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ANGOSTURA UNIT
CONTRACT NEGOTIATION AND WATER MANAGEMENT

PUBLIC HEARING
ON THE
DRAFT ENVIRONMENTAL IMPACT STATEMENT

February 22, 2001
2:00 - 4:00 PM
Lower Brule Convention Center
Lower Brule Sioux Tribe
Lower Brule, South Dakota

Conducted By:

MR. KENNETH PARR
U.S. Bureau of Reclamation
515 Ninth Street, Room 101
Rapid City, South Dakota 57701

and

U.S. Bureau of Reclamation
Dakotas Area Office
Bismarck, North Dakota

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Thursday, February 22, 2001.

MR. PARR: I want to welcome everyone here.

This is a public hearing on the Angostura Draft Environmental Impact Statement. I gave all of you a copy of that Draft Impact Statement, and I want to take a moment to thank the Lower Brule Sioux Tribe for allowing us to hold this public hearing here and to have this group here. I would like to have, for the record, Scott introduce the committee that is here for us.

MR. JONES: Okay. Usually we just go around, but I'll go ahead and --

MR. PARR: We can go around the room.

MR. JONES: There's a lot of names; should we do the committee first?

MR. PARR: I can start if you like.

MR. JONES: I'll start with our Tribal Monitor here and he can introduce himself.

MR. ALVIN GRASSROPE: Alvin Grassrope, Tribal Monitor for Lower Brule Sioux Tribe.

MS. IRENE FLUTE: I'm Irene Flute. I'm on the Cultural Committee.

MS. EVELYN CHARGING: Evelyn Charging, Lower Brule Elderly.

MS. MAXINE GRASSROPE: Maxine Grassrope, Elderly Committee.

1 MS. JULIA YELLOW ROBE: Julia Yellow Robe, Lower
2 Brule.

3 MS. DOLORES GRASSROPE: Dolores Grassrope from
4 Lower Brule.

5 MS. IRENE SKUNK: Irene Skunk, Lower Brule.

6 MS. GERALDINE MEDICINE EAGLE: Geraldine Medicine
7 Eagle.

8 MS. ROSE MCCAULEY: Rose McCauley.

9 MR. GEORGE SMALL JUMPER: George Small Jumper.

10 MR. ALTWIN GRASSROPE: Altwin Grassrope, Elderly
11 Committee.

12 MR. PARR: My name is Kenneth Parr. I'm with the
13 Bureau of Reclamation with our Rapid City Field Office, and
14 we're responsible for publishing this Draft EIS.

15 The rest of the people who helped put this EIS
16 together are over here to my left, so if we could start here
17 with introductions.

18 MR. BORDA: Chuck Borda, I work out of the Denver
19 office, and I worked on the economics of the impact
20 statement.

21 MR. BANKS: Kimball Banks, I'm out of the
22 Bismarck office. I keep this guy honest.

23 MR. JORDHEIM: Conrad Jordheim with the Bismarck
24 office. I'm a hydrologist.

25 MR. PARR: He's also a Norwegian.

1 MR. BANKS: And he tells really bad jokes.

2 MR. ANDERSON: Curt Anderson out of the Rapid
3 City office. I work with Ken, and I'm a civil engineer.

4 MS. CLAUSEN: My name is name Kim Clausen; I'm
5 the Environmental Direct for for Oglala Sioux Tribe.

6 MS. FEATHERMAN: I'm not BOR. My name is Emma
7 Featherman Sam. I'm Director of the Badlands Bombing Range
8 project for the Oglala Sioux Tribe.

9 MR. PARR: In a moment I'll get into the
10 participation of the three tribes in this EIS. Excuse me, we
11 have one more distinguished member of the BOR team in the back
12 of the room.

13 MR. BOEHMKE: I am with BOR, John Boehmke, and I
14 work out of the Billings, Montana BOR office. I helped Ken.

15 MR. PARR: Well, I have about a ten minute
16 introductory type program, I guess, so I'll go through that,
17 and then what I'm going to do is open it up for some comments
18 and we'll get into maybe a question and answer period, would
19 probably be the best thing to get into, an open dialogue
20 between this Committee of the Lower Brule Sioux Tribe and the
21 Bureau of Reclamation.

22 I'm going to go through the introduction and
23 we'll get into the regular meeting. Again, this is a Draft
24 Environmental Impact Statement for Angostura. And that
25 impact statement, why we are here is because in 1995 the

1 original Water Service Contract with the Angostura Irrigation
2 District expired, and that was a 40-year contract. The
3 contract was originally signed in about 1956, and expired in
4 1995.

5 And we are required by law to renew that
6 contract with the Irrigation District. While we're
7 conducting this NEPA process, National Environmental Policy
8 Process, by doing this environmental impact statement we have
9 entered into interim or temporary water service contracts
10 with the district, and that's from 1996 to 2002, or until
11 this EIS process is completed.

12 In addition to that NEPA process, we're also
13 doing what's called a contract negotiation, parallel to the
14 NEPA process. So while we're doing this NEPA process, we'll
15 be talking to the Irrigation District about renewing this
16 contract with them. The products from the NEPA process or
17 this EIS and the contract negotiation is a Record of Decision,
18 and a new contract signed. And when I get done with this EIS
19 you'll get to see that Record of Decision.

20 That's the administrative stuff. I don't mean
21 to bore you with that, but I have to tell you that. So it's
22 a contract we're renewing with a group of people in southwest
23 South Dakota. Angostura is in southwest South Dakota. Here
24 is Edgemont and here's Hot Springs. So about seven miles
25 south and southeast of Hot Springs is a reservoir there. We

1 put a dam on it back in 1946.

2 That dam is fed by the prairie, prairie runoff
3 in Wyoming. This is the drainage area that feeds into here.
4 There's a 12,000-acre irrigation district, these little red
5 areas here. And down the Cheyenne River is the remainder of
6 the study area, at the request of the Oglala Sioux Tribe and
7 the Cheyenne River Sioux Tribe.

8 So that's the area that we're studying, okay.
9 In a minute here -- let me put up this other overhead. One
10 of the reasons why we're here talking to the Lower Brule
11 Sioux Tribe is because four years ago we came here to scope
12 this out and when we did that we were here at the request of
13 the Tribal Council. And we asked the Tribe if they wanted to
14 participate in this process. The Tribal Council said yes,
15 and so we're following up now four years later with this EIS.

16 And I'll get to some more specifics in a minute,
17 but that's what this overhead is about. Again repeating
18 myself, four years ago we were here to get your issues and
19 ideas for this EIS; that's called scoping. From that scoping
20 we developed this Draft EIS with alternatives in there.

