

Appendix A

Tribal Information



TRIBAL APPENDIX TABLE OF CONTENTS

CONTENTS

A-1	Introduction	A-1
A-2	Corps Tribal Policy Principles	A-1
A-3	Background	A-1
A-4	Native American Tribes and the Master Manual Revision	A-2
A-5	Treaties	A-4
A-6	Trust Responsibilities	A-4
A-7	Water Rights	A-4
A-8	Environmental Justice	A-4
A-9	Tribal Impacts in the RDEIS	A-6
A-10	Consultation History	A-20
A-11	Study Government-to-Government Consultation	A-26
A-12	Compendium of Native American Comments	A-29

LIST OF FIGURES

Figure A-3-1.	Tribal Reservations in the Missouri River basin.	A-3
Figure A-9-1.	Increase in purchase power cost under the GP options.	A-19

LIST OF TABLES

Table A-9-1.	Fort Peck Reservation impacts summary for submitted alternatives.	A-7
Table A-9-2.	Fort Berthold Reservation impacts summary for submitted alternatives.	A-7
Table A-9-3.	Standing Rock Reservation impacts summary for submitted alternatives.	A-8
Table A-9-4.	Cheyenne River Reservation impacts summary for submitted alternatives.	A-8
Table A-9-5.	Lower Brule Reservation impacts summary for submitted alternatives.	A-9
Table A-9-6.	Crow Creek Reservation impacts summary for submitted alternatives.	A-9
Table A-9-7.	Yankton Reservation impacts summary for submitted alternatives.	A-10
Table A-9-8.	Ponca Tribal Lands impacts summary for submitted alternatives.	A-10
Table A-9-9.	Santee Reservation impacts summary for submitted alternatives	A-11

TRIBAL APPENDIX TABLE OF CONTENTS (CONTINUED)

Table A-9-10.	Winnebago Reservation impacts summary for submitted alternatives.	A-11
Table A-9-11.	Omaha Reservation impacts summary for submitted alternatives.	A-12
Table A-9-12.	Iowa and Sac and Fox Reservations impacts summary for submitted alternatives.	A-12
Table A-9-13.	Fort Peck Reservation impacts summary for submitted alternatives.	A-13
Table A-9-14.	Fort Berthold Reservation impacts summary for submitted alternatives.	A-13
Table A-9-15.	Standing Rock Reservation impacts summary for submitted alternatives.	A-14
Table A-9-16.	Cheyenne River Reservation impacts summary for submitted alternatives.	A-14
Table A-9-17.	Lower Brule Reservation impacts summary for submitted alternatives.	A-15
Table A-9-18.	Crow Creek Reservation impacts summary for submitted alternatives.	A-15
Table A-9-19.	Yankton Reservation impacts summary for submitted alternatives	A-16
Table A-9-20.	Ponca Tribal Lands impacts summary for submitted alternatives.	A-16
Table A-9-21.	Santee Reservation impacts summary for submitted alternatives.	A-17
Table A-9-22.	Winnebago Reservation impacts summary for submitted alternatives.	A-17
Table A-9-23.	Omaha Reservation impacts summary for submitted alternatives.	A-18
Table A-9-24.	Iowa and Sac and Fox Reservations impacts summary for submitted alternatives.	A-18

TRIBAL APPENDIX TABLE OF CONTENTS (CONTINUED)

ACRONYMS

AOP	Annual Operating Plan
BIA	Bureau of Indian Affairs
BiOp	U.S. Fish and Wildlife Service Biological Opinion
CEQ	Council on Environmental Quality
Corps	U.S. Army Corps of Engineers
CWCP	current Water Control Plan
DoD	U.S. Department of Defense
EPA	U.S. Environmental Protection Agency
ESA	Endangered Species Act
GP	Gavins Point
kcfs	thousand cubic feet per second
MAF	million acre feet
Mainstem Reservoir System	Missouri River Mainstem Reservoir System
Master Manual	Missouri River Master Water Control Manual
MCP	Modified Conservation Plan
NEPA	National Environmental Policy Act
NWD	Northwestern Division
PRDEIS	Preliminary Revised Draft Environmental Impact Statement
RDEIS	Revised Draft Environmental Impact Statement
ROD	Record of Decision
Study	Missouri River Master Water Control Manual Review and Update
USFWS	U.S. Fish and Wildlife Service
WAPA	Western Area Power Administration

A-1 INTRODUCTION

Appendix A was prepared in consideration of the U.S. Army Corps of Engineers' (Corps') responsibilities to Tribes and to enhance coordination with the Tribes during the Missouri River Master Water Control Manual Review and Update (Study). This appendix is also intended to provide a centralized location for Tribal information. The following sections are included in this appendix: Corps Tribal Policy Principles, Background, Native American Tribes and the Missouri River Master Water Control Manual (Master Manual) Revision, Treaties, Trust Responsibilities, Water Rights, Environmental Justice, Tribal Impacts in the Revised Draft Environmental Impact Statement (RDEIS), Consultation History, and Study Government-to-Government Consultation. In addition, a compendium of Native American comments received from basin Tribes throughout this Master Manual process is included in this appendix because of the Corps' limited ability to capture issues from the Tribal perspective.

A-2 CORPS TRIBAL POLICY PRINCIPLES

The Corps recognizes the principles of respect for Tribal governments and the Corps' trust responsibility. In February 1998, the Corps issued Policy Guidance Letter No. 57, Indian Sovereignty and Government-to-Government Relations with Indian Tribes, that established the following six Corps Tribal Policy Principles:

- 1) **Tribal Sovereignty** – The Corps recognizes that Tribal governments are sovereign entities with rights to set their own priorities, develop and manage Tribal and trust resources, and be involved in Federal decisions or activities that have the potential to affect these rights. Tribes retain inherent powers of self-government.
- 2) **Trust Responsibility** – In accordance with provisions of treaties, laws, and Executive Orders, as well as principles lodged in the Constitution of the United States, the Corps will work to meet Tribal trust obligations, protect trust resources, and obtain Tribal views of trust and treaty responsibilities or actions related to the Corps.
- 3) **Government-to-Government Relations** – The Corps will ensure that Tribal Chairs/Leaders

meet with Corps Commanders/Leaders and recognize that, as governments, Tribes have the right to be treated with appropriate respect and dignity in accordance with principles of self-determination.

- 4) **Pre-Decisional and Honest Consultation** – The Corps will reach out, through designated points of contact, to involve Tribes in collaborative processes designed to ensure information exchange, in consideration of disparate viewpoints before and during decision making, and utilize fair and impartial dispute resolution mechanisms.
- 5) **Self-Reliance, Capacity Building, and Growth** – The Corps will search for ways to involve Tribes in programs, projects, and other activities that build economic capacity and foster abilities to manage Tribal resources while preserving cultural identities.
- 6) **Natural and Cultural Resources** – The Corps will act to fulfill obligations to preserve and protect trust resources, comply with the Native American Graves Protection and Repatriation Act, and ensure reasonable access to sacred sites in accordance with published guidance.

Throughout the Study process the Corps has tried, both substantively and procedurally, to meet the Tribal Policy Principles identified above. We will continue that effort through the conclusion of the Study and National Environmental Policy Act (NEPA) process.

A-3 BACKGROUND

There are 30 Federally recognized Tribes located within the Missouri River basin. Thirteen Tribal Reservations and/or Tribal Lands are located directly on the Missouri River Mainstem Reservoir System (Mainstem Reservoir System) and the Lower River, while others are dispersed within tributary stream basins.

The Missouri River basin Tribes located in Montana include the Blackfeet Tribe on the Blackfeet Reservation, the Chippewa-Cree Tribe of the Rocky Boys Reservation, the Assiniboine and Gros Ventre Tribes located on the Fort Belknap Reservation, the Assiniboine and Sioux Tribes of the Fort Peck Reservation, the Crow Tribe of the Crow Reservation, and the Northern Cheyenne Tribe of the Northern Cheyenne Reservation. The Eastern Shoshone and the Northern Arapaho Tribes occupy the Wind River Reservation in Wyoming.

APPENDIX A - TRIBAL APPENDIX

The Fort Berthold Reservation, home of the Three Affiliated Tribes (Mandan, Hidatsa, and Arikara) is segmented by Lake Sakakawea in west central North Dakota. Other Tribes located in North Dakota, but outside the Missouri River drainage basin, include the Turtle Mountain Band of Chippewa and the Spirit Lake Sioux Tribe.

The Standing Rock Sioux Tribe straddles the North Dakota/South Dakota State line along the western shore of Lake Oahe. The middle basin of the Missouri River in South Dakota is also home to the Cheyenne River Sioux Tribe on the western shore of Lake Oahe, the Lower Brule Sioux Tribe on the western shore of Lake Sharpe, the Crow Creek Sioux Tribe on the eastern shore of Lake Sharpe, and the Yankton Sioux Tribe along the eastern shore of Lake Francis Case. The Oglala Sioux Tribe of the Pine Ridge Reservation and the Rosebud Sioux Tribe of the Rosebud Reservation are located west of the Missouri River. The Sisseton-Wahpeton Sioux Tribes and Flandreau are located to the east of the Missouri River.

The Ponca Tribe of Nebraska and the Santee Sioux Tribe are located along the southern shore of Lewis and Clark Lake. The lower basin Tribes include the Winnebago Tribe and Omaha Tribe, both located along the banks of the Missouri River in southeastern Nebraska and western Iowa. The Iowa Tribal Reservation is located on the western shore of the Missouri River, split evenly in southeastern Nebraska and northeastern Kansas. The Sac and Fox Indian Reservation is located in northeastern Kansas, as are the reservations of the Kickapoo Tribe and the Prairie Band of Potawatomi.

A-4 NATIVE AMERICAN TRIBES AND THE MASTER MANUAL REVISION

The U. S. Federal government has a special and unique relationship with Federally recognized Tribes. This relationship is not only defined by law and regulation, but is deeply rooted in the Nation's history. Federally recognized Tribes are dependent sovereign nations and Tribal governments are sovereign entities with rights to set their own laws, develop and manage Tribal and trust resources, and be involved in Federal decisions or activities that have the potential to affect these rights. Federally recognized Tribes have a legal relationship to the United States through treaties, Acts of Congress, Executive Orders, or other administrative actions that are independent of States. The Tribes, as

sovereign Nations, retain inherent powers of self-government.

The Corps acknowledges that the operation and maintenance of the Missouri River has the potential to significantly affect protected Tribal resources; therefore, the Corps has a legal and trust responsibility to those potentially affected Tribes. These responsibilities are described in the President's memorandum on Government-to-Government relations with Native American Tribal governments signed April 29, 1994, and the U.S. Department of Defense's (DoD's) American Indian and Alaska Native Policy signed by the Secretary of Defense October 20, 1998. The Study does not attempt to define, regulate, or quantify water rights or any other rights that the Tribes are entitled to by law or treaty, but rather to set up the framework for future relations for protection of Tribal trust resources that may be affected by the Corps' operation of the Mainstem Reservoir System.

In the course of the Study, the Corps has attempted to ensure that it has met its legal and trust responsibilities, both procedurally and substantively. In addition to the basin Tribes' involvement in the Study process, the Corps held numerous informal discussions for several years with the basin Tribes. Following publication of the Preliminary Revised Draft Environmental Impact Statement (PRDEIS) in 1998 and subsequent Tribal workshops, the Corps accelerated its efforts to fulfill its Tribal responsibilities. In February 1999, the Corps initiated formal consultation with the 30 basin Tribes; a facilitated Tribal summit was held in Rapid City, South Dakota, to initiate that consultation. Additionally, following the PRDEIS the Corps worked with the Mni Sose Intertribal Water Rights Coalition to develop a Tribal alternative. That effort culminated with the submission of recommendations by the Mni Sose Intertribal Water Rights Coalition in March 1999.

