responsibility: Represent their respective organization and in so doing being co- points of contact for other team members. Lead IT teams as assigned by the Team Leader, problem solve issues and proactively participate in risk mitigation. Communicate horizontally within NM to provide competent support and necessary reviews. Communicate vertically with NM to facilitate approvals and signatures and to provide NM real time status information.

Competency: Provide as necessary resources for litigation and litigation risk management, legal issues, associated with ongoing litigation and future litigation, if any, hydrology, repayment contracts, water operations, water contracts, NM appropriations, as appropriate, non-tribal irrigator issues, Lower Basin States Issues and other process legal reviews.

WHO IS REPRESENTING JICARILLA APACHE NATION AND THE CITY OF GALLUP???

The following federal team members have been appointed by the Secretary's Office.

Department of Justice

Guss Guarino

Role: Team member – Trial Attorney, Indian Resources Section

Authority: Apply resources, as needed, for DOJ

Responsibility: Represent their respective organization and in so doing be a single point of contact for other team members. Lead IT teams as assigned by the Team Leader, problem solve issues and proactively

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participate in risk mitigation. Communicate horizontally within DOJ to provide competent support and necessary reviews. Communicate vertically with the DOJ to facilitate approvals and signatures and to provide real time status information.

Competency: Provide as necessary resources for litigation and litigation risk management associated with ongoing litigation and future litigation, if any (i.e., contract support, trust issues, agreements, and other process legal reviews).

Department of Interior Solicitor Office

Sue Umshler

Role: Team member – Attorney, Office of Solicitor

Authority: Apply resources, as needed, for SOL

Responsibility: Represent their respective organization and in so doing be a single point of contact for other team members. Lead IT teams as assigned by the Team Leader, problem solve issues and proactively participate in risk mitigation. Communicate horizontally within SOL to provide competent support and necessary reviews. Communicate vertically with the SOL to facilitate approvals and signatures and to provide real time status information.

Competency: Provide as necessary resources for legal issues associated with environmental compliance, contract support, trust issues, agreements, and other process legal reviews, litigation support to the DOJ.

Department of Interior Solicitor Office

Robert Hall

Role: Team member – Attorney, Office of Solicitor

Authority: Apply resources, as needed, for SOL

Responsibility: Represent their respective organization and provide backup for Sue Umshler, should she be unavailable. Lead IT teams as assigned by the Team Leader, problem solve issues and proactively participate in risk mitigation. Communicate horizontally within SOL to provide competent support and necessary reviews. Communicate vertically with the SOL to facilitate approvals and signatures and to provide real time status information. Provide focus on water storage and delivery contract issues, the water bank, Navajo water rights, and NIIP issues.

Competency: Provide as necessary resources for legal issues associated with environmental compliance, contract support, trust issues, agreements, and other process legal reviews. litigation support to the DOJ.

Fish and Wildlife Service:

Dave Campbell

Role: Team member – Aquatic Branch Chief, New Mexico Ecological Services Field Office

Authority: Apply resources, as needed, for FWS

Responsibility: Represent their respective organization and in so doing be a single point of contact for other team members. Lead IT teams as assigned by the Team Leader, problem solve issues and proactively participate in risk mitigation. Communicate horizontally within FWS to provide competent support and necessary reviews. Communicate vertically with the FWS to facilitate approvals and signatures and to provide real time status information.

Competency: Provide as necessary resources for environmental assessments, review and compliance, identification of environmental compliance issues (ESA and NEPA), federal appropriations requests (as appropriate), and other reviews as requested.

Bureau of Indian Affairs:

Christopher Banet

Role: Team member – Trust Resources and Protection Manager

Authority: Apply resources, as needed, for BIA

Responsibility: Represent their respective organization and in so doing be a single point of contact for other team members. Lead IT teams as assigned by the Team Leader, problem solve issues and proactively participate in risk mitigation. Communicate horizontally within BIA to provide competent support and

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necessary reviews. Communicate vertically with the BIA to facilitate approvals and signatures and to provide real time status information.

Competency: Provide as necessary resources for land status issues, trust issues, hydrographic survey, contract support, federal appropriations requests (as appropriate), NIIP issues, and legal reviews.

Reclamation:

Dave Trueman

Role: Team member - Manager of Technical Resources, Civil Engineer

Authority: Apply resources, as needed, for Reclamation.

Responsibility: Represent their respective organization and in so doing be a single point of contact for other team members. Lead IT teams as assigned by the Team Leader, problem solve issues and proactively participate in risk mitigation. Communicate horizontally within Reclamation to provide competent support and necessary reviews. Communicate vertically with the organization to facilitate approvals and signatures and to provide real time status information.

Competency: Provide as necessary resources for repayment support, contract support, hydrology, environmental compliance, land issues, federal appropriations requests (as appropriate), Lower Basin States Issues, and legal reviews.