21 We are now in what's called the 90-day comment
22 and review period. We want your comments on this Draft EIS.
23 That comment period ends April 27th. After April 27th it
24 will take us about six to seven months, we believe, to
25 complete a Final EIS. And then when we've published the

1 Final EIS, that will be out for a 30-day review period for
2 the public. This is, in shortened form, what your EIS looks
3 like that you have in front of you.

4 There's a brief summary. There's a purpose and
5 need for the project, and that is by law we are required to
6 renew a contract with the Angostura Irrigation District.
7 There's a chapter on alternatives, the various ways we're
8 looking at future management of Angostura.

9 There is a chapter on affected environment,
10 environmental impacts, consultation and coordination, and
11 then the bigger book, the appendices where all our studies,
12 our technical reports are in there.

13 NEPA, the National Environmental Policy Act also
14 requires us to seek cooperating agencies to assist us in
15 putting this document together. We went out and started
16 talking to tribes and federal and state agencies to see if
17 they wanted to participate in this, and these are the groups
18 that said yes, we would like to participate, and those are in
19 alphabetical order.

20 Also the federal government is responsible for
21 consulting with tribes on a government-to-government basis
22 for that government-to-government relationship. We are also
23 to determine whether there's any impacts to Indian trust
24 assets, such as fish, wildlife, plants, water, things along
25 those lines.

1 So we went out and wrote lots of letters to lots
2 of tribes. These tribes came back and said we want to
3 participate in this process, and those are the Cheyenne River
4 Sioux Tribe, Lower Brule Sioux Tribe and Oglala Lakota
5 Nation. When we went to the tribes, at first we told them we
6 were just going to do an environmental assessment on this
7 contract renewal. The Oglala Sioux Tribe requested an
8 environmental impact statement. So that was elevated from
9 environmental assessment to an environmental impact
10 statement.

11 Today, for the representative from the Bureau of
12 Indian Affairs is Alan Lien, the natural resource officer
13 from Lower Brule, and we have Don Stroup back there with
14 South Dakota Department of Environment and Natural Resources.
15 So these are the groups that helped us put this document
16 together. I realize no one has read this document here
17 because I just gave it to you, and that's my fault for not
18 getting it to you sooner.

19 But the idea between the public hearing, as I
20 told you earlier, is four years ago we came here to talk to
21 the Tribe. They gave us your ideas, your issues, your
22 concerns. We wrote this document, and now under the National
23 Environmental Policy Act we are required to hold public
24 hearings to get your comments on this Draft EIS.

25 Shortly here I'm going to open it up for

1 individuals to give us your comments on this document, or
 2 your comments on this process, or any other ideas you may
 3 have about Angostura. If you do not wish to give us your
 4 comments today, I would like you, if you have a chance, to
 5 maybe write your comments down on this card and just leave it
 6 here at the table and I'll pick them up later on.

7 If you don't want to do that, you can mail it to
 8 me. For those of you who have computers and have internet,
 9 you can send me an E-mail message, too, or call me. My phone
 10 number is in that Draft EIS. You can call me and I'll take
 11 verbal comments that way. Or if you want, I can always come
 12 back. I used to live here. I like it here at Lower Brule,
 13 so it would be no problem for me to come back and sit with
 14 this committee again.

15 MR. JONES: When is the deadline?

16 MR. PARR: April 27th. The other thing I would
 17 like to do here is if we do not -- if there's not a lot of
 18 comments to be given to the court reporter today -- by the
 19 way, if you do give us oral comments, Lynne Ormesher here is
 20 our court reporter, and she'll be recording your comments.

21 If there's no oral comments today, what I would
 22 like to do is end the public hearing, and just start a
 23 general dialogue, have a question and answer period go on
 24 about Angostura, to bring everyone up to speed. We can do
 25 that; we call that a workshop, and we have technical staff

1 here that can answer questions. Or we can talk about certain
 2 parts of the EIS, or we can just keep the court reporter busy
 3 and she can report our question and answer period.

4 But with the formalities here under NEPA, I need
 5 to have a few minutes to open it up for comments on this
 6 Angostura Draft EIS. So anyone who wishes to speak, what I
 7 would like you to do is tell us your name and give us your
 8 comment. Now I remember, you all weren't that shy at the
 9 DM&E meeting at Rosebud because I was there, and so I realize
 10 that, and you gave a lot of comments there to Victoria Rutson
 11 from the Surface Transportation Board.

12 MR. JONES: It wasn't four years between the
 13 scoping and the actual EIS process.

14 MR. PARR: That's correct.

15 MR. JONES: So there's a little bit of time
 16 differential. My name is Scott Jones, and I would just enter
 68 17 a few formal comments for the record, [including the ancient
 18 relationship that the Lower Brule, as well as all of the
 19 Lakota have to the entire Black Hills area, which includes
 20 the Angostura Reservoir.] and also that just briefly looking
 21 at this, as Ken said, I haven't had a great opportunity to go
 69 22 through all of this yet, [but we're concerned with the surface
 23 water aspects of this. We're also concerned with the
 70 24 groundwater aspects of the study,] [as well as on any kind of
 25 impacts that may be affecting cultural resources.]

68. Noted.

69. Noted. See pp. 30-52 and 112-135 of the EIS and Appendix Q.

70. Noted. See pp. 101-106 and 158-159 and Appendices X and Z.

1 I haven't reviewed the appendices or attachments
 2 or any of the technical information yet, but we're concerned.
 3 We're aware there are several cultural sites in and around
 4 the Angostura area that are Lakota, as well as other Tribe
 5 affiliated, and we're concerned with any kind of mitigation
 6 or preservation activities that are either ongoing or will be
 7 planned for the future.

8 The Tribal Council is not here today, and I
 9 would like to request that you do come back, and I will get
 10 with the Tribal Council and we'll set up a date, because
 11 again, as you said, we really haven't had a chance to -- some
 12 of us may, and as soon as I'm done they can address that, but
 13 have need to go through this and take a real good look at it.
 14 I guess we would probably request some time in early April
 15 for you to come back, Ken, and we would be willing to present
 16 our formal comments at that time.

17 MR. PARR: Your regular scheduled council
 18 meetings are --

19 MR. JONES: The first Wednesday of the month.

20 MR. PARR: First Wednesday of the month, okay.
 21 Alan, can you make sure I get on the agenda as a cooperating
 22 representative?

23 MR. JONES: I guess I do have some questions
 24 about under the -- I just noticed in your cover letter that
 25 Reclamation is required to negotiate a contract with the

12

1 district under the 1939 Reclamation Act.

71 2 [Does that district include the Oglala Sioux
 3 Tribe and do you have contracts with the Oglala people on
 4 this, and if so, to what degree of use are the Oglala allowed
 5 under those contracts?] I don't know what the original
 6 legislation said, but I would be interested to find out

72 7 whether that includes Indian people or if [it's been amended to
 8 include Indian people, the 1939 Reclamation Project Act.]

