

May 9, 2005

Mike Eng  
ILS. Institute for Environmental Conflict Resolution

Christopher Moore  
CDR Associates

Tribal Government Planning Meeting - Spring Rise 2000 Plenary Session

Dear Mr. Eng and Mr. Moore:

Representatives of the 29 Missouri River Basin Tribes met on May 9, 2005, in Hankinson, North Dakota, to discuss their involvement in the Corps Spring Rise Plenary Group, as a follow-up to the meeting held in New Town, North Dakota on April 26, 2005, on this same issue. It was the consensus of those Tribes in attendance at those meetings that the Federal Government and its agencies, including but not limited to the U.S. Corps of Engineers, the U. S. Fish and Wildlife Service, the Environmental Protection Agency, and the Bureau of Reclamation have a trust responsibility to protect the natural and cultural resources of all Missouri Basin Tribes pursuant to and in accordance with Executive Order 13095. This federal trust responsibility toward Missouri Basin Tribes must be first and foremost in any decision made with regard to the operation of the Missouri River water system.

Supporting but not supplanting this federal trust responsibility, the Missouri Basin Tribes who were in attendance at these meetings decided that the following Tribes shall represent Tribal Governments on the Corps Plenary Spring Rise Planning Group:

1. Ft. Peck - Ft. Peck Dam, Montana
2. Three Affiliated Tribes - Lake Sakakawea, North Dakota
3. Standing Rock Sioux Tribe- Lake Oahe, North and South Dakota
4. Cheyenne River Sioux Tribe- Lake Oahe, South Dakota
5. Lower Brule Sioux Tribe- Big Bend, South Dakota
6. Crow Creek Sioux Tribe - Big Bend, South Dakota
7. Yankton Sioux Tribe - Gavins Point, South Dakota
8. Santee Sioux Tribe - Gavins Point, Nebraska
9. Omaha Tribe - Below Gavins Point, Nebraska
10. Sac & Fox Nation, - Below Gavins Point, Kansas
11. Sisseton Wahpeton Oyate-- Off River Aquifer, North and South Dakota
12. Mni Wiconi Water system - (Rosebud and Oglala Sioux Tribes), South Dakota

As we understand it, the proposed total number comprising the Plenary Group is 40-45. Given this target number, we feel that 12 Tribal members constitutes an appropriate and representative cross-section of the essential Tribal Governmental interests. The tribal governments shall choose both a delegate and an alternate for the Plenary Group. This is consistent with and in accordance with tribal governmental processes. A list of delegates and alternate will be forwarded under separate cover.

## Corps Spring Rise Planning Group

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In addition, the non-governmental representatives that encompass the variety of interests included in the Master Manual must include equal representation of each of these interests. To that end, the Water Supply category must include two representatives and other categories of interest include two representatives. It is recommended that the Water supply category must include representation of water intakes in the lower basin in addition to upper and middle basin intakes. The reality is that there are at least six water intakes in serious jeopardy at the present time in this extended drought. These intakes are operated by rural water systems and tribal governments. These interests should be included in the Water Supply category.

An additional category which has not even been listed in the Core Planning Group, and which must be included as it is a primary responsibility of the Corps of Engineers is Cultural Preservation. Again, the representation of this category should include at least two members who are representing both the lower and upper Missouri River interests.

In addition, the Technical Working Group must include scientific staff from Tribal programs. Tribes in the basin have primary responsibility in many areas including fish and wildlife management, restoration and protection, water quality monitoring, hydrology, and archaeological assessment and mitigation and stabilization efforts. Such technical staff are often the best informed about the impacts of proposals from a technical standpoint. Therefore, as the Planning Group makes decisions about Technical Working Group Staffing, this element should not be overlooked.

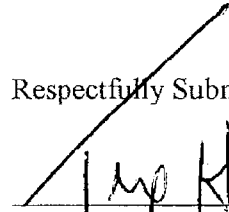
As a final note, the Mni Sose Intertribal Water Rights Coalition has volunteered to serve in the role of distribution of information on the Spring Rise Process for all tribal governments in the Missouri River basin. The Tribal representatives in attendance at the meetings in New Town and Hankinson support the designation of Mni Sose Water Rights Coalition in this role.

Please feel free contact the following individuals to discuss these recommendations and requests

- Tex Wail, President NCAT & Chairman of the Three Affiliated Tribes : (701) (701)401-1489
- J.G Crawford, Chairman of Sisseton-Wahpeton Uyate: (<A.S) 698-3911

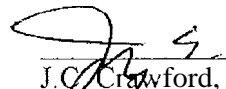
Tony Provost, President of Mni Sose Water Rights Coalition & Tribal Councilman,  
Omaha Tribe  
(402) 837-5311.

Respectfully Submitted,




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ex Hall, President NCAI  
& Chairman Three Affiliated Tribes



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J.C. Crawford, Chairman  
Sisseton-Wahpeton Oyate



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Tony Provost  
President Nlni Sose t~'ater Rights Coalition  
Tribal Council, Omaha Tribe

CC: Colonel Beade, Omaha District, COE  
Tony Provost, Nlni Sose Water Rights Coalition