



UNITED SOUTH AND EASTERN TRIBES, INC.

USET Resolution No. 2003:080

RESCIND USET RESOLUTION NO. 2002:062 ENTITLED, "URGING US ARMY CORPS OF ENGINEERS TO PRIORITIZE THE RE-ALLOCATION OF FUNDING IN FY 2003 TO ELEVATE THE SENECA NATION'S CONCERNS REGARDING KINZUA DAM WATER LEVELS"

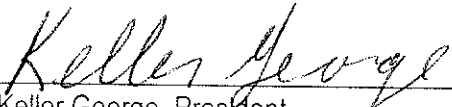
- WHEREAS,** United South and Eastern Tribes, Incorporated (USET) is an intertribal organization comprised of twenty-four (24) federally recognized tribes; and
- WHEREAS,** the actions taken by the USET Board of Directors officially represent the intentions of each member tribe, as the Board of Directors comprises delegates from the member tribes' leadership; and
- WHEREAS,** the USET Tribes have the sovereign authority and responsibility to plan for the well-being of their tribal members and future generations; and
- WHEREAS,** the Seneca Nation of Indians of Western New York State, lost 10,369 acres of the Allegany Reservation in 1966 due to the construction of Kinzua Dam, resulting in the forced relocation of the majority of Seneca families from the richest portions of the territory's fertile lands; and
- WHEREAS,** beyond the traumatic impact upon the Seneca Nation community and culture, the subsequent actions of the Army Corps of Engineers in drawing down water levels have resulted in health and safety issues for Seneca residents, progressive erosion near key Seneca Nation enterprises, exposure of human remains from non-relocated cemeteries in the flood area and erosion near the historic Cornplanter Cemetery with potential to expose additional human remains; and
- WHEREAS,** the Seneca Nation of Indians have met with the U.S. Army Corps of Engineers regarding prioritizing and addressing Seneca concerns regarding the Kinzua Dam were informed that monies could be allocated to address and possibly remedy these concerns; and
- WHEREAS,** the Seneca Nation of Indians was seeking assistance regarding the fluctuating water levels of the Kinzua Dam and in doing so requested that a water level study be conducted; and
- WHEREAS,** the Seneca Nation Kinzua Committee after considerable research has concluded that acceptance of Army Corps funds may jeopardize the future interests of the Seneca Nation; and
- WHEREAS,** the Seneca Nation Tribal Council approved a resolution dated February 2002 supporting the seeking of funding for this study; and
- WHEREAS,** a resolution was presented and approved by the USET Board of Directors during Impact Week in 2002, supporting the Seneca Nation in its efforts; therefore, be it
- RESOLVED** that the USET Board of Directors, at the request of the Seneca Tribal Council and Kinzua Dam Committee, rescind USET Resolution No. 2002-062; and, be it further
- RESOLVED** that the USET Board of Directors request a report from the Seneca Nation regarding the issues of the Kinzua Dam and its affects.

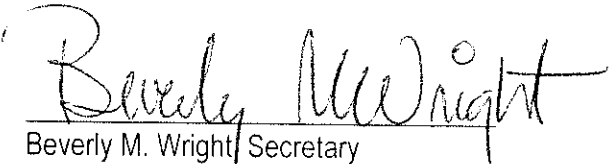
"Because there is strength in Unity"

USET Resolution No. 2003:080

CERTIFICATION

This resolution was duly passed at the USET Impact Week Meeting, at which a quorum was present in Arlington, VA on Thursday, February 6, 2003.


Keller George, President
United South and Eastern Tribes, Inc.


Beverly M. Wright, Secretary
United South and Eastern Tribes, Inc.

KINZUA DAM ISSUES COMMITTEE

80

To: *Adrian Stevens, Director, SNI Health Department*

Fr: *Brenda Deeghan, Chair, Kinzua Dam Issues Committee*

Re: *USET Resolution No. 2002:062*

Dt: *Friday, January 31, 2003*

The Kinzua Dam Issues Committee has enclosed the following information for your use at the upcoming USET conference:

January 22, 2003 Kinzua Dam Committee Members

Reasons to Rescind USET Resolution No. 2002:062

January 23, 2003 Tribal Council Special Session

Kinzua Dam Resolution/Rescind of USET Resolution/Approval

January 31, 2002 USET Impact Week

Resolution Passed urging US Army Corps of Engineers to prioritize the re-allocation of funding in FY 2003 to elevate the Seneca Nation's concerns regarding Kinzua Dam water levels.