Rick Ehat

Role: Team Leader - Project Construction Engineer

Authority: Apply team member resources as necessary to achieve the goals.

Responsibility: Represent their respective organization and be the backup to Dave Truman (should he be unavailable) as the single point of contact for other team members. Assign IT teams as necessary to perform required activities. Assure that issues are solved and proactively implement risk mitigation. Formulate team positions striving for consensus. Communicate horizontally within the IT to provide assignments, clearly define issues, assure necessary reviews and approvals are achieved. Act as Reclamation's construction representative on the NGWSP. Maintain the Implementation schedule, action items, issue status, decisions, facilitate the federal appropriations requests (as appropriate) and risk mitigation plans. Communicate vertically within the Department to facilitate decisions, approvals and signatures and to provide real time status information.

Competency: Provide tools for IT to perform the required tasks. Facilitate issue resolution within the IT. Facilitate issue resolution and decision making within the federal team's agencies and the Department. Interface with the technical teams on the NGWSP.

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Attachment B - rev 7/29/09

Sub-Team Assignments (Based upon current “Primary Activity” Listing, rev 6/15/09):

NOTE: Team Leads are responsible for:

- **Organizing the work**
- **Developing and revising the schedule**
- **Requesting resources, as appropriate**
- **Raising issues for resolution**
- **Reporting Progress**

Settlement Agreement Sub-Team

Support (As needed)

Stanley Pollack	NN	Team Lead
Sue Umshler	DOI	Team Member
Christopher Banet	BIA	Team Member
Guss Guarino	DOJ	Team Member
John Utton	NM	Team Member
Robert Hall	DOI	Team Member

Bidtah Becker	NN
John Leeper	NN
John Whipple	NM
Arianne Singer	NM (AG)
Dave Campbell	FWS
Carter Brown	BOR
John Bezdek*	BOR

Settlement Contract for Water Supply Sub-Team

Support (As needed)

Dave Trueman	BOR	Team Lead
Sue Umshler	DOI	Team Member
Guss Guarino	DOJ	Team Member
Dave Campbell	FWS	Team Member
Stanley Pollack	NN	Team Member
Carter Brown	BOR	Team Member
Robert Hall	DOI	Team Member

Pat Page	BOR
Bidtah Becker	NN
John Leeper	NN
John Whipple	NM
John Utton	NM
John Bezdek*	BOR

Court Processing of Decree

Support (As needed)

Guss Guarino	DOJ	Team Lead
Sue Umshler	DOI	Team Member
John Utton	NM	Team Member
Stanley Pollack	NN	Team Member

Christopher Banet	BIA
John Whipple	NM
Arianne Singer	NM (AG)
Tracy Hoffman	NM

Repayment and O&M Contracts for City of Gallup

Support (As needed)

Dave Trueman	BOR	Team Lead
Carter Brown	BOR	Team Member
???????????	COG	Team Member

Sue Umshler	DOI
John Whipple	NM
Pat Page	BOR
John Bezdek*	BOR

Repayment and O&M Contracts for Jicarilla Nation

Support (As needed)

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Omnibus Public Lands Management Act of 2009 (Public Law 111-11)

Dave Trueman

Carter Brown

??????????

Robert Hall

BOR

BOR

JAN

DOI

Team Lead

Team Member

Team Member

Team Member

Sue Umshler

John Whipple

Pat Page

John Bezdek*

DOI

NM

BOR

BOR

Cost Sharing Agreement with State of NM

Support (As needed)

Rick Ehat

Dave Trueman

Sue Umshler

John Utton

John Whipple

BOR

BOR

DOI

NM

NM

Team Lead

Team Member

Team Member

Team Member

Team Member

Carter Brown

Guss Guarino

Pat Page

Amy Haas

John Bezdek*

BOR

DOJ

BOR

NM

BOR

Gallup Water Supply

Support (As needed)

Stanley Pollack

Dave Trueman

Carter Brown

??????????

NN

BOR

BOR

COG

Team Lead

Team Member

Team Member

Team Member

Pat Page

Sue Umshler

John Whipple

John Leeper

John Bezdek*

??????????

BOR

DOI

NM

NN

BOR

JAN

Non-Navajo Irrigation Project Studies

Support (As needed)

Dave Trueman

John Whipple

BOR

NM

Team Lead

Dave Campbell

Stan Powers

FWS

BOR

* NOTE: Carter Brown is designated to provide assistance and he is responsible to coordinate with John Bezdek.

