

**STATEMENT OF JOHN YELLOW BIRD STEELE**

**PRESIDENT, OGLALA SIOUX TRIBE**

**BEFORE THE COMMITTEE ON NATURAL RESOURCES**

**WATER AND POWER SUBCOMMITTEE**

**Hearing on H.R. 883, *The Oglala Sioux Tribe Angostura Irrigation Project  
Rehabilitation and Development Act***

**September 25, 2008**

Chairman Napolitano, and members of the Water and Power Subcommittee, my name is John Yellow Bird Steele. I serve as President of the Oglala Sioux Tribe of the Pine Ridge Indian Reservation. Let me thank you for conducting this hearing on H.R. 883, the Oglala Sioux Tribe Angostura Irrigation Project Rehabilitation and Development Act.

This bill addresses the legal and equitable claims of the Oglala Sioux Tribe, relating to the Angostura Dam's environmental impacts in the Cheyenne River watershed on the Pine Ridge Reservation. In August, 2002, the Bureau of Reclamation released its *Final Environmental Impact Statement, Angostura Unit Contract Negotiation and Water Management*. The Final EIS verifies that water flows, water quality and riparian habitat downstream of the Angostura Dam Unit have diminished substantially. The Pine Ridge Reservation is located 15 miles downstream from the Angostura Unit, and the project has impacted the environmental and economic resources of our Tribe. Accordingly, it is very important to our Tribe that Congress enact H.R. 883.

Impacts of the Angostura Dam on the Pine Ridge Reservation

The Angostura Dam has been a concern to the Oglala Sioux Tribe for a very long time. Angostura was built in the late 1940's, the gates of the dam were closed in 1949, and delivery of water for irrigation began in 1953. During this time, the water flows of the Cheyenne River dried up on the Pine Ridge Reservation.

The impoundment of water and irrigation at the Angostura Unit completely disrupted water flows of the Cheyenne River on the Pine Ridge Reservation. In its Environmental Impact Statement, the Bureau of Reclamation acknowledges that it releases no water at Angostura Dam for instream flows or fish and wildlife downstream. Recent studies by the South Dakota School of Mines and Technology indicate that water flows below the dam are cut off by 90 percent. Let there be no question: the Bureau of Reclamation Angostura Unit has been disastrous for the Cheyenne River watershed and the Pine Ridge Reservation.

Historically, our Tribe relied upon the water and riparian resources of the Cheyenne River as its economic base. Prior to construction of Angostura, the river in its natural state was subject to natural fluctuations. Water flows varied substantially from throughout the year, and from year to year. High spring flows provided water that was diverted in Red Shirt community on the Reservation for extensive community gardens and irrigation for alfalfa.

The abundant water supply that was diverted and available throughout the summer months enabled Red Shirt community members to form the Red Shirt Agricultural Cooperative during the 1930's. Gravity irrigation was used to grow alfalfa, and for the Red Shirt community gardens. The Cooperative established a cannery, and fresh vegetables and canned produce was provided to community members and sold to local merchants.

Tribal elders in the Red Shirt Table community recount how nearly all of the community's 200 original families worked together in the Cooperative. The alfalfa crop supported a growing herd of livestock, which grazed in the rich, wooded riparian area surrounding Red Shirt community.

The river was unpredictable. Spring floods sometimes threatened community dwellings. Our elders still talk about staying up for days and filling sandbags and building levees, to hold off flood waters.

The periodic flooding was essential to the community's fertile ecosystem, however. Flood waters deposited fertile silt throughout river basin. The Cheyenne River valley was an extremely lush area, dense with chokecherries, buffalo berries, wild plums, and other natural fruits and berries.

The naturally-lush river bottom attracted considerable wildlife as well. Deer, antelope and fur-bearing animals were plentiful. They provided a supplemental food source for community members during the first half of the twentieth century.

Indeed, Tribal members from throughout the Pine Ridge Reservation were known to travel to the Red Shirt Table and Cheyenne River, to hunt, fish, and gather fruits and medicinal plants. It was our best remaining land.

