

TRANSBOUNDARY WATERS: Crossing Cultural Boundaries for Sustainable Solutions*

A special invitation to you from the Utton Transboundary Resources Center to participate in groundbreaking discussions with others from around the country who are involved in Indian and other water rights issues

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An opportunity to increase your skills in building community to resolve threatened or pending water rights disputes

August 31 – September 3, 2004
Hyatt Regency Tamaya Resort and Spa
Santa Ana Pueblo, New Mexico

- attendance is limited and by invitation only

INVITATION

You have been recommended as a participant in a unique gathering of key stakeholders who are involved in finding solutions to critical water allocation concerns.

The Utton Transboundary Resources Center is planning to host a national invitational working conference on transboundary waters. We are inviting representatives of tribes, irrigators, communities, environmental groups, and governmental entities to come together to build their understanding and capacity in preventive diplomacy through candid creative dialogue across cultures and interests. Participants are invited to talk, listen, gather information, and increase their proficiency in building community. The purpose of the experience is to learn ways to minimize litigation over shared waters and promote long-term, sustainable resource planning.

The basis for the conference is building a shared understanding of the value of water to different user groups, through talks, small group work, and some community-building exercises. From this foundation, participants can look at ways to manage water disputes through community building.

The Problem:

Tensions among water users are being exacerbated by drought combined with urban growth and the need for water to support riverine ecology. Scarcity and competition for water require that we address interests that have been ignored in historic water agreements. These interests include the culture and quality of life of land-based communities and tribes, as well as the needs of the non-human beings that share the water resource with us. The inclusion of previously excluded interests challenges us to communicate across cultures that often understand each other imperfectly.

- Habitat for the Rio Grande silvery minnow in the Southwest and the salmon in the Northwest requires water that is already allocated. Most of us agree that environmental needs must be addressed, but we do not all agree on how it should be done.
- Many Indian water rights are still unquantified. Non-Indians are often unclear about the role of Indian sovereignty and about appropriate ways to approach tribal governments.
- It has long been assumed that irrigated agriculture is the ultimate source of water for the growth of western cities. Traditional land-based communities, farmers and ranchers often feel that powerful social and economic forces are mobilized to move their water to what are ominously called “higher-valued uses.”
- In cities as well as in the countryside, many of us fear that lack of plentiful water threatens our way of life, and in fact, our very culture.

When water is short, water users can become adversaries. Even when we are engaged in structured dialogue, too often we are not listening to each other. The will to solve water allocation problems and to plan together for our shared resource can wane in the face of complexity and misunderstanding. We find ourselves unable to face the issues, in stalemate or involved in protracted litigation.

The Approach:

This working conference builds on the Utton Center’s first successful interdisciplinary conference held in October of 2002, which brought together scientists, professionals and specialists in transboundary water problems to explore ways the disciplines can improve their approach to problem-solving. This second conference brings together the stakeholders in transboundary water disputes themselves, to study how to speak and how to listen across cultures and interests in a problem-solving environment in place of an adversarial one.

We ask participants to commit a block of undivided time to this effort, and in return, the Utton Center commits to provide participants with a unique and important experience in understanding other water cultures, listening and being listened to, and building skills in collaboration.

The Utton Center's commitment:

Our commitment to participants is:

- To provide an atmosphere that promotes open-mindedness and candor
- To facilitate dialogue and understanding among traditional water rivals
- To make available key information on water, law and culture
- To offer opportunities to build communication, community and negotiation skills
- To provide participants with opportunities to discuss areas of critical concern
- To enhance awareness of other water cultures
- To identify and present real stories of resolution or improvement in threatened or pending disputes through community building

Expected outcomes:

Our aim is for participants to take skills and information back to their communities that can help them prevent, manage and resolve water allocation disputes. Specifically, our goals are that participants:

- Acquire knowledge and understandings that provide a basis for collaboration and preventing or resolving litigation
- Gain a deeper awareness of the role of water in the cultures represented
- Form a network that can work together on solving potential problems in their states, communities, and reservations

We also hope and trust that participants will, at the close of the conference, be able to articulate what they have brought and discovered in the form of some basic principles for productive dialogue across cultures in resolving water disputes.

