

**STATEMENT OF ROBERT W. COURNOYER CHAIRMAN OF THE  
YANKTON SIOUX TRIBE  
NOVEMBER 1, 2007**

Mr. Chairman and Members of the Indian Affairs Committee, my name is Robert Cournoyer, and I serve as the elected tribal Chairman of the Yankton Sioux Tribe. Our Tribal lands are located in southeastern South Dakota and the Missouri River borders our southern boundary. On behalf of the Yankton Sioux tribal membership, I would like to express my appreciation to you and the committee Members for inviting me to testify today and for taking up consideration of the impact of the Flood Control Act of 1944 on Indian Tribes along the Missouri River.

**BACKGROUND**

Our reservation was established by the Treaty of 1858, which provided our people with 430,405 acres of land along the Missouri River. As time passed, our reservation was diminished by the Act of August 15, 1894, which opened up our reservation to non Indian settlement. By the 1950's, when the Fort Randall dam was constructed, only 44,938 acres of Indian land remained in federal trust status.

In 1944, the United States Congress enacted the Flood Control Act which authorized the construction of five dams along the Missouri River known as the Pick-Sloan Program. The primary purpose of the dams and reservoirs was flood control downstream. Other stated purposes were navigation, hydropower generation, providing water supplies, and recreation.

The impact of the Pick-Sloan program was devastating to all the Missouri River tribes including the Yankton Sioux Tribe. The Fort Randall dam and reservoir inundated a large portion of the Yankton Sioux reservations bottom lands and rich productive agricultural lands. The Fort Randall project flooded 2,851 acres of Indian trust land within the Yankton Sioux reservation and required the relocation and resettlement of at least 20 families which was approximately 8 percent of the resident tribal population. Over the past fifty years, the tribe has lost an additional 408 acres to stream bank erosion.

The Missouri River bottom lands provided a traditional way of life for the Yankton Sioux that is now virtually lost. The bottom lands provided an abundance of game and plants for traditional food, plants for ceremonial and medicinal purposes, and plenty of trees for lumber and fuel. In addition to the loss of the bottom lands, the tribe lost acres and acres of productive agricultural land.

**INUNDATION OF THE COMMUNITY OF WHITE SWAN**

The waters of the Missouri River completely inundated the traditional and self-sustaining community of White Swan, one of the tribe's major settlement areas. The White Swan families raised various livestock which took shelter in the timbered bottom lands or out buildings. The White Swan families sold surplus milk and eggs in the towns of Lake Andes or Wagner. The money received was generally used to purchase needed staples that were not cultivated from the rich soil in and around the community of White Swan. The community was very close knit and the families helped each other in many ways.

While it was the practice of the United States to relocate flooded Indian communities flooded by the Pick-Sloan program to higher ground, the community of White Swan was not relocated or reestablished elsewhere. The White Swan families were simply dispersed elsewhere and the community was never replaced.

### **CONDEMNATION PROCEEDINGS**

Neither 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 Pick-Sloan projects. Unfortunately, the condemnation of Yankton Sioux tribal land was not challenged for a host of reasons.

The condemnation proceedings in U.S. District Court resulted in settlements that did not provide adequate compensation to the Yankton Sioux Tribe. The tribe did not receive compensation for direct damages but rather a compensation for the appraised value of their property. The condemnation proceedings did not take into account the large proportion of productive agricultural land. Further, the settlement did not account for the inflation of property values between the time of taking and the time of settlement which was several years later. The average settlement payment on other Indian reservations whose land was taken by acts of Congress was approximately \$16,680 per family according to research documents, while the Yankton Sioux Tribe received \$5,605 per family as a settlement for the land taken by the United States.

### **YANKTON SIOUX TRIBE DEVELOPMENT TRUST FUND**

We recognize your effort in compensating the Yankton Sioux Tribe in the 107<sup>th</sup> Congress. The Yankton Sioux Tribe Development Trust Fund was signed into Public Law 107-331 December, 2002. The language sets up a trust for \$23,023,743 in compensation for the Tribal lands lost in the Flood Control Act of 1944. These funds are not available until 2013. We would appreciate the committee examining a possibility of these funds being made available prior to 2013.

### **CONCLUSION**

Many of our tribal elders who experienced first hand the taking of tribal land and the removal have passed on. It has been long enough for a just and equitable resolution to the devastating impacts of the Pick-Sloan program on our tribe. Thank you for your time and consideration to this important matter. We appreciate Chairman Dorgan and the rest of the Committee's attention to the large scope of the issues affecting the Pick-Sloan program.