



## MANDAN, HIDATSA & ARIKARA NATION

Three Affiliated Tribes \* Fort Berthold Indian Reservation

Tex "Red Tipped Arrow" Hall  
Office of the Chairman

October 16, 2013

Representative Dennis Johnson, Chairman  
Tribal State Relations Committee  
North Dakota Legislative Assembly  
State Capitol  
600 East Boulevard Avenue  
Bismarck, North Dakota 58505

**Re: Study of Lake Sakakawea and Lake Oahe Lands Pursuant to H.B. 1338**

Dear Chairman Johnson:

The Mandan Hidatsa and Arikara Nation (MHA Nation) appreciates the Committee on Tribal State Relations' effort to consider the impacts from the flooding of the Missouri River bottomlands by the Garrison Project under H.B. 1338. As you may know, under Federal law, the MHA Nation is currently pursuing the return of a portion of our tribal lands that were flooded by the Project. The MHA Nation asks for the Committee's support for the return of our lands.

The MHA Nation is currently working with the Army Corp of Engineers and the Department of the Interior to implement the 1984 Fort Berthold Mineral Restoration Act (Public Law No. 98-602, Title II, Section 206 (b)) which authorizes the return of excess Project lands to the MHA Nation. Almost 30 years after this law was passed we are finally making progress implementing this law and toward seeing a portion of our lands returned.

Unfortunately, the State has been the primary obstacle to the return of our lands under this long-standing Federal law. If the State cannot support the MHA Nation in our effort to recover a small portion of our taken lands and show an understanding of the impacts suffered by the MHA Nation and our members, then we cannot support the study under H.B. 1338.

The MHA Nation suffered devastating consequences from the flooding of our rich Missouri River bottomlands by Project. The Project flooded more than 156,000 acres of our Reservation. It flooded most of our prime agricultural lands, 84 percent of our roads, more than 400 homes, our Hospital, schools and churches, and 90 percent of our members were forced to evacuate to higher ground. The Project also flooded forests and wildlife that we harvested.

Promises that the MHA Nation would also benefit from the Project remain unfulfilled. Instead, we are forced to heat our homes on the windy plains and can no longer rely on the shelter of the bottomlands. We can no longer access many of our traditional foods forcing dietary changes on our members and long-term health effects. Our Reservation was divided into

six isolated segments making it difficult and costly to provide basic governmental services and breaking up family connections. The MHA Nation and our members suffer the consequences of living with the flood every day while others reap the benefits of hydropower, navigation and irrigation.

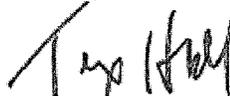
The return of a small portion of our flooded lands would be a small step toward healing the economic, social, and cultural impacts of the flooding on the MHA Nation and our members. Yet, despite our decades long effort to work with everyone interested, we recently received a letter from Governor Dalrymple, also sent to the Army Corps and the State's Congressional Delegation, expressing concerns about the return of our lands. The MHA Nation will not stand for the Governor's attempts to frustrate the return of our lands through existing Federal law.

Rather than working with the MHA Nation to achieve the return of a small portion of our taken lands, the Governor rehashes comments previously addressed in a 2006 report on the land transfer. Rather than being a partner, the Governor attempts to create public fear and deception regarding the sovereignty and authority of the MHA Nation. Rather than moving forward to implement long-standing law, the Governor tries to renegotiate the terms of the law.

We believe there are a number of issues related to the Garrison Project that the MHA Nation could address in partnership with the Committee and the State, but we cannot pursue those issues while the State works to defeat the return of our lands under Federal law. We ask that this Committee, the Legislature and the Governor acknowledge and support our effort under Federal law for the return of a small portion of our flooded lands. With this support the MHA Nation can move on to address the issues proposed for study under H.B. 1338 and other issues related to the management of Lake Sakakawea.

As always Chairman Johnson and the Members of your Committee, I look forward to working with you on this and other issues. Please contact me or my Washington, D.C. counsel, Rollie Wilson, at 202-340-8232 if you have any questions or need additional information.

Sincerely,



Tex "Red Tipped Arrow" Hall, Chairman  
TAT – MHA Nation