

Mr. Chairman and members of the Subcommittee, my name is Bruce Sunchild, Sr. I am the Vice-Chairman of the Chippewa Cree Tribe of the Rocky Boy's Reservation and Co-Chairman of the Rocky Boy North Central Montana Regional Water System Coordinating Committee. I would like to thank the Honorable Chairman Ken Calvert and the members of the Subcommittee on Water and Power. I would also like to thank our Montana Representative Denny Rehberg for his strong and continuing support for this project.

The Chippewa Cree Tribe and the North Central Regional Water Authority are jointly seeking federal legislation authorizing the Rocky Boy's/North Central Montana Regional Water System. The water system will provide a safe and reliable municipal, rural, and industrial water supply for the Rocky Boy's Reservation and our neighboring off-reservation communities.

This project is essential to our Tribes' goal of establishing a self-sustaining homeland. The Rocky Boy's Reservation, located in north central Montana, consists of more than 120,000 acres, which are home to approximately 3,500 Tribal members who reside on the reservation. We have a rapid population growth rate that exceeds 3% annually.

Unemployment on the Rocky Boy's Reservation is extraordinarily high and approximately 39% of Rocky Boy's population lives below the poverty level.

The Chippewa Cree Tribe has made important strides in economic development over the past ten years in the areas of production of cattle, grain, timber and tourism. Although the reservation's economy has improved in the last decade, the reservation still lacks an adequate water source and infrastructure for any sustained municipal and industrial growth. Recently, drought relief monies were obtained to build new wells for the current municipal system. However, lack of recharge to the shallow bedrock aquifers on the Reservation severely limits water yield. Proposed expansions of our tribal college and other enterprises cannot proceed until new firm water supplies are located.

The Rocky Boy's Reservation is located in an area of scarce water supply, which greatly limits economic development opportunities. Studies have demonstrated that the reservation cannot sustain its current rate of growth, much less provide for economic growth, without additional supplies of water for drinking, agricultural and municipal and industrial purposes.

Tribal Water Right

The water right of the Chippewa Cree Tribe, as described in Public Law 106-163, the "Chippewa Cree Tribe of the Rocky Boy's Reservation Indian Reserved Water Rights Settlement and Water Supply Enhancement Act of 1999," ratified the Water Compact entered into by the Tribe and the State of Montana. As part of the water settlement, the Tribe received an allocation of 10,000 acre-feet per year of stored water from the Bureau of Reclamation in Lake Elwell, also referred to as Tiber

Reservoir. In addition, the settlement provided for an appropriation of \$15 million as recognition of the need for a new Tribal municipal water system and to begin development of a future water supply system for the Reservation.

Need for the Water System

Groundwater is the primary source of domestic water within the Rocky Boy's Reservation. In addition to our limited water supply, we lack an adequate water delivery infrastructure system. Of the various sources of groundwater on the Reservation, only the shallow alluvial and bedrock aquifers have potential for development. The other groundwater sources either exceed the criteria set by the Safe Drinking Water Act, have high concentrations of chloride, sodium, and sulfate, or are too expensive to develop. These secondary contaminants make the water undesirable for domestic use.

Although the quality of the water in the shallow alluvial aquifer is generally acceptable, the quantity is inadequate. Wells in this aquifer generally have low yields, producing 10 gallon per minute or less of water. Historically, these private wells are used for a period of time and then abandoned due to decreasing yields. As yields decrease, the water quality often also decreases. Furthermore, these wells are frequently connected to the major water courses where the potential for pollution is significant.

There is simply not enough good quality groundwater to meet the Tribe's current needs, much less our future needs. Surface water sources are also limited in quantity and cannot provide a reliable source of water. As a result, many Tribal members have to haul water for their domestic use.

Employment on the Reservation is a chronic and long-standing problem. The Tribe is faced with a young, rapidly growing population and a corresponding need for economic development, in an area of chronic water shortages. A dependable source of high quality water is needed to enable Tribal members and other Reservation residents to achieve an adequate standard of living.

