

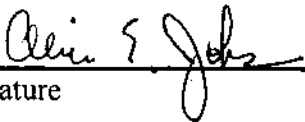
**Memorandum of Agreement**

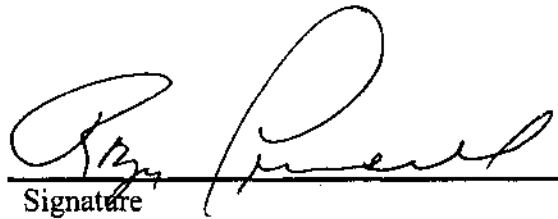
**U.S. Department of the Interior  
Bureau of Reclamation  
Nebraska-Kansas Area Office  
And  
Santee Sioux Nation of Nebraska  
For  
For Performance of the Santee Sioux Reservation MR&I Water Distribution/Treatment  
Feasibility Study**

This Memorandum of Agreement (MOA) is between the U.S. Department of the Interior, Bureau of Reclamation (Reclamation) and the Santee Sioux Nation of Nebraska (Nation). The purpose of the MOA is to define roles and responsibilities for the performance of the Santee Sioux Reservation MR&I Water Distribution/Treatment Feasibility Study.

Bureau of Reclamation

Santee Sioux Nation

  
\_\_\_\_\_  
Signature

  
\_\_\_\_\_  
Signature

Alice E. Johns  
\_\_\_\_\_  
Name

Roger Trudell  
\_\_\_\_\_  
Name

Area Manager, Nebraska-Kansas Area  
Office  
\_\_\_\_\_  
Title

Chairman  
Santee Sioux Nation of Nebraska  
\_\_\_\_\_  
Title

06/16/2005  
\_\_\_\_\_  
Date

6-10-2005  
\_\_\_\_\_  
Date

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**ARTICLE I. AUTHORITY, BACKGROUND, AND OBJECTIVE**

A. Authority

Public Law 108-204, Sec. 125 (*updated version of P.L. 107-331, Sec. 1001*) authorized a study that would determine the most feasible method of developing a safe and adequate municipal, rural, and industrial water treatment and distribution system for the Santee Sioux Reservation and the adjacent community of Center to meet their needs.

AUTHORIZING LEGISLATION - This feasibility study is authorized under Public Law 108-204, Sec. 125. That section states:

- (a) Study.--Pursuant to reclamation laws, the Secretary, acting through the Bureau of Reclamation and in consultation with the Santee Sioux Tribe of Nebraska (referred to in this subtitle as the "Tribe"), shall conduct a feasibility study to determine the most feasible method of developing a safe and adequate municipal, rural, and industrial water treatment and distribution system for the Santee Sioux Tribe of Nebraska that could serve the tribal community and adjacent communities and incorporate population growth and economic development activities for a period of 40 years.
- (b) Cooperative Agreement.--At the request of the Tribe, the Secretary shall enter into a cooperative agreement with the Tribe for activities necessary to conduct the study required by subsection (a) regarding which the Tribe has unique expertise or knowledge.
- (c) Report.--Not later than 1 year after funds are made available to carry out this subtitle, the Secretary shall submit to Congress a report containing the results of the study required by subsection (a).

(d) Authorization of Appropriations.--There is authorized to be appropriated to the Secretary to carry out this section \$500,000, to remain available until expended.

#### B. Background

The Santee Indian Reservation (Reservation) lies in the north-central part of Knox County in northeastern Nebraska and covers 184 square miles. Lewis and Clark Lake and the Missouri River form the northern boundary of the Reservation. The resident population is mostly in the Village of Santee (Village) in the northern most portion of the Reservation. The nearest off-Reservation towns are Niobrara, Nebraska, and Yankton, South Dakota, about 12 miles west and 30 miles northeast of the Village, respectively.

