



MANDAN, HIDATSA & ARIKARA NATION

Three Affiliated Tribes * Fort Berthold Indian Reservation
404 Frontage Road New Town, ND 58763
Tribal Business Council

Office of the Chairman
Mark N. Fox

March 23, 2021

Lieutenant General Scott A. Spellmon, Commanding General
U.S. Army Corps of Engineers
441 G Street NW
Washington, D.C. 20314-1000

Re: Urgent Request for Immediate Consultation – One on One

Dear General Spellmon:

As Chairman of the Mandan, Hidatsa, and Arikara (MHA) Nation, I am requesting that you immediately schedule a nation-to-nation consultation between the MHA Nation and the U.S. Army Corps of Engineers.

Given the emergency nature of our request, we prefer a virtual meeting by video conference.

Our request is for a single tribe consultation -- just MHA Nation and the Corps.

We seek immediate consultation on the alternatives being considered by the Corps regarding continuity of operations of the Dakota Access Pipeline (DAPL) or alternative delivery systems while any NEPA-related or other federal review of DAPL is conducted.

Over half of the oil produced on our Reservation is transported to market via DAPL. MHA Nation's interests as an oil and gas producing Tribe are unique among other Tribes in our region. We insist on a one-on-one consultation before any action is taken that would adversely impact the market value of our oil and gas resources which are held in trust on our behalf by the United States. At a minimum, our trustee owes the MHA Nation meaningful consultation that is specific and pre-decisional.

Please let our counsel, John Fredericks (jfredericks@jf3law.com), know how soon this consultation can be scheduled with us.

Sincerely,

Mark Fox
Chairman
Tribal Business Council

cc: hqtribal@usace.army.mil