The National Congress of American Indians
Resolution #REN-13-026

TITLE: In Support of a Request for a Hearing on the Impacts on the Water Rights of Tribes Located in the Missouri River Basin

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, Congress authorized the Missouri Basin Pick-Sloan Program in the Flood Control Act of 1944, comprised of six massive earthen dams on the Missouri River, built and operated by the Corps of Army Corps of Engineers, and numerous tributaries dams controlled by the Bureau of Reclamation; and

WHEREAS, the Pick-Sloan program destroyed approximately 360,000 acres of Indian land along the Missouri River, which were wooded, riparian bottomlands, with fertile soils, abundant water supplies, timber, wildlife habitat, rare plants used for medicinal purposes, and these lands were the aboriginal homelands of the Missouri Basin and Great Plains Tribes for thousands of years; and

WHEREAS, the Pick-Sloan program resulted in the forced relocation of numerous Tribal communities along the Missouri River, in the 1950’s and 1960’s, to new town sites on the plains above the river valley, causing dislocation and socioeconomic hardship; and

WHEREAS, the late Vine Deloria, Jr. (Standing Rock Sioux), distinguished scholar and former Executive Director of NCAI, described the Pick-Sloan program as “the single most destructive act ever perpetuated on any tribe by the United States;” and
WHEREAS, the Indian Nations of the Missouri River Basin suffer the on-going impacts of the Army Corps of Engineers’ operations under the Pick-Sloan program, which cause dramatic streamflow fluctuations on numerous Indian Reservations in the Upper Basin, diminishing water supplies needed for human consumption, fish and wildlife and economic development; and

WHEREAS, the proliferation of hydrofracturing in the Williston Basin has led to increased water demand in the upper Missouri Basin; and

WHEREAS, the Corps of Engineers has issued surplus water reports for the Missouri River main stem reservoirs of the Pick-Sloan program, which seek to limit future municipal and industrial (M & I) water use and to impose storage fees and water supply contract requirements for future M & I water use, to wit –

<table>
<thead>
<tr>
<th>Reservoir</th>
<th>Surplus Water (acre-feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Garrison Dam/Lake Sakakawea</td>
<td>100,000</td>
</tr>
<tr>
<td>Draft Fort Peck Dam/Lake Fort Peck</td>
<td>6,932</td>
</tr>
<tr>
<td>Draft Oahe Dam/Lake Oahe</td>
<td>57,317</td>
</tr>
<tr>
<td>Draft Big Bend Dam/Lake Sharpe</td>
<td>62,268</td>
</tr>
<tr>
<td>Draft Fort Randall Dam/Lake Francis Case</td>
<td>27,973</td>
</tr>
<tr>
<td>Draft Gavins Point Dam/Lake Lewis and Clark</td>
<td>28,427</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>282,917</strong></td>
</tr>
</tbody>
</table>

WHEREAS, the Indian Nations of the Missouri River Basin possess extensive reserved water rights to the Missouri River main stem, its tributaries and the Missouri Basin groundwater, based on Treaties and other agreements with the United States, pursuant to the principles enunciated by the U.S. Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908); and

WHEREAS, the surplus water determinations by the Army Corps of Engineers for the Missouri River main stem reservoirs confer no consideration of the reserved water rights of the Missouri River Indian Nations, jeopardizing the present and future water uses on the Indian Reservations of the Missouri River Basin; and

WHEREAS, Chairman Charles W. Murphy of the Standing Rock Sioux Tribe and President Bryan Brewer of the Oglala Sioux Tribe have requested that the U.S. Senate Committee on Environment and Public Works conduct an oversight hearing on the impacts of the Army Corps of Engineers’ Pick-Sloan Program and surplus water reports.

NOW THEREFORE BE IT RESOLVED, that the NCAI supports the call for an oversight hearing by the U.S. Senate Committee on Environment and Public Works on the impacts of the Army Corps of Engineers’ Pick-Sloan Program and surplus water reports on the Indian Tribes of the Missouri River Basin; and

BE IT FURTHER RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.
CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2013 Midyear Session of the National Congress of American Indians, held at the Atlantis Casino from June 24 - 27, 2013 in Reno, Nevada with a quorum present.

ATTEST:

[Signature]

President

[Signature]

Recording Secretary