February 9, 2002 Tribal Council Regular Session

Resolution urging US Army Corps of engineers to prioritize the Re-allocation of funding in FY 2002 and subsequent years to elevate the Seneca Nation's concern regarding Kinzua Dam water levels.

December 10, 2002 Meeting: SNI Officials/Kinzua Comm. /US Army Corp Reps

US Army Corp proposes study and other opportunities through the Tribal Partnership Program to the Seneca Nation

Other Kinzua Dam Issues Committee members who will also be attending USET are: Lucille White, Rovena Abrams, Ron Jimerson, Donald White, Kathy Mitchell, Lana Watt and Jody Clark.

Thank You Adrian,

Brenda Deeghan

Reasons to Rescind USET Resolution No.2002:062

- The Seneca Nation of Indians had originally requested that the Members of USET urge the Army Corps of Engineers to perform a water reallocation study.
- A water reallocation study performed by the ACE may produce a biased result.
- A Water Reallocation Study is a process of approximately eight to ten years.
- The Study would require a 25% funding match from the Seneca Nation.
- The Seneca Nation is seeking immediate remedies to water fluctuations causing the soil erosion, exposing of human remains and cultural resources, degradation of fish habitat and populations. These concerns do may not receive consideration of a water re-allocation.
- The Army Corps of Engineers has proposed to the Seneca Nation of Indians to do a water reallocation study with the use of funding that the Army Corps would have available to them through the Tribal Partnership Program.
- The Seneca Nation of Indians has decided to research all the implications that may result from accepting the proposed Tribal Partnership Program.
- The Seneca Nation is actively conducting further research on this matter and will inform the Legislative Committee of the USET organization.

Seneca Nation of Indians

President - Rickey L. Armstrong, Sr.
Clerk - Sheila L. Kettle

P.O. BOX 231
SALAMANCA, NEW YORK 14779

Tel. (716) 945-1790
FAX (716) 945-1565



Treasurer - Shelley R. Huff

1490 ROUTE 438
IRVING, NEW YORK 14081

Tel. (716) 532-4900
FAX (716) 532-6272

AT THE SPECIAL SESSION OF COUNCIL OF THE
SENECA NATION OF INDIANS HELD ON JANUARY
23, 2003, AT THE G.R. PLUMMER BUILDING ON THE
ALLEGANY INDIAN RESERVATION, SALAMANCA,
NEW YORK 14779

CN: R-01-23-03-08

EXECUTIVES PRESENT:	PRESIDENT	-	RICKEY L. ARMSTRONG SR.
	CLERK	-	SHEILA L. KETTLE
	TREASURER	-	SHELLEY R. HUFF

KINZUA DAM RESOLUTION/RESCIND OF USET RESOLUTION/APPROVAL

MOTION: by Linda Doxtator, seconded by Tina Abrams, that Tribal Council approves the following resolution:

WHEREAS, the Seneca Nation has the sovereign authority and responsibility to plan for the well-being of its tribal members and future generations; and,

WHEREAS, the Seneca Nation of Indians of Western New York State, lost 10,369 acres of the Allegany Reservation in 1966 due to the construction of Kinzua Dam, resulting in the forced relocation of the majority of Seneca families from the richest portions of the territory's fertile lands; and,

WHEREAS, beyond the traumatic impact upon the Seneca Nation community and culture, the subsequent actions of the Army Corps of Engineers in drawing down water levels have resulted in health and safety issues for Seneca residents, progressive erosion near key Seneca Nation enterprises, exposure of human remains from non-relocated cemeteries in the flood area and erosion near the historic Cornplanter Cemetery with potential to expose additional human remains; and

WHEREAS, The Seneca Nation of Indians having met with the U.S. Army Corps of Engineers regarding prioritizing and addressing Seneca concerns regarding the Kinzua Dam were informed that monies could be allocated to address and possibly remedy these concerns; and,

WHEREAS, The Seneca Nation of Indians was seeking assistance regarding the fluctuating water levels of the Kinzua Dam and in doing so requested that a water level study be conducted; and,

KINZUA DAM RESOLUTION/RESCIND OF USET RESOLUTION/APPROVAL
SPECIAL COUNCIL SESSION
JANUARY 23, 2003
PAGE 2

WHEREAS, the Seneca Nation Kinzua Committee after considerable research has concluded that acceptance of Army Corps funds may jeopardize the future interests of the Seneca Nation; and,