At the time the RDEIS was prepared, five basin Tribes had accepted the Corps' offer of Government-to-Government consultation and initial consultation meetings were held with those Tribes. Participating Tribes included the Standing Rock Sioux Nation, Rosebud Sioux Nation, Crow Creek Sioux Nation, Fort Peck Assiniboine Nation, and Fort Peck Sioux Nation. The Corps continues to solicit input from the Tribes regarding the consultation process (see Section A-11) and to offer consultation to all basin Tribes. Following release of the RDEIS, there will be a 6-month Tribal and public comment period. During this period

APPENDIX A - TRIBAL APPENDIX



Figure A-3-1. Tribal Reservations in the Missouri River basin.

APPENDIX A - TRIBAL APPENDIX

workshops and hearings will take place throughout the Missouri and Mississippi River basins. Tribes are encouraged to participate in the Study process by attending these workshops and hearings. In addition, the Corps will work in partnership with the Tribes regarding workshop locations, format, and content. Some Tribes have indicated they may wish to host workshops, and the Corps would be willing to assist those Tribes.

Consultation with the Tribes relative to the Master Manual revision will continue throughout the NEPA process as the Corps meets its Tribal responsibilities.

A-5 TREATIES

There are treaties with Federally recognized Tribes that address the inherent sovereign status of the Tribes. These treaties, along with statutes, Executive Orders, and agreements, form one recognized basis of Federal obligations to Tribes.

A-6 TRUST RESPONSIBILITIES

Under the Federal trust doctrine, the United States, and individual agencies of the Federal government, owe a fiduciary duty to Tribes. The nature of that duty depends on the underlying substantive laws (i.e., treaties, statutes, agreements) creating the duty. Where agency actions may affect Tribal Lands or off-Reservation treaty rights, the trust duty includes a substantive duty to protect these lands and treaty rights “to the fullest extent possible.” Otherwise, unless the law imposes a specific duty on the Federal government with respect to Native Americans, the trust responsibility may be discharged by the agency’s compliance with general statutes and regulations not specifically aimed at protecting Tribes.

A-7 WATER RIGHTS

Tribal water rights are a matter of Federal law. The Winters Doctrine applied by the Supreme Court in *Winters v. United States*, 207 U.S. 564, 1908, held that sufficient water was reserved by implication to fulfill the purposes of the Reservation at the time the Reservation was established.

When a Reservation is established with expressed or implicit purposes beyond agriculture, such as fishing and water supply, then water may also be reserved in quantities sufficient to sustain use.

The Tribes have asserted throughout the process that revision of the Master Manual and the allocation of flows to authorized project purposes and endangered species would result in the diminishment of their valuable and reasonable claims to water rights. Most recently, the Standing Rock Sioux Tribe submitted a Tribal resolution and legal analysis of this issue and rejected the Master Manual revision process (see letter 66 in Section A-12).

The Study does not attempt to define, regulate, or quantify water rights or any other rights that the Tribes are entitled to by law or treaty, but rather to set up the framework for future relations for protection of Tribal trust resources.

Missouri River basin Tribes are currently in various stages of quantifying their potential future uses of Mainstem Reservoir System water. Currently, Tribal Reservation reserved water rights have not been quantified in a legal forum or by compact except for the Wyoming settlement with the Wind River Reservation and the compacts between Montana and the Tribes of the Fort Peck Reservation (awaiting Congressional approval), Montana and the Rocky Boys Reservation (awaiting Congressional approval), and Montana and the Tribes of the Northern Cheyenne Reservation.

Until such time as the Tribes quantify their water rights and consumptively withdraw their water from the Mainstem Reservoir System, the water is in the System. As a responsible public entity, the Corps must operate the System to reflect the fact that the water is in the System.

A depletion analysis is found in Chapter 7 (7.19) of the RDEIS. The analysis reflects the impacts to Missouri River resources resulting from four levels of depletion. For economic resources, Section 7.19 of the RDEIS establishes the economic value of Missouri River water. Although the value of the Missouri River to the Tribes is measured in more than economic terms, Section 7.19 of the RDEIS does provide some insight into the economic benefits of Missouri River water.

A-8 ENVIRONMENTAL JUSTICE

Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” provides that “each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health

APPENDIX A - TRIBAL APPENDIX

or environmental effects of its programs, policies, and activities on minority populations and low-income populations.” The Executive Order makes clear that its provisions apply fully to programs involving Native Americans.

In the memorandum to heads of departments and agencies that accompanied Executive Order 12898, the President specifically recognized the importance of procedures under NEPA for identifying and addressing environmental justice concerns. The memorandum states “each Federal agency shall analyze the environmental effects, including human health, economic and social effects, of Federal actions, including effects on minority communities and low-income communities, when such analysis is required by [NEPA].” The memorandum particularly emphasizes the importance of NEPA’s public participation process, directing that “each Federal agency shall provide opportunities for community input in the NEPA process.” Agencies are further directed to “identify potential effects and mitigation measures in consultation with affected communities, and improve the accessibility of meetings, crucial documents, and notices.”

The Council on Environmental Quality (CEQ) has oversight of the Federal government’s compliance with Executive Order 12898 and NEPA. CEQ, in consultation with the U.S. Environmental Protection Agency (EPA) and other affected agencies, has developed guidance to further assist Federal agencies with their NEPA procedures so that environmental justice concerns are effectively identified and addressed. To the extent practicable and permitted by law, agencies may supplement this guidance with more specific procedures tailored to particular programs or activities of an individual department, agency, or office. The Corps has attempted to comply with Executive Order 12898 and the CEQ guidance.

Throughout the RDEIS process, the impacts to the Tribes resulting from construction of the Mainstem Reservoir System have been raised by the basin Tribes and are the backdrop for all Tribal discussions and consultation. In light of previous impacts to them, the Tribes have indicated they are gravely concerned about any additional impacts and do not trust the Corps to fulfill its legal and trust responsibilities in a meaningful way. While the scope of the Study is limited to the evaluation of impacts associated with alternative flow management plans for the operation of the Mainstem Reservoir System and assumes a baseline condition of the dams being in place, nonetheless,

because of the profound impact to the Tribes resulting from construction of the Mainstem Reservoir System and the perception that some of the Tribal members were not adequately compensated for their losses, these impacts are described below.

Impacts to Tribes resulting from construction of the Mainstem Reservoir System are significant in terms of Tribal Land and resources. A total of 349,566 acres of Tribal Land was acquired for the Pick-Sloan project. This represents just over 23 percent of the 1,499,759 total acres affected. Reservations affected by the Pick-Sloan project are identified as follows:

Reservation	Reservoir	Acres Acquired
Fort Berthold	Garrison	154,912
Standing Rock	Oahe	55,994
Cheyenne River	Oahe	99,548
Lower Brule	Big Bend	14,958
Lower Brule	Fort Randall	7,997
Crow Creek	Big Bend	6,416
Crow Creek	Fort Randall	9,149
Santee	Gavins Point	593
Total Acreage Required		349,566

For those Tribes affected by the Pick-Sloan project, the loss is significant. Native Americans rely on the land for subsistence. Food, spirituality, healing, and future economic growth for these communities are some of the principal losses felt by Native Americans in these communities today. Unlike the non-native society, who was also affected by these public works projects, Tribal members could not duplicate their old ways of life by moving to a similar environment. Identified Reservations and Tribes affected by the Mainstem Reservoir System are as follows:

Reservation	Tribe
Wind River, WY	Arapahoe Shoshone
Fort Belknap, MT	Assiniboine Gros Ventre
Fort Berthold, ND	Mandan Hidatsa Arikara
Fort Peck, MT	Assiniboine Sioux
Blackfeet, MT	Blackfeet
Northern Cheyenne, MT	Cheyenne
Rocky Boys, MT	Chippewa-Cree
Crow, MT	Crow
Omaha, NE	Omaha
Ponca, NE	Ponca

APPENDIX A - TRIBAL APPENDIX

Yankton, SD	Sioux
Cheyenne River, SD	Sioux
Crow Creek, SD	Sioux
Flandreau, SD	Sioux
Lower Brule, SD	Sioux
Pine Ridge, SD	Sioux
Rosebud, SD	Sioux
Santee, NE	Sioux
Sisseton-Wahpeton, SD	Sioux
Standing Rock, ND-SD	Sioux
Winnebago, NE	Winnebago
Iowa, KS-NE	Iowa
Sac and Fox, KS-NE	Sac and Fox
Kickapoo, KS	Kickapoo
Powtawatom, KS	Prairie Band of Powatawatom

A-9 TRIBAL IMPACTS IN THE RDEIS

The alternatives submitted to the Corps for consideration would have varying impacts on different resources for each of the 13 Tribes located on the Mainstem Reservoir System. Impacts to individual Tribes are summarized in Tables A-9-1 through A-9-12. The submitted alternatives propose various modifications to the current Water Control Plan (CWCP) as follows:

- 1) The MLDDA alternative sets aside an extra 2 million acre feet (MAF) of system storage for flood control;
- 2) The ARNRC alternative includes a combination of increased drought conservation measures, periodic spring rise, and annual decreased summer releases;
- 3) The MRBA alternative maintains year-round steady flows similar to the CWCP, but adds increased drought conservation measures and unbalanced intrasystem regulation among the upper three lakes;
- 4) The MODC alternative has the same features as the MRBA alternative, except that the summer flat release for navigation from Gavins Point Dam is extended to mid-September;
- 5) The BIOP features increased drought conservation measures and spring rises at Gavins Point and Fort Peck Dams, but higher summer flows than the ARNRC alternative; and
- 6) The FWS30 alternative is identical to the BIOP alternative except that it has a higher spring rise from Gavins Point Dam.

These alternatives are described in greater detail in Chapter 4 of the RDEIS. Tribal impacts of these alternatives are addressed for each resource in Chapter 5 of the RDEIS and are summarized in Section 5.16.

Impacts to individual Tribes resulting from the alternatives analyzed in detail in the RDEIS are summarized in Tables A-9-13 through A-9-24. The first alternative is the Modified Conservation Plan (MCP), which features three basic changes from the CWCP: 1) increased drought conservation measures, 2) unbalanced storage among the three upper and largest lakes in the Mainstem Reservoir System, and 3) an increased springtime release (spring rise) from Fort Peck Dam every third year. The other four alternatives include these features of the MCP, with the addition of modifications to the releases from Gavins Point Dam. These Gavins Point (GP) options represent a range of spring rise and summer low flow measures. For instance, the GP1528 option includes a spring release 15 thousand cubic feet per second (kcfs) higher than that normally required for full service to navigation, followed by a minimum service flat release (modeled as 28.5 kcfs) through summer. The GP2021 option includes a 20-kcfs spring rise, followed by a 25-kcfs release for most of the summer, dropping to a low of 21 kcfs from mid-July to mid-August. The GP1521 option includes a 15-kcfs spring rise and a variable (25/21-kcfs) summer low flow, and the GP2028 option includes a 20-kcfs spring rise and a flat (28.5-kcfs) summer low flow. These alternatives are described in greater detail in Chapter 6 of the RDEIS. Tribal impacts of these alternatives are addressed for each resource in Chapter 7 of the RDEIS, and summarized in Section 7.16.