9 I guess, you know, as somebody that's been
 10 involved in reviewing these kinds of things, it's always good
 11 to read the authorizing legislation, and I'm not sure whether
 12 the language in the 1939 Reclamation Act, as may be amended,
 13 includes tribes or whether you're here rather through policy
 14 than through the actual act itself.

15 MR. PARR: The Bureau of Reclamation will
 16 officially answer those comments in the Final EIS. What I
 17 would like to do is after we get done with this public
 18 hearing we'll sit around and we'll discuss those questions
 19 in general.

20 MR. JONES: Sure. I just wanted those on the
 21 record. I'm aware of your situation with the court reporter,
 22 Ken, but I wanted those on the record.

23 MR. PARR: Thank you. One of the issues, maybe
 24 to get some discussion going here, we have a dam on the
 25 Cheyenne River. It's called Angostura. It dams up all the

71. The Angostura Irrigation District is outside the boundaries of the Pine Ridge Reservation. The Tribe's use of Cheyenne River water is not part of the contract with the District.

72. The Reclamation Project Act of 1939 doesn't specifically mention Indian people.

1 water in the upper end of the basin in your historic treaty
2 area. Because the Oglala Sioux Tribe is closer to Angostura
3 say than Lower Brule, they are more active in this project.

4 But I think I'm comfortable, and correct me if
5 I'm wrong, when they talk about tribal water rights and
6 treaty water rights, I think they are talking not only on
7 behalf of the Oglala Sioux Tribe but all of the other Sioux
8 tribes, too, because you are all part of that same original
9 treaty.

10 So the Oglala Sioux Tribe has been very active
11 in this EIS and they are concerned. We are using the water
12 in the Cheyenne River for irrigation. We divert the water to
13 irrigate. We store it and divert it and return it back to
73 14 the river. So we're using Cheyenne River water for this. [So
15 there's a concern on the use of the historic treaty water
16 rights, the current treaty water rights.]

17 They are concerned on water quality, water
18 quantity. They are concerned on impacts on the riparian
19 area. They are concerned on impacts on fisheries in the
20 river, and they are also concerned that fish -- children and
21 other people who fish and swim in the Cheyenne River are
22 getting rashes from that water. So we are trying to address
23 those issues in this Draft EIS.

24 MR. LIEN: Alan Lien, Bureau of Indian Affairs,
25 Lower Brule Agency. Under the Winters Doctrine there's

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1 supposed to be enough water for the tribes for their use, and
2 those at this time aren't quantified. But let's say this
3 would probably affect the Oglala probably more than Lower
4 Brule, but right now they are really not making much use of
5 that water, for example, on irrigation projects, but what
74 6 about down the road, [in the future if they have some kind of
7 project, you know, perhaps irrigation or some other use, and
8 there's not enough water left in the Cheyenne River, is there
9 going to be any -- I mean what are going to be the impacts if
10 there's not enough water to go around.]

11 MR. FARR: Good question. We'll answer that in
12 the Final EIS, but once we're done here we'll have a general
13 discussion. I think that's a good question. If I don't bring
14 it up Kim Clausen will bring it up.

15 We'll wait here a few minutes. I want to give
16 the elders here a chance to talk or tell me what you think
17 about us using this water in the historic treaty area. We'll
18 have lots of time here to go over some of this general
19 discussion, and we did this at all the hearings.

75 20 MR. LIEN: I have one other question, too, [under
21 the old EIS, there is usually what's called a preferred
22 alternative, and I think now we've kind of gotten away from
23 that, but is there a preferred alternative?] I know there are
24 four alternatives that you're looking at in this EIS.

25 MR. FARR: There is not a preferred alternative

73. See the response to comment No. 14 above.

74. The EIS states that a water rights settlement under the Winters Doctrine could decrease or restrict the volume of water available to the Angostura Unit (see pp. 97-98 of the EIS).

75. At the request of the OST, Reclamation didn't present a Preferred Alternative in the draft EIS; there will be one in the final EIS, however.

1 identified; that was at the request of the Oglala Sioux Tribe.

2 MR. LIEN: So the Lower Brule Sioux Tribe could
3 identify a preferred alternative if they so choose.

4 MR. PARR: You can do that under this process,
5 that's correct; the Tribe can do that. There's lots of people
6 calling and writing and telling me what they think the
7 preferred alternative should be.

8 MR. JONES: Would any of the participants care to
9 have anything else said on the record at this time? For the
10 elders' benefit, we'll be generating our own records of future
11 proceedings that may be exclusive of the BOR's meeting here
12 today, and I've requested -- so we will have opportunities,
13 probably starting early next week or the middle of next week,
14 to go through this.

15 I apologize, I haven't read this yet, but I
16 intend to try to get through it by the early part of next
17 week. So if there's no comments right now, for the record I
18 would encourage a committee to basically allow the BOR to
19 release the court reporter until we can maximize the use of
20 that service. Does anybody have a problem in allowing the
21 court reporter to go? If there's any problem, that's fine.
22 That's good, we can keep them here all afternoon as long as
23 we're generating a record for our future use.

76 24 MR. ALTWIN GRASSROPE: Altwin Grassrope. [I was
25 just wondering if your Angostura project, is it affecting any

76. The District and the Angostura Unit are outside the boundaries of the Pine Ridge Reservation. The OST is in the process of drafting water quality standards. If these standards were implemented, Reclamation would evaluate the unit for violations of them.

1 of the ordinances of the tribes that, you know, the zoning;
2 the Oglala Sioux Tribe,] do they have any zoning ordinances?
3 It seems like this is a water project.

4 MR. PARR: I don't know which ordinance it's
5 affecting. I know you have an upcoming clean water act coming
6 up that is under approval review with the EPA. So there will
7 be future issues with the Oglala Sioux Tribe, and they have
8 right now a draft or interim.

9 MS. CLAUSEN: We have a draft water quality
10 standards that sets the level of protection that we want for
11 the river for our children and our fish, so we can be assured
12 that the fish are safe and that the children can swim in the
13 water without getting rashes or getting sick or anything. So
14 that is in place now, in draft, going through our Tribal
15 Council now.

16 MR. JONES: Can we have a copy of the laws and
17 ordinances that may be affected either now or in the future by
18 this project?

19 MR. PARR: Tribal laws?

20 MR. JONES: Any applicable tribal law that will
21 be affected by either -- any of the alternatives?

22 MR. PARR: That will take some time to research
23 that.

24 MR. JONES: Yes, that's fine.

25 MR. PARR: I'll do the best I can to get that

1 from -- you'll have to help me here at Lower Brule get those,
2 but we may contact Eagle Butte and Pine Ridge and get those.
3 I'll work through Kim to get those.