Currently, reservation water supplies are almost entirely from ground-water sources. Adequate supplies of good quality water are essential for supporting local economic growth and for enhancing quality of life on the Reservation. Although not perceived as a direct health risk, poor quality water delivered to the Village, cluster projects, and many rural areas imposes economic constraints on the Reservation. There are a number of water supply alternatives considered in previous planning endeavors. Alternatives included those that draw water either from surface and ground-water sources or that tie into existing rural water systems in close proximity to the Reservation.

#### C. Objective

This MOA defines the roles of the Nation and Reclamation in performance of a feasibility study of an MR&I water treatment and distribution system for the Nation as authorized by Public Law 108-204, Sec. 125. The Nation has requested Reclamation perform the feasibility study. This MOA outlines the responsibilities for Reclamation and the Nation for the performance of the feasibility study.

## ARTICLE II. STATEMENT OF WORK

#### A. Reclamation will:

Conduct the feasibility study and perform the study using a combination of either Reclamation staff and/or an architect/engineering (A/E) firm to perform study components. Reclamation has the responsibility to prepare a Feasibility Report and NEPA document for submittal to Congress. Reclamation shall conduct the study in conformity with Water Resources Council, 1983 - Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies, and the Reclamation Manual and Instructions governing feasibility studies and NEPA documents, and other applicable Federal laws and regulations. Reclamation, in consultation with the Nation, will compile a list of alternatives and screen the alternatives for those to be evaluated at the feasibility level. Feasibility-level (pre-construction) costs estimates for the construction and operation, maintenance, and repair of the screened alternatives will be prepared.

Reclamation will consult with the Nation on various aspects of the study to ensure that the study meets the requirements of the authorizing legislation and the needs of the Nation. If an A/E firm performs some of the study components, then the A/E firm may be required to obtain information from the Nation to complete those study components. Reclamation will

serve as the conduit for the request and transference of data between an A/E firm and the Nation.

**B. The Nation shall:**

Perform a support role in performance of the study by providing available data and performing tasks to be identified by Reclamation as the study progresses. Tasks and data will be provided to Reclamation in a timely manner. These tasks and data may include, but are not limited to the following:

1. Review data and procedures to arrive at 2050 population projections.
2. Provide economics development data for the 2050 planning horizon, inclusive of anticipated future business expansion.
3. Develop and provide probable Reservation unemployment projections for 2050.
4. Assist in screening alternatives to select those for detailed feasibility analyses.
5. Assist in identifying sacred sites or cultural properties that may be affected by the project.
6. Assist in compiling water quality and water use data.
7. Assist in conducting public scoping meetings.
8. Assist in canvassing Reservation residents to determine participation in hooking up to the proposed distribution system and quantifying supply needs.
9. Review and comment on draft documents as they are produced.

**ARTICLE III. FUNDING**

Contingent upon the availability of funds, Reclamation will provide staff and funding for the performance of the feasibility study. The Nation, at their own cost, will provide required staff for any requested assistance for providing data and other information in performance of the feasibility study.

**ARTICLE IV. TERM OF THE AGREEMENT**

This MOA shall remain in effect from the date of the last signature until the study is completed. The MOA maybe modified at any time by mutual agreement of both parties. Either party may choose to terminate the participation in the MOA upon written notice.

**ARTICLE V. KEY OR RESPONSIBLE PERSONNEL**

A. Reclamation  
Michael Kube 308-389-5321 (FAX 308-389-4780)  
P.O. Box 1607  
Grand Island, NE 68802

B. Nation  
Lee Eckes 402-857-2772 (FAX 402-857-2779)  
108 Spirit Lake Ave W  
Niobrara, NE 68760-8605

**ARTICLE VI. REQUIRED CLAUSES**

During the performance of the MOA, the participants agree to abide by the terms of Executive Order 11246 on nondiscrimination and will not discriminate against any person because of race, color, religion, sex, or national origin.

No member or delegate to Congress, or resident Commissioner, shall be admitted to any share or part of the agreement or to any benefit arising from it. However, this clause does not apply to the agreement to the extent that the agreement is made with a corporation for the corporation's general benefit.