Figure A-9-1 presents the impacts of the GP options to representative Western Area Power Administration (WAPA) firm power customers who rely on WAPA for varying percentages of their firm power supply. Generally, WAPA determined that the greater the dependence on hydropower for energy, the greater the impact on the purchase power cost to each customer. Representative Tribal customers presented generally rely on WAPA for approximately 60 percent of their firm power. These customers would have increased costs of 2 to 3 percent under GP1528, impacts of about 3 percent under GP2028, and impacts between 9 and 10 percent under GP1521 and GP2021. A more detailed discussion of impacts to WAPA firm power customers is provided in Chapter 7 of the RDEIS.

APPENDIX A - TRIBAL APPENDIX

Table A-9-1. Fort Peck Reservation impacts summary for submitted alternatives.

	Percent Change from CWCP					
	MLDDA	ARNRC	MRBA	MODC	BIOP	FWS30
Wetland Habitat	-6	1	6	0	-14	-12
Riparian Habitat	0	0	0	0	0	0
Tern and Plover Habitat	12	-56	38	-5	-45	-54
Reservoir Young Fish Production	-	-	-	-	-	-
Reservoir Coldwater Fish Habitat	-	-	-	-	-	-
River Coldwater Fish Habitat	1	9	1	3	10	9
River Warmwater Fish Habitat	-1	-19	-11	-8	-17	-13
Native River Fish Physical Habitat	0	5	1	1	2	2
Flood Control	-1	0	0	0	-2	-2
Water Supply	0	10	0	5	14	14
Hydropower	-	-	-	-	-	-
Recreation	0	8	1	2	10	9
Navigation	-	-	-	-	-	-
Historic Properties	-	-	-	-	-	-

Light gray shading denotes a beneficial impact when compared to the CWCP.

Black shading denotes an adverse impact when compared to the CWCP.

Table A-9-2. Fort Berthold Reservation impacts summary for submitted alternatives.

	Percent Change from CWCP					
	MLDDA	ARNRC	MRBA	MODC	BIOP	FWS30
Wetland Habitat	-	-	-	-	-	-
Riparian Habitat	-	-	-	-	-	-
Tern and Plover Habitat	-	-	-	-	-	-
Reservoir Young Fish Production	4	7	-1	5	11	11
Reservoir Coldwater Fish Habitat	-2	12	-2	6	3	4
River Coldwater Fish Habitat	-	-	-	-	-	-
River Warmwater Fish Habitat	-	-	-	-	-	-
Native River Fish Physical Habitat	-	-	-	-	-	-
Flood Control	33	-100	-33	-67	-67	-67
Water Supply	-1	12	6	7	1	7
Hydropower	-	-	-	-	-	-
Recreation	-2	14	14	11	10	15
Navigation	-	-	-	-	-	-
Historic Properties	4	-11	-4	-4	-6	-6

Light gray shading denotes a beneficial impact when compared to the CWCP.

Black shading denotes an adverse impact when compared to the CWCP.

APPENDIX A - TRIBAL APPENDIX

Table A-9-3. Standing Rock Reservation impacts summary for submitted alternatives.

	Percent Change from CWCP					
	MLDDA	ARNRC	MRBA	MODC	BIOP	FWS30
Wetland Habitat	80	21	-7	-35	-45	-22
Riparian Habitat	3	-38	3	1	-21	1
Tern and Plover Habitat	-	-	-	-	-	-
Reservoir Young Fish Production	5	-2	2	7	-1	1
Reservoir Coldwater Fish Habitat	-3	14	5	6	12	12
River Coldwater Fish Habitat	-	-	-	-	-	-
River Warmwater Fish Habitat	-	-	-	-	-	-
Native River Fish Physical Habitat	-	-	-	-	-	-
Flood Control	40	-80	0	-20	-60	-60
Water Supply	-6	18	9	10	12	10
Hydropower	-	-	-	-	-	-
Recreation	2	10	7	7	5	10
Navigation	-	-	-	-	-	-
Historic Properties	2	-5	-2	-2	-4	-4

Light gray shading denotes a beneficial impact when compared to the CWCP.

Black shading denotes an adverse impact when compared to the CWCP.

Table A-9-4. Cheyenne River Reservation impacts summary for submitted alternatives.

	Percent Change from CWCP					
	MLDDA	ARNRC	MRBA	MODC	BIOP	FWS30
Wetland Habitat	42	-3	-26	-9	-28	-26
Riparian Habitat	122	-39	0	-11	-39	-28
Tern and Plover Habitat	-	-	-	-	-	-
Reservoir Young Fish Production	5	-2	2	7	-1	1
Reservoir Coldwater Fish Habitat	-3	14	5	6	12	12
River Coldwater Fish Habitat	-	-	-	-	-	-
River Warmwater Fish Habitat	-	-	-	-	-	-
Native River Fish Physical Habitat	-	-	-	-	-	-
Flood Control	40	-100	-20	-40	-80	-80
Water Supply	13	13	13	0	0	13
Hydropower	-	-	-	-	-	-
Recreation	0	0	0	0	0	1
Navigation	-	-	-	-	-	-
Historic Properties	2	-5	-2	-2	-4	-4

Light gray shading denotes a beneficial impact when compared to the CWCP.

Black shading denotes an adverse impact when compared to the CWCP.

APPENDIX A - TRIBAL APPENDIX

Table A-9-5. Lower Brule Reservation impacts summary for submitted alternatives.

	Percent Change from CWCP					
	MLDDA	ARNRC	MRBA	MODC	BIOP	FWS30
Wetland Habitat	-	-	-	-	-	-
Riparian Habitat	-	-	-	-	-	-
Tern and Plover Habitat	-	-	-	-	-	-
Reservoir Young Fish Production	2	-23	-4	-2	-6	-9
Reservoir Coldwater Fish Habitat	-	-	-	-	-	-
River Coldwater Fish Habitat	-	-	-	-	-	-
River Warmwater Fish Habitat	-	-	-	-	-	-
Native River Fish Physical Habitat	-	-	-	-	-	-
Flood Control	0	0	0	0	0	0
Water Supply	0	0	0	0	0	0
Hydropower	-	-	-	-	-	-
Recreation	0	0	0	0	0	0
Navigation	-	-	-	-	-	-
Historic Properties	0	0	0	0	0	0

Light gray shading denotes a beneficial impact when compared to the CWCP.

Black shading denotes an adverse impact when compared to the CWCP.

Table A-9-6. Crow Creek Reservation impacts summary for submitted alternatives.

	Percent Change from CWCP					
	MLDDA	ARNRC	MRBA	MODC	BIOP	FWS30
Wetland Habitat	-	-	-	-	-	-
Riparian Habitat	-	-	-	-	-	-
Tern and Plover Habitat	-	-	-	-	-	-
Reservoir Young Fish Production	2	-23	-4	-2	-6	-9
Reservoir Coldwater Fish Habitat	-	-	-	-	-	-
River Coldwater Fish Habitat	-	-	-	-	-	-
River Warmwater Fish Habitat	-	-	-	-	-	-
Native River Fish Physical Habitat	-	-	-	-	-	-
Flood Control	100	0	0	0	0	0
Water Supply	0	1	1	1	1	1
Hydropower	-	-	-	-	-	-
Recreation	0	0	0	0	0	0
Navigation	-	-	-	-	-	-
Historic Properties	0	0	0	0	0	0

Light gray shading denotes a beneficial impact when compared to the CWCP.

Black shading denotes an adverse impact when compared to the CWCP.

APPENDIX A - TRIBAL APPENDIX

Table A-9-7. Yankton Reservation impacts summary for submitted alternatives.

	Percent Change from CWCP					
	MLDDA	ARNRC	MRBA	MODC	BIOP	FWS30
Wetland Habitat	3	4	1	-1	5	6
Riparian Habitat	2	0	-2	0	-4	-8
Tern and Plover Habitat	17	127	19	3	99	111
Reservoir Young Fish Production	-5	34	-1	5	29	30
Reservoir Coldwater Fish Habitat	-	-	-	-	-	-
River Coldwater Fish Habitat	-	-	-	-	-	-
River Warmwater Fish Habitat	-5	-15	-9	-6	-22	-23
Native River Fish Physical Habitat	0	-1	-1	0	-1	-1
Flood Control	0	0	0	0	0	0
Water Supply	0	0	0	0	0	1
Hydropower	-	-	-	-	-	-
Recreation	0	-5	-1	-1	-2	-3
Navigation	-	-	-	-	-	-
Historic Properties	-	-	-	-	-	-

Light gray shading denotes a beneficial impact when compared to the CWCP.

Black shading denotes an adverse impact when compared to the CWCP.

Table A-9-8. Ponca Tribal Lands impacts summary for submitted alternatives.

	Percent Change from CWCP					
	MLDDA	ARNRC	MRBA	MODC	BIOP	FWS30
Wetland Habitat	2	-6	-1	-1	-6	-7
Riparian Habitat	0	8	-5	-3	5	6
Tern and Plover Habitat	17	127	19	3	99	111
Reservoir Young Fish Production	-	-	-	-	-	-
Reservoir Coldwater Fish Habitat	-	-	-	-	-	-
River Coldwater Fish Habitat	-	-	-	-	-	-
River Warmwater Fish Habitat	-5	-15	-9	-6	-22	-23
Native River Fish Physical Habitat	0	-1	-1	0	-1	-1
Flood Control	0	0	0	0	0	0
Water Supply	-	-	-	-	-	-
Hydropower	-	-	-	-	-	-
Recreation	0	-5	-1	-1	-2	-3
Navigation	-	-	-	-	-	-
Historic Properties	-	-	-	-	-	-

Light gray shading denotes a beneficial impact when compared to the CWCP.

Black shading denotes an adverse impact when compared to the CWCP.

APPENDIX A - TRIBAL APPENDIX

Table A-9-9. Santee Reservation impacts summary for submitted alternatives.

	Percent Change from CWCP					
	MLDDA	ARNRC	MRBA	MODC	BIOP	FWS30
Wetland Habitat	2	-6	-1	-1	-6	-7
Riparian Habitat	0	8	-5	-3	5	6
Tern and Plover Habitat	17	127	19	3	99	111
Reservoir Young Fish Production	-2	28	13	33	26	28
Reservoir Coldwater Fish Habitat	-	-	-	-	-	-
River Coldwater Fish Habitat	-	-	-	-	-	-
River Warmwater Fish Habitat	-	-	-	-	-	-
Native River Fish Physical Habitat	-	-	-	-	-	-
Flood Control	0	0	0	0	0	1
Water Supply	0	0	0	0	0	0
Hydropower	-	-	-	-	-	-
Recreation	0	0	0	0	0	0
Navigation	-	-	-	-	-	-
Historic Properties	-	-	-	-	-	-

Light gray shading denotes a beneficial impact when compared to the CWCP.

Black shading denotes an adverse impact when compared to the CWCP.

Table A-9-10. Winnebago Reservation impacts summary for submitted alternatives.

	Percent Change from CWCP					
	MLDDA	ARNRC	MRBA	MODC	BIOP	FWS30
Wetland Habitat	-2	-6	3	5	-1	3
Riparian Habitat	-1	-6	-1	-2	-4	-12
Tern and Plover Habitat	-	-	-	-	-	-
Reservoir Young Fish Production	-	-	-	-	-	-
Reservoir Coldwater Fish Habitat	-	-	-	-	-	-
River Coldwater Fish Habitat	-	-	-	-	-	-
River Warmwater Fish Habitat	-	-	-	-	-	-
Native River Fish Physical Habitat	0	0	0	0	-1	0
Flood Control	0	-1	0	0	0	0
Water Supply	0	0	0	0	0	0
Hydropower	-	-	-	-	-	-
Recreation	-1	-8	-1	-1	-5	-6
Navigation	-	-	-	-	-	-
Historic Properties	-	-	-	-	-	-

Light gray shading denotes a beneficial impact when compared to the CWCP.

