CROW TRIBE WATER RIGHTS SETTLEMENT OF 2010

TITLE IV of P.L. 111-291, December 8, 2010

Doug Oellermann, P.E.
Program Manager, Crow Implementation

U.S. Department of the Interior
Bureau of Reclamation
Crow Tribe Water Rights Settlement of 2010

• ACHIEVE A FAIR, EQUITABLE & FINAL SETTLEMENT FOR CROW TRIBE & ALLOTTEES

• AUTHORIZE, RATIFY & CONFIRM THE CROW-MONTANA COMPACT OF JUNE 22, 1999

• AUTHORIZE SECRETARY OF INTERIOR TO EXECUTE THE COMPACT

• ENSURE AVAILABILITY OF FUNDS TO IMPLEMENT THE COMPACT AND THE SETTLEMENT
Enforceability Date

- SETTLEMENT FINAL WHEN CONDITIONS ARE MET
  - Final Decree -Montana Water Court Pending
  - All of BIA funds deposited in Crow Settlement Fund Done
  - Contracts for CIP and MR&I System executed Done
  - Montana funds for Compact deposited Done
  - Tribal membership ratification of Compact Done
  - Bighorn Lake allocation agreement Pending
  - Waivers and Releases executed by Secretary Done
Settlement Funding

- AUTHORIZES $460 MILLION THROUGH RECLAMATION AND BUREAU OF INDIAN AFFAIRS

- FUNDING THROUGH COMBINATION OF MANDATORY AND DISCRETIONARY APPROPRIATIONS

- RECLAMATION FUNDING- APPROXIMATELY $378 MILLION

- BIA FUNDING- APPROXIMATELY $82 MILLION
BIA Funding

- ALL MANDATORY FUNDING-DEPOSITED IN THE CROW SETTLEMENT FUND IN SUMMER OF 2011

- APPROXIMATELY $5 MILLION AVAILABLE AFTER REFERENDUM FOR COMPACT ADMINISTRATION

- BALANCE AVAILABLE AFTER ENFORCEABILITY DATE
  - Energy Projects-$20 million
  - MR&I System OM&R-$47 million
  - CIP OM&R-$10 million
Reclamation Funding

• CROW IRRIGATION PROJECT REHABILITATION AND IMPROVEMENT
  – Approximately $132 Million
    • Approximately $74 Million-Mandatory
    • $58 Million-Discretionary

• MUNICIPAL, RURAL & INDUSTRIAL WATER SYSTEM
  – About $246 million
    • $146 Million-Mandatory
    • Approximately $100 Million-Discretionary
Reclamation Responsibilities

• **Lead Agency-CIP and MR&I Projects**
  – Executed Two Planning, Design and Construction Contracts with Tribe
  – Master Plans Under Development
  – NEPA/NHPA Compliance concurrent with Master Plans
  – Small Construction Projects in CIP with site-specific NEPA/NHPA Compliance

• **Enter into Allocation Agreement with Tribe-Bighorn Lake Storage**
  – 150,000 AF/yr in addition to Bighorn River natural flow right
  – 150,000 AF/yr-supplemental in times of natural flow shortage
Reclamation Responsibilities

• STREAMFLOW & LAKE LEVEL MANAGEMENT PLAN
  – Consult with Tribe and State FWP

• CONSULT WITH TRIBE ON YELLOWTAIL OPERATIONS

• YELLOWTAIL AFTERBAY HYDROPOWER
  – Tribe has Exclusive Right to Develop until 2025
  – Reclamation to Cooperate with Tribe in Planning, Design and Construction
  – Tribe is Conducting Studies
  – Energy Fund-After Enforceability Date
BIA Responsibilities

- BIA & Reclamation Entered into MOU-Cooperate & Coordinate on CIP and MR&I Projects
- On the CIP, the Tribe & Reclamation will Construct, then Turn Over to BIA for OM&R
- Coordinating with Reclamation on the CIP to Avoid Disruptions to Water Deliveries
- Coordinate with Reclamation and Solicitor’s for Decree, Current Use List and SB76 Objections Process
Federal Activities

• SB76-General Stream Adjudication
  – BIA and Solicitor’s Office Participating in Objections Process

• Water Court Decree of the Compact
  – Preliminary Decree Issued-Objections by December 2013

• Current Use List
  – Existing Uses of Tribal Water Right
  – Sharing Shortage Provision of Compact
  – Draft List & Maps to Public-August 2013
  – Request for Changes to List by January 21, 2014
Current Status

• Bighorn Lake Allocation Agreement
  – Held one technical session with Tribe in January 2014
  – Exchanged drafts of agreement

• Yellowtail Afterbay Dam Hydropower Agreement
  – Tribe is starting feasibility and final design studies
  – Held one technical session with Tribe in January 2014
  – Reclamation has prepared draft agreement in response to draft agreement submitted by Tribe

• No meetings are scheduled at this time