

The Flood That Never Ended

Much has been written on the impacts that the Pick Sloan Act has had and continues to have on tribal lands in the Missouri River basin. All six mainstem dams along the river are built on or near tribal lands and all have impacts on those lands.

Arguably, no tribe – upper basin or lower basin – has been impacted more from the building of the dams than the Three Affiliated Tribes of the Fort Berthold Reservation in central North Dakota. The impacts are well known. For the Fort Berthold Indian Reservation, more than 150,000 acres of land, much of it prime agricultural land, was subjected to a permanent flood; the reservation was split into geographic segments; longstanding and well-populated towns, communities and public facilities were forever lost; and families, friends and neighbors were divided.

Other tribes, like the Standing Rock Sioux Tribe in both North Dakota and South Dakota, had similar adverse impacts. Standing Rock and the other tribes of South Dakota also lost approximately 150,000 acres of its lands to the project. For both those tribes, it is a program that has truly resulted in a flood that never ended.

It is clear the Pick Sloan Program was not conceived or constructed with tribal benefits or tribal interests in mind. The goal was a promise of future irrigation projects, primarily on nontribal lands; flood control for the large communities of Bismarck, Pierre, Council Bluffs, Omaha, Neb. Kansas City, Mo., Jefferson City, and St Louis; and a

promise of an abundant supply of low-cost hydropower for downstream, nontribal, states.

Promises were made to various impacted tribes. Foremost was a promise to develop programs for safe, clean and dependable drinking water from the Missouri River system. Yet more than 75 years after that promise was made, some tribal members on the Fort Berthold Indian Reservation and Standing Rock Reservation have no reliable water supply and have to haul water.

Tribal impacts can perhaps be best understood by reviewing the notes of a meeting held in October 1945. The meeting was chaired by Sen. Joseph O'Mahoney of Wyoming, with participation from Chairman Martin Cross of the Three Affiliated Tribes and Sen. William Langer of North Dakota. An excerpt of that discussion follows:

Chairman Cross: "Mr. Chairman (addressed to O'Mahoney), senators, the Corps of Engineers seems to think that the Indian land in the flooded area be acquired by eminent domain, if necessary. We question the legality of this process on the grounds that Treaty Law between the United States government and the Indians is binding ... and not subject to eminent domain."



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Chairman O'Mahoney: "I understand you to say that if the Garrison Dam were constructed, a large amount of that land would be flooded. Is that right?"

Chairman Cross: "That is right, about two hundred twenty-one thousand acres."

Chairman O'Mahoney: "What is the character of that land?"

Chairman Cross: "It is the best land we have, along the river, the best irrigable land, and most of our homes are situated along this valley."

Chairman O'Mahoney: "How many homes are there?"

Chairman Cross: "Of our five hundred thirty-one homes, four hundred thirty-six would be in the flooded area."

Chairman O'Mahoney: "What you are saying, then, is that three-fourths of the homes of the Affiliated Tribes would be flooded ... And you would have to move off and take up your homes somewhere else? ... Do these Indians raise agricultural crops?"

Chairman Cross: "We raise spring wheat, oats, corn, potatoes, and a little alfalfa. We have a tribal cattle cooperative. ... Out of six hundred thousand acres, almost half is used for grazing."

Chairman O'Mahoney: "Would the Indians be willing to exchange that land for other lands, if other lands were available? ... What is the value of the land, per acre, have you any idea?"

Chairman Cross: "We are not here on the question of selling our land. We want to keep it."

Senator Langer: "It is still not for sale at all?"

Chairman Cross: "Senator, with all due respect, I am not here to sell the land. I am here to keep the land."

Chairman O'Mahoney: "What do you stand to gain from this dam, Mr. Cross?"

Chairman Cross: "We gain nothing from this dam but our own destruction."

Senator Langer: "I want to say ... As a member of this committee, that I know these lands. Everything Mr. Cross has said is absolutely true. This dam would take by far the best land and leave the tops of the hills, with [sic.] will not begin to compare with the soil in the valley."

Despite sympathetic comments from congressional members, and an apparent full understanding of the hardships being imposed on the Fort Berthold Indian Reservation and other reservations, the Pick Sloan Program received congressional authorization and appropriations to move forward.

The picture below depicts the formal signing of a resolution authorizing the taking of tribal lands for the project. At front left is Chairman George Gillette, who, sobbing, stated: "We will sign this contract with a heavy heart. With a few scratches of the pen, we will sell the best part of our reservation. Right now, the future doesn't look too good to us."

Ultimately the Pick Sloan Act proceeded. Of the seven stated project objectives and authorized purposes, no specific mention is made of tribal projects. Each of the six mainstem dams impacted adjacent tribal lands: in Montana, the Fort Peck Dam created the southern border of the Fort Peck Indian Reservation; in North Dakota, the Garrison Dam divided the Fort Berthold Indian Reservation and flooded over 200,000 acres in the center of the reservation; in South Dakota, the Oahe Dam, Big Bend Dam, Fort Randall Dam, and Gavin's Point Dam similarly impacted adjacent tribal lands. The tribes of those reservations are still waiting, as are many nontribal entities, for recognition and adequate compensation for what they lost.



George Gillette, left front, chairman of the Fort Berthold Indian Tribal Council, covers his face and weeps in Washington, D.C., May 1948 as Secretary of the Interior J.A. Krug signs a contract to buy more than 152,000 acres of North Dakota's Native American land to create the Garrison Reservoir.