Black shading denotes an adverse impact when compared to the CWCP.

APPENDIX A - TRIBAL APPENDIX

Table A-9-11. Omaha Reservation impacts summary for submitted alternatives.

	Percent Change from CWCP					
	MLDDA	ARNRC	MRBA	MODC	BIOP	FWS30
Wetland Habitat	-2	-6	3	5	-1	3
Riparian Habitat	-1	-6	-1	-2	-4	-12
Tern and Plover Habitat	-	-	-	-	-	-
Reservoir Young Fish Production	-	-	-	-	-	-
Reservoir Coldwater Fish Habitat	-	-	-	-	-	-
River Coldwater Fish Habitat	-	-	-	-	-	-
River Warmwater Fish Habitat	-	-	-	-	-	-
Native River Fish Physical Habitat	0	0	0	0	-1	0
Flood Control	0	-1	-1	0	0	-1
Water Supply	0	0	0	0	0	0
Hydropower	-	-	-	-	-	-
Recreation	-1	-8	-1	-1	-5	-6
Navigation	-	-	-	-	-	-
Historic Properties	-	-	-	-	-	-

Light gray shading denotes a beneficial impact when compared to the CWCP.

Black shading denotes an adverse impact when compared to the CWCP.

Table A-9-12. Iowa and Sac and Fox Reservations impacts summary for submitted alternatives.

	Percent Change from CWCP					
	MLDDA	ARNRC	MRBA	MODC	BIOP	FWS30
Wetland Habitat	-1	16	2	4	4	9
Riparian Habitat	0	-6	-1	-1	-2	-7
Tern and Plover Habitat	-	-	-	-	-	-
Reservoir Young Fish Production	-	-	-	-	-	-
Reservoir Coldwater Fish Habitat	-	-	-	-	-	-
River Coldwater Fish Habitat	-	-	-	-	-	-
River Warmwater Fish Habitat	-	-	-	-	-	-
Native River Fish Physical Habitat	0	5	1	1	3	4
Flood Control	0	0	0	0	0	1
Water Supply	-	-	-	-	-	-
Hydropower	-	-	-	-	-	-
Recreation	0	-2	0	0	-2	-2
Navigation	-	-	-	-	-	-
Historic Properties	-	-	-	-	-	-

Light gray shading denotes a beneficial impact when compared to the CWCP.

Black shading denotes an adverse impact when compared to the CWCP.

APPENDIX A - TRIBAL APPENDIX

Table A-9-13. Fort Peck Reservation impacts summary for submitted alternatives.

	Percent Change From CWCP				
	MCP	GP1528	GP2021	GP1521	GP2028
Wetland Habitat	3	-14	-14	-8	-7
Riparian Habitat	0	0	0	0	0
Tern and Plover Habitat	61	-43	-30	-28	-46
Reservoir Young Fish Production	-	-	-	-	-
Reservoir Coldwater Fish Habitat	-	-	-	-	-
River Coldwater Fish Habitat	1	8	8	8	9
River Warmwater Fish Habitat	-8	-17	-17	-17	-19
Native River Fish Physical Habitat	1	2	2	2	2
Flood Control	0	-2	-2	-2	-2
Water Supply	0	14	14	14	14
Hydropower	-	-	-	-	-
Recreation	0	8	9	8	8
Navigation	-	-	-	-	-
Historic Properties	-	-	-	-	-

Light grey shading denotes a beneficial impact when compared to the CWCP.

Black shading denotes an adverse impact when compared to the CWCP.

Table A-9-14. Fort Berthold Reservation impacts summary for submitted alternatives.

	Percent Change From CWCP				
	MCP	GP1528	GP2021	GP1521	GP2028
Wetland Habitat	-	-	-	-	-
Riparian Habitat	-	-	-	-	-
Tern and Plover Habitat	-	-	-	-	-
Reservoir Young Fish Production	0	13	15	15	15
Reservoir Coldwater Fish Habitat	-2	10	10	9	10
River Coldwater Fish Habitat	-	-	-	-	-
River Warmwater Fish Habitat	-	-	-	-	-
Native River Fish Physical Habitat	-	-	-	-	-
Flood Control	-33	-67	-67	-67	-67
Water Supply	6	9	1	1	9
Hydropower	-	-	-	-	-
Recreation	14	12	9	9	14
Navigation	-	-	-	-	-
Historic Properties	-4	-8	-8	-8	-9

Light grey shading denotes a beneficial impact when compared to the CWCP.

Black shading denotes an adverse impact when compared to the CWCP.

APPENDIX A - TRIBAL APPENDIX

Table A-9-15. Standing Rock Reservation impacts summary for submitted alternatives.

	Percent Change From CWCP				
	MCP	GP1528	GP2021	GP1521	GP2028
Wetland Habitat	-10	-62	2	-40	-59
Riparian Habitat	2	5	-9	-14	1
Tern and Plover Habitat	-	-	-	-	-
Reservoir Young Fish Production	2	-3	0	2	2
Reservoir Coldwater Fish Habitat	6	8	10	10	7
River Coldwater Fish Habitat	-	-	-	-	-
River Warmwater Fish Habitat	-	-	-	-	-
Native River Fish Physical Habitat	-	-	-	-	-
Flood Control	-20	-20	-40	-40	-20
Water Supply	9	10	10	10	10
Hydropower	-	-	-	-	-
Recreation	7	12	7	7	12
Navigation	-	-	-	-	-
Historic Properties	-2	-5	-4	-4	-4

Light grey shading denotes a beneficial impact when compared to the CWCP.

Black shading denotes an adverse impact when compared to the CWCP.

Table A-9-16. Cheyenne River Reservation impacts summary for submitted alternatives.

	Percent Change From CWCP				
	MCP	GP1528	GP2021	GP1521	GP2028
Wetland Habitat	-19	-9	-14	7	-7
Riparian Habitat	-11	-33	-22	-28	-28
Tern and Plover Habitat	-	-	-	-	-
Reservoir Young Fish Production	2	-3	0	2	2
Reservoir Coldwater Fish Habitat	6	8	10	10	7
River Coldwater Fish Habitat	-	-	-	-	-
River Warmwater Fish Habitat	-	-	-	-	-
Native River Fish Physical Habitat	-	-	-	-	-
Flood Control	-20	-40	-40	-60	-40
Water Supply	13	0	0	0	0
Hydropower	-	-	-	-	-
Recreation	0	0	0	0	0
Navigation	-	-	-	-	-
Historic Properties	-2	-5	-4	-4	-4

Light grey shading denotes a beneficial impact when compared to the CWCP.

Black shading denotes an adverse impact when compared to the CWCP.

APPENDIX A - TRIBAL APPENDIX

Table A-9-17. Lower Brule Reservation impacts summary for submitted alternatives.

	Percent Change From CWCP				
	MCP	GP1528	GP2021	GP1521	GP2028
Wetland Habitat	-	-	-	-	-
Riparian Habitat	-	-	-	-	-
Tern and Plover Habitat	-	-	-	-	-
Reservoir Young Fish Production	-2	12	12	12	9
Reservoir Coldwater Fish Habitat	-	-	-	-	-
River Coldwater Fish Habitat	-	-	-	-	-
River Warmwater Fish Habitat	-	-	-	-	-
Native River Fish Physical Habitat	-	-	-	-	-
Flood Control	0	0	0	0	0
Water Supply	0	0	0	0	0
Hydropower	-	-	-	-	-
Recreation	0	0	0	0	0
Navigation	-	-	-	-	-
Historic Properties	0	0	0	0	0

Light grey shading denotes a beneficial impact when compared to the CWCP.
Black shading denotes an adverse impact when compared to the CWCP.

Table A-9-18. Crow Creek Reservation impacts summary for submitted alternatives.

	Percent Change From CWCP				
	MCP	GP1528	GP2021	GP1521	GP2028
Wetland Habitat	-	-	-	-	-
Riparian Habitat	-	-	-	-	-
Tern and Plover Habitat	-	-	-	-	-
Reservoir Young Fish Production	-2	12	12	12	9
Reservoir Coldwater Fish Habitat	-	-	-	-	-
River Coldwater Fish Habitat	-	-	-	-	-
River Warmwater Fish Habitat	-	-	-	-	-
Native River Fish Physical Habitat	-	-	-	-	-
Flood Control	0	0	0	0	0
Water Supply	1	1	1	1	1
Hydropower	-	-	-	-	-
Recreation	0	0	0	0	0
Navigation	-	-	-	-	-
Historic Properties	0	0	0	0	0

Light grey shading denotes a beneficial impact when compared to the CWCP.
Black shading denotes an adverse impact when compared to the CWCP.

APPENDIX A - TRIBAL APPENDIX

Table A-9-19. Yankton Reservation impacts summary for submitted alternatives.

	Percent Change From CWCP				
	MCP	GP1528	GP2021	GP1521	GP2028
Wetland Habitat	1	5	5	3	6
Riparian Habitat	-2	-4	-4	-1	-5
Tern and Plover Habitat	18	60	98	103	63
Reservoir Young Fish Production	0	28	32	23	22
Reservoir Coldwater Fish Habitat	-	-	-	-	-
River Coldwater Fish Habitat	-	-	-	-	-
River Warmwater Fish Habitat	-9	-16	-22	-22	-17
Native River Fish Physical Habitat	-1	0	-1	-1	0
Flood Control	0	0	0	0	0
Water Supply	0	0	0	0	0
Hydropower	-	-	-	-	-
Recreation	-1	-1	-2	-2	-2
Navigation	-	-	-	-	-
Historic Properties	-	-	-	-	-

Light grey shading denotes a beneficial impact when compared to the CWCP.

Black shading denotes an adverse impact when compared to the CWCP.

Table A-9-20. Ponca Tribal Lands impacts summary for submitted alternatives.

	Percent Change From CWCP				
	MCP	GP1528	GP2021	GP1521	GP2028
Wetland Habitat	-0.93	0	-6	-6	0
Riparian Habitat	-5	-2	5	5	-2
Tern and Plover Habitat	18	60	98	103	63
Reservoir Young Fish Production	-	-	-	-	-
Reservoir Coldwater Fish Habitat	-	-	-	-	-
River Coldwater Fish Habitat	-	-	-	-	-
River Warmwater Fish Habitat	-9	-16	-22	-22	-17
Native River Fish Physical Habitat	-1	0	-1	-1	0
Flood Control	0	0	0	0	0
Water Supply	-	-	-	-	-
Hydropower	-	-	-	-	-
Recreation	-1	-1	-2	-2	-2
Navigation	-	-	-	-	-
Historic Properties	-	-	-	-	-

Light grey shading denotes a beneficial impact when compared to the CWCP.

Black shading denotes an adverse impact when compared to the CWCP.

APPENDIX A - TRIBAL APPENDIX

Table A-9-21. Santee Reservation impacts summary for submitted alternatives.

	Percent Change From CWCP				
	MCP	GP1528	GP2021	GP1521	GP2028
Wetland Habitat	-1	0	-6	-6	0
Riparian Habitat	-5	-2	5	5	-2
Tern and Plover Habitat	18	60	98	103	63
Reservoir Young Fish Production	13	25	25	19	19
Reservoir Coldwater Fish Habitat	-	-	-	-	-
River Coldwater Fish Habitat	-	-	-	-	-
River Warmwater Fish Habitat	-	-	-	-	-
Native River Fish Physical Habitat	-	-	-	-	-
Flood Control	0	0	0	0	0
Water Supply	0	0	0	0	0
Hydropower	-	-	-	-	-
Recreation	0	0	0	0	0
Navigation	-	-	-	-	-
Historic Properties	-	-	-	-	-

Light grey shading denotes a beneficial impact when compared to the CWCP.

