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Letter from Martin Cross to Senator Langer Regarding a Resolution Passed by Three Affiliated Tribes Business Council, June 12, 1946

Martin Cross

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MARTIN T. CROSS
President

EARL BATEMAN
Vice-President

GEORGE GILLETTE
Secretary

GEORGE CHARGING
Treasurer

Fort Berthold Indian Corporation Tribal Business Council

MEMBERS OF THE COUNCIL

Douglas Standish
James Baker
Robert Dancing Bull
Sam Lincoln
Levi Waters
Leo Young Wolf

Three Affiliated Tribes

Headquarters---Elbowoods, North Dakota

Telephone 2411

June 12, 1946

*Senator William Langer
U.S. Senate Building
Washington, D.C.*

Dear Bill:

The Indian people of the Fort Berthold Reservation, North Dakota, respectfully ask you to read a Resolution passed by our Tribal Business Council, a copy of which goes to you with this letter.

We have offered to the United States, as a gift, all the Tribal and allotted lands needed to build a dam on the Missouri River in the northern end of our Reservation. All we ask in return is that the proposed dam below our Reservation be not built.

Our Resolution states the reasons why the dam should not be built at Garrison, and the reasons why a dam should be built above our best bottom lands. Please read our Resolution and, if you can do so, please help save us from the calamity that will come to us if the waters of the Garrison Dam close over our heads.

Very sincerely,
THE TRIBAL BUSINESS COUNCIL
Three Affiliated Tribes of
Fort Berthold Reservation.

By *Martin T. Cross*
Chairman.

*P.S.
Looking for you in
Elbowoods on June 22.*

Elbowoods, North Dakota

May 25, 1946

The Business Council of the Three Affiliated Tribes of Fort Berthold Reservation, North Dakota, being now in session, hereby adopts the following Resolution as the Act of this Council:—

RESOLVED

That the following facts are known to us:—

The United States by Act of Congress has authorized the construction of a series of dams across the Missouri River, one of which is proposed to be built at or near the mouth of Snake Creek and is to be known as the Garrison Dam.

The construction of the Garrison Dam will have the following results to the Indian people of Fort Berthold Reservation:—

1. All of the bottom lands, and all of the bench lands on this Reservation will be flooded, most of it will be under water to a depth of 100 feet or more.
2. The homes and lands of 349 families, comprising 1544 individuals will be covered with deep water.
3. The lands which will be flooded are practically all the lands on our Reservation which are of any use or value to produce feed for stock or winter shelter.
4. We are stockmen and our living depends on our production of cattle.
5. All of the area of this Reservation which will not be flooded will be of little or no value to us if the bottom and the bench lands are lost.
6. There are over 2,000 individual members of the Three Affiliated Tribes of this Reservation and it is now proposed by Acts of Congress to remove 1544 of us to some other unknown location, leaving at least 456 of our people permanently separated from the others of the Tribes by the proposed removal.

7. All of our people have lived where we now are for more than 100 years. Our people have lived on and cultivated the bottom lands along the Missouri River for many hundreds of years. We were here before the first white men stepped foot on this land. We have always kept the peace. We have kept our side of all treaties. We have been, and now are, as nearly self-supporting as the average white community.

8. We recognize the value to our white neighbors, and to the people down stream, of the plan to control the River and to make use of the great surplus of flood waters; but we cannot agree that we should be destroyed, drowned out, removed and divided for the public benefit while all other white communities are protected and safe-guarded by the same River development plan which now threatens us with destruction.

9. We see on the plans and maps of the proposed Missouri River development, that five great dams are to be built across the River. Four of those dams are carefully located above the white communities of Yankton, Chamberlain and Pierre in South Dakota, and Bismarck in North Dakota. We also know that the Garrison Dam was first planned to hold water at the level of 1,850 feet above sea level but when it was shown to the Congress that water at that height would flood some of the streets of Williston, North Dakota, that plan was promptly changed to 1,830 feet to save Williston.

10. Our Indian community of 2,000 individuals is larger than some of the cities which have been so carefully safeguarded by the original plan but we are as much entitled to protection and consideration as is anyone or all of the cities along the River.

11. We know that the Garrison Dam will cost at least \$160,000,000 to construct at 1940 labor and material prices and that damages to other people and increased labor and material costs and costs of our proposed removal will run the cost well over \$200,000,000.

12. We know that the proposed Garrison Dam will produce 1,600,000,000 KWH annually for which there is no present demand or use; and that, if locks are constructed at a great increase of cost that dam will permit barge navigation to carry heavy products which do not now exist.

13. We know that the proposed Garrison Dam will provide water for irrigation of lands east and south of the proposed dam, and we know that all of those lands can be irrigated better and at less cost by using the water from the Fort Peck Reservoir.