WHEREAS, The Seneca Nation Tribal Council approved a resolution dated February 2002 supporting the seeking of funding for this study; and,

WHEREAS, a resolution was presented and approved by USET during impact Week in 2002, supporting the Seneca Nation in its efforts; and,

NOW, THEREFORE, BE IT RESOLVED, that the Seneca Nation Tribal Council, at the request of the Kinzua Dam Committee, rescinds their resolution dated February 9, 2002; and,

BE IT FURTHER RESOLVED, that the Seneca Nation of Indians requests that USET Resolution NO. 2002-062 be rescinded by USET during Impact Week 2003; and,

FINALLY, BE IT RESOLVED, that the Seneca Nation of Indians directs that a report be submitted to the Legislative Committee of USET reporting on the issues of the Kinzua Dam and the affect on the Seneca Nation.

ALL IN FAVOR

MOTION CARRIED

CERTIFICATION

I hereby certify the foregoing extract is a true and correct copy from the minutes of the Special Session of Council of the Seneca Nation of Indians held on January 23, 2003, on the Allegany Indian Reservation, original of which is on file in the Clerk's Office of the Seneca Nation of Indians.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the seal to be affixed at the G.R. Plummer Building on the Allegany Reservation, Salamanca, New York 14779, on the 29th day of January, 2003.

ATTEST:


Sheila L. Kettle, Clerk

THE SENECA NATION OF INDIANS

{ SEAL }

USET Resolution No. 2002:062

URGING US ARMY CORPS OF ENGINEERS TO PRIORITIZE THE RE-ALLOCATION OF FUNDING IN FY 2003 TO ELEVATE THE SENECA NATION'S CONCERNS REGARDING KINZUA DAM WATER LEVELS

WHEREAS United South and Eastern Tribes Incorporated (USET) is an intertribal organization comprised of twenty-four (24) federally-recognized tribes; and

WHEREAS the actions taken by the USET Board of Directors officially represent the intentions of each member tribe, as the Board of Directors is comprised of delegates from the member tribes' leadership; and

WHEREAS the Seneca Nation of Indians of western New York State, (a USET member tribe,) lost 10,369 acres of the Allegany Reservation in 1966 due to the construction of Kinzua Dam, resulting in the forced relocation of the majority of Seneca families from the richest portions of the reservation's fertile lands; and

WHEREAS Kinzua Dam was erected as a result of the "Flood Control Act of 1938," ("Act,") following aggressive lobbying by major business interests in Pennsylvania, to eliminate the annual flooding at the confluence of the Ohio, Monongahela and Allegany Rivers in Pittsburgh, Pa.; and

WHEREAS when survey and construction of the Dam began in the 1950's, the Administration of the United States was in the middle of the aggressive termination movement against American Indian people, and the Seneca Nation also lacked the necessary resources to adequately fight the ultimate completion of the Dam; and

WHEREAS lands lost as a result of the construction of the Dam were never replaced for the Seneca Nation; and

WHEREAS beyond the traumatic impact upon the Seneca Nation community and culture, the subsequent actions of the Army Corps of Engineers in drawing down water levels, (primarily to benefit recreational and hydroelectric power needs of Pennsylvania residents,) have resulted in health and safety issues for Seneca residents, progressive erosion near key Seneca Nation enterprises, exposure of human remains from non-relocated cemeteries in the flood area, and erosion near the historic Cornplanter cemetery with potential to expose additional human remains; and

WHEREAS the hydro-electric power component of the Dam was initiated as a result of Pennsylvania interests following the completion of the Dam, and changes in the water levels were initiated as a later "add on" to the Act, based on additional Pennsylvania interests and aggressive lobbying efforts, none of which considered the interests of or potential consequences to the Seneca people; and

WHEREAS the Seneca Nation has expressed these concerns to the Corps both in writing and in face-to-face meetings held at various intervals over the past seven (7) years with no action or remedies being provided; and

WHEREAS at a meeting held in January of 2002, the Seneca Nation was informed that, in order to address these issues and compel the Army Corps of Engineers to prioritize the issues of the Seneca Nation resulting from the fluctuating water levels and draw downs, significant pressure would have to come from enough other interested parties than the Seneca Nation; and