A safe and reliable water supply is a cornerstone of economic development. The assurance of an adequate supply of high quality municipal, rural and industrial water will enable the Tribe to pursue current and future economic development. It will also allow current and future Reservation residents to enjoy a higher quality of life through improved health conditions, more employment opportunities, and an overall increased level of economic development.

Other Alternatives

There are very few alternatives for providing water to the Rocky Boy's Reservation. Studies have shown there are simply no reliable surface and groundwater on-reservation sources to serve the needs of the Reservation. These studies, conducted by the Tribe, the Bureau of Indian Affairs, and the Indian Health Service, have all concluded that there is a need for a Reservation-wide domestic water

supply system.

The Project

The proposed project is an innovative and collaborative solution to the need of both the Tribe and the north central part of Montana for an MR&I system. Discussion of the proposed project began during the compact negotiations between the Tribe and the State of Montana. It was recognized as a unique opportunity for the Tribe and its off-reservation neighbors to cooperate to the benefit of both communities. In many areas of this country, competing uses of water would create litigation between on and off-reservation waters users. To be cooperating in the manner we have is unusual and something that we are all proud of.

Lake Elwell is a Bureau of Reclamation facility located 50 miles west of the Rocky Boy's Reservation. The availability of thousands of acre feet of unallocated water in Tiber Reservoir provides the opportunity to meet the water needs of the Tribe and neighboring north central regional communities. P.L. 106-163 allocated 10,000 acre-feet per year of water from the lake to the Tribe.

Water will be diverted from the lake into a common water quality treatment plant. The water will be treated to meet all of the criteria of the Safe Drinking Water Act. This centralized treatment plant will eliminate the need for each community to build its own treatment plant. It will also simplify the process of upgrading the plant to meet changing requirements of the Safe Drinking Water Act. Because all of the water will be treated to standards, Reservation resident will uniformly have access to safe drinking water, at acceptable levels.

A core pipeline will convey water from the treatment plant to the Rocky Boy's Reservation. Smaller distribution lines will then convey the water to the various communities and users on the Reservation. The Tribe proposes to use our \$15M in settlement monies to upgrade our existing water delivery system to receive the imported water.

The estimated total cost of the project is \$200 million. The tribal related portion of the project is estimated at \$120 million. All costs of the reservation system, including operation and maintenance, will be a federal responsibility.

This project will dramatically enhance the health, quality of life and economic benefits of our Reservation and region. This project will allow the Chippewa Cree Tribal members to realize their goal of self-determination and will provide, for the first time ever, a safe and reliable source of drinking water on the Reservation. It will also provide the cornerstone for the Tribe's current and future economic development plans. I urge your support for this project.

Mr. Chairman, in the landmark 1908 decision where the Winters Doctrine was established, the Supreme Court ruled that when the United States established federal Indian reservations, there had to be sufficient water reserved for the tribes to establish those reservations as permanent tribal

homelands. Over the course of the last quarter century, the federal government has also strongly urged tribes to settle their water rights claims so as to quantify the extent of the tribal right and create certainty for off-reservation residents who will almost certainly have a junior water right to the tribe. Well, we did that. We settled our water rights and the United States ratified that settlement in P.L. 106-163, but the settlement of a water right only benefits a tribe if there is a method of putting that water to some beneficial use. The greening of the west bypassed Indian country, Mr. Chairman. Additionally, for the last century, as state and local governments established water systems, they too forgot about Indian country -- at best. At worst they endeavored to divert our water before it reached the reservations. Now the Congress has an opportunity to do the right thing and to assist both the Chippewa Cree Tribe and the dozens of non-Indian communities in North Central Montana who cannot presently comply with established drinking water standards. HR 1946 creates an opportunity to culminate the negotiation of our water rights into a proverbial win-win situation. We appreciate that our friend Denny Rehberg has introduced this bill and we hope that you will now mark it up and move it on to the floor of the House. Thank you again for the opportunity to testify in support of this important and necessary project. I would be pleased to answer any questions.