It all ended with the closure of the gates of Angostura Dam. In 1956, the Bureau of Reclamation completely shut off flows to the Cheyenne River below the Dam. Since that time, Cheyenne River water flows have diminished by approximately 200,000 acre-feet per year. The only water flows to the Cheyenne below the Angostura Unit are tributary flows, which are minimal, and irrigation return flows, which drain salt, pesticides and other contaminants into the Cheyenne River.

The spring flood waters are gone. The rich soils that grew riparian vegetation are no longer deposited in the riparian area. Consequently, the naturally-occurring fruits and

berries such as chokecherries, wild plums, and blackberries have disappeared. The medicinal plants, including sage, pursh, sweet grass, and bitterroot are no longer available. Longstanding practices of gathering of these resources have gradually ended. The cottonwood tree cover has also diminished. The regeneration of cottonwood trees has been stifled since closure of the dam gates in the 1950's.

The community gardens, long a central aspect of life in Red Shirt, dried up. Water supplies were no longer available for diversion to the community gardens and alfalfa fields. The Red Shirt Cannery closed in the late 1950's. The Red Shirt Agricultural Cooperative closed. The agricultural economy of Red Shirt Table community on the Pine Ridge Indian Reservation was completely destroyed by the Angostura Unit.

The wildlife and recreational resources traditionally relied on by the Tribe were harmed as well. The forage relied upon by deer and other subsistence species is largely gone. Wildlife populations have declined significantly.

The Cheyenne River fishery has also been impacted. Historically, this was an important food source for Red Shirt Table residents and Tribal members generally. The health of the fish has been severely impacted by the Angostura Unit. Warmwater fish species in the Cheyenne River are commonly found with lesions caused by environmental stress. Important fish species, such as the endangered sturgeon chub and pallid sturgeon were once found in the Cheyenne, but have not been identified in years.

As a result of Angostura Dam, the Red Shirt community no longer attracts hunters and fisherman from throughout the Reservation. The area, which had been the Reservation's most productive agricultural land and wooded habitat, has lost the resource base that attracted subsistence and sports hunters and fisherman from throughout the Reservation and throughout the region.

As it damaged the resource base of the Tribe, the dam created two significant new economic resources for upstream users of the Cheyenne River. Recreation at the Angostura Reservoir is valued at \$7.1 million annually, and the agricultural benefits of the Unit total approximately \$3.4 million annually. H.R. 883 will maintain or enhance these economic benefits for upstream users, while restoring some of the economic benefits to the Tribe.

#### Water Service Contracts and Final Environmental Impact Statement

Irrigation service at the Angostura Unit commenced in 1953, with full service beginning in 1956. That year, the Bureau of Reclamation entered a 40-year water service contract with the Angostura Irrigation District, for delivery of 48,000 acre-feet of water to irrigate 12,218 acres of land. The Angostura Dam impounds 115,000 acre-feet of water to provide water service to the District.

A thriving recreation industry has developed at Angostura Reservoir. The Bureau of Reclamation estimates that recreation at Angostura Reservoir is valued at \$7.1 million annually. Agricultural benefits total approximately \$3.4 million annually, with total annual benefits estimated at \$11.5 million. The Oglala Sioux Tribe receives virtually none of the economic benefits of the Angostura Unit. To the contrary, the Tribe has lost its valuable water and environmental resources and suffers harm from irrigation run-off and pesticides below Angostura Unit.

The 40-year water service contract expired in 1996. The dispute between the Oglala Sioux Tribe, Bureau of Reclamation and Angostura Irrigation District that H.R. 883 will resolve came to a head at this time. In 1996, I asked the Bureau of Reclamation to prepare an Environmental Impact Statement prior to renewing the long-term irrigation service contract. Initially, the BOR expressed reluctance to do this. The threat of litigation surfaced for the first time.

However, after a year of negotiations, BOR agreed that the irrigation contract with Angostura District does have environmental impacts, and BOR agreed to prepare the EIS.