The Utton Center will produce a curriculum and bibliography related to the concepts and skills taught at the conference as an ongoing resource to participants and others in the water field. The conference proceedings will form a part of this resource.

The commitment we ask from participants is substantial. We are asking you to commit three days to this event. We know how busy you are, but addressing the topic of solving water-allocation problems through community building across cultures takes time and effort. We plan to take the first steps by building a community among the participants at this conference as an example that you can take back to your communities. Because of the time and attention we are asking for, we will provide comfortable surroundings that will allow you to leave your work behind and encourage you to become fully engaged with the other participants. The time spent together in meetings, at meals and during break times is critical to achieve the goals of the conference. The Utton Center will pay for your room and meals. You will pay your own travel expenses and a registration fee of \$500. This is not a money-making event for us. Rather, our goal is to gather the right people together in an atmosphere conducive to building skills and understandings that will help participants manage the critical water issues facing their communities.

A preliminary conference program is attached.

Please respond as soon as possible since space is limited.

Transboundary Waters: Crossing Cultural Boundaries for Sustainable Solutions

August 31 – September 3, 2004

Preliminary Program Agenda

August 31 Reception/Open House/Registration – optional walking tour of Santa Ana Pueblo Bosque Restoration

Day One: September 1

Continental Breakfast

Introductions -- Marilyn O'Leary, Director, The Utton Transboundary Resources Center

Invocation -- Governor Leonard Armijo, Santa Ana Pueblo

Welcome -- Dean Suellyn Scarnecchia, UNM School of Law

Keynote: Governor Bill Richardson (invited)

Presentation of hypothetical and overview of skill-building opportunities (Facilitators)

Panel: ***Perspectives on Water***

Moderator - Blane Sanchez

Tribe	Albert Hale, Arizona State Senator, Navajo Nation
Environment	Shirley Solomon, Skagit Watershed Council, Washington State
State	Estevan Lopez, Director, New Mexico Interstate Stream Commission
Agriculture	David J. Guy, Executive Director, Northern California Water Assoc.
City	George Britton, Deputy City Manager, Modesto, California
Acequia	Paula Garcia, NM Acequia Association
Federal Agency	Dale Pontius, US Solicitor's Office

Lunch

Meet in teams; work on hypothetical

Conference Video Panel: ***The Rio Jemez: A Success Story***

Governor Leonard Armijo	Santa Ana Pueblo
Governor Paul S. Chinana	Jemez Pueblo
Governor Peter M. Pino	Zia Pueblo
Gilbert Sandoval	Jemez River Water Coalition
John D'Antonio	NM State Engineer

Reception and opportunity to continue conversation

Dinner

Day Two: September 2

Continental Breakfast

Recap of Day 1 and Overview of Day 2

Community Building: Cross Cultural Collaboration – (Facilitators)

Panel: **Examples of Successful Water Resource Collaborations**

Moderator: Peter Sly

John W. Jackson , Vice-Chairman, Pyramid Lake Paiute Tribe

Laura Rose Day, Penobscot River Restoration, Maine

Jeanette Wolfley, Shoshone-Bannock Tribe Attorney (invited)

Field Trip: Pueblo of Acoma Annual Feast Day and Harvest Dance

Day Three: September 3

Breakfast

Recap of Day 2 and Overview of Day 3

Panel: **The Judicial Process: Why Judges Decide the Way they Do**

Moderator: Judge Jerald Valentine

Francis McGovern, Duke University School of Law, Snake River mediator

Judge Dan Hurlbutt, Judge, Snake River Adjudication

Vickie Gabin, Special Master, NM Federal Court adjudications

Breakout sessions to complete work on hypothetical

Lunch

What We've Learned: Advice for Community Building in a Water Setting

Field trip: Santa Ana Pueblo Bosque Restoration or Kuaua Pueblo Anasazi Ruins
Golf at the Twin Warriors Golf Club (on your own)

Conference ends