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May 4, 2011

Mr. Robert Harris
Regional Manager
Upper Great Plains Region
Western Area Power Administration
2900 4th Avenue North
Billings, MT 59101
406-255-2900 (fax)
UGP2021@wapa.gov

Dear Regional Manager Harris:

The Cheyenne River Sioux Tribal Council is vested with authority under the Tribal Constitution, Article I § IV(b) "To present and prosecute any claims or demands of the Cheyenne River Sioux Tribe of Indians." Accordingly, on behalf of the Tribe I submit the following comments.

The Cheyenne River Sioux Tribe (hereafter "CRST") has a contract with the United States Department of Energy Western Area Power administration in allocation of hydroelectric power supplemented by coal. Pursuant to the President's Executive Order 13175 on November, 6, 2000, and to consultation with Tribes, establishes the government-to-government consultation policy. The recent memorandum from President Obama affirms the government to government relationship between federally recognized Indian Tribes and the United States. Moreover, President Obama has required that all federal agencies develop consultation policies to guide their dealings with Tribal Nations. Does WAPA have such a policy developed or completed?

A letter dated March 7, 2011 from Department of Energy, Western Area Power Administration, Upper Great Plains Customer Service Region, Billings, MT, was published in the Federal Register dated March 4, 2011, Volume 76, No. 43, Page No. 12104, entitled "Pick-Sloan Missouri Basin Program—Eastern Division, 2021 Power Marketing Initiative Proposal." Western Area Power Administration (hereafter, "WAPA"), which markets the Pick Sloan

Missouri Basin Program –Eastern Division power, seeks comments regarding the 2021 Power Marketing Initiative (2021 PMI) proposal. The CRST hereby notifies WAPA that it believes that WAPA should have directly consulted with the Tribes rather than holding mere public forums concerning the 2021 PMI proposal.

Council Representative Bryce In The Woods attended the April 20, 2011 in Bismarck, North Dakota and meet Doug Helleken, Gary Hoffman and spoke with John Pankratz, the 2021 PMI Project Manager as well as Jim Bach, Field Representative. In that informal conversation Council Representative In The Woods discussed with Messrs. Pankratz and Bach future proposals and developments for the CRST regarding the CRST allocation of power. In this conversation information was requested as to whether Western provides technical assistance to Indian Tribes concerning such planning and development. Accordingly, the CRST requests WAPA's budget as well as requisite information needed to help the CRST in its future energy development activities. These activities will likely include:

- A future proposed Tribal Electric Service in which CRST allocation can be distributed to the CRST membership.
- Technical assistance which is allowable from WAPA.
- Consultation is needed with CRST and Mr. Bach stated he would be able to present to our CRST Tribal Council which will be set up in the near future.
- Information was to be sent to Mr. In The Woods concerning the existing CRST contract with WAPA; Mr. In The Woods was told that he would receive this information by e-mail on May 2, 2011.

Consultation is critical in this issue of power allocation for the CRST as a government and as *parens patriae* for our membership. WAPA's deadline for receiving comments is today, May 4, 2011, concerning the proposed 2021 PMI. Because this issue directly affect us as customers and as a potential future electric service provider and because WAPA failed to consult with the CRST on a government to government basis, the CRST reserves the right to submit additional comments after today, May 4, 2011, as to its interests in the 2021 PMI proposal.

The CRST proposes to supplement these comments later on the following issues:

Amending Marketing Plan Principles:

1. Contract Term – FES contracts
2. Resource Pools – 1 per cent marketable resources under contract at the time for eligible new preference beginning January 1, 2021 to December 12, 2050.

Extending Marketing Plan Principles

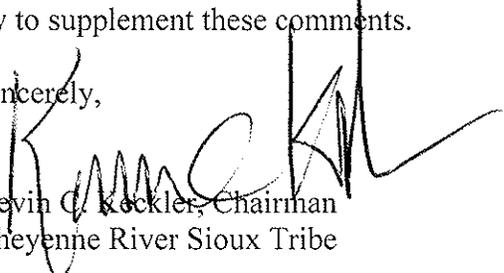
1. Marketable Resources
2. Marketing Area
3. Load Factors Limit and Withdrawal Provisions
 - a. Load Factor Limit
 - b. Project Use Withdrawal Provision

c. Hydrology & River Operation Withdrawal Provision

4. Marketable Future Resources

Regional Manager Harris, again, the CRST strongly protests the manner in which WAPA sought comments from Indian Tribes who gave the most for hydroelectric power, the Tribes of the Upper Missouri River Basin, i.e., the Three Affiliated Tribes of North Dakota, the Standing Rock Sioux Tribe, the CRST, the Crow Creek Sioux Tribe, the Lower Brule Sioux Tribe, the Yankton Sioux Tribe and the Santee Sioux Tribe. We look forward to your written response affirming our ability to supplement these comments.

Sincerely,



Kevin C. Kockler, Chairman
Cheyenne River Sioux Tribe