The EIS took five years to complete. The Bureau of Reclamation released its *Final Environmental Impact Statement, Angostura Unit, Contract Negotiation and Water Management* in August, 2002. The EIS reflects the concerns expressed by the Oglala Sioux Tribe about diminished water flows, water quality, and riparian vegetation.

The Bureau of Reclamation operates Angostura Dam exclusively to supply water to the Angostura Irrigation District. No water is released for instream or conservation flows for the Cheyenne River. The natural flow of the Cheyenne River is completely disrupted below Angostura Unit.

The Final EIS documented substantially diminished water flows in the Cheyenne River. It states –

- “Regulation (of rivers) by dams generally alters this pattern of seasonal flows by flattening of high flows and increasing flows during past periods (like winter) of low or no flows. The loss of high flow removes the dynamic process that would otherwise restructure the channel periodically and sustain different-aged plant communities. (FEIS, p. 57).
- “Data reflect a general reduction in annual flows at Wasta following construction of Angostura Dam.” (FEIS, p. 58).
- “In addition to lower annual flows, a change in seasonal patterns has also occurred.” (FEIS, p. 58).

- “The dam undoubtedly affects distribution and magnitude of peak flows.” (FEIS, p. 58).

Our water quality concerns were likewise verified. With respect to water quality, the Final EIS explains –

- “The river below Angostura Dam to the confluence of the Belle Fouché River is typical of many western streams after regulation (by dams). Water is colder here than downstream and less turbid since the reservoir acts as a settling basin.”
- The Cheyenne River below Angostura contains high selenium and mercury levels. (FEIS, p. 46). High mercury levels for the Cheyenne River are also indicated in *U.S. Geological Survey Water Resources Department 90-4152, Table 12.*
- Repeated episodes of low Dissolved Oxygen are identified. (FEIS, p. 44-45).
- The pesticides atrazine, cyanazine, prometon and simazine were detected below Angostura Unit. (FEIS, p. 51).
- Reservoir zooplankton has migrated to the river channel, affecting biodiversity in the river below Angostura Unit. (Berdanier and Kenner, S.D. School of Mines, 1999).
- The degraded water quality results in environmental stress. This affects the health of fish in the Cheyenne River. Various species have been found with bacteriological lesions. According to a report by Plateau Ecosystems (1997), the sores are caused by a combination of factors causing environmental stress. Moreover, the diminished water flows in particular impact riparian vegetation, such as the wild fruits and berries harvested by Tribal members, prior to construction of the dam. Since 1950, riparian vegetation has diminished precipitously.

The Final Environmental Impact Statement outlines the same conditions cited by the Oglala Sioux Tribe in the decline of water resources and fish and wildlife habitat in the Cheyenne River watershed. The Angostura Unit is the cause of the problem.

More recent data confirms the findings in the Final EIS. The South Dakota Department of Environment and Natural Resources conducted an *Integrated Report, Surface Water Quality Assessment* (2006), which found water quality impairments for related parameters including total dissolved solids (TDS), total suspended solids (TSS),

ph and water temperature. These impairments directly result from the impoundment of water at Angostura, irrigation run-off containing pesticides and heavy metals, and reduced capacity for the dispersion of solids deposited by tributary inflows.

With respect to diminished streamflows, Kenner and Ratceg of the South Dakota School of Mines and Technology released a draft report entitled *Cheyenne River Watershed Phase I TMDL Assessment* (March 2007). The draft report states, “For the sites below Buffalo Gap and the Cheyenne River at Red Shirt, the months of June and July have negative values, reflecting flows below average. *This is different than the other sites. These sites are affected by the diversion of irrigation flows at Angostura Dam.*” (p. 25) (emphasis added).

The exhibits to my statement demonstrate these adverse impacts. The photographs show the Cheyenne River at low flow during the winter months. The water resource is completely degraded. The riparian zone is very bare, with no perennial plants. The cottonwood strands show no re-generation. The photographs demonstrate that the Cheyenne River watershed at Red Shirt Table produces no resources for our economy or our community.