Black shading denotes an adverse impact when compared to the CWCP.

Table A-9-22. Winnebago Reservation impacts summary for submitted alternatives.

	Percent Change From CWCP				
	MCP	GP1528	GP2021	GP1521	GP2028
Wetland Habitat	3	-2	-3	0	-2
Riparian Habitat	0	-2	-7	-3	-6
Tern and Plover Habitat	-	-	-	-	-
Reservoir Young Fish Production	-	-	-	-	-
Reservoir Coldwater Fish Habitat	-	-	-	-	-
River Coldwater Fish Habitat	-	-	-	-	-
River Warmwater Fish Habitat	-	-	-	-	-
Native River Fish Physical Habitat	0	0	-1	-1	0
Flood Control	0	-1	0	-1	-1
Water Supply	0	0	0	0	0
Hydropower	-	-	-	-	-
Recreation	-1	-2	-5	-4	-2
Navigation	-	-	-	-	-
Historic Properties	-	-	-	-	-

Light grey shading denotes a beneficial impact when compared to the CWCP.

Black shading denotes an adverse impact when compared to the CWCP.

APPENDIX A - TRIBAL APPENDIX

Table A-9-23. Omaha Reservation impacts summary for submitted alternatives.

	Percent Change From CWCP				
	MCP	GP1528	GP2021	GP1521	GP2028
Wetland Habitat	3	-2	-3	0	-2
Riparian Habitat	0	-2	-7	-3	-6
Tern and Plover Habitat	-	-	-	-	-
Reservoir Young Fish Production	-	-	-	-	-
Reservoir Coldwater Fish Habitat	-	-	-	-	-
River Coldwater Fish Habitat	-	-	-	-	-
River Warmwater Fish Habitat	-	-	-	-	-
Native River Fish Physical Habitat	0	0	-1	-1	0
Flood Control	0	-1	0	-1	-1
Water Supply	0	0	0	0	0
Hydropower	-	-	-	-	-
Recreation	-1	-2	-5	-4	-2
Navigation	-	-	-	-	-
Historic Properties	-	-	-	-	-

Light grey shading denotes a beneficial impact when compared to the CWCP.

Black shading denotes an adverse impact when compared to the CWCP.

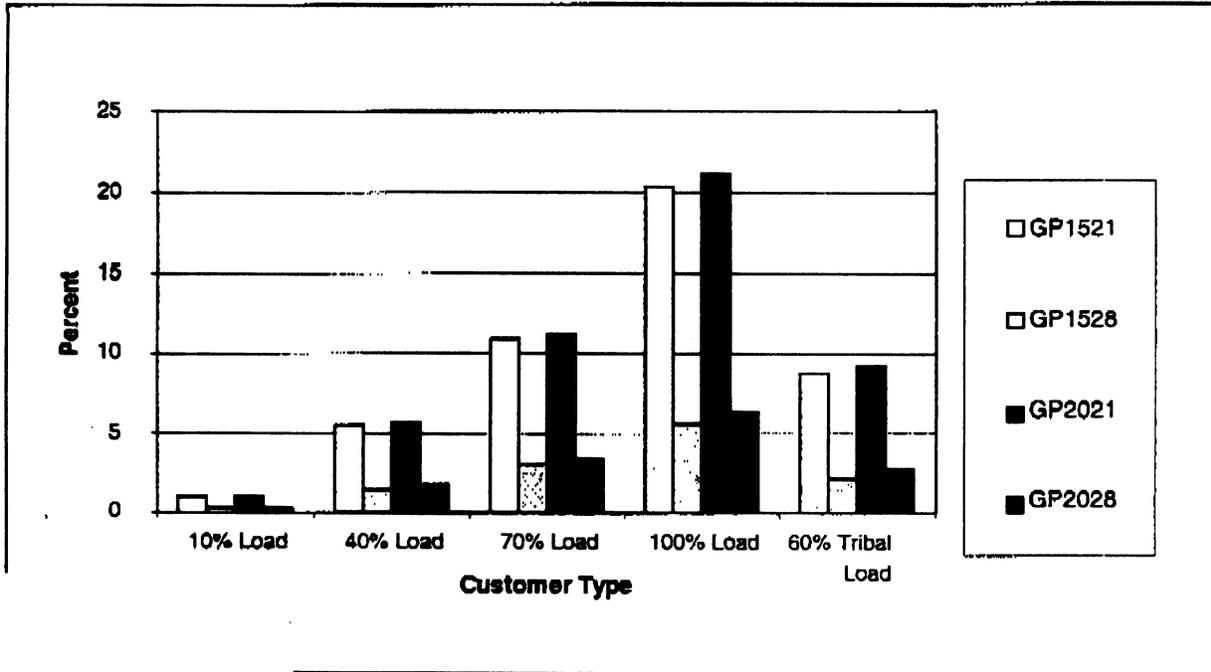
Table A-9-24. Iowa and Sac and Fox Reservations impacts summary for submitted alternatives.

	Percent Change From CWCP				
	MCP	GP1528	GP2021	GP1521	GP2028
Wetland Habitat	2	7	4	6	7
Riparian Habitat	-1	-4	-3	-3	-4
Tern and Plover Habitat	-	-	-	-	-
Reservoir Young Fish Production	-	-	-	-	-
Reservoir Coldwater Fish Habitat	-	-	-	-	-
River Coldwater Fish Habitat	-	-	-	-	-
River Warmwater Fish Habitat	-	-	-	-	-
Native River Fish Physical Habitat	1	3	3	3	3
Flood Control	0	0	0	0	0
Water Supply	-	-	-	-	-
Hydropower	-	-	-	-	-
Recreation	0	-1	-2	-2	-1
Navigation	-	-	-	-	-
Historic Properties	-	-	-	-	-

Light grey shading denotes a beneficial impact when compared to the CWCP.

Black shading denotes an adverse impact when compared to the CWCP.

APPENDIX A - TRIBAL APPENDIX



in purchase power costs under the GP options.

APPENDIX A - TRIBAL APPENDIX

A-10 CONSULTATION HISTORY

A chronological history of Master Manual consultation meetings and other meetings with Missouri River basin Tribes is presented in this section.

27 June 2001. Brigadier General Carl A. Strock, Northwestern Division (NWD) Commander, and Colonel Mark A. Tillotson, Omaha District Commander, held an information and listening meeting with the Missouri River basin Tribes, in Bismarck, North Dakota. Tribal Chairman Tex Hall represented the Great Plains Tribal Leaders Council and the Three Affiliated Tribes; Roxanne Sazue, Tribal Chairwomen, represented the Crow Creek Sioux Tribe; Don La Pointe and Clement Mackey represented the Santee Sioux Tribe of Nebraska; Dennis Rousseau represented the Cheyenne River Sioux Tribe; Charles Murphy, Tribal Chairman, represented the Standing Rock Sioux Tribe; Shaun Grassel represented the Lower Brule Sioux Tribe; Paul Falcon represented the Trenton Indian Service Area; Michael Canoy represented the Mni Sose Intertribal Water Rights Coalition; and Cora Jones represented the Bureau of Indian Affairs (BIA), Regional Director of Great Plains Area Office. Chip Smith from the office of the Assistant Secretary of Army (Civil Works) attended the meeting. Al Sapa, Nell McPhillips, and David Redhorse represented the USFWS.

Tex Hall raised the following issues:

- 1) In light of the new Executive Order on consultation, Tex Hall wanted to know whether or not the Corps has a consultation policy in place with Tribes. General Strock replied that we do not have anything in place, but we do have a draft consultation process.
- 2) A consultation process should identify time frames for meeting with the Tribes.
- 3) A consultation process should identify timeframes for response to the Tribes.
- 4) The Tribes need equitable treatment, with timelines that are reasonable for Tribes.
- 5) Partnerships should be developed that bring the Tribes to the table.
- 6) The Corps has the authority to transfer lands. The Corps has not progressed towards any resolution of the land transfer that was repealed in 1994.

- 7) Chairman Hall requested that an "Indian Desk" be established at Corps headquarters in Washington, DC, to provide a single point of contact and to be an advocate for Native Americans.

Roxanne Sazue raised the following issues:

- 1) She is concerned that there is no official consultation process.
- 2) The Master Manual RDEIS is a major problem in her eyes.
- 3) She does not believe in water quantification.

Don La Pointe and Clement Mackey raised the following issues:

- 1) They would like to see more Corps involvement with the Santee Sioux Tribe at Lewis and Clark Lake.
- 2) They would like a meeting with the Corps at the Gavins Point Dam Project Office.
- 3) They are concerned about how Tribal water rights are being addressed in the Master Manual RDEIS.

Cora Jones, Regional Director of the BIA, indicated there is an emotional tie between the Tribes and the Missouri River, and that the Tribes are deeply concerned about impacts to human remains and looting of cultural sites.

Allen White Lightening (Standing Rock Sioux Tribe, District of Cannonball) indicated the following:

- 1) In 1958, there were 22,000 acres of Standing Rock Sioux Tribal Lands that were taken by the Corps that the Tribe was never compensated for. He indicated that mineral rights of landowners are still intact and those rights need to be settled.
- 2) Construction of the Missouri River dams resulted in an economic impact to his Tribe. He believes there should be an economic return to those Tribes that lost land due to the construction of the dams. He indicated there continues to be an economic impact to his Tribe due to the operation of the dams.

Al Sapa of the USFWS office in Bismarck, North Dakota, presented background information about the Endangered Species Act (ESA) and the November 2000 USFWS Biological Opinion

APPENDIX A - TRIBAL APPENDIX

(BiOp) on the Corps' current operation of the Missouri River.

Rose Hargrave, the Corps' Project Manager for the Master Manual, gave a presentation on the status of the Master Manual RDEIS, and indicated that the Corps wants to conduct meaningful Government-to-Government consultation with the basin Tribes but, to date, very few Tribes have engaged in the process. Rose agreed to look for funding for having some Tribally led workshops and indicated that the Corps would work in partnership with the Tribes regarding the workshops. She discussed the Master Manual schedule and provided an outline of the Table of Contents for the RDEIS. She also provided copies of the Government-to-Government consultation process the Corps had developed and asked the Tribes to provide input into the process outlined.

14 February 2001. A letter from Brigadier General Strock was sent to the basin Tribal Chairman. The letter encouraged the Tribes to participate in the ongoing Government-to-Government consultation process for the Master Manual RDEIS. General Strock offered to meet with the Tribal Chairman wherever it was most convenient. The Master Manual schedule was enclosed with the letter.

6 December 2000. A Great Plains Regional Tribal Leaders Council meeting was held at Prairie Knights Convention Center. David Vader of the Omaha District of the Corps and Rick Moore of the NWD of the Corps attended the meeting to provide information and seek comments about the Corps' effort to develop an implementation plan for the USFWS BiOp and the status and key provisions of the Water Resources Development Act of 2000. Seven Tribal Chairmen were in attendance, along with several Tribal Council members representing other Tribes in the region.

29 November 2000. Dan Israel, Attorney for the Three Affiliated Tribes; Tex Hall, Chairman of The Three Affiliated Tribes; and Brigadier General Carl Strock, NWD Engineer, met at the Corps Omaha District Office in Omaha, Nebraska. The meeting focused on Tribal trust assets and environmental justice, as they relate to operation of the Missouri River. Larry Cieslik and Rose Hargrave of the Corps attended the meeting. A briefing paper submitted by Dan Israel identified the following issues (see letter 61 in Section A-12):

- 1) Fort Peck Tribe: Federal funding of environmental justice would allow

participation in Lewis and Clark ceremonies. Funding is needed for parks, boat ramps, and boats to promote tourism.

