



DEPARTMENT OF THE ARMY
NORTHWESTERN DIVISION, CORPS OF ENGINEERS
12565 WEST CENTER ROAD
OMAHA, NEBRASKA 68144-3869

MAR 23 2005

REPLY TO
ATTENTION OF:

Missouri River Basin Water Management Division

Mr. Tex Hall
Chairman, Three Affiliated Tribes
404 Frontage Road
New Town, ND 58763

Dear Chairman Hall:

The U.S. Army Corps of Engineers (Corps), U.S. Fish and Wildlife Service (Service) and U.S. Environmental Protection Agency (EPA) are committed to working closely with sovereign Tribal nations, along with other governmental and non-governmental stakeholders in the Missouri River Basin, to develop the 2006 Annual Operating Plan for the Missouri River Mainstem Reservoir System. To be included in that Operating Plan is a spring rise, as stipulated in a 2003 Amended Biological Opinion issued by the Service. The purpose of the spring rise is to avoid jeopardizing the continued existence of the pallid sturgeon. To help ensure that the proposed intergovernmental process is conducted in an open and transparent manner, as well as facilitated professionally and impartially, the Corps, the Service, and EPA are utilizing the independent services of the U.S. Institute for Environmental Conflict Resolution (U.S. Institute).

The U.S. Institute is a Federal agency established by the Congress to assist parties in resolving environmental, natural resource, and public lands issues and conflicts. The U.S. Institute is part of the Morris K. Udall Foundation, an independent Federal agency. The U.S. Institute serves as an impartial, non-partisan institution providing professional expertise and services to all parties involved in resolving environmental conflicts. (See www.ecr.gov for more information about the U.S. Institute.)

The U.S. Institute is currently working to design an intergovernmental process aimed at developing recommendations for the 2006 spring rise. The U.S. Institute will provide impartial professional facilitation assistance to ensure that all relevant issues and information are considered and that a recommendation is developed in a timely manner. The Corps' 2006 Draft Annual Operating Plan to include a spring rise must be completed and released by August 2005 for subsequent Tribal and public comment.

Because of the severe time constraints, the agencies are proceeding in an expedited manner. The current anticipated approach, as recommended by the U.S. Institute, is to convene an intergovernmental group composed of designated representatives from Federal, Tribal, and State entities with a strong interest in the spring rise plan. The intergovernmental group would

strive to work with the Corps and the Service in reaching agreement on a proposed plan for the spring rise. It is also anticipated that the intergovernmental group will likely want to establish one or more working groups to address specific technical issues, gather information, explore options and prepare proposals for consideration by the full group.

Because there is little time to design and convene the proposed intergovernmental process, the U.S. Institute would like to hear from the Missouri River Basin Tribes regarding their preferences for participation and/or representation in this effort. To that end, the U.S. Institute will take the following actions.

- a. Discuss with an appropriate representative, either you or someone you designate, the Tribe's concerns, expectations, and protocols related to possible participation in the intergovernmental spring rise process.
- b. Explore potential interest and availability to meet with other Tribal representatives to coordinate Tribal participation in the spring rise process. Chairman Hall of the Mandan, Hidatsa and Arikara Nation Tribal Business Council has offered to host such a meeting at the Tribe's casino in New Town, North Dakota, in mid-April (see tentative meeting schedule below for likely meeting dates).
- c. Develop an appropriate agenda for a proposed inter-Tribal meeting.

The Corps and the Service recognize their responsibilities and reiterate their commitment to conduct formal government-to-government consultation with the Tribes in the Missouri River Basin as outlined in Executive Order 13084. The initial communication and coordination effort by the U.S. Institute are not meant to replace this government-to-government consultation. Nonetheless, the time available for the intergovernmental group to reach agreement on a recommendation for the spring rise is short. Due to this short time frame, the agencies are interested in seeking if Tribal participation in the intergovernmental process could serve as the basis for expedited government-to-government consultation.

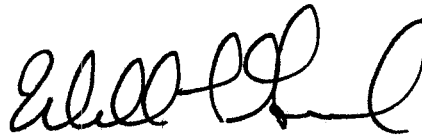
Tentative Meeting Schedule

April 12	Mediation Team selection interviews in Omaha, Nebraska (you are invited to participate and will be receiving additional information on this from the U.S. Institute).
April 26	Inter-Tribal meeting in New Town, North Dakota.
April 28	Core planning group meeting in Kansas City, Missouri (to assist the U.S. Institute in designing the intergovernmental process).
May - July	Intergovernmental meetings and working group meetings (specific dates to be decided).

Next Steps

Sarah Palmer, Senior Program Manager for the U.S. Institute's Native American and Alaska Native Environmental Program will be contacting you in the next two weeks to follow up on this letter. You may also contact Ms. Palmer directly at (520) 670-5655 or e-mail at palmer@ecr.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'William T. Grisoli', written in a cursive style.

William T. Grisoli
Brigadier General, U.S. Army
Division Engineer