

INTERIM/ADMIN:

July 17, 2002 – Negotiation Session – presented outline of interim plan to public. Copy

August 14, 2002 – Workgroup meeting in Helena. Progress made on filling out a process. Feds raise for first time that license must be unilaterally revocable at will by Tribes. Everyone agrees to study further and feds will try to come with alternatives. Tribes discuss possible criteria but nothing in writing. Tribes to provide written definitions and criteria for next meeting and state to provide language on enforcement.

August 19, 2002 – Draft outline from feds based on 8/14 meeting.

September 16-17, 2002 – Workgroup meeting in Helena. Tribes hand out own outline on plan. No alternatives on unilaterally revocable at will license – take it or leave it. Staff suggests alternatives on review boards and timing of review board in process. Tribes want tribal majority on board and at initial stage and review pending <35 gpm. Staff provides enforcement language for nontribal members. Tribes – no written criteria/definitions. State again expresses that unilaterally revocable at will not work.

September 19, 2002 – Staff sends letter to feds requesting position on licenses to be put in writing.

September 26, 2002 – Team Conference Call on unilaterally revocable at will license issue.

October 2, 2002 – Having heard no response, Commission sends letter to Tribes stating a) not considering proposal; b) unilaterally revocable at will licenses will not work; and c) because no changes, will have to notify DNRC to move forward with Axe litigation.

November 5, 2002 - Workgroup meeting in Helena. Feds propose jointly revocable for cause licenses BUT unilaterally revocable agreement and licenses TERMINATE if agreement is revoked. No written Tribal criteria or definitions of categories of use. Tribes have not taken staff's suggestion on review board and timing to council. Position same on review board - tribal majority and at initial stage. No progress on any other element of agreement. See list of outstanding elements. Agreed to take to public at negotiation session ASAP so that everyone hears same thing. Staff very concerned with proposal. Tribes have a different view. Carter – 708 redraft (dated 9/5/02). RWRCC handed out sample Wisc. ADR language.

November 7, 2002 – staff sends list of potential MOA/MOU provisions to feds at feds request (11/5).

November 14, 2002 – Outline of Interim Plan from federal team with language on null/void licenses if agreement terminates or expires.