4 MS. CLAUSEN: Scott, does that include treaties
5 because those are all --

6 MR. JONES: Yeah, I think there should be a
7 discussion about all of that in here. Am I not seeing a
8 discussion on the treaty claims of the Lakota?

9 MR. FARR: We tried -- the Bureau of Reclamation
10 has a section in there on Tribal Treaty Rights, and what we
11 thought, through our consultations were Indian trust assets,
12 that were being impacted by this project.

13 MR. JONES: Since this is a draft, you wouldn't
14 mind if we wordsmith or read that with a critical eye and
15 maybe suggest some language?

16 MR. FARR: That would be a good thing to do.

17 MR. JONES: Thank you.

18 MR. BANKS: We wouldn't expect otherwise.

19 MR. JONES: Where would that section be, because
20 I'm not seeing it.

21 MR. BANKS: Under Indian trust assets.

22 MR. JONES: Any treaty?

23 MR. FARR: It's in two or three areas the way
24 Gray broke it up. You and I put it in one.

25 MR. JONES: It's on 155.

1 MR. FARR: That's one area.

2 MR. JONES: Okay, I saw that. No, that's not
3 what I'm talking about. I would suggest that maybe for our
4 benefit and Lower Brule that we actually give you some kind of
5 history of our ties to that area.

6 MR. FARR: Okay.

7 MR. JONES: That you can incorporate into this
8 document, so our story is reflected, not just technical, you
9 know, development-driven or contract-driven documentation, but
10 some tribally appropriate documentation of what that area
11 means, culturally, spiritually, politically, et cetera.

12 MR. FARR: We would appreciate that. That would
13 be good.

14 MR. JONES: I should have known Kimball wrote
15 that.

16 MR. BANKS: That's why.

17 MR. JONES: Our superintendent of the BIA for
18 Lower Brule Agency is here. Do you have anything you want to
19 say on the record? I don't mean to --

20 MR. HER MANY HORSES: Not at this time. Not
21 right now.

22 MR. FARR: The comment period goes to April
23 27th.

24 MR. VIRGIL FLUTE: I'm looking at this map and
25 the reservoir comes all the way down through all the

77 1 reservations, [even clear down to ours, and there's a lot of
2 old abandoned mines in that area, and I've heard that we're
3 getting all that poison in the fish that comes down, like
4 mercury and all that; is that true? Is that getting into the
5 water that we drink and fish that we eat.]

6 MR. FARR: To the best of my knowledge that is
7 correct. I know that you're getting runoff from abandoned
8 mines into the Cheyenne River, and the classic case is
9 Homestake and Whitewood Creek, and Whitewood Creek at the
10 mouth where Whitewood Creek empties into the Belle Fourche
11 River, there is a lot of tailings that were built up in the
12 delta down there. And so as a result, we get runoff of mine
13 tailings from there into the Belle Fourche River, which
14 eventually gets into the Cheyenne River, which gets into the
15 Missouri River. So the answer to your question is yes, that
16 is happening.

78 17 MR. VIRGIL FLUTE: [What is being done about it,
18 purifying the water for us to drink and the fish that we eat?]

19 MR. FARR: There is activities going on trying to
20 clean up those mine tailings. There was -- the Whitewood
21 Creek was at one time a Superfund site. Most of that area has
22 been cleaned up. The problem is that after 80, 90, 100 years
23 of that runoff, the soils above it also have it built up.
24 They have cleaned up as much as they can under EPA laws, at
25 least at Whitewood Creek. There's still a bunch of abandoned

1 mines in the Black Hills that runoff.

79 2 MR. VIRGIL FLUTE: [It's not only runoff, it's
3 going down into the ground, poisoning the underground rivers
4 below the aquifer, and that's true, too, huh?]

5 MR. FARR: I don't know about the Oglala
6 Aquifer. I don't have that knowledge or information. I do
7 know that it does affect shallow aquifers, those aquifers that
8 are 10 to 200 feet deep. I know some of those get affected.
9 Some of the deeper ones, like the Madison Aquifer, which are a
10 couple thousand feet deep, I think are protected mostly from a
11 Pierre shale overlay that doesn't allow a lot of that stuff to
12 get down to the groundwater.

13 But you are correct, the shallow aquifers are
14 affected, but I don't know anything about the Oglala Aquifer.

15 MR. JONES: Kimball has pointed out on page 9 to
16 11 that there is more substantial language on the unit and

80 17 tribes, and I notice that it's talking about, [Although the
18 water rights of OST and Cheyenne River Sioux Tribe have not
19 been quantified, Reclamation still must consider that the
20 tribes must have established reserved rights to the water in
21 the river when evaluating alternatives in this EIS.

22 Can I ask, why is Lower Brule excluded from that
23 discussion?]

24 MR. BANKS: Because you're not directly on the
25 Cheyenne.

77. The EIS analyzed trace elements in the Cheyenne River (pp. 46-49 of the EIS). None were found that exceeded water quality standards for which the river is designated. Uranium was also sampled for in the river (pp. 51-52). Uranium levels were found below EPA drinking water standards.

78. See the response to the comment above.

79. See the response to comment No. 16.

80. See the response to comment No. 14. The final EIS will include the LBST.

1 MR. JONES: We've heard that argument regarding
2 the Missouri from our relatives on the Oglala, and that's a
3 two-way street. If it's going one way, it needs to go both
4 ways, and I think that's a message you guys can take home,
5 too. That if we're being asked to look collectively at the
6 reserve right of any of the water bodies, then that criteria
7 needs to apply all the way around, whether it's Cheyenne
8 River, Bad River, White River, whatever river.

9 Can I ask. Did she get what Kimball said on the
10 record? That's all I want to know.

11 MR. PARR: So you're requesting to change that?

12 MR. JONES: We will look at it and we will
13 suggest language.

14 MR. PARR: Thank you.

15 MR. BANKS: And we'll negotiate.

16 MR. JONES: There's rights of first use and
17 there's federal reserve water rights, and I don't think you're
18 distinguishing in that statement.

19 MR. BANKS: We're focusing on federal reserve
20 rights.

81 21 MR. JONES: [All the Great Sioux Nation has those
22 federal reserve water rights,] not just those two. If you're
23 talking about rights of first use, then you're talking about
24 landowners to the water's edge, or who have a prior
25 agreement. So I'll just say for the record, I question the

81. See the response to comment No. 14.

1 language used on pages 9 through 11, referring to the tribes
2 relationship to the Cheyenne River.

3 MS. CLAUSEN: And the Oglala would concur on
4 that. You're absolutely right, and that should be added in
5 there.

6 MR. PARR: You'll provide us guidance in language
7 to cure that?

82 8 MR. JONES: [Yes. I'd like, before the meeting,
9 for the three tribes in scoping that have come forward, that
10 we find a way to get together, the three tribes, and discuss
11 this issue as it affects us tribally or culturally, because I
12 think we can develop some language, Kim, between the three
13 tribes.]

