

Fifty-seventh
Legislative Assembly
of North Dakota

ENGROSSED HOUSE CONCURRENT
RESOLUTION NO. 3019

Introduced by

Representatives Drovdal, Rennerfeldt, Warner

Senators Lyson, Nichols

1 A concurrent resolution urging that if the Congress of the United States authorizes the return of
2 federal lands around Lake Sakakawea and Lake Oahe to the Three Affiliated Tribes and the
3 Standing Rock Sioux Tribe, that the interests of all persons, including the affected Indian tribes,
4 in lands and resources on those lands that are adjacent to Lake Sakakawea and Lake Oahe be
5 protected, that individuals who have invested resources in developing the recreational facilities
6 around Lake Sakakawea and Lake Oahe be guaranteed free access to those facilities, and that
7 other excess federal lands acquired for the Pick-Sloan Project be returned to their original
8 owners, their heirs, or the state of North Dakota.

9 **WHEREAS**, the Pick-Sloan Project, as authorized by the Flood Control Act of 1944, as
10 amended, provides major flood control benefits, recreational benefits, water supply benefits,
11 hydropower benefits, and navigational benefits for the downstream states of Iowa, Nebraska,
12 Missouri, and Kansas through construction of large reservoirs in states and on Indian
13 reservations lying upstream from these states in South Dakota, North Dakota, and Montana;
14 and

15 **WHEREAS**, the state of North Dakota and the Indian tribes along the Missouri River
16 sacrificed a total of 550,000 acres of land for the Pick-Sloan Project, including prime
17 bottomlands and farmland along the Missouri River; lost homes and farmhouses; more than
18 2,000 jobs; personal income of more than \$45 million per year; business income of more than
19 \$100 million per year; entire communities including the capitals of the Indian reservations;
20 infrastructure, including hospitals, churches, cemeteries, schools, transportation networks, and
21 water and sewer systems; local industry, including a saw mill, grain elevators, and feedlots; and
22 in the case of the Indian tribes, a majority of their ancestral homelands; and

23 **WHEREAS**, in an attempt to mitigate a portion of the losses occurring because of the
24 Pick-Sloan Project in South Dakota, pursuant to the Water Resources Development Acts of
25 1999 and 2000, the Congress of the United States directed the Secretary of the Army to

1 transfer to the Department of Game, Fish and Parks of the state of South Dakota land located
2 above the top of the exclusive flood pool of the Oahe, Big Bend, Fort Randall, and Gavins Point
3 Projects of the Pick-Sloan Missouri River Basin program, acquired by the Secretary of the
4 Interior for the implementation of the Pick-Sloan Missouri River Basin program, located outside
5 the external boundaries of a reservation of an Indian tribe, and located within the state of South
6 Dakota and further directed the Secretary of the Army to transfer to the Secretary of the Interior
7 land located above the top of the exclusive flood pool of the Big Bend and Oahe Projects of the
8 Pick-Sloan Missouri River Basin program acquired by the Secretary of the Army for the
9 implementation of the Pick-Sloan Missouri River Basin program and located within the internal
10 boundaries of the reservation of the Cheyenne River Sioux Tribe and the Lower Brule Sioux
11 Tribe for the use of the Indian tribes in perpetuity; and

12 **WHEREAS**, the Water Resources Development Acts of 1999 and 2000 are
13 controversial for a number of reasons, and, if applied to the state of North Dakota, do not
14 completely meet the needs of the state or the affected Indian tribes; and

15 **WHEREAS**, in considering similar legislation that may apply to the state of North
16 Dakota and the Indian tribes along the Missouri River in this state, the Congress of the United
17 States should ensure that the interests of all persons and entities, including the affected Indian
18 tribes, in lands and resources on those lands that are adjacent to Lake Sakakawea and Lake
19 Oahe be protected, including, the protection of the interests of the state of North Dakota and
20 Indian tribes, and the wildlife, recreational, and cultural and historic resources of those lands;

21 **NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES**
22 **OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:**

23 That the Fifty-seventh Legislative Assembly urges that if the Congress of the United
24 States authorizes the return of federal lands around Lake Sakakawea and Lake Oahe to the
25 Three Affiliated Tribes and the Standing Rock Sioux Tribe, that the interests of all persons,
26 including the affected Indian tribes, in lands and resources on those lands that are adjacent to
27 Lake Sakakawea and Lake Oahe be protected, that individuals who have invested resources in
28 developing the recreational facilities around Lake Sakakawea and Lake Oahe be guaranteed
29 free access to those facilities, and that other excess federal lands acquired for the Pick-Sloan
30 Project be returned to their original owners, their heirs, or the state of North Dakota; and

1 **BE IT FURTHER RESOLVED**, that the Fifty-seventh Legislative Assembly urges the
2 Congress of the United States, in drafting legislation affecting Lake Sakakawea and Lake Oahe
3 and the lands adjacent to these lakes, to work with and encourage cooperation among, all the
4 parties interested in the legislation, including the affected Indian tribes; and

5 **BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this
6 resolution to the Secretary of the Interior, the Secretary of the Army, to the chairman of the
7 Standing Rock Sioux Tribe, the chairman of the Three Affiliated Tribes, and to each member of
8 the North Dakota Congressional Delegation.