The Final EIS selects as the Preferred Alternative the Rehabilitation and Betterment Alternative. This involves the construction of efficiency improvements at the Angostura Irrigation District. The BOR estimates that improvements in the irrigation system costing \$4.8 million will result in considerably less water use for irrigation of 12, 218 acres. The water savings is estimated at 10,000 acre-feet. This is approximately 20-25 percent of the annual water use by the District.

The Oglala Sioux Tribe initially asked BOR to evaluate the restoration of natural flows of the Cheyenne River below Angostura Dam. This was included as the “Re-establish Natural Streamflow” alternative in the Final Environmental Impact Statement. The Bureau of Reclamation determined that by opening the gates of Angostura Dam, the natural flow of the Cheyenne River could be restored on the Pine Ridge Reservation.

This was the optimal alternative for the Oglala Sioux Tribe. The restoration of natural streamflows would have enormous positive impacts for the environment on the Pine Ridge Indian Reservation. Sufficient water would be available for gardens and agriculture in Red Shirt Table Community. The resumption of peak flows would create rich alluvial soils, and over time the riparian vegetation would regenerate. Enhanced streamflows would also improve water quality. The harm from pesticides would abate. The Cheyenne River could be restored as an important ecological and economic resource for the Oglala Sioux Tribe.

However, according to BOR, breaching the dam would close the Angostura Irrigation District. Water supplies currently impounded and delivered for irrigation would be permitted to flow down the river, to re-create its natural state. There would be no water available for irrigation. In addition, the Angostura Reservoir would drain, and

the existing recreation development, estimated at \$7.1 million annually, would close down.

Thus, the alternative most beneficial to the Oglala Sioux Tribe, the re-establishment of natural flows for the Cheyenne River, would substantially diminish the agricultural and recreation benefits of the Angostura Unit. This led to discussions between the Bureau of Reclamation, Angostura Irrigation District, and the Oglala Sioux Tribe, about how to achieve a “win/win” solution, whereby the harm to fish and wildlife and the environmental concerns of our Tribe could be addressed, while maintaining existing benefits of Angostura Unit. The “win/win” solution is embodied in H.R. 883.

H.R. 883 Addresses the Concerns of the Oglala Sioux Tribe  
While Maintaining Existing Benefits of the Angostura Unit

H.R. 883 implements the Rehabilitation and Betterment alternative of the Final Environmental Impact Statement. Section 4 of the bill authorizes the efficiency improvements at Angostura Unit for the irrigation facilities at the Angostura Irrigation District. These improvements, which include replacing sprinklers and lining the irrigation canals, cost \$4.8 million.

The improvements to the irrigation system authorized in section 4 will enhance the efficiency of water use at the Angostura Irrigation District. Section 4(b) of the bill directs the Secretary to release the saved water, estimated at 10,000 acre-feet annually, to the Cheyenne River as an instream flow. This will enhance fish and wildlife habitat and water quality on the Reservation.

Section 5 of H.R. 883 establishes the Oglala Sioux Tribe Development Trust Fund. This is designed to provide economic development resources for the Tribe. The Angostura Unit uses water resources of the Cheyenne River in a manner that forecloses Indian water uses, and harms fish and wildlife habitat and the environment on the Reservation. However, it has been a boon to upstream users, generating more than \$10 million a year in recreation and agriculture. The establishment of a development trust fund for the Tribe is intended to restore to the Tribe some of the same economic benefits upstream users have enjoyed since the floodgates closed.

The establishment of the development trust fund in section 5 produces economic resources for the Oglala Sioux Tribe without reducing the economic benefits produced by Angostura Unit for the regional economy. The storage of water in Angostura Reservoir shall remain near existing levels, and recreation benefits of \$7.5 million annually at Angostura Reservoir shall be maintained or enhanced.

