



COALITION OF LARGE TRIBES

Blackfeet Nation • Cheyenne River Sioux Tribe • Confederated Tribes of the Warm Springs Indian Reservation of Oregon • Crow Creek Sioux Tribe • Crow Nation • Eastern Shoshone Tribe • Fort Belknap Indian Community • Mandan, Hidatsa & Arikara Nation • Muscogee (Creek) Nation • Navajo Nation • Northern Arapaho Tribe • Northern Cheyenne Tribe • Oglala Sioux Tribe • Rosebud Sioux Tribe • San Carlos Apache Tribe • Shoshone-Bannock Tribes • Shoshone-Paiute Tribes of the Duck Valley Indian Reservation • Sisseton Wahpeton Sioux Tribe • Spirit Lake Nation • Spokane Tribe • Standing Rock Sioux Tribe • Ute Indian Tribe • Ute Mountain Ute Tribe • Walker River Paiute Tribe

Resolution: February 18, 2025, 2025-Resolution #08-2025 (Virtual)

EMERGENCY RESOLUTION OF COLT SUPPORT FOR CONTINUATION OF SECRETARY’S INDIAN WATER RIGHTS OFFICE WITHIN THE DEPARTMENT OF THE INTERIOR TO CONTINUE RESOLUTION OF INDIAN WATER RIGHTS CLAIMS BY SETTLEMENT WITH STATE, NON-TRIBAL INDIVIDUALS AND ENTITIES, AND UNITED STATES

WHEREAS, the Coalition of Large Tribes (COLT) was formally established in early April 2011, and is comprised of Tribes with large land base, including the Blackfeet Nation • Cheyenne River Sioux Tribe • Confederated Tribes of the Warm Springs Indian Reservation • Crow Creek Sioux Tribe • Crow Nation • Eastern Shoshone Tribe • Fort Belknap Indian Community • Mandan, Hidatsa & Arikara Nation • Muscogee (Creek) Nation • Navajo Nation • Northern Arapaho Tribe • Northern Cheyenne Tribe • Oglala Sioux Tribe • Rosebud Sioux Tribe • San Carlos Apache Tribe • Sisseton Wahpeton Sioux Tribe • Shoshone Bannock Tribes • Shoshone-Paiute Tribes of the Duck Valley Indian Reservation • Spirit Lake Nation • Spokane Tribe • Standing Rock Sioux Tribe • Ute Indian Tribe • Ute Mountain Ute Tribe • Walker River Paiute Tribe and is Chaired by J. Garret Renville of the Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; and

WHEREAS, COLT was organized to provide a unified advocacy base on all issues affecting Tribes that govern large trust land bases and that strive to ensure the most beneficial use of those lands for Tribes and individual Indian landowners; and

WHEREAS, COLT further advocates for legislative, regulatory, and policy reforms that impact large land base Tribes and our citizens; and

WHEREAS, in Treaties, the United States pledged to protect Indian Tribes, guaranteed the right of Tribal self-government, protection, safety and economic development, and has undertaken a Trust responsibility to promote the viability of Indian reservations and lands as permanent homelands for Tribes; and

WHEREAS, the United States’ solemn Treaty obligations for adequate Indian Country budgets and staffing persist regardless of the scope of the general, widely-recognized Trust responsibility of the United States to Tribal Nations; and

WHEREAS, under the United States Constitution, “all Treaties made” are “the supreme Law of



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the Land.” Art. VI, cl. 2. Congress can pass laws to implement those treaties, *see, e.g., Bond v. United States*, 572 U. S. 844, 851, 855 (2014), and the Executive Branch must act in accordance with them, *see, e.g., Fok Yung Yo v. United States*, 185 U. S. 296, 303 (1902). A treaty is “essentially a contract between two sovereign nations.” *Washington v. Washington State Commercial Passenger Fishing Vessel Assn.*, 443 U. S. 658, 675 (1979). COLT Tribes’ Treaties with the United States contain numerous obligations for the United States to provide healthcare, law enforcement, economic development and other supports that manifest in modern form in the Federal Budget. The United States must honor its Treaty obligations; and

WHEREAS, it is well-established in Federal law that Indian Tribes have water rights, reserved to them under Federal law, to support our reservations as permanent homelands upon which we and our future generations can live and thrive. *Winters v. United States*, 207 U.S. 564, 576-77 (1908); *Arizona v. California*, 373 U.S. 546, 598-600 (1963); *Arizona v. Navajo Nation*, 599 U.S. 555, 561 (2023); and

WHEREAS, the Secretary's Indian Water Rights Office (“SIWRO”) is part of the Secretariat as set forth in the Departmental Manual at Part 109, Section 1.3.(E)(2), whose duty is to manage, negotiate, and oversee implementation of settlements of Indian water rights claims, with the strong participation of Indian Tribes, states, and local parties. Settlement of Indian water rights claims is the preferred alternative to contentious litigation to determine Tribal water rights. SIWRO works in concert with Tribes, other Interior Department agencies (e.g., Bureau of Reclamation, Bureau of Indian Affairs), other Federal agencies with interests, state and local governments, and all water stakeholders to deliver long-promised water resources to Tribes, certainty to all our non-Indian neighbors, and a solid foundation for future economic development for entire communities dependent on common water resources; and

