

PROPOSED AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3019

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

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

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

**WHEREAS**, in an attempt to mitigate a portion of the losses occurring because of the Pick-Sloan Project in South Dakota, pursuant to the Water Resources Development Acts of 1999 and 2000, the Congress of the United States directed the Secretary of the Army to transfer to the Department of Game, Fish and Parks of the state of South Dakota land located above the top of the exclusive flood pool of the Oahe, Big Bend, Fort Randall, and Gavins Point Projects of the Pick-Sloan Missouri River Basin program, acquired by the Secretary of the Interior for the implementation of the Pick-Sloan Missouri River Basin program, located outside the external boundaries of a reservation of an Indian tribe, and located within the state of South Dakota and further directed the Secretary of the Army to transfer to the Secretary of the Interior land located above the top of the exclusive flood pool of the Big Bend and Oahe Projects of the Pick-Sloan Missouri River Basin program acquired by the Secretary of the Army for the implementation of the Pick-Sloan Missouri River Basin program and located within the internal boundaries of the reservation of the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe for the use of the Indian tribes in perpetuity; and

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

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

state of North Dakota and Indian tribes, and the wildlife, recreational, and cultural and historic resources of those lands;

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

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

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

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

Renumber accordingly