Similarly, water deliveries for irrigation shall be continued. In fact, irrigation efficiency shall be enhanced. This will help protect the agricultural benefits of the Dam. More important to our Tribe, the more efficient use of water will free up approximately 10,000 acre-feet of water to be released from Angostura Dam under section 4 of the bill, for an instream flow for fish and wildlife and environmental enhancement at Pine Ridge.

Ultimately, H.R. 883 is good for both the environment and the economy. The efficiency improvements authorized in section 4(a) and the establishment of instream flows in section 4(b) are beneficial to fish, wildlife and the environment. It also maintains existing recreation and agricultural benefits. The establishment of the trust fund in section 5 produces economic benefits for the Reservation for the first time since the construction of Angostura dam.

H.R. 883 does not adjudicate or contain a water settlement involving the water rights of the Oglala Sioux Tribe. That would involve extremely time-consuming litigation, and as the Bureau of Reclamation recognized in its FEIS, would result in the termination of water supply deliveries to Angostura as Tribal water uses come on line.

Instead, H.R. 883 takes a pragmatic approach to water rights. Section 5(d) of the bill keeps the water rights and claims of the Oglala Sioux Tribe intact, while section 4 upgrades the irrigation system at Angostura Unit for farmers and providing water resources for the Tribe. The water flows of the Cheyenne River will be enhanced, while existing uses are maintained and the Tribe's claims remain unaffected. Immediate economic resources will be provided to the Tribe by the Development Trust Fund established in section 5 of the bill.

There is ample precedent for this legislation. *See* Lawrence J. MacDonnell, *Managing Reclamation Facilities for Ecosystem Benefits*, 67 Univ. of Colo. L. Rev. 197 (1996). Such precedents include –

- the Truckee-Carson-Pyramid Lake Water Settlement (104 Stat. 3294);
- the Grand Canyon Protection Act of 1992 (106 Stat. 4669);
- the Central Valley Project Improvement Act (106 Stat. 4706).

In 1992, Congress enacted the “Truckee-Carson-Pyramid Lake Water Settlement.” (Title II, P.L. 101-618, 104 Stat. 3294). Bureau of Reclamation diversions along the Truckee River harmed the long-time fishery for the cui-wui and Lahontan cut-throat trout in Pyramid Lake on the Pyramid Lake Paiute Reservation. The Pyramid Lake Water Settlement resolved litigation between the Tribe, the United States, the Newlands Project, and the affected states. Congress established the “Pyramid Lake Paiute Economic Development Fund” in the amount of \$40 million, plus the “Pyramid Lake Paiute Fisheries Fund” in the amount of \$25 million. In addition to the \$65 million settlement received by the Tribe, Congress directed operational changes to be made in at Derby Dam and the Newlands Reclamation Project.

Congress addressed similar issues in the Central Valley Project Improvement Act (106 Stat. 4706). The Central Valley Project Act dedicated nearly 800,000 acre-feet of California's Central Valley Project water for fish and wildlife purposes, and established a



“Central Valley Project Restoration Fund.” The stated purposes of the act are to “protect, restore, and enhance fish, wildlife and associated habitats ... to improve the operational flexibility of the Central Valley Project ... (and) to achieve a reasonable balance among competing demand for use of Central Valley Project water, including fish and wildlife...” (106 Stat. 4706). Section 3406 of the Act directed the Bureau of Reclamation to “implement a program which makes all reasonable efforts to ensure that, by the year 2002, natural production of anadromous fish in Central Valley rivers and streams will sustainable... (and) to protect and restore natural channel and riparian habitat values through habitat restoration actions (and) modifications to Central Valley Project operations...” (106 Stat. 4714-4715). Section 3407 of the act established the Central Valley Project Restoration fund, in the amount of \$50 million.

In the Grand Canyon Protection Act of 1992, the Congress directed the Secretary of the Interior to revise the operating criteria at Glen Canyon Dam, where Bureau of Reclamation operations detrimentally affected the environment. The Act directed Reclamation to “mitigate adverse impacts to, and improve the values for which the Grand Canyon National Park and Glen Canyon National Recreation Area were established, including, but not limited to natural and cultural resources and visitor use.” 106 Stat. 4669.