USET Resolution No. 2002:062

Page 2

WHEREAS if there was significant pressure brought to bear from these other "interested parties," the Seneca concerns regarding the Kinzua Dam would be prioritized by the Corps, and money could be re-allocated for FY 2003 to conduct a water level study and good-faith effort to remedy the situation and address the concerns of the Seneca Nation; therefore, be it

RESOLVED that the USET Board of Directors strongly urges the United States Army Corps of Engineers to elevate the health, safety and erosion concerns of the Seneca Nation of Indians, regarding the fluctuating water levels of the Kinzua Dam, to the highest priority in the ranking of Corps' projects; prompting the re-allocation of FY 2003 funding at its Pittsburgh area headquarters to initiate an immediate water level study, and subsequent action to address these concerns; and, be it further

RESOLVED that the USET Board of Directors further advocate that the overall interests of the Seneca Nation and other Indian tribes not be compromised in the development of the Energy Policy Act of 2002, which may potentially impact projects of concern such as this.

CERTIFICATION

This resolution was duly passed at the USET Impact Week Meeting, at which a quorum was present in Washington, D.C., Thursday, January 31, 2002.

Keller George, President
United South and Eastern Tribes, Inc.

Beverly M. Wright, Secretary
United South and Eastern Tribes, Inc.

Seneca Nation of Indians

President - Cyrus M. Schindler
Clerk - Shelley R. Huff

1490 ROUTE 438
IRVING, NEW YORK 14081

Tel. (716) 532-4900
FAX (716) 532-6272



Treasurer - Arnold N. Cooper, II

P.O. BOX 231
SALAMANCA, NEW YORK 14770

Tel. (716) 945-1790
FAX (716) 945-1565

AT THE REGULAR SESSION OF COUNCIL OF THE SENECA NATION OF INDIANS HELD ON FEBRUARY 9, 2002, AT THE WILLIAM SENECA ADMINISTRATION BUILDING ON THE CATTARAUGUS INDIAN RESERVATION, IRVING, NEW YORK, 14081

CN: R-02-09-02-09

EXECUTIVES PRESENT:

PRESIDENT
CLERK
TREASURER

-
-
-
CYRUS M. SCHINDLER
SHELLEY R. HUFF
ARNOLD N. COOPER, II

RESOLUTION URGING US ARMY CORPS OF ENGINEERS TO PRIORITIZE THE RE-ALLOCATION OF FUNDING IN FY 2002 AND SUBSEQUENT YEARS TO ELEVATE THE SENECA NATION'S CONCERN RE: KINZUA DAM WATER LEVELS

- MOTION: by Richard C. Jemison, seconded by Linda E. Doxtator, that Tribal Council approves the following resolution:
- WHEREAS, Kinzua Dam was erected as a result of the "Flood Control Act of 1938," ("Act,") following aggressive lobbying by major business interests in Pennsylvania, to eliminate the annual flooding at the confluence of the Ohio, Monongahela and Allegheny Rivers in Pittsburgh, Pa.; and
- WHEREAS, the Seneca Nation of Indians lost 10,369 acres of the Allegheny Reservation in 1966 due to the construction of Kinzua Dam, ("Dam"), resulting in the forced relocation of the majority of Allegheny Reservation Seneca families from the richest portions of the reservation's fertile lands; and
- WHEREAS, when survey and construction of the Dam began in the 1950's, the United States was in the middle of the aggressive termination movement against American Indian people, and the Seneca Nation lacked the necessary resources to adequately fight the ultimate completion of the Dam; and
- WHEREAS, lands lost as a result of the construction of the Dam were never replaced for the Seneca Nation; and
- WHEREAS, in addition to the overwhelmingly traumatic impact upon the Seneca community and culture, the subsequent actions of the Army Corps of Engineers in drawing down water levels, (primarily to benefit recreational and hydroelectric power needs of Pennsylvania residents,) has resulted in health and safety issues for Seneca residents, progressive erosion near key Seneca Nation enterprises, exposure of human remains from non-relocated cemeteries in the flood area, and erosion near the historic Complanter cemetery, with potential to expose additional human remains; and

RESOLUTION URGING US ARMY CORPS OF ENGINEERS TO PRIORITIZE THE RE-ALLOCATION OF
FUNDING IN FY 2002 AND SUBSEQUENT YEARS TO ELEVATE THE SENECA NATION'S CONCERN RE:
KINZUA DAM WATER LEVELS
REGULAR COUNCIL SESSION
FEBRUARY 9, 2002
PAGE 2

