

Rosebud Sioux Tribe



Standing Rock Sioux Tribe



Oglala Sioux Tribe

### GREAT PLAINS TRIBAL WATER ALLIANCE

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**Board of Directors**

Richard Davey Bird, Chairman, SRST  
Russell Eagle Bear, Vice-Chairman, RST  
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**Interim Executive Director**

Robert Quiver, Jr., OST

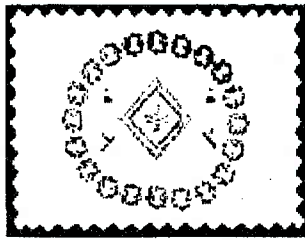
### FAX COVER SHEET

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<b>Subject:</b>	<b>Comment Red River Valley WSP</b>	<b>Date:</b>	<b>April 25, 2007</b>

**Comments:**

Attached is a four page comment. Feel free to contact me for followup, etc.  
Thanks

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### Interim Executive Director

Robert Quiver Jr.

April 25, 2007

US Bureau of Reclamation  
 PO Box 1017  
 Bismarck, North Dakota 58502-1017

Re: Comment on the Supplemental Draft Environmental Impact Statement for the Red River Valley Water Supply Project.

The Great Plains Tribal Water Alliance represents the founding tribes of the Mni Sose Coalition, reformed to re-assert tribal Winters Doctrine Water Rights for the Great Sioux Reservation, inclusive of the East Bank of the Missouri River.

The Great Plains Tribal Water Alliance on behalf of affiliated and member tribes of the Great Sioux Reservation (est. 1868) welcomes this opportunity to comment on the Draft Environmental Impact Statement for the Red River Valley Water Supply Project. The United States Department of Interior, Bureau of Reclamation and the State of North Dakota have recently sought public review and comment on this important project, extending its deadline for comment up to April 25, 2007.

The Great Plains Tribal Water Alliance (GPTWA) offers comments as required under the National Environmental Policy Act (NEPA) as pertinent to the Waters of the Missouri River and tributaries within the boundaries of the Great Sioux Reservation. The Great Sioux Reservation is established and protected under US Constitutional Authority (Article 6). As a constitutional entity, the Great Sioux Reservation tribal membership should be recognized as stakeholders to the proposed project.

The Red River Valley SDEIS will impact the Great Sioux Reservation. The Draft Supplemental Environmental Impact Statement implies that the Missouri River will have decreasing flows while the Sheyenne River and Red River both shall have increased flows as resulting from the project. Flow rates supplement the need for Aquatic Environment in the Red River Basin. The Great Sioux Nation will be impacted by the Aquatic Environment need by the Red River Valley Water Supply project.

A great deal of Tribal members from the Standing Rock Sioux, Oglala Sioux and Rosebud Sioux Tribes will suffer great losses in water supplies if the project moves forward. In fact, the entire Great Sioux Nation of Tribes—as the primary stakeholders to the senior water rights established by Treaties, Agreements, and Contracts—will also find future difficulties with water rights, use and delivery of drinking water to their respective nations. The Winters Doctrine, a legal mechanism enabling the protection of water for the use and benefit of senior users for waters flowing into their reservations. This prevented the disasters of a disappearing and near extinction of Indigenous peoples so transparent to the United States citizenry. That doctrine was established by the Supreme court Case: *Winters v. U.S.*, 207 U.S. 564 (1908).

In November 2003, residents of the Standing Rock Sioux Reservation experienced a water outage lasting more than one week. That water supply deficiency affected more than 10,000 Indians including businesses and other institutions. Historically, we remind you that tribal members living in the Missouri River drainage basin have and continue to suffer great losses. Five (5) bands of the Great Sioux Nation lost over 350,000 acres of fertile Missouri River Bottom lands so that the Pick Sloan Plan (1944 Flood Control Act) could move forward. Those aforementioned tribes were not afforded the opportunities possessed by states to enjoy needs associated with water supply, more inclusive of recreational usage.

We recommend to Congress the “No Action Alternative”. The following responses are provided as reasoning behind our recommendation. The primary reasoning, however, is due to the fact that the projected impact of the proposed project is unforeseeable.

Purpose and Need for RRVWSP, p. 8.

The purpose and need for the proposed project is based primarily on insinuations that the present and future will bring water shortages to the Red River Valley Basin water users. Disagreeably, common sense shows that with higher precipitation levels, the water supplied through natural processes will be amicable enough to end any water shortages in the near future. The SDEIS reveals that the indoor water use by the city of Fargo, North Dakota equates to 21 billion gallons of water used annually. Will this have an impact on precipitation levels during a dry period?

MR&I, Recreation, Water and Conservation needs can be met without taking away the enjoyment of prior users along the Missouri River. Water quality needs can be addressed without diverting Missouri River waters for that purpose. The Red River Valley presently meets the National Primary Drinking Water Regulations.

As discussed earlier by the Standing Rock Water shortage anecdote, any water needs can be overcome in some of the worst shortages. This should apply to those needs in the Red River Valley also.

Authorization and History, p. 10.

The Dakota Water Resources Act 2000 (PL 106-554) provides the foundation for which the Red River Valley Water Supply Project is authorized. The Dakota Water Resources Act and other previous acts may be viewed by the majority of Great Sioux Reservation membership as not addressing lands and water rights issues, which have yet be settled over the Missouri River. The basis of this illegitimacy rests under the 1868 Ft. Laramie Treaty, (15 Stat., 635).

Aside from the Constitutional issues, the matter of project construction requires Congressional approval prior to commencement. Deauthorization of supply works is possible and can and must be exercised. This would be an issue with the Red River Valley as a future possibility. As first hand witnesses to congressional legislative activities, the Great Sioux Nation of peoples know all too clearly that no Federal Law or Water Resources Act is embedded or enforceable.

The DWRA sets a dangerous precedent which will result in environmental and economic losses, compromising trans boundary relations with Canada, violating Indigenous nations International border treaties (e.g. Jay Treaty), and threatens to introduce invasive species and riparian species to disrupt ecosystems.

Alternatives, p. 18.

Because the 2000 Dakota Water Resources Act authorizes the Red River Valley water use of the Missouri River, the Bureau of Reclamation has analyzed the costs with social economic impacts to all six alternatives presented in their SDEIS. Reclamation projects that associated costs would result in a cumulative economic impact of \$20.4 billion through a 10 year drought cycle. Because this is only a projection, Red River Basin inhabitants should exercise caution as to the exact amounts of impact which might occur. More study and time is therefore needed for a more deliberate and tangible outcome as to the impacts of each alternative.

Cultural Resources.

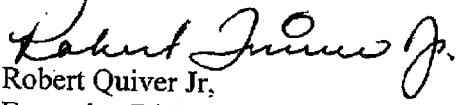
The Class 1 Survey conducted for this DEIS is not adequate for a Study of this magnitude.

Water fluctuations will have adverse effects on Cultural Resources areas along the Missouri River. Such was the case within the past few years resulting in costly litigation between tribes and the United States government. Some cases are still being litigated as of this writing.

In conclusion, to avoid confrontation with Indigenous nations at an international scale, it would be less costly to support the No Action alternative. Future extrajudicial activities may be eluded with supporting a No Action alternative.

Thank you for your time and consideration. On behalf of the Board of Directors for the Great Plains Tribal Water Alliance, I remain...

Sincerely,



Robert Quiver Jr.  
Executive Director  
Great Plains Tribal Water Alliance

Cc: GPTWA Board of Directors  
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