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Omnibus Public Lands Management Act of 2009 (Public Law 111-11)

Navajo San Juan Settlement

Omnibus Public Lands Management Act of 2009 (Public Law 111-11)

DRAFT LIST OF PRIMARY ACTIVITIES: rev 9/29/09

Delegation of Authority NGWSP – Propose ALP Model (WCAO Lead)

Secretary Delegate to Commissioner – required per Bezdek

Commissioner approves BON's or approval memo

FEIS (WCAO Lead)

Prelim FEIS in Region for review – completed

Prelim FEIS cooperators review – completed May 8

FEIS released to Public by Reclamation – July 7

FEIS release option for Secretary's Office – late Aug

ROD (WCAO Lead)

Draft - underway

Currently delegated to RD to sign (+30 days after FEIS)

ROD is prerequisite to construction

Include other prerequisites to construction – per Act

Settlement Agreement (NN Lead/legal sub-team)

<http://www.ose.state.nm.us/water-info/NavajoSettlement/NavajoSettlement.pdf>

Conform Agreement to Act – Stanley has a markup

Negotiate and sign by Dec 31, 2010 per section 10701(e) (1)

Signed by Secretary

Agreement is prerequisite to any construction

Waiver and Release

Settlement Contract for water supply and O&M (Reclamation lead/legal subteam)

Contract is in Appendix 4 of Settlement Agreement (above)

Contract includes water service and O&M for Navajo Nation

Conform Contract with Act

Negotiate and sign by Dec 31, 2010 per section 10701(e) (1)

Contract is prerequisite to any construction

Court Processing of Decree (DOJ lead/ legal sub-team)

Parties submit Settlement Agreement and Contract for court ruling

Partial Decree – by Dec 31, 2013 per section 10701(e) (1)

Supplemental Partial Decree – by Dec 31, 2016 per section 10701(e) (1)

Cost Allocation (Trueman Lead/WCAO)

Index project construction cost estimate for annual budget request

Use FEIS costs as basis of negotiation

Contracts to allow adjustment

Compute final allocation after construction is completed

Compute final “capability to pay” upon final cost allocation for contracts

Repayment and O&M Contracts for City of Gallup (WCAO Lead)

Basis for Negotiation (BON)

Cost allocation normally based on DPR but logical to use FEIS due to limits

Gallup repayment based on capability to pay between 25% and 35% of allocation

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Negotiate contract based on 35% with clause to allow it to drop in final
Contract is prerequisite to construction

Repayment and O&M Contracts for Jicarilla (WCAO Lead)

Basis for Negotiation (BON)
Cost allocation normally based on DPR but may use FEIS costs due to limits
Jicarilla repayment based on capability to pay between 25%-35% of allocation
Negotiate contract based on 35% with clause to allow it to drop in final
Contract is prerequisite to construction

Gallup Water Supply (NN Lead)

Third Party Contract with Jicarilla and/or Navajo and/or adjudicated right
Contract and /or water right is prerequisite to Gallup Repayment Contract and therefore
construction

Cost Sharing Agreement with State – at least \$50m (Reclamation Lead)

Negotiate, draft, and sign
Agreement is prerequisite to construction

Other Settlement Requirements

Reclamation Settlement Fund (SIWRO)

Treasury establish by 2020 (section 10501)

Conjunctive Use Wells (TBD)

Study and NEPA
Construct after Agreement signed
Construct by Dec 31, 2019 per section 10701(e) (1)

Fruitland-Cambridge Rehab (BIA)

Study and NEPA
Construct after Agreement
Construct by Dec 31, 2016 per section 10701(e) (1)

Hogback-Cudei Rehab (BIA)

Study and NEPA
Construct after Agreement
Construct by Dec 31, 2019 per section 10701(e) (1)

Other Non-Navajo Rehab (TBD)

Study and NEPA

Navajo Nation Water Resources Development Trust Fund – (BIA lead)

BIA has included request of \$6 M for FY 2010
Make all deposits by Dec 31, 2019 per section 10702

NGWSP specific items:

Preconstruction Data (WCAO (lead)/FCCO/Nation/NM/FWS/BIA)

Alignment/Right of Way (5% private)
Cultural, ESA, and Hazardous Material Surveys

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Omnibus Public Lands Management Act of 2009 (Public Law 111-11)

Final designs and updated costs
Value Engineering Study – required by OMB, DOI, law

Appropriation Ceiling - \$870M

All NGWSP appropriations count against ceiling
Updated April 2007 Appraisal Cost \$864.4m (Jan07 Base Prices)
Reclamation was careful to characterize this estimate as appraisal level cost Develop cost
estimate from final design to check ceiling
DPR – only if ceiling increase is needed

Summary of Conditions Precedent to Construction of NGWSP

Settlement Agreement and Waiver
Settlement Contract
Gallup Repayment, O&M, and Water Supply Contract
Jicarilla Repayment and O&M Contract
FEIS and ROD
NM Cost Sharing Agreement

Funding Status

FY09 - \$700k (Reclamation)
FY10 – none in Reclamation's request
FY10 – \$6m for Trust Fund - BIA

Project Committees

Project Pre-Construction Committee - TBD
Project Construction Committee – required by law
NG Steering Committee – currently in existence
Project Management Team (Internal Reclamation) – recommend initiation

Construction

Complete by Dec 31, 2024 per section 10701(e)(1)