WHEREAS, the hydro-electric power component of the Dam was initiated as a result of Pennsylvania interests following the completion of the Dam, and changes in the water levels were initiated as a later "add on" to the Act, based on additional Pennsylvania interests and aggressive lobbying efforts, none of which considered the interests of or potential consequences to the Seneca people; and

WHEREAS, the Seneca Nation has expressed these concerns to the Corps both in writing and in face-to-face meetings held at various intervals over at least the past seven (7) years with no action or remedies being provided; and

WHEREAS, at a meeting held in January of 2002, the Seneca Nation was informed that, in order to address these issues and compel the Army Corps of Engineers to prioritize the Seneca Nation's concerns regarding the consequences of fluctuating water levels and draw downs, significant pressure would have to come from enough *other* interested parties than the Seneca Nation; and

WHEREAS, if there *was* significant pressure brought to bear from these other "interested parties," the Seneca concerns re: the Kinzua Dam would be prioritized by the Corps, and money could be re-allocated for FY 2002 and thereafter to conduct a water level study, continued progress in hearing and addressing the concerns of the Seneca Nation regarding the consequences of the Dam, and sincere, good-faith efforts to remedy these concerns in a manner acceptable to the Seneca Nation;

NOW, THEREFORE BE IT RESOLVED, that the Seneca Nation Tribal Council strongly urges the United States Army Corps of Engineers to elevate the health, safety and erosion concerns of the Seneca Nation of Indians, regarding the fluctuating water levels of the Kinzua Dam, to the highest priority in the ranking of Corps' projects; prompting the re-allocation of FY 2002 and subsequent years' funding at its Pittsburgh area headquarters to initiate an immediate water level study and subsequent action to address these concerns; and

BE IT FURTHER RESOLVED, that the Seneca Nation Tribal Council further advocates that the US Army Corps of Engineers initiate a dedicated effort to hear and address *all* other concerns caused by the Kinzua Dam, and develop remedies to these concerns which are satisfactory to the Seneca Nation of Indians, and

BE IT FURTHER RESOLVED, that the Seneca Nation Tribal Council supports activities initiated by the Seneca Nation's Treasurer's Office to solicit all support necessary from additional "interested parties," in order to facilitate action in this regard as soon as possible.

All In Favor

MOTION CARRIED

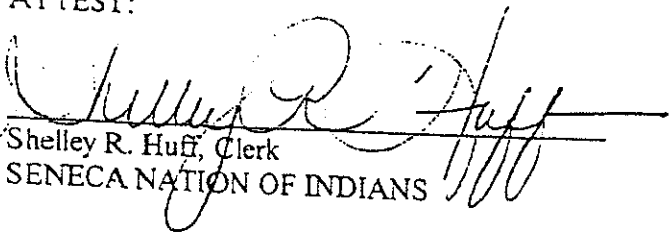
CERTIFICATION

I hereby certify the foregoing extract is a true and correct copy from the minutes of the Regular Session of Council of the Seneca Nation of Indians held on February 9, 2002, on the Cattaraugus Indian Reservation, original of which is on file in the Clerk's Office of the Seneca Nation of Indians.

RESOLUTION URGING US ARMY CORPS OF ENGINEERS TO PRIORITIZE THE RE-ALLOCATION OF
UNDING IN FY 2002 AND SUBSEQUENT YEARS TO ELEVATE THE SENECA NATION'S CONCERN RE:
KINZUA DAM WATER LEVELS
REGULAR COUNCIL SESSION
FEBRUARY 9, 2002
PAGE 3

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and cause the seal to be affixed at the
William Seneca Building on the Cattaraugus Reservation, Irving, New York 14081, on the 11th day of February, 2002.

ATTEST:


Shelley R. Huff, Clerk
SENECA NATION OF INDIANS

{ SEAL }

U.S. ARMY CORPS OF ENGINEERS, PITTSBURGH DISTRICT
STUDY AND OTHER OPPORTUNITIES
THROUGH THE
WRDA 2000, SECTION 203 TRIBAL PARTNERSHIP PROGRAM
WITH THE
SENECA NATION OF INDIANS

1. Kinzua Dam and Allegheny Reservoir Water Release Schedule Study. In view of the water quality improvements in the Allegheny River over the past 30+ years, it is anticipated that there may be less of a downstream low flow augmentation requirement in the future. With the current release schedule, the level of the Allegheny Reservoir pool is reduced considerably over the summer and, by Labor Day, the pool is sometimes nearly nonexistent on the Allegheny Indian Reservation. A higher pool level during the summer would have a substantial positive impact on recreation on the reservation and, thereby, on the economic well-being of the Seneca Nation of Indians. Other recreation partners in New York including the Allegheny State Park and Cattaraugus County with their Onoville Marina Park would also benefit from a water release schedule which maintains higher pool levels throughout the summer months. This type of study would be in the realm of investigations that have traditionally been accomplished in the past by the Pittsburgh District. Changes in release schedules have also been implemented in the past by the District.