14 MS. CLAUSEN: Absolutely.

15 MR. JONES: For the record, before I forget, I
16 want to thank you, Ken, and BOR employees for making this
17 effort. I was at the scoping meeting. I was at the meeting
18 when you came out, and I told the Tribal Council, don't give
19 them anything. Whatever you do, don't give them anything.
20 And I don't know if it was that time or a little before it you
21 were asking on the contracts for extension for the time frame
22 in which you would bring the tribes in apparently for this
23 discussion, but I wanted to thank you.

24 I like the way you've come out here. I wish you
25 would do more discussion about what these are, because we

82. Reclamation has received no language from the Tribes to date.

1 have no idea what those are. And I apologize for not having
 2 an interpreter, but I would suggest that maybe you consider
 3 bringing someone out or securing the services of somebody.
 4 Many of the elders on the committees, their first language is
 5 Lakota, and unfortunately I can't say the same, so I'm not an
 6 adequate interpreter for them. Again, thank you. I think
 7 your effort is good.

8 MR. PARR: We appreciate that lots. Well, we can
 9 do that here shortly. In a few minutes we'll just break up
 10 and I'll get the specialists in front of these boards and we
 11 can visit at each one of these stations. Or if you want, I
 12 can have the specialists generally talk about what's on these.

13 MR. JONES: I would like on the record what you
 14 brought, your visuals for the council that isn't here, but who
 15 will be reading the records.

16 MR. PARR: We can do that.

17 MR. JONES: Just so they know, so they have a
 18 clear image what we are doing here.

19 MR. PARR: Where do we want to start? Kimball,
 20 it's always a good place to start with you.

21 MR. BANKS: Why don't you start with the process.

22 MR. PARR: I did that with the opening, as you
 23 saw in my opening presentation.

24 MS. CLAUSEN: Before you get started, we followed
 25 this whole circuit around from the recreators to the

1 irrigators, and we hosted one at our tribe, and our elders,
 2 Fifth Member were deeply concerned and talked a great deal
 3 about water rights, the Winters Doctrine and the Ft. Laramie
 4 Treaty, and that all the water belongs to the Sioux, every
 5 bit of it, no quantification, and they will not quantify.
 6 They have no need to. It's a hundred percent Sioux water.

7 Unfortunately, we've been on the road for a long
 8 time, so we want to head home. So if there's anything you
 9 want to ask us or get with us about, feel free, and if not,
 10 we're going to head to Pine Ridge. It's a long drive home
 11 and we've been on the road. We've been everywhere, but we do
 12 offer to get together with Scott.

13 We did put as much of our language as could be
 14 in this book. We sent them the Ft. Laramie Treaty. We sent
 15 them maps of the reservation. We tried to interject that we
 16 talked about Indian trust assets. We went to our elders in
 17 the Red Shirt area and got a oral history from them, wrote it
 18 down, documented it on how the river used to be, the uses of
 19 that river.

20 They talked a great deal of the economics or
 21 benefits that are reaped off site of the reservation, and
 83 22 really look at that in great detail, [I would strongly suggest,
 23 because there's a great deal of revenue generated off that
 24 water, to the tune of about eight million dollars; whereas, I
 25 know the same as Lower Brule, Oglala reap no benefit.] We have

83. Two alternatives were proposed to benefit specific Tribes (see pp. 26-27 in the EIS). The Pine Ridge Irrigation Alternative was eliminated at the request of the OST. The Hydropower Alternative to benefit the CRST was eliminated because of economic infeasibility and potential environmental effects.

1 no contracts. We have no irrigation. We have nothing.

2 It's all well noted that the Indian reservations
3 are extremely poor, and our stand is as long as they take our
4 resources, our land and our water, we're going to continue to
5 be in this condition. It's come to the point where we're
6 going to fight for it. We're going to fight to the end. If
7 we have to go to Washington to CEQ, that's what we'll do.

8 They have taken that water without asking us
9 and now it's come around to where they are asking us. It's
10 wonderful that they have come to us and asked us, you know,
11 but now is the time for the Sioux people to stand strong on
12 this issue.

13 And so if any time you want us to come back with
14 our elders, Johnson Holy Rock and Oliver Red Cloud and our
15 elders, we'll bring them. We'll come up and talk to you. The
16 same way with the Cheyenne River Sioux Tribe. And I think now
17 is the time that we stand together on these water issues,
18 because they keep taking the water.

84 19 [We're not allowed to irrigate our land, our
20 allotted lands, so hence it's leased out. Other people are
21 making revenue off our lands. It should be those people's
22 choice that have allotted lands along this to irrigate, or
23 not, if they don't want to, to water their cattle and horses.
24 That's all we're asking for.]

25 And if they ask us for beneficial uses of that

84. See the response to the comment above.

1 water, we weren't afforded the same resources that off
2 reservation were to look at what those beneficial uses of that
3 water would be. The big irrigation up there, you can see on
4 the map -- we listened to the irrigators. One of their
5 concerns was they couldn't get their boats in the water. We
6 laughed at each other and said, That's of no consequence. We
7 don't recreate like that. We don't have boats. What we do is
8 pick cherries and plums along the river. Our kids play in the
9 water. That is our recreation. So don't talk about your
10 boats and cabins; that's of no consequence to me.

85 11 [Those irrigators got that water without ever
12 coming to the Oglala, Lower Brules and Cheyenne River and took
13 it.] And you know they keep taking and taking until we're not
14 going to have nothing left. So now is the time to say no,
15 we're not going to take it any more. If you want it, we'll
16 sell it to you. You pay for that. We're pitiful. We're
17 poor. Now is the time. We won't stand for it any more.

18 And I want to interject that that's the feeling
19 of the Oglalas. That's our feeling, and sure we're right on
20 that river. Red Shirt is a real small community. All we got
21 is 20 houses, a real small community. They don't even got a
22 store there. Actually they don't have a paved road getting
23 there. You have to go on a dirt road. So everyone has broken
24 windshields because we can't pay for our roads. It's
25 pitiful.

85. See the response to comment No. 14.

1 We don't have drinking water. We have to pipe
2 water from the Missouri River to provide water to our people
3 down in Red Shirt. They turn on the faucets, the water is no
4 good. It took all these years to get good drinking water.

86 5 We hauled water all these years. [And they go down and play in
6 the river and catch fish out of the river to eat the fish.

7 The fish are full of ulcers and sores. Nobody wants to eat
87 8 those fish.] [The kids go out and play and have rashes on their
9 legs, their feet.] So we tell our kids not to play in the
10 river no more. That was their recreation.