- 2) Standing Rock Sioux Tribe: Federal funding of environmental justice to build boat docks, increase fishing and hunting, and native terrestrial habitat development would benefit Tribal members and tourism.
- 3) Yankton Sioux Tribe: Under environmental justice, the Tribe has significant social needs and requests a modern up-to-date facility be provided for its elders.
- 4) Crow Creek Sioux Tribe: The environmental justice funding would allow the Tribe to improve and increase Missouri River habitat. This would improve hunting and fishing for Tribal members and guests.
- 5) Winnebago Tribe: The environmental justice funding would allow development of recreation facilities and other amenities, including improved wetlands and a fish hatchery.
- 6) Omaha Tribe: The Omaha Tribe is currently developing recreation at the Black Elk Park.
- 7) Fort Berthold: Environmental justice funding would be utilized to finance recreation facilities, actively participate in Lewis and Clark ceremonies, build boat docks, and build traditional cultural property monuments for both the Tribes and non-Native Americans.

Tribal participation in the Corps' process for developing an Annual Operating Plan (AOP) for the operation of the Mainstem Reservoir System was also discussed. The Corps agreed that AOP meetings would be held on Tribal Reservations.

11 September 2000. Charles Murphy, Chairman of the Standing Rock Sioux Tribe and Tex Hall, Chairman of the Three Affiliated Tribes, met with Brigadier General Strock in Bismarck, North Dakota, concerning the Corps' operation of the Mainstem Reservoir System. Discussion topics included protection of cultural resources, the Corps' consultation with the USFWS under Section 7 of the ESA, the Corps' Government-to-Government consultation with the Tribes on implementation of the USFWS BiOp, and Master Manual schedule and process.

7 - 8 August 2000. A meeting was held at the Fort Peck Reservation. The purpose of the meeting was to discuss the Fort Peck Assiniboine and Sioux

APPENDIX A - TRIBAL APPENDIX

Tribe Missouri River flow modification test and Government-to-Government consultation on the Master Manual. Corps attendees at the meeting included William Miller, Omaha District Project Manager for the Fort Peck flow modification; Dave Vader, Omaha District Native America Coordinator; Rebecca Otto, Omaha District Archeologist; Peg O'Bryan, NWD Missouri River Native American Coordinator; Kimberly Oldham, Kansas City District Native American Coordinator; Roy Snyder, Fort Peck Lake Manager; and John Daggett, Fort Peck Operations Manager. The Tribes expressed concern about the proposed Fort Peck Dam flow changes. The Fort Peck Tribes asked for an update on Missouri River Master Manual RDEIS concerns they had related at a previous consultation meeting, held on 6 August, 1999. Specific concerns brought up by Tribal members and local ranchers included:

- 1) The 1993 River Access Study;
- 2) The need for cadastral surveys of Fort Peck Tribal lands;
- 3) Existing and future needs for bank stabilization (The Fort Peck Tribes were advised of steps for seeking bank stabilization under Corps programs and authorities.);
- 4) The need for a comprehensive cultural resources survey of Fort Peck Tribal lands; and
- 5) The need to conduct a depletion analysis to determine the impacts of a potential 60,000-acre-foot annual withdrawal from Fort Peck Lake. Tribal members and local ranchers indicated that 50,000 acre feet would be used to irrigate potatoes and 10,000 acre feet would be used for other purposes.

15-17 February 2000. Environmental justice training; Great Plains Tribal Leaders - Federal Agency Conference, Aberdeen, South Dakota; and Reburial of Remains from St. Phillips Cemetery. Colonel Mark A. Tillotson, Commander of the Corps Omaha District; Mr. Chip Smith of the Office of the Assistant Secretary of the Army for Civil Works; and several NWD and Omaha District Corps staff participated in a conference sponsored by the Great Plains Regional BIA to exchange information on existing programs and to develop strategies for improving agency services to basin Tribes. During the conference, several side meetings were arranged between the Corps, Tribes, and the BIA. Corps presentations at the conference included the mission of the Omaha District, Tribal

activities and initiatives, business development, and the Study.

22 November 1999. A meeting was held between the Ogallala Sioux Tribe and the Corps to discuss Government-to-Government consultation with the Tribes relative to the Study. Colonel Michael Meuleners, Commander for the Missouri River Region of the Corps NWD, provided background information concerning the Study, the schedule for the Study, and a summary of alternatives submitted to the Corps for consideration by basin interests, including the Mni Sose Intertribal Water Rights Coalition. The concept of adaptive management and a potential recovery committee for threatened and endangered species, opportunities for Tribal comment, and Tribal coordination were also discussed. The Oglala Sioux Tribe did not consider this meeting to be a consultation meeting.

15 October 1999. Letter from Colonel Michael Meuleners, Commander for the Missouri River Region of the Corps NWD, in reply to Ogallala Sioux Tribe letter of 21 July 1999, requesting Government-to-Government consultation with the Oglala Sioux Tribal Council on the Study and the South Dakota Terrestrial Wildlife Habitat Restoration Act (Title VI). Colonel Meuleners agreed to a consultation meeting on 25 October 1999 from 10:00 a.m. to 2:00 p.m. in Pine Ridge, South Dakota. The agreed upon meeting actually took place 22 November 1999.

13-14 September 1999. The Mni Sose Intertribal Water Rights Coalition Board of Directors held a meeting in Mandan, North Dakota. Colonel Meuleners, Commander of the Missouri River Region of the Corps NWD, provided an update on the Master Manual.

26 August 1999. The Crow Creek Sioux Tribe and the Corps held a Master Manual consultation meeting. Dave Vader and Peg O'Bryan represented the Corps.

24 August 1999. A Standing Rock Sioux Tribe - District of Fort Yates Master Manual consultation meeting was held in Fort Yates, North Dakota, in the BIA Standing Rock Agency Conference Room. Corps attendees included David Vader, Kimberly Oldham, and John Bartel. Kimberley Oldham presented a Master Manual update previously given at the consultation meeting with the Standing Rock Sioux Tribe held 27-28 July 1999. Provided materials included a summary of alternatives presented in the PRDEIS, Tribal consultation, and

APPENDIX A - TRIBAL APPENDIX

coordination updates. Tribal members raised the following issues:

- 1) Tribal members do not believe that the PRDEIS adequately addresses Tribal concerns.
- 2) Tribal members indicated that, to date, there has been no Government-to-Government consultation with their Tribe.
- 3) Tribal members are concerned about flooding at Fort Yates and Wakpala.
- 4) Tribal members are concerned about erosion encroachment on recreation facilities at Kenel Flats, Four Mile Creek, Fort Yates, and Walker Bottoms caused by operation of the reservoirs.
- 5) Tribal members would like to see the lands above elevation 1,620 mean sea level transferred back to the Tribe.
- 6) Tribal members believe that impacts to their fisheries resulting from construction and operation of the dams should be mitigated.
- 7) Tribal members indicated the riverbed of the lake belongs to the Tribe.
- 8) Tribal members believe they have not had an equitable share of the hydropower benefits resulting from the dams.
- 9) Tribal members believe that, overall, they have not shared in the benefits of the Pick-Sloan project.
- 10) Tribal members of the Fort Yates District believe the Corps and the Tribe need to examine the impacts resulting from construction and operation of the dams and the need for appropriations.
- 11) Tribal members of the Fort Yates District would like the Corps and the Federal Emergency Management Agency to study and develop a contingency plan for relocation of the community of Fort Yates and Wakpala.

18 August 1999. A letter from Colonel Michael Meuleners, Commander for the Missouri River Region of the Corps NWD, was sent to Chairman Michael Jandreau, Lower Brule Sioux Tribe. The letter reaffirms Colonel Meulener's desire to meet and consult with the Lower Brule Sioux Tribe on the Master Manual.

6 August 1999. The Fort Peck Assiniboine and Sioux Tribes and Corps held a Master Manual consultation meeting at the Spotted Bull Treatment Center on the Fort Peck Reservation. Corps attendees included Larry Cieslik, Rose Hargrave, David Vader, Roy McAllister, Kimberly Oldham, and Darrin McMurry. Ms. Hargrave presented an update on the Study. Copies of the issues and impacts identified at the consultation summit held in Rapid City, South Dakota, were provided. Fort Peck Tribal members raised the following issues:

- 1) Tribal members indicated that there was a need for a cadastral survey. They believe that the survey would provide a baseline from which erosion impacts could be measured.
- 2) Tribal members were concerned that an increase in spring releases from Fort Peck Dam would result in increased bed and bank erosion.
- 3) Tribal members requested cultural resources surveys of the Fort Peck Reservation reach of the Missouri River.
- 4) Tribal member were concerned that present and future sites for intakes not be subject to erosion. They were also concerned that the intakes not impact cultural sites.
- 5) Tribal members indicated there was a need to conduct a depletion analysis to determine the impacts of a potential 60,000-acre-foot annual withdrawal from Fort Peck Lake. Tribal members and local ranchers indicated that 50,000 acre feet would be used to irrigate potatoes and 10,000 acre feet would be used for other purposes.
- 6) Tribal members requested that the Corps provide river access to recreation areas.
- 7) Tribal members requested bank stabilization for eroding river and lake areas on the Fort Peck Reservation.
- 8) Tribal members requested to know the status of funding (\$35,000) to complete an "ice pore-pressure study" for bank failures.
- 9) Tribal members requested development of river access and recreation areas, particularly in light of the upcoming Lewis and Clark commemoration.

27-28 July 1999. A Study consultation meeting was held between the Standing Rock Sioux Nation, Rosebud Sioux Nation, Crow Creek Sioux Nation,

APPENDIX A - TRIBAL APPENDIX

and the Corps. The meeting was held at the Prairie Knights Convention Center, on the Standing Rock Reservation. Corps attendees included Colonel Michael Meuleners, Commander of the Missouri River Region of the Corps NWD; Rose Hargrave; Dave Vader; and Kimberly Oldham. Rose Hargrave presented an update on the Master Manual, including the current approved schedule, Tribal consultation to date, and a Tribal coordination update.

Standing Rock Tribal members at the meeting raised the following issues:

- 1) Tribal members requested the Corps transfer lands back to the Tribe using administrative procedures.
- 2) Tribal members questioned the U.S. Geological Survey quantification of 303,000 acres of practicable irrigable land on their Reservation and the estimated depletion of 1.2 MAF. Potential Winters Doctrine Water Rights could be based on this quantification and the Tribal members want to make sure the estimates are correct.
- 3) Tribal members are concerned about the erosion of Tribal Lands around Lake Oahe.
- 4) Tribal members identified four potential sites for recreational development of Tribal Lands around Lake Oahe.
- 5) Tribal members indicated that the promises of the Pick-Sloan project never materialized for their Tribe.
- 6) Tribal members indicated that the meeting was considered a formal consultation meeting.
- 7) Tribal members requested protection of cultural sites on their lands.
- 8) Tribal members were concerned about flooding at Wakapala and flooding in general.

Tribal members of the Rosebud Sioux Nation raised the following issues:

- 1) Tribal members believe the RDEIS should be rewritten to include a Tribal alternative and that the Tribal alternative should include compensation for lands taken for the Pick-Sloan project.
- 2) Tribal members believe the Corps should contract with their Tribe for the inventory and protection of cultural resources.

- 3) Tribal members believe the Corps should provide some Tribal members paleontology training.
- 4) Tribal members requested funding from WAPA so that their Tribe could have a greater share of Pick-Sloan project benefits.