2. Allegheny Reservoir Recreational Fishing Improvement. Development of fishery habitat projects may include features such as reefs, spawning areas, access areas, and stocking. Improved angler success on the Allegheny Reservoir in New York where it is entirely on reservation lands would increase Seneca Nation of Indians fishing license sales and be of benefit economically to the Nation. These kinds of projects have been accomplished historically by various public and private partners at other Pittsburgh District lakes.

3. Protection, Planning and Upgrading of the Highbanks Campground. About 30 years ago, the Seneca Nation of Indians developed the Highbanks Campground on reservation lands along the Allegheny Reservoir. Consisting of cabins and campsites as well as support facilities, the campground, like many other older recreation areas, has essentially worn out. In addition, the site is being eroded by the reservoir or the river, depending on the season. Bank protection is needed for the site, and the facilities are in need of rehabilitation and

upgrading to provide economic benefits for the Seneca Nation of Indians. Although the Highbanks Campground is not on Federally-owned reservoir land, the Pittsburgh District believes partnering to study and carry out bank protection and rehabilitation and upgrading of facilities may be possible under Section 203.

4. Repair and Upgrading of Existing Roads on the Allegany Indian Reservation. These roads provide access to seasonal recreation sites along the reservoir on the reservation. Some lead to flowage easement lands and some or parts thereof are on flowage easement lands. Repair and improvement of these roads would be of economic benefit to the Seneca Nation of Indians. Although they are not on Federally-owned reservoir land, the Pittsburgh District believes the roads providing seasonal recreation site access on the reservation may be susceptible to study and upgrading through partnering under Section 203.

5. Evaluation and Repair of the Red House Bridge. This bridge is on the Allegany Indian Reservation and on Allegheny Reservoir flowage easement lands. It is frequently inundated, but is still in use, despite its deteriorated condition. The Red House Bridge provides access to seasonal recreation sites, and its repair, if evaluation supports such an action, would assure continued economic benefits to the Seneca Nation of Indians. Evaluation and repair of the Red House Bridge, the Pittsburgh District believes, may be possible through partnering under Section 203.

6. Protection of the Corydon Point Cemetery. Although not on Allegany Indian Reservation or reservoir flowage easement lands, the welfare of the private Corydon Point Cemetery is important to the Seneca Nation of Indians because members' graves were relocated there during construction of Kinzua Dam and Allegheny Reservoir. The cemetery is on a high point overlooking the reservoir and is subject to serious erosion. Human bones have been uncovered by the erosion process. Some have advanced the theory that erosion problems at the cemetery result from a design deficiency dating to the planning and design of the dam and reservoir project. Bank protection is needed to protect the Corydon Point Cemetery, and the Pittsburgh District believes such action may be possible through partnering under Section 203.

7. Development of a Cultural Resources Protection Plan. The Allegheny Reservoir flowage easement area on the Allegany Indian Reservation contains many cultural resources sites that have

been or may be impacted by operation of Kinzua Dam. Also, the Cornplanter Grant in Pennsylvania which was acquired for the dam and reservoir project contains sites. These need protection from damage brought about by the fluctuating pool and other causes. The Pittsburgh District believes the development and implementation of a protection plan for these resources may be possible through a partnering arrangement under Section 203.

8. Evaluation and Dredging of the Mouth of Cattaraugus Creek.

On the Seneca Nation of Indians' Cattaraugus Reservation (in the Buffalo District), Cattaraugus Creek flows into Lake Erie. Evaluation of the creek, particularly in the vicinity of its mouth, and implementation of plans to reduce flood damages through actions such as dredging would provide economic benefits for the Seneca Nation. Improvement of recreational development and, thence, use could provide economic development for the Nation. Evaluation and implementation actions for Cattaraugus Creek, the Pittsburgh District believes, may be possible through a partnering arrangement under Section 203.