11 So I see them making all these millions of
12 dollars while we stay poor, and that's our stand on it, you
13 know, that's our resources, our Indian trust assets. The
14 government gave that to us when they took everything else
15 away.

16 So that's the Oglala stand, and we're more than
17 willing to get together, Scott. You can call me at any time.
18 We can come back up to Lower Brule or bring you down to Pine
19 Ridge, because we have more trees down there; no, just
20 kidding, but we do have less snow. So any time, we'll get
21 together, maybe halfway between, we can get together and bring
22 our elders together, because we defer to our elders. They are
23 the ones, they teach us, so we listen to them, and that's the
24 message that they sent.

25 MR. JONES: Before you go -- thank you very

1 much. Before you go, have you been able to author any of the
2 language in here?

3 MS. CLAUSEN: We had a small contract with the
4 Bureau of Reclamation to do some water quality testing,
5 because we were real concerned about the water quality. From
6 the Angostura, the next station, there was one at 100 miles
7 away, so we asked them to put a gauging station on the
8 Cheyenne River so we can monitor what's going on. That has
9 happened.

10 MR. JONES: So you've had some input into the
11 document.

12 MS. CLAUSEN: We submitted a great deal of
13 information from the elders on what the river looked like.
14 See the pictures with the fish? That's my girl out there
15 catching the fish. So we did go up and down that river.
16 We've walked the river banks. We've got with different people
17 to talk about the cultural resources up and down the river,
18 and they will tell us about them, but we can not give that
19 information to Bureau of Rec. That's not information to be
20 given away.

21 They are very secretive about cultural resources
22 up there, because we do have a lot of people, the Badlands
23 are there and stuff, and they come back and take that stuff.
24 Everybody wants to come down and, you know, so that's a very
25 secretive thing, and they don't offer it very lightly, and if

86. See the responses to comments No. 12 and No. 63.

87. See the response to comment No. 12.

1 they do we can say it is there, but we don't tell them where
2 it is. That's only for us to know.

3 Also there's sundances and different things up
4 and down that river, different uses of that, and we've tried
5 to interject the cultural uses of that water in there, too.
6 We have talked about the recreational uses of water and how we
7 recreate. We've tried to interject that in there, comments
8 from our elders and treaties.

9 Beware, NEPA kind of skirts around treaties all
10 the way. It's hard for the NEPA process to deal with
11 treaties, you know, and we've told Ken and some of the Bureau
12 of Rec, you're going to hear this at every reservation you go
13 to is treaties because that's all we've got left. We have to
14 keep those in place, and we have to make the federal
15 government honor them.

16 The other thing we've talked a great deal about
17 is Bureau of Reclamation has a trust responsibility as a
18 federal agency to the tribes, not to irrigators, not to
19 recreators. They have not that same responsibility to them as
20 they do for us, to look after our assets, and I would hold
21 their feet to the fire to look after their assets. If it
22 means bringing that dam down, then so be it.

23 But the other thing that should be noted, these
24 irrigators, we have met with them. They are wonderful. They
25 are out there trying to make a living off the land, you know,

1 and they are really, really concerned what's going to happen
2 to the water, if they take the water, how are we going to
3 survive. So those irrigators, they didn't know about the
4 Winters Doctrine when they bought that land. They didn't know
5 about that. So we've had to go and educate them, you know, on
6 exactly what our concerns are.

7 So just keep that in mind as we're making
8 decisions. There's a whole group of people out there. They
9 aren't wealthy people by any means. They are making a living
10 off the land and they are concerned about what's going on,
11 too.

12 There's a couple things, but it also should be
13 noted that those irrigators pay for that water, or for the
14 construction of that dam, so they don't get it for free.
15 They get allocations, and then they pay every year. I think
16 the month of May they pay for this allocation, and it goes to
17 pay for the dam, and whatever they can't afford is subsidized
18 off the Pick-Sloan off the Missouri River. So there's some
19 other issues in there that you have to read between the lines
20 in this EIS.

21 And we fought real hard to try to get tribal
22 issues interjected in this, and the Bureau of Reclamation has
88 23 tried really hard to understand our position. [I don't think
24 they have ever had to consult at the level they've had to
25 consult, especially with President Clinton's executive order.]

88. Reclamation is required to consult with tribes under the Department of the Interior instructions on Indian trust responsibilities and the Presidential Memorandum of April 29, 1994 (p. 2 of the EIS). The agency has made it a point to consult with all interested parties during a NEPA process.

1 But we use that executive order to say, You come down and
2 consult with us.

3 This is not consulting when me and Emma come.
4 They have to come to our tribal government. We're kind of
5 peons, low man on the totem pole. They have to come and talk
6 to the Gray Eagle Society, the Society of Elders. They have
7 to go to our Tribal Council, because that's consulting with
8 our government.

9 We listen and our president wanted us to come
10 to these meeting and bring back what your concerns were, and
11 so that's why we came. We left a little bit of money at the
12 casino, so you have to come and leave some money at our
13 casino.

14 Emma, did you want to add anything?

15 MR. JONES: Thank you.

16 MS. CLAUSEN: They say it's going to snow, so
17 we're trying to get home before it snows. We don't want to
18 get to Kadoka or someplace stranded. Scott, if you have any
19 concerns over the book, too, and questions, you know, give me
20 a call. We went through four versions, so we have read this
21 about a hundred times. We got the thing almost memorized now.

22 MR. JONES: Okay, thank you.

23 MR. PARR: Thank you, Kim. We appreciate that.

24 MS. CLAUSEN: No, you don't. I'm just teasing
25 you.

1 MR. PARR: I do appreciate it, because you
2 brought up some points that I would not have done otherwise.
3 That's why you're here with us. As I.

4 As I started to say, there were two things, two
5 processes that kicked off the activities of why we are here,
6 okay. And again, the contract expired and to renew the
7 contract we have to comply with the National Environmental
8 Policy Act. Well, this here is the same thing as the
9 overhead.

10 The idea here is to get as much information as
11 possible from the public, both Indian and non Indian; to hold
12 public meetings, produce the EIS, conduct contract
13 negotiations and sign a new contract, and that is what the
14 area manager of the Bureau of Reclamation from Bismarck will
15 do on the final project is to sign a new contract with the
16 Angostura Irrigation District.

17 Again, we're continually gaining input from
18 people like you, to see if there is any environmental impacts
19 while we're going through these processes, and that's what
20 this is all about. This is also telling us the different
21 acts that we have to comply with, in addition to NEPA,
22 National Environmental Policy Act, that we have to comply
23 with, while we're doing that.

