

Cooperative Management Options

Option 1. The Tribes AND the District(s) come together and form a Cooperative Management Entity (CME), and the new CME 638s operation and management of the Project.

- Equal representation on management decisions on both supply and distribution portions of the Project
- CME governed by an even-numbered (8) management board
 - Half of the members elected by irrigators
 - Half of the members appointed by the Tribes
- Alternative Dispute Resolution to resolve disputes: Mediation, arbitration, etc.
- Complete local control without unnecessary federal oversight
- No burdensome federal procurements requirements
- Redesign or waiver of federal regulations, including rate setting
- Ability to use federal funds as matching funds for grant opportunities
- Carry-over authority from year to year to allow long term planning
- No liability insurance requirement—Federal Tort Claims Act protection for all CME employees
- Eliminates pages of burdensome requirements contained in previous CME agreement including requirements for reporting, record-keeping, inspection, oversight, prior approval, etc.
- Upon approval of S. 3019, Department of Interior is obligated to enter into agreement at the request of the Tribes AND one or more Districts
- After 3 years agreement could be made perpetual

Option 2. The Tribes 638 the Project and subcontract interior Project operations to the District(s)

- Project operation is divided between the Tribes and the Districts a the Compact River Diversions (RDAs)
 - Tribes operate the Project above the RDAs
 - Districts operate the Project below the RDAs
- Coordination between Tribal and District operations could be coordinated with an even-numbered (8) management board: Half elected by irrigators; half appointed by the Tribes
- Alternative Dispute Resolution to resolve disputes: Mediation, arbitration, etc.
- Complete local control without unnecessary federal oversight
- No burdensome federal procurements requirements
- Redesign or waiver of federal regulations, including rate setting
- Ability to use federal funds as matching funds for grant opportunities
- Carry-over authority from year to year to allow long term planning
- Some liability insurance relief
 - No liability insurance requirement for Tribal employees under Federal Tort Claims Act
 - District(s) would only need to carry insurance for their own employees and scope of work
- Eliminates pages of burdensome requirements contained in previous CME agreement including requirements for reporting, record-keeping, inspection, oversight, prior approval, etc.
- Could be implemented NOW without waiting for passage of S. 3019
- Perpetual agreement term

Option 3. Some combination of the above.