The Crow Creek Sioux Nation raised the following issues:

- 1) Tribal members expressed concern about discharges from an oil separation lagoon above Big Bend Dam entering their swimming area.
- 2) Tribal members were concerned the areas near bridges were unsafe for swimmers and that safety measures should be taken.
- 3) Tribal members were concerned that Tribal cemeteries would be relocated if they are endangered by erosion or flooding.
- 4) Tribal members requested that a Tribal museum be developed in partnership with the Corps. They believe that the \$350,000 in the Federal trust account under Section 6 of PL87-735 (Big Bend Act) should be used to build the museum.
- 5) Tribal members expressed concern about the discoveries of unexploded ordinance and pollutants at the old bombing range Formerly Used Defense site on their lands.
- 6) Tribal members inquired about the safety of the dams.
- 7) Tribal members requested to know if any portion of the Missouri Valley Improvement Act, sponsored by Senator Bob Kerrey (Nebraska), addressed Tribal needs.
- 8) Tribal members were concerned about protection of Arikara cultural sites from erosion and looting.
- 9) Tribal members requested review of draft Study documents.

16-18 June 1999. A Mni Sose Intertribal Water Rights Coalition Board of Directors meeting was held in Flandreau, South Dakota. Corps attendees included Rose Hargrave, Doug Latka, Dave Vader, and Kimberley Oldham. Rose Hargrave presented an update on the Study and an update on Tribal coordination and consultation. The Mni Sose Intertribal Water Rights Coalition Board of Directors raised the following issues:

APPENDIX A - TRIBAL APPENDIX

- 1) They are concerned about impacts of the Master Manual revision on Tribal water rights.
- 2) They are concerned about impacts of the Corps' operation of the Mainstem Reservoir System project on cultural resources.
- 3) They would like a meaningful consultation process between the Corps and the Tribes.
- 4) They believe that the Tribes have not had an equitable share of Pick-Sloan benefits. For this reason they do not believe the PRDEIS accurately portrayed Tribal impacts.
- 5) They are concerned about erosion of Trust lands due to operation of the reservoirs.
- 6) They believe that RDEIS rewrites should include history, socio-economic impacts, and provide for hydropower compensation.

8 June 1999. A letter offering Government-to-Government consultation was sent to the Tribal chairmen of the Missouri River basin Tribes. Colonel Michael Meuleners, Commander of the Missouri River Region of the Corps NWD, signed the letter "offering to consult."

23-24 February 1999. A Government-to-Government consultation summit (reference in compendium) was held in Rapid City, South Dakota, with representatives of a number of Tribes in the Missouri River basin and the Corps. This consultation was facilitated and documented by the River Group, an independent consortium of professionals in public policy. The following themes emerged:

- 1) Individual Tribes should be consulted by the Corps on the Master Manual and on other Tribal issues.
- 2) Tribal issues should be given special and specific attention in the RDEIS.
- 3) Impacts to cultural resources resulting from the Corps' operation of the Mainstem Reservoir System need particular attention. An additional forum outside of the Master Manual is also needed to address other cultural resources issues.
- 4) Development of the schedule for the Master Manual did not include Tribal input.

The Tribes who participated in the summit also expressed concern about impacts to the Tribes resulting from current operation of the system.

Irrigation, erosion, sedimentation, hydropower, and flood control benefits are common concerns for the Tribes.

Participating Tribes believe that the irrigation that has occurred is not what was envisioned at the time that the Pick-Sloan dams were proposed. Some irrigation has occurred on the Reservation, but not in the magnitude envisioned earlier by the Tribes. The irrigation benefits are perceived as being greater for non-Native Americans than for Tribes.

Lands along the river that were purchased by the Corps continue to erode, and the river is again beginning to encroach on Tribal Lands. The Tribes do not wish to sell any more lands to the government but would like compensation for lands that have been and continue to be eroded by operation of the reservoirs. Furthermore, the impacts of erosion on cultural sites; sacred sites; and vegetation that is used for religious ceremonies, healing, and food is a concern. Impacts of erosion on Tribal recreation sites are also a concern to the participating Tribes.

The impact of sedimentation on Tribal water intakes was raised by the participating Tribes. Tribes are concerned about sediment that may contain heavy metals, which could potentially impact the health and well being of Tribal members.

The Tribes believe that the non-Native Americans are receiving greater hydropower benefits than the Tribes. An Ogallala Sioux Tribal member indicated that Tribes have not realized any of the monetary benefits from hydropower revenues, and that some of the revenues should be given back to the Tribes. A Rosebud Sioux Tribal member indicated that deregulation of electricity would allow the Tribes to have more flexibility. He indicated the Tribes would like to have a utility company and be the provider and not the customer.

The Tribes believe that flood control benefits provided by the Mainstem Reservoir System are greatest for non-Native American communities and indicated the Pick-Sloan plan was unfavorable to the Tribes. The Tribes believe they have not realized any flood control benefits at their communities, but that several Tribal communities were flooded and relocated because of the construction of the Mainstem Reservoir System dams.

During and following the summit, the Three Affiliated Tribes (Mandan, Hidatsu, and Arikara) the Fort Peck Assiniboine and Sioux Tribes, Standing Rock Sioux Tribe, Rosebud Sioux Tribe,

APPENDIX A - TRIBAL APPENDIX

and Crow Creek Sioux Tribes expressed their willingness to enter into Government-to-Government consultation with the Corps. Concerns about the Corps' operation of the Mainstem Reservoir System and potential Tribal impacts from changed operations, as well as numerous other issues raised by the Tribes that are beyond the scope of this NEPA review, are captured in the above consultation history.

22 January 1999. A letter was sent to the Missouri River basin Tribes to invite them to participate in the Tribal consultation summit for the Master Manual scheduled for 23-24 February 1999 in Rapid City, South Dakota. Colonel Michael S. Meuleners, Commander of the Missouri River Region of the Corps NWD, signed the letter.

15 December 1998. A letter was sent to the Missouri River basin Tribes to invite them to participate in the Tribal consultation summit to be held in January or February 1999. The letter indicated that the purpose of the Tribal consultation summit was to jointly develop a Government-to-Government consultation process; identify and clarify issues raised by the Missouri River basin Tribes during the Study process; and produce a draft summary for each basin Tribe and for inclusion in the administrative record of the RDEIS. Brigadier General Robert H. Griffin, Commander of the Corps NWD, signed the letter.

10 September 1998. The Mni Sose Intertribal Water Rights Coalition Board of Directors meeting was held with 23 Tribes represented. Colonel Michael Meuleners, Commander of the Missouri River Region of the Corps NWD, provided an overview of the Study process and schedule, and encouraged Tribal input and participation into the decision process for selecting an alternative to the current water control plan. Rose Hargrave gave a presentation on the alternatives presented in the Master Manual PRDEIS.

14 May 1998. A coordination and consultation meeting was held between Mni Sose Intertribal Water Rights Coalition basin Tribal representatives and the Corps. Approximately 20 Tribal representatives from four individual Tribes participated. Corps participants included Lieutenant Colonel John Craig, Larry Cieslik, Rose Hargrave and Peg O'Bryan from the Missouri River Region of the Corps NWD, and Dave Vader of Corps Omaha District. Two EPA representatives also attended. Topics of discussion included the Study, developing a Government-to-Government

consultation process, and developing collaborative processes to address non-operational issues.

Prior to 1998 numerous meetings occurred between the Missouri River basin Tribes and the Corps. During these meetings, the Corps and Tribes discussed proposed alternative flow plans for the Master Manual revision, as well as issues directly related to the operation of the reservoirs and issues not directly related to the operation of the reservoirs that are important to the Tribes and the Corps.

A-11 STUDY GOVERNMENT-TO-GOVERNMENT CONSULTATION

A-11.1 Introduction

There are 30 Tribes within the Missouri River basin, with 13 Reservations or Tribal Lands bordering the Missouri River or the Mainstem Reservoir System. The Corps recognizes that Tribal governments are sovereign entities, with rights to set their own priorities, develop and manage Tribal and trust resources, and be involved in Federal decisions or activities that have the potential to affect these rights.

Government-to-Government consultation with Tribes on the Study has and will be initiated and continue throughout the NEPA process. Consultation will include correspondence, face-to-face meetings, and other forums as necessary. After the Record of Decision (ROD) has been signed, the Tribes are encouraged to continue Government-to-Government consultation through the AOP process. Any further discussions on issues not related to the operation of the Mainstem Reservoir System or the AOP process should continue to be discussed between the Corps and the Tribes. It is incumbent on the Corps to provide meaningful processes outside of the Master Manual that provide for mutual resolution of these issues between the Corps and the basin Tribes.

The following outlines the Government-to-Government consultation the Corps has developed for the Study. The Corps has repeatedly solicited input from the basin Tribes regarding the nature, validity, and adequacy of the process outlined. To date, little input has been received.

A-11.2 Objectives of Government-to-Government Consultation

The objectives to be accomplished by Government-to-Government consultation are as follows:

- 1) Maintain a Government-to-Government relationship between the Corps and Tribes who may have interests and resources within the Missouri River projects.
- 2) Fulfill the provisions of Executive Order 13175, Tribal Consultation and Coordination.
- 3) Fulfill obligations and commitments in the executive memorandum on Government-to-Government relations dated April 29, 1994.
- 4) Provide a structured means to fully incorporate Native American perspectives and interests into the decisions that may have an impact on tribal trust resources.
- 5) Fulfill responsibilities under Section 106 of the National Historic Preservation Act of 1966, as amended, and implement regulations that require consultation with appropriate Tribes and interested parties.
- 6) Fulfill responsibilities under the Native American Graves Protection and Repatriation Act of 1990.
- 7) Fulfill obligations under DoD, Army, and Corps policies and principles when dealing with Tribes.

A-11.3 Identification of Consulting Parties

A-11.3.1 Tribal

All Federally recognized Tribes within the Missouri River basin are identified as potential consultants. Tribal points of contact, via letter, phone, and in person, will be asked to identify other potentially interested Tribes, Tribal affiliates, and Tribal grassroots organizations outside of the Missouri River basin who may have an interest in the Study. If additional interested parties are identified via consultations with the Federally recognized Tribes, they will be brought into the consultation process. Tribal chairpersons of each of the 30 Federally recognized Tribes of the Missouri River basin, or their identified designated representative, are the primary spokesperson for their Tribe in the Government-to-Government consultation. While the Corps will seek comments from all Tribal

members, the Tribal chairperson is considered to be the decisionmaker for their Tribe.

Tribal organizations may also participate in the Government-to-Government consultation but are empowered to make decisions only to the extent that they are authorized by the Tribal chairperson or their designee.

A-11.3.2 Corps

The Commander of the NWD of the Corps, or a designated representative, including another military officer or civilian employee of NWD, is the primary spokesperson for the Corps in the Government-to-Government consultation.

A-11.4 Communications

Open and honest communication is the foundation of Government-to-Government consultation. Consulting parties are encouraged to take advantage of opportunities to exchange information and discuss issues during both informal forums and the formal consultation process. Forms of communication to be used during the consultation process include face-to-face meetings when possible, letters, and telephone. Electronic (i.e., computer, e-mail) and fax communications may also be used if all consulting parties have the technical staff and equipment to utilize these means of communication.

A-11.5 The Consultation Process

The consultation process identified below fully integrates the DoD's principles and practices of meaningful consultation with the Tribes by:

- 1) Recognizing that there exists a unique and distinctive political relationship between the United States and the Tribes that mandates that whenever DoD actions may have the potential to significantly affect protected Tribal resources, Tribal rights, or Tribal Lands, DoD must provide affected Tribes an opportunity to participate in the decision-making process that will ensure these Tribal interests are given due consideration in a manner consistent with Tribal sovereign authority;
- 2) Consulting consistently with Government-to-Government relations and in accordance with protocols mutually agreed to by a particular Tribe and DoD, including necessary dispute resolution processes;
- 3) Providing timely notice to, and consulting with, Tribal governments prior to taking any actions that may have the potential to significantly

APPENDIX A - TRIBAL APPENDIX

affect protected Tribal resources, Tribal rights, or Tribal Lands;

- 4) Consulting in good faith throughout the decision-making process; and
- 5) Developing and maintaining effective communication, coordination, and cooperation with Tribes, especially at the Tribal leadership-to-installation commander level and the Tribal staff-to-installation staff levels.