24 And later on we can walk around and look at
25 these things, but other acts that we have to comply with is

1 the National Historic Preservation Act, the Clean Water Act,
2 Endangered Species Act, Federal Water Project Recreation Act,
3 Fish and Wildlife Coordination Act, and executive orders
4 addressing Native American sovereignty, Indian trust assets
5 and wetlands preservation. So these are all the laws and
6 stuff that we have to include in this Draft EIS.

7 So that's what this board is for, just walking
8 us through the process that we are doing. There's other
9 activities, all of these -- these are all pullouts from the
10 Draft EIS put on these poster boards to give you a general
11 idea what's in there.

12 Special considerations, cultural resources,
13 paleontological reserves, Indian trust assets.

14 MR. JONES: So you're saying all of these are in
15 the book.

16 MR. PARR: Yes.

17 MR. JONES: So he's just giving you an
18 introduction and overview of what you'll find when you look
19 in the book in depth later on.

20 MR. PARR: And this is a part, some of the
21 cultural resource data that we have looked at, or
22 presentation, and most of the sites that we felt that we have
23 impacted or will impact are in that section, consulting with
24 tribes to see if we've missed anything else in there.

25 Indian trust assets that we're impacting through

1 Angostura. Well, consulting with tribes, again we feel it's
2 water, plants and fish are the basic trust assets, and
3 cultural resources also. But the tribes are very concerned
4 about water quality, water quantity, plants and fish in this
5 process.

6 Over here on these boards here is water quantity
7 and water quality. I'm starting to get into some technical
8 stuff here. We have some graphs that we pulled out of those
9 sections that shows the amount of inflows and outflows going
10 in and out of Angostura. So you'll be able to see how much
11 water we're storing and how much water we're releasing.

12 On water quality, when we look at water quality
13 in the Cheyenne River with Angostura there, basically we're
14 looking at dissolved solids and suspended solids, and in
15 there are all those minerals and elements and other things
16 that are runoff from either the irrigation district or the
17 natural background of the environment. We also have a brief
18 section in there on groundwater, in addition to surface water
19 quality and quantity.

20 You know what, Chuck, my voice is giving out.
21 Maybe you want to talk about economics here a little bit.

22 MR. BORDA: For the economics, my name is Chuck
23 Borda, and I work with Steve Piper on the economic analysis.
24 And basically we did a regional impact analysis based on the
25 water use at the reservoir, and we focused on the irrigation,

1 agricultural production, based on the irrigation, and also
2 the recreation use at the reservoir.

3 And what we focused on is from irrigation, the
4 agricultural production. In that production there is what
5 various irrigators spend on inputs to grow the hay and
6 alfalfa, and some of those inputs are spent in the local
7 economy and that has basically a rippling effect within the
8 economy. As they spend dollars in the economy, that money is
9 also spent for wages, salaries and other inputs, and that
10 kind of ripples out through the economy.

11 With the recreation we looked at what recreation
12 is from outside the area, when they come in and spend dollars
13 in the area, how that ripples through the local economy. We
14 also, in the EIS, kind of give a general description of the
15 local economy. We looked at Fall River County and Custer
16 County, and also the Pine Ridge Reservation.

17 We collected population data. We collected
18 employment data, the major industries in those areas, and the
19 major employment, and then we did an impact analysis based on
20 the various alternatives. We show what the effect of each of
21 the alternatives would have, comparing it to the no-action
22 alternative and listed the effect as far as the total annual
23 income that would be generated or the difference in total
24 annual income that would be generated between no action and
25 the other alternatives.

1 We looked at household income and jobs, and for
2 recreation we also looked at the effect on recreation
3 visitation. So that just kind of gives you a general
4 synopsis or summary of what we did in the EIS for the
5 economics.

6 MR. PARR: Thanks, Chuck.

7 MR. HER MANY HORSES: How many irrigators
8 benefit? I thought it was in acres.

9 MR. ANDERSON: 80 or 90 farms, something like
10 that.

11 MR. HER MANY HORSES: Are they charged per acre
12 or cubic feet of water or at the head gate or what kind of
13 charges?

14 MR. ANDERSON: The Irrigation District operates
15 and maintains their distribution system, as well as the dam.
16 So their way of generating revenues is to charge so much per
17 acre per year.

18 MR. HER MANY HORSES: For their own distribution
19 system?

20 MR. ANDERSON: It's the government's distribution
21 system. They paid on it, but they take care of the dams, so
22 they are assessed from the irrigators a rate of roughly around
23 \$16 an acre per year, and with that money then they take care
24 of the facility, maintain the dam, and there's payments to the
25 government based on their ability to pay, of construction

1 costs and things like that.

2 MR. HER MANY HORSES: Of the original
3 construction costs?

4 MR. ANDERSON: Right.

5 MR. HER MANY HORSES: How much is left of that
6 original construction cost?

7 MR. ANDERSON: Ken?

8 MR. PARR: One and a half million dollars.

9 MR. ANDERSON: It's in the millions.

10 MR. HER MANY HORSES: The irrigators pay on the
11 construction of the dam?

12 MR. ANDERSON: Correct. But then since they are
13 a Pick-Sloan project, also the government would absorb costs
14 that they are unable to pay, based on their ability to pay.
15 And there's a flood control benefit in the dam. The dam is
16 about 73 percent -- irrigation is viewed as being 73 percent
17 of I guess the cost allocation of the dam is irrigation and 27
18 percent is flood control. So the flood control benefit that
19 is recognized by the government isn't -- they don't have to
20 pay, or we as the public have to pay.

21 MR. HER MANY HORSES: How about the safety of the
22 dam itself; I imagine annual checks are done.

23 MR. ANDERSON: Yes, that's where Reclamation --
24 there's operation and maintenance costs that they have to
25 absorb, but when it comes to the safety of the dam,

1 Reclamation reviews the dam annually with the district, our
2 Rapid City office, and every three years there's a safety of
3 the dams review done with the regional office, which is
4 Billings and our office, and every six years there's a review
5 by Denver and the regional office. So there's a process
6 that's reviewed all the time for safety.

7 MR. HER MANY HORSES: I guess what I'm getting
8 at, it's not on any major repair list or --

9 MR. ANDERSON: No, we are going to do some
10 significant work to the gates hopefully next year. We're in
11 process of putting together a contract to paint and rehab the
12 radial gates on the dam. And those radial gates are the
13 gates that would allow large storm flows to pass through the
14 dam, so we're going to try to rehab them. But as far as
15 anything significant from a safety aspect, it's primarily
16 maintenance type work that needs to be done.

17 MR. HER MANY HORSES: So since it's based on the
18 ability to pay, there's no -- operators have to pay their own
19 cost per acre charge?

20 MR. ANDERSON: As far as irrigators themselves,
21 if they are in arrears they don't receive water, is what
22 happens.