At Glen Canyon, like at Angostura, the BOR adopted narrow operating criteria, and Congressional action was needed for “reasonable mitigation measures taken to protect, mitigate adverse impacts to, and improve the condition of the natural, recreational and cultural resources of the Colorado River downstream of Glen Canyon Dam.” 106 Stat. 4671. Congress did not establish a trust fund of a specific amount, but authorized the use of “funds received from the sale of electric power and energy from the Colorado River Storage Project.” 106 Stat. 4672. These funds are to be used for “long-term monitoring programs and activities” on the Colorado River, to address the harm caused by the manner BOR had been operating Glen Canyon Dam.

Similarly, H.R. 883 addresses the environmental concerns and equitable claims of the Oglala Sioux Tribe. It enables the Tribe, Department of the Interior, and Angostura Irrigation district to avoid costly litigation over the environmental impacts of the Angostura Irrigation District and the quantification of water rights to the Cheyenne River. Under H.R. 883, federal funding would be available on a non-reimbursable basis for rehabilitation and betterment of the Angostura Irrigation District, improving the efficiency of water use and providing water for in-stream flows. The establishment of a trust fund for the Oglala Sioux Tribe, similar to that established for the Pyramid Lake Paiute Tribe, would enable the Tribe to proceed with environmental restoration and mitigation and economic development along the Cheyenne River.

As stated above, in 1990, the Pyramid Lake Paiute Tribe received an Economic Development Trust Fund in the amount of \$40 million and a Fisheries Fund in the amount of \$25 million, to address the Tribe’s legal and equitable claims arising from the Newlands Project, and for restoration of fish and wildlife habitat. In today’s dollars, this fund would be worth approximately \$90.5 million.

Socioeconomic Factors on Pine Ridge Reservation  
Support Establishment of Development Trust Fund

The socioeconomic situation on the Pine Ridge Reservation is severe. The establishment of a Development Trust Fund is justified, to address critical economic and infrastructure development needs.

The Reservation population is 45,829, making the Oglala Sioux one of the largest Tribes in the United States. (Bureau of Indian Affairs, *Indian Labor Force Report*, 2003). The 2003 unemployment rate was estimated by the Bureau of Indian Affairs at 87 percent. *Id.* The 2000 Census indicates that per capita income in Shannon County, the Reservation's largest county, was \$6,286. This compares with the per capita income nationwide of \$21,587. Median household income on the Reservation is \$20,916, less than one-half the national average of \$41,994. (2002 U.S. Census).

The community of Red Shirt Table needs jobs and infrastructure. Until recently, community residents had to haul their drinking water. Most residents hauled water in jugs or containers filed up in Rapid City, 40 miles away.

The Red Shirt Elementary School is the sole employer in the community. The school is dilapidated. A new school building is needed. There is inadequate three-phase power in the community for a new building, however. The community water, sewer and electrical infrastructure is inadequate and requires a substantial investment. The roads are unpaved, and Red Shirt Table community members have limited paved road access to the rest of the Reservation.

The infrastructure and economic development needs throughout the Pine Ridge Reservation, and especially in the area affected by Angostura, are pervasive and urgent. They justify establishment of a Development Trust Fund for the Oglala Sioux Tribe.

Water Rights and Treaty Rights

The Oglala Sioux Tribe possesses extensive water rights to the Cheyenne River. In our Treaties we reserved both land and water, and we have the senior right to use water.

These principles stem from the Supreme Court decision in *Winters v. United States*, 207 U.S. 564 (1907). In the *Winters* case, non-Indian irrigators on Montana's Milk River diverted water upstream from the Fort Belknap Reservation. The water was needed for Tribal irrigation on the Fort Belknap Reservation. The non-Indian irrigation project had a state water permit which pre-dated the Tribal irrigation project, making it a senior water appropriator under state law.