The steps in the Government-to-Government consultation process for the Study are:

- 1) Initiation of Government-to-Government consultation is the responsibility of the Corps. By written correspondence, the NWD Commander will request that the Tribes engage in Government-to-Government consultation with the Corps. This letter will be sent as early in the process as possible. The purpose of this letter will be to define the Study and to indicate that this letter is the first step in the formal Government-to-Government consultation process.
- 2) The Corps will follow up after the initial letter is mailed with a telephone call. Information from these telephone calls will be documented and follow-up actions requested by the Tribe will be noted, incorporated as appropriate, and reported to appropriate Corps staff. If a Tribe elects not to respond to the initial consultation letter or subsequent telephone calls, the Corps will periodically, throughout the consultation process, attempt to initiate consultation with the Tribe. Repeated attempts to offer consultation will be provided by letter and subsequent telephone calls.
- 3) Tribes may accept the Corps' offer of Government-to-Government consultation by any form of communication. It is incumbent on the Corps to verify that the decision to consult reflects the wishes of the Tribal chairperson or their designee.
- 4) In cooperation with the Tribal Leader or their designee, arrangements for an initial consultation meeting will be made as soon as possible after the Tribe accepts the Corps offer of consultation; consultation meetings will take place at mutually agreed upon intervals and locations. These meetings may include other consultations so as not to burden the Tribes with multiple meetings. Agendas for consultation meetings will be mutually

developed by the consulting parties and should reflect consultation issues that are of primary importance to the Tribe. Initial meetings may focus on mutual identification and separation of issues into those that are directly related to the operation of the Mainstem Reservoir System, and those issues that are not directly related to operations. Upon identification of issues directly related to the Corps' operation of the Mainstem Reservoir System, consultation relative to those issues should proceed. Some consultation discussions may also focus on Tribal participation during official NEPA comment periods, including joint development of Tribal workshops and hearings. Later in the consultation process, there may be discussions of potential Tribal participation in the Corps AOP process.

- 5) In addition to the consultation meetings described above, to ensure that there is meaningful Government-to-Government consultation occurring at critical points during the Study NEPA process, the Corps will offer face-to-face meetings with both consulting and non-consulting Tribal chairpersons or their designees and the NWD Commander or his designee. These meetings will be offered at the following points in the process:
 - a) Prior to release of the RDEIS;
 - b) Prior to identification of a selected plan in the Final EIS;
 - c) Prior to a ROD; and
 - d) Prior to implementation of the revised flow plan.

A-11.6 Resolution of Issues

The intent of Government-to-Government consultation is to provide for resolution of issues related to the Corps' operation of the Mainstem Reservoir System at the level of the individual Tribes and the NWD; however, resolution of some issues may be beyond the scope and authority of the NWD Commander. Unresolved issues identified in formal Government-to-Government consultation may be elevated to higher levels within the Corps and/or to the Office of the Assistant Secretary of the Army for Civil Works. Consulting parties will develop joint procedures for elevation and ultimate disposition of issues after action. This may include annual meetings to maintain relationships and provide relevant information. Tribal resolutions or

other Tribal procedures may serve as tools for defining unresolved Tribal issues.

A-12 COMPENDIUM OF NATIVE AMERICAN COMMENTS

This section is a compendium of Tribal comments, correspondence, and meeting materials. It provides a written record of consultation between the Corps and the Tribes arranged chronologically from 1989 to the present.

APPENDIX A - TRIBAL APPENDIX

1989

1. Oglala Sioux Tribe Letter (October 12, 1989) A-33

1992

2. Oglala Sioux Tribe Rural Water Supply System Letter (June 11, 1992) A-36

1993

3. Standing Rock Sioux Tribe Review and Comments (July 7, 1993) A-57
4. Turtle Mountain Band of Chippewa Indians Letter (July 28, 1993) A-134
5. Santee Sioux Tribe of Nebraska Letter (July 29, 1993) A-136
6. Mandan, Hidatsa, and Arikara Nation Letter (July 30, 1993) A-138
7. Ponca Tribe of Nebraska Letter (August 10, 1993) A-140
8. Rosebud Sioux Tribe Letter (August 11, 1993) A-141
9. Winnebago Tribe of Nebraska Letter (August 18, 1993) A-144
10. Mni Sose Intertribal Water Rights Coalition Response to PDEIS (September 1993) A-146
11. Mni Sose Intertribal Water Rights Coalition Testimony (October 11, 1993) A-201
12. Doug Bereuter, Member of Congress, Letter (December 28, 1993) A-205

1994

13. Mni Sose Intertribal Water Rights Coalition Letter (March 29, 1994) A-209
14. Mni Sose Intertribal Water Rights Coalition Response to Corps of Engineers Preferred Alternative Plan (June 6, 1994) A-210
15. Cheyenne River Sioux Tribe Letter (September 1, 1994) A-217
16. Mandan, Hidatsa, and Arikara Nation Letter (September 1, 1994) A-218
17. Mni Sose Intertribal Water Rights Coalition Response to the U.S. Army Corps Draft Environmental Impact Statement (September 14, 1994) A-219
18. Standing Rock Sioux Tribe's Response to the Army Corps of Engineers Draft Environmental Impact Statement (October 17, 1994) A-231
19. Yankton Sioux Tribe Letter from Jim Stone A-232
20. Omaha Tribe of Nebraska Letter (September 28, 1994) A-235
21. Dale M. Cochran, Secretary of Agriculture Letter (October 25, 1994) A-236
22. Mni Sose Intertribal Water Rights Coalition Comments on the Draft Biological Opinion (November 30, 1994) A-242
23. Mni Sose Intertribal Water Rights Coalition Letter from Richard Bad Moccasin (December 22, 1994) A-249

APPENDIX A - TRIBAL APPENDIX

1995

- 24. Fort Peck Tribes Letter (February 22, 1995) A-251
- 25. Mni Sose Intertribal Water Rights Coalition Supplemental Comments (February 28, 1995) A-252
- 26. Mni Sose Intertribal Water Rights Coalition Letter (March 16, 1995) A-270
- 27. Mni Sose Intertribal Water Rights Coalition Board of Directors Meeting Letter (May 2, 1995) A-271
- 28. Mni Sose Intertribal Water Rights Coalition Comments on the Proposal for Revisiting the Draft Environmental Impact Statement (June 27, 1995) A-280
- 29. Mni Sose Intertribal Water Rights Coalition Response to the Corps Preliminary Recommendations (July 13, 1995) A-290
- 30. Mni Sose Intertribal Water Rights Coalition Response to the Master Manual Revision Process (November 17, 1995) A-292
- 31. Mni Sose Intertribal Water Rights Coalition Response on Corps Activities in the Missouri River Basin (December 7, 1995) A-293

1996

- 32. Mni Sose Intertribal Water Rights Coalition Response on Corps Activities in the Missouri River Basin (April 1, 1996) A-299

1998

- 33. Mni Sose Intertribal Water Rights Coalition Meeting Minutes from May 14, 1998 (June 5, 1998) A-305

1999

- 34. Crow Creek Sioux Tribe Letter (February 17, 1999) A-311
- 35. Reorganizing of Tribal Comments, Rapid City, South Dakota, Consultation, Prepared by Gary L. Flory, The River Group (February 23-24, 1999) A-312
- 36. Mni Sose Intertribal Water Rights Coalition Letter (February 25, 1999) A-329
- 37. Mni Sose Intertribal Water Rights Coalition Request for Financial Assistance (March 1999) A-330
- 38. Mni Sose Intertribal Water Rights Coalition Letter (April 30, 1999) A-341
- 39. Bureau of Indian Affairs, Cora L. Jones Letter Regarding the Tribal Summit (May 5, 1999) A-343
- 40. Mni Sose Intertribal Water Rights Coalition Project Proposal (May 7, 1999) A-345
- 41. Mni Sose Intertribal Water Rights Coalition Meeting Agenda (May 13-14, 1999) A-349
- 42. Mni Sose Intertribal Water Rights Coalition Meeting Minutes from May 13-14 Meeting (May 24, 1999) A-352
- 43. Mni Sose Intertribal Water Rights Coalition Comments on the Preliminary Revised Draft Environmental Impact Statement (June 17, 1999) A-360
- 44. Standing Rock Sioux Tribe Letter (July 6, 1999) A-384
- 45. Crow Creek Sioux Tribe Letter Requesting Consultation (July 21, 1999) A-385
- 46. Oglala Sioux Tribe Letter Requesting Consultation (July 21, 1999) A-389
- 47. Standing Rock Sioux Tribe/Corps Consultation Meeting (July 27-28, 1999) A-391

APPENDIX A - TRIBAL APPENDIX

48. Peter Capossela, Attorney, Memorandum Regarding Revised Draft Environmental Impact Statement (July 26, 1999) A-397
49. Fort Peck Assiniboine and Sioux Nations/Corps Consultation Meeting (August 6, 1999) A-410
50. Bureau of Indian Affairs, Keith Beartusk Letter Regarding Revised Draft Environmental Impact Statement (October 4, 1999) A-426
51. Three Affiliated Tribes Comments to 8-31-99 recommendations (October 8, 1999) A-428
52. Oglala Sioux Tribe Statement of Concerns (November 22, 1999) A-430

2000

53. Mni Sose Intertribal Water Rights Coalition Letter (April 3, 2000) A-446
54. Mni Sose Intertribal Water Rights Coalition Letter (April 12, 2000) A-447
55. Crow Creek Sioux Tribe, Fort Peck Tribe, Lower Brule Sioux Tribe, Omaha Tribe, Ponca Tribe of Nebraska, Santee Sioux Tribe, Standing Rock Sioux Tribe, Three Affiliated Tribes, Turtle Mountain Band of Chippewa, Winnebago Tribe, and Yankton Sioux Tribe Comments on ESA Consultation (May 8, 2000) A-451
56. Mni Sose Intertribal Water Rights Coalition Letter (June 9, 2000) A-455
57. Crow Creek Sioux Tribe, Fort Peck Tribe, Omaha Tribe, Ponca Tribe of Nebraska, Santee Sioux Tribe, Standing Rock Sioux Tribe, Three Affiliated Tribes of the Fort Berthold Reservation, Winnebago Tribe, and Yankton Sioux Tribe Memorandum (August 3, 2000) A-459
58. Standing Rock Sioux Tribe Letter (September 11, 2000) A-461
59. Standing Rock Sioux Tribe Comments on Biological Opinion (October 2, 2000) A-465
60. Lower Brule Sioux Tribe Letter (October 4, 2000) A-466
61. Fort Peck Tribes Letter (November 20, 2000) A-468
62. Draft Briefing Paper from Indian Trust Asset and Environmental Justice Meeting (November 29, 2000) A-471
63. Trenton Indian Service Area Letter (November 30, 2000) A-476

2001

64. Sicangu Lakota Treaty Council Letter (March 6, 2001) A-478
65. Mandan, Hidatsa, and Arikara Nation Letter (March 14, 2001) A-479
66. Standing Rock Sioux Tribe Resolution Letter (May 1, 2001) A-481
67. Mni Sose Intertribal Water Rights Coalition, Inc. Letter (August 29, 2001) A-510

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