

Statement of Arthur "Butch" Denny, Chairman of the Santee Sioux Tribe of Nebraska  
in support of  
S. 1148, Yankton Sioux Tribe and Santee Sioux Tribe of Nebraska  
Development Trust Fund Act.

May 17, 2000

Mr. Chairman and members of the Indian Affairs Committee, I am Chairman Butch Denny of the Santee Sioux Tribe of Nebraska. The Santee Indian Reservation is located in north east Nebraska. The Missouri River borders our reservation's northern boundary. I have attached a map to this statement so you will have a physical picture of the places we are discussing here today.

On behalf of the Santee tribal membership, I am pleased to appear before this committee to provide some views from the perspective of the Santee Sioux tribe in support of S. 1148. We appreciate the committee's consideration of this bill.

Our tribe, along with the Yankton Sioux tribe, through our representatives have worked closely with Senator Daschle's office and the offices of the cosponsors to S. 1148: Senators Tim Johnson, Bob Kerrey and Chuck Hagel. We are grateful for their support and the assistance of their staff for their guidance in this legislative process.

The Santee Sioux Reservation was established as a permanent home for remnants of six Santee Sioux bands driven out of Minnesota following what is known as the "Sioux Uprising of 1862." Our reservation was established by Executive Order signed by President Andrew Johnson on February 27, 1866.

In 1944, the Congress enacted the Flood Control Act (58 Stat. 887), which authorized implementation of the Pick-Sloan Plan for water development in the Missouri River Basin. This plan included the construction of five main-stem dams along the Missouri River. Project purposes included flood control downstream, navigation, irrigation, the generation of hydropower, the provision of improved water supplies, and enhanced recreation. The U.S. Army Corps of Engineers, which constructed and operate the dams, estimates the projects' overall contribution to the national economy averages approximately \$1.3 billion.

The Gavins Point dam, which is the subject of my testimony, is erected between Yankton County, South Dakota and Knox County, Nebraska. Gavins Point dam is the farthest downstream and the smallest of the six Missouri River dams.

The Gavins Point project inundated 593 acres of land with the Santee Sioux Indian Reservation. This represents approximately 8.5 percent of the reservations total land base. Of the 593 acres, 201 acres was valuable crop land.

The Santee Sioux lands taken for the Gavins Point project were located just below the main settlement area of the Indian village of Santee. The bottom land was used by our tribal members for hunting, shelters for livestock, and the trees for lumber and fuel. The bottom lands provided a variety of plants used for ceremonial and medicinal purposes. The land taken also included productive agriculture land and pasture land. The Gavins Point project flooded a tribal farm which included a cattle and hog barn, grazing land, and fields that were used for growing hay, oats and corn.

That of course is now history; the tribal land taken is now underwater and that way of life is now past. Our tribe is small and our land base is small, but what was taken was great and how it was taken was unjust.

The Flood Control Act of 1944, nor any subsequent acts of congress specifically authorized the U.S. Army Corps of Engineers or the Bureau of Reclamation to condemn Sioux tribal land for the Pick-Sloan dam projects. But our land was condemned and taken in U.S. District Court nevertheless.

The condemnation proceedings resulted in compensation for taken land that was far less in value than that of other Missouri River tribes whose lands were taken by acts of congress. The Court did not compensate the tribe for its direct damages but provided payment for the appraised value of the land. Also, it was several years between the time the tribe received any payment and the time the land was appraised. The initial settlement did not take into account the inflation of property values between that period.

The lands affected by the Pick-Sloan program were, by and large, Indian lands. The damage to each reservation was unique, depending on the acreage lost, the number of tribal members living in the taking area, and the value of the resources located in the taking area. However, the result was the same at each reservation. Tribal communities and economies were damaged or completely destroyed by the dam projects.

In May of 1985, the Secretary of the Interior established the Joint Tribal Advisory Committee (JTAC) to assess the impacts of the Garrison and Oahe Dams on the Three Affiliated Tribes and the Standing Rock Sioux Tribe. Based on the findings and recommendations of JTAC, Congress enacted legislation to equitably compensate those tribes for their losses from Pick-Sloan.

In 1992, the Congress enacted legislation acknowledging that the U.S. government did not justly compensate the tribes at Fort Berthold and Standing Rock when it acquired their lands and that the tribes were entitled to additional compensation. PL 102-575, title XXXV, the *Three Affiliated Sioux Tribes and Standing Rock Sioux Tribes Equitable Compensation Act* provided development trust funds for these two reservations.

Congress again acknowledged that the Indian tribes were not adequately compensated for their losses under the Pick-Sloan Plan. In 1996, the Congress enacted PL 104-223, the *Crow Creek Sioux Tribe Infrastructure Development Trust Fund Act* which provides for a development trust fund for the Crow Creek tribe for losses due to the construction of the Ft. Randall and Big Bend dams. In 1997, the Congress enacted PL 105-132, the *Lower Brule Sioux Tribe Infrastructure Development Trust Fund Act*, which provides a development trust fund for the Lower Brule Sioux Tribe for similar losses.

By the enactment of these development trust fund acts, the Congress has indicated its willingness to settle the tribal claims by providing additional and equitable compensation in the form of development trust funds.

One cannot measure in cost the loss of tribal tradition or the loss of tribal life along a free flowing river, so we must look to the cost of what can be measured. The tribe lost a total of 1,007 acres to the Gavins Point dam and reservoir.

S. 1148 provides that the Santee Sioux Tribe will receive annual interest payment from an \$8.1 trust fund established in the U.S. Treasury. The annual interest payments are to be used by the tribe according to a tribal spending plan developed by the tribal council with approval from tribal members.

The Santee settlement claim is minimal in comparison to the others settlements enacted before us. However, the annual interest payment will greatly assist our tribe with programs addressing the needs of economic development and social programs.

The Santee has worked several years on the development of this legislation. With the sponsorship of Senator Tom Daschle in the Senate and Congressman Bill Barrett in the House we are hopeful that this legislation will be enacted this year.

I want to again thank the committee for considering this bill. S. 1148 is very important to the Santee Sioux Tribe.