The Supreme Court held that the fact that the non-Indian irrigation project had a state permit which predated the Tribal irrigation project did not control, and established the so-called Winters Doctrine, which recognizes that Indian Tribes reserved water rights

as well as land, in Treaties with the United States. State water law was determined not to apply to Tribes. Our water rights are reserved under federal law. The priority date of our reserved water right relates back to the date of establishment of our Treaty Reservation and recognition of our territory.

Article 2 of the Treaty of Fort Laramie of April 29, 1868,(15 Stat. 635), established the Great Sioux Reservation, which includes 40 million acres, from the Missouri River east bank, to the 105<sup>th</sup> parallel. The territory of the Oglalas was first recognized by the United States in the Treaty of Fort Laramie of September 15, 1851, (11 Stat. 1751), which recognized as Sioux Territory the vast stretch of plains from Big Horn Mountains to the Missouri River, and south to the Republican River.

Our Treaties give rise to our reserved water rights under the Winters Doctrine. The priority date of our water rights dates back to the establishment of the Great Sioux Reservation, in 1868, or to the recognition of Sioux Territory in 1851. Thus, our water rights are prior and superior to the rights of all other water users in the upper plains. This includes the water rights of the Angostura Irrigation District. The Bureau's FEIS acknowledges the Tribe's Winters Doctrine rights and recognizes our water rights as Indian Trust Assets:

The basis for Indian water rights stem from the Supreme Court's decision of *Winters v. United States*, 207 U.S. 564 (1908), commonly known as the *Winters Doctrine*. According to the doctrine, the establishment of an Indian reservation implied that sufficient water was reserved (or set aside) to fulfill purposes for which the reservation was created, with the priority date being the date the reservation was established. As such, Indian water rights constitute an ITA (Indian Trust Asset).

“Under the Winters Doctrine, the OST, ... [has] a claim to Cheyenne River water, as do other Tribes of the Lakota Nation ... [t]heir claims would probably predate most other appropriators in the basin.

(FEIS, p. 10); (see also FEIS at p. 97, “The Pine Ridge Reservation and the Cheyenne River Reservation were established before the claims of most other appropriators in the basin which means they have priority).

The Oglala Sioux Tribe reserved substantial water rights to the Cheyenne River and its tributaries, and that these rights are paramount, and prior and superior to those of the existing water users, and the Angostura Irrigation District. Consequently, the quantification of our Tribe's water right to the Cheyenne River could reduce water available for irrigation at Angostura, and perhaps shut it down permanently.

H.R. 883 avoids this prospect for the foreseeable future, by mitigating the adverse consequences of the Angostura Unit, through increased water flows at Angostura Dam,

and the establishment of an economic development trust fund for our Tribe. The act enables the Angostura Unit to continue at full irrigation service for the foreseeable future, while making the Tribe whole.

Conclusion – H.R. 883 Should be Enacted into Law

H.R. 883 is a sensible and cost-effective solution to the impacts caused by the Angostura Unit in the Cheyenne River watershed and to the Oglala Sioux Tribe. It avoids litigation between the Oglala Sioux Tribe, Angostura Irrigation District and Bureau of Reclamation. Water flows in the Cheyenne River will be enhanced, and irrigation service at Angostura Unit can continue. Full recreation benefits for all users will be maintained.

H.R. 883 reflects a compromise between the local stakeholders affected by the Angostura Unit. A modest federal investment at the irrigation project will enable the irrigation district to continue full irrigation service. The extensive recreation benefits for the regional economy shall continue. Significant additional water releases are authorized for the Cheyenne River, to mitigate the Angostura Unit's impacts on the Tribal environment and economy.

Most important to the Oglala Sioux Tribe, the establishment of a Development Trust Fund will provide the Tribe the resources it needs to develop critical Reservation infrastructure and lay the ground work for a more prosperous future on the Pine Ridge Reservation.

For these reasons, I urge your favorable consideration of H.R. 883. Thank you very much.