23 MR. HER MANY HORSES: So it's a pretty good deal
24 for the irrigators.

25 MR. ANDERSON: Just another comment from the

1 perspective of the irrigators, they benefit from the use of
 2 the water, but they also -- the government -- or we would
 3 view for us to operate and maintain that facility, we would
 4 have an extremely more costly effort involved if we would do
 5 it. And from the ag side, there isn't a lot of -- ag right
 6 now is pretty tough, you know. So that's why that ability to
 7 pay is built in to that.

8 MR. HER MANY HORSES: I imagine the irrigation
 9 district itself, do they put in any money to the distribution
 10 system themselves, or is it all funded?

11 MR. ANDERSON: With that \$16 an acre, those are
 12 the moneys that are used to maintain the facility. And then
 13 money -- there is some moneys that we take for payment for
 14 construction, but I wouldn't want to say the percentage. But
 15 a large percentage of that money that's generated from that
 16 \$16 is just used to maintain the facilities and distribute the
 17 water.

18 MR. HER MANY HORSES: So they are not actually
 19 paying down that much?

20 MR. ANDERSON: Not very fast.

21 MR. LIEN: When the land is sold in that
 22 irrigation district, do the water rights go along with that
 23 land?

24 MR. ANDERSON: The right to receive water or the
 25 allotment that goes with the district -- the district each

1 year, basically in this case if the water is available, it's
 2 about a two and a half acre foot allotment, so they would be
 3 entitled to receive, if you would buy a parcel of land down
 4 there, based on your irrigable acres, if you had 100 acres at
 5 two and a half acre feet, you would be eligible for or
 6 entitled to use it for the irrigable land.

7 MR. LIEN: Will the number of acres to be
 8 irrigated, does that always stay the same?

9 MR. ANDERSON: They are actually irrigating less
 10 than that area.

11 MR. PARR: They are averaging 10,000 acres a
 12 year. So the EIS is broken up into two types of analysis,
 13 irrigating at the full contract level, and irrigating at their
 14 average level. There's a comparison of those two.

15 MR. PARR: Thanks, Chuck. Conrad, did you have
 16 anything else to offer on hydrology? I didn't mean to jump in
 17 there.

18 MR. JORDHEIM: No, that's fine. They can come up
 19 and look at it and ask me some questions if they have.

20 MR. PARR: Kimball, did you have anything else to
 21 provide?

22 MR. BANKS: No, you covered it very well. Keep
 23 up the good work.

24 MR. PARR: There's three of us who worked on the
 25 environmental section, and I'm one of them. The other two are

1 not here, but the analysis we did here, and I find this
2 interesting, Scott, you would be interested in this, too. One
3 of the things we did is when you dam up a river, you're going
4 to impact the riparian area, the area that's flooded, okay,
5 just with the natural process of flooding, and the habitat
6 there, the riparian vegetation that's along the river.

7 You see that out here on the Missouri River, all
8 your cottonwood forests are gone. On a smaller perspective
9 that happens on the Cheyenne River. And what we did here is
10 this is a GIS, Geographic Information System presentation on
11 before dam construction and after dam construction, what the
12 change in the river corridor or riparian area before 1948 and
13 after 1991 looks like. We took aerial photography, digitized
14 that in GIS and did some analysis, and made this presentation,
15 and that's in the EIS, also.

16 But there is kind of a -- this is bigger, a
17 bigger picture than what's in the Draft EIS, but I would like
18 you to look at this, because this is interesting what happens
19 to a river when you dam it up. And so some people think it's
20 good, some people think it's bad.

21 But what we did here then is we collected this
22 base line data and then we tried to look at what the impacts
23 are on the environment because of that, and we came up with
24 fish species. There's a change in the diversity of fish
25 species. The type of fish that are in the river are

1 different than the fish that were in there before we dammed
2 it up. And there's a lot of reasons for that. One is that
3 people are putting different kinds of fish in the river and
4 they are surviving because the dam is making a steady flow.

5 Small mouth bass was not in the Cheyenne River
6 prior to dam construction. Small mouth bass is in the river
7 because, one, people put it in there, and two, because the
8 dam is allowing the fish to survive because of basically
9 consistent river flows. It's something to think about.

10 We looked at threatened and endangered species
11 in the EIS, from the bald eagle to the whooping crane down to
12 sicklefin chub or sturgeon chub, we looked at that in the
13 EIS. We don't find any impacts to threatened or endangered
14 species.

15 Consultations with the U.S. Fish and Wildlife
16 Service to date indicate that there is no impact, but they
17 are addressing that in their review of the EIS. Wildlife,
18 the greatest change in wildlife to me is in bird species.
19 When you dam up a river you change the riparian area. You
20 affect birds in addition to fish.

21 So we did an impact analysis on the types of
22 birds along the Cheyenne River. We divided them up into
23 cavity nesting birds, those birds that nest in the holes in
24 trees, tree nesting birds, shrub nesting birds or ground
25 nesting birds, and over time what changes in riparian

1 habitat, how those species change in those groups of
2 different types of nesting.

3 I know it's a mouth full that I just said, but
4 I have this in table form and you'll see those changes.
5 Wetlands along the river change, and so we have documented
6 what we think those changes in wetlands are, and that's in
7 the EIS.

8 And that's what's on these boards and that's
9 what's in the Draft EIS. So I would like you know before you
10 leave today I would like to you visit with our specialists and
11 then talk to us about what you see on these boards.

12 MR. ANDERSON: When you mentioned water
13 quantity, and just as you mentioned environment, one problem
14 or significant thing with river flows is just what you said,
15 going from right now you have a stable flow in the river that
16 has evolved due to return flows from the irrigation district,
17 things like that, whereas prior had more of a fluctuating
18 flow.

19 MR. PARR: Thank you, Curt. All right. Yes.

20 MS. MCCAULEY: Do you have extra like this? We
21 have two elders that for some reason are not able to be here
22 today, and if we're going to be looking over this, they are
23 going to need a copy.

24 MR. PARR: I have extras. I will leave two with
25 Scott.

1 MS. MCCAULEY: Thank you.

2 MR. JORDHEIM: I don't know if you mentioned it,
3 but there's a CD in each of the books that has the appendices
4 on it, if you have a computer.

5 MR. PARR: Or I can leave a couple extra copies
6 of the hard bound appendices, too, for distribution. I will
7 do that, also. Okay, what I'm going to do now is basically
8 conclude the public hearing. We published in the Federal
9 Register that this hearing is from 2:00 to 4:00. We have to
10 stay here until 4:00. We have no other choice. It's 3:00
11 now. So we're going to stay here for another hour, but I'm
12 going to conclude the public hearing on the Lower Brule
13 Reservation on the Angostura Draft Environmental Impact
14 Statement.

15 (End of public hearing for February 22, 2001.)