WHEREAS, SIWRO provides high-level policy guidance and direction from the Office of the Secretary, under the leadership of the Chair of the Working Group on Indian Water Settlements, facilitating inter-agency participation and cooperation needed to achieve and implement comprehensive settlements. SIWRO coordinates and supports Federal settlement activities through 45 Federal negotiation, assessment, and implementation teams working throughout the western United States; and

WHEREAS, negotiation teams utilize the expertise and ideas of its team members in order to



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develop a comprehensive negotiation position for the Department. Team members contribute their expertise and perspective on technical, factual, and policy matters with the team as it works toward developing a negotiation position. Team members may also be asked, and will be expected to, identify resources to assist the team in its deliberations and analyses. Team members are to serve as the principal resource for development of data, services, or other expertise from their respective agencies; and

WHEREAS, the role of the implementation teams is to ensure that a settlement is carried out and implemented in a manner calculated to achieve settlement success while taking into consideration all Department interests implicated in the settlement. Teams utilize the expertise and ideas of team members in order to implement the settlement. Team members are expected and encouraged to share their expertise and perspective on technical, factual and policy matters with team as it works toward final implementation. Team members may also be asked, and will be expected to, identify resources to assist the team implementing the settlement. Team members are to serve as the principle resource for development of data, services or other expertise from their agencies; and

WHEREAS, assessment teams are appointed by Working Group on Indian Water Settlements to help it determine whether it is appropriate for the Department to appoint a Federal negotiation team upon the request of an Indian Tribe. Appointment of a Federal assessment team helps the United States better understand the nature and extent of a Tribe’s water rights claims, the position and interests of the various parties, and can help make the transition to a Federal negotiation team more fluid. Team members are expected to utilize their expertise and ideas on technical, factual, and policy matters in assessing whether a Federal negotiation team should be appointed. Team members are to serve as the principle resource for development of data, services, or other expertise from their agencies; and

WHEREAS, SIWRO is the responsible for application of the Criteria and Procedures for the Participation of the Federal Government in Negotiations for the Settlement of Indian Water Rights Settlements (1990), a uniform set of guidelines for the settlement of Indian water rights claims, and no other Federal agency has responsibility for implementing these criteria; and

WHEREAS, to date, SIWRO has successfully negotiated over 40 Indian water rights settlements through Federal negotiation teams, 35 of which have received congressional approval. Without



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the SIWRO's involvement in settlement negotiations to advocate for Indian water rights and to ensure the United States' interests are represented and protected in such negotiations, the settlements would not have been possible, and contentious litigation will continue for many decades into the future; and

WHEREAS, there are billions of dollars for Tribal Nations and our water rights that need to be implemented. This implementation occurs only with the guidance and direction from the SIWRO, but broadly benefits Tribal and non-Indian communities. Without the SIWRO, development of critical water infrastructure for COLT Tribes and their neighbors in Montana, Utah, Arizona, and New Mexico, and many other places, would be stymied, thereby frustrating the Trump-Vance Administration's goals.

NOW THEREFORE BE IT RESOLVED, that COLT formally supports the continued work and existence of the Secretary's Indian Water Rights Office to advocate for and protect the rights of Indian Tribes to water necessary to serve our reservations and lands as our permanent homelands; and

BE IT FURTHER RESOLVED, that COLT calls upon the Administration to direct the Secretary of the Interior to state and employ a presumption that the Secretary's Indian Water Rights Office is necessary and critical to achieving the Administration's policies of increased health and welfare for Tribal communities which depend upon critical water resources, Tribes' greater economic self-sufficiency, unleashing American energy and other priorities; and

BE IT FURTHER RESOLVED, that COLT calls upon the Administration to direct the Secretary of the Interior to reaffirm the long-standing Federal policy that settlement of Indian water rights claims is preferred over long-term, contentious litigation; and

BE IT FURTHER RESOLVED, that COLT calls upon the Administration to direct the Secretary of the Interior to continue to maintain the Secretary's Indian Water Rights Office as a critical body within the Secretary's office whose work and role is unique in the Interior Department and is necessary for the negotiated settlement of Indian water rights claims; and

BE IT FURTHER RESOLVED, that because Tribal-Federal treaties impliedly guarantee water to serve Indian reservations, lands and Tribal citizens, among many other promises, in exchange for peace and vast amounts of land cessions that now make America great; and executive



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orders, memos, and agency policies all require Tribal consultation before any Federal agency action that negatively impacts Tribal Nations and our citizens; and the Administration’s many positive and important goals to help Indian Country improve Tribal health, bolster Tribal economic development, unleash American energy, including on Tribal lands, and other priorities, and because the Secretary’s Indian Water Rights Office serves all of these purposes through negotiation and representation of Tribal-Federal interests in the context of water rights; the office should continue and be maintained as critical to the United States’ Treaty and other obligations to Indian Tribes and our members; and

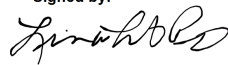
BE IT FINALLY RESOLVED, that this resolution shall be the policy of COLT until it is withdrawn or modified by subsequent resolution.

Attest:

Signed by:


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J. Garret Renville, Chairman, Coalition of Large Tribes

Signed by:


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Lisa White Pipe, Secretary / Treasurer, Coalition of Large Tribes

CERTIFICATION

This resolution was enacted at virtual meeting of the Coalition of Large Tribes held February 24, 2025 at which a quorum was present, with the resolution approved unanimously.

Dated this February 24, 2025