

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

_____	)	
ALLIANCE TO SAVE THE MATTAPONI, et al.,	)	
	)	
Plaintiffs,	)	Civil Action No.
	)	1:06-cv-01268-HH
v.	)	
	)	
UNITED STATES ARMY CORPS OF	)	
ENGINEERS, et al.,	)	
	)	
Defendants.	)	
_____	)	

DECLARATION OF CARL T. LONE EAGLE CUSTALOW

I, Carl T. Lone Eagle Custalow, declare that the following is true and correct and within my personal knowledge.

1. I have been the Chief of the Mattaponi Indian Tribe (the "Tribe") since June 18, 2003, and was the Assistant Chief from 1985 to June 18, 2003.
2. The Mattaponi Indian Tribe is recognized by the Commonwealth of Virginia and participates as a litigant in this case on its own behalf and on behalf of its members. The Tribal Council has authorized me to file this declaration on behalf of myself and the Tribe.
3. Approximately 65 Tribal members live on the Tribe's reservation. I have lived on the reservation since 1980. The reservation is next to the Mattaponi River, about three miles downstream from the proposed King William Reservoir's ("KWR's") intake structure.

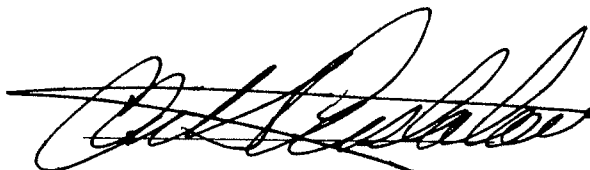
4. The Mattaponi River and its population of American shad, are central to our culture and heritage. We rely on shad for food, jobs, income, and cultural continuity. The Tribe operates a shad hatchery, which serves as the primary source of income and jobs on the reservation. I manage the hatchery.
5. The KWR's intake structure will be located in our most important fishing grounds and will take up to 75 million gallons of water per day from the Mattaponi River. Tribal members and I catch fish in this area every year, when shad swim up the Mattaponi River to spawn. We also harvest shad eggs from the spawning fish for use in the hatchery.
6. The KWR's withdrawals from the Mattaponi River will threaten important spawning grounds for the American shad because the reservoir's intake pipes will trap shad larvae and remove the shad's major food sources. Withdrawal of water for the KWR will also increase salinity levels and thereby harm the American shad, whose young cannot survive in higher salinity water.
7. The KWR once constructed will hold approximately 12.2 billion gallons and will flood more than 1,526 acres of land near our reservation. In accordance with the Reservoir Mitigation Plan, the KWR project will create and restore 806 acres of wetlands in other areas. Archeological surveys in the proposed reservoir and mitigation areas revealed more than 250 sites containing Native American artifacts, including 72 locations eligible for the National Register of Historic Places. Many of these sites directly relate to the history of the Mattaponi Tribe and are of cultural significance to us. The construction of the KWR project will

damage or destroy many archeological sites and artifacts that are of cultural significance to the Tribe and its members.

8. For these reasons, I believe that the Tribe and I will be injured by the KWR's impacts on the Mattaponi River's American shad population and on the many archeological sites of cultural significance to the Tribe and its members. We have fought this reservoir project for over ten years. We have participated in all phases of the Corps' permit proceedings, during which time we filed numerous comment letters to raise all of the above concerns.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Executed this 7<sup>th</sup> day of July, 2008.



Carl T. Lone Eagle Custalow