The statements we make in this Resolution, which we say are facts known to us, are supported by Congressional documents, agency records and the report of our Engineer Daniel C. Walser. That report we filed with the Committee on appropriations of the United States Senate as part of the hearings on H.R. 5400, 79th Congress (now Public Law 374).

From these facts it is our belief and conclusion that the Garrison Dam should not be constructed at the point now planned.

We further believe and agree that a dam across the Missouri River should be constructed at or near the North line of Township 150 North where that line crosses the Missouri River, to hold water at 1,830 feet above sea level. We call this dam the Upper Dam. The Upper Dam will have the following advantages:—

(1) The Indian people of Fort Berthold Reservation will be protected just as the white cities above and below us are now protected.

(2) The homes and lands of our people will be saved from inundation.

(3) Our Indian community will be saved from extermination.

(4) Our present lands will be more productive and we will be assured of permanent self-support.

(5) Our hope in the future and our faith in our Government will be restored.

(6) Our Government and its tax payers will be saved at least \$100,000,000 in construction costs, as the proposed Upper Dam will be only about one and one quarter miles long and will be only about one half as high as the proposed Garrison Dam.

(7) 300 or more white owners of nearby North Dakota lands will be spared eviction from their homes, which would be required to make room for the displaced Indian people of Fort Berthold Reservation at a further saving of at least \$20,000,000.

(8) The Upper Dam will provide adequate flood control. It will provide power at one half the cost of the Garrison Dam. It will provide ample water for irrigation of down stream bottom lands.

All of this being considered, this Tribal Businss Council with the approval of the Secretary of the Interior offers to donate to the United States all Tribal lands which may be required for the Upper Dam and all Tribal lands which may be inundated and further offers to relocate on Tribal lands below the Upper Dam all allottees whose lands will be inundated by the Upper Dam.

All this we offer at no cost and without charge to the United States.

We submit this Resolution to the North Dakota delegation in Congress and to all members of the House of Representatives and the Senate of the United States. To the Governor and the people of North Dakota and to all the people of the United States who believe in justice to the Indian without discrimination.

To this Resolution we pledge our unfailing and our undivided support, and hereunto we sign our names.

Martin T. Cross, Chairman.

Earl Bateman, Vice-Chairman.

George Gillette, Secretary.

George Charging, Treasurer.

MEMBERS: Levi Waters, Sam Lincoln, Robert Dancing Bull, Leo Young Wolf, James Baker.

STUDY AND REPORT
on the
VARIOUS PLANS
HERETOFORE SUBMITTED TO THE CONGRESS
IN REGARD TO THE
UPPER MISSOURI RIVER BASIN
March 15, 1946

By
DANIEL C. WALSER
Consulting Engineer
1017 Munsey Building
Washington, D. C.

The writer has been retained by the Fort Berthold Indians to review the documents on the conservation, control and use of water resources of the Missouri River Basin, and to submit an engineering statement, based on the facts contained in the documents, as to the necessity of locating a large storage dam on the main stream of the Missouri River near Garrison, North Dakota.

Basic documents in the Plans for the Missouri River Development are:

House Doc. 475, 78th Congress, 2nd Session.

Senate Doc. 191, 78th Congress, 2nd Session.

Senate Doc. 247, 78th Congress, 2nd Session.

These are the documents referred to in the Flood Control Bill passed in December, 1944, which authorized the initial stage of development of the coordinated basin plan.

House Doc. 475 is the Army Engineers' report on a review of reports on the Missouri River for Flood Control along the Main Stream from Sioux City, Iowa, to the mouth, in which Garrison Dam and four others on the main stream in North and South Dakota were recommended.

Senate Doc. 191 is the Bureau of Reclamation's plan of development for the Conservation and Control and use of the Water Resources of the Missouri River Basin, in which the Oahe Dam and two others on the main stream were recommended for Flood Control and Navigation.

Senate Doc. 247 is a joint engineering report of two representatives each from the Corps of Engineers, U. S. Army, and Bureau of Reclamation, appointed to review the plans presented by the Corps of Engineers, House Doc. 475, and the Bureau of Reclamation, Senate Doc. 191, for the comprehensive development of the Missouri River Basin. This report points out that by making appropriate modifications to existing differences between the two plans, it was possible to bring into agreement the plans of the Corps of Engineers and the Bureau of Reclamation by recognizing the following basic principles:

(a) The Corps of Engineers should have the responsibility for determining main stem reservoir capacities and capacities of tributary reservoirs for flood control and navigation;

(b) The Bureau of Reclamation should have the responsibility for determining the reservoir capacities on the main stem and tributaries of the Missouri River for irrigation, the probable extent of future irrigation, and the amount of stream depletion due to irrigation development;

(c) Both agencies recognize the importance of the fullest development of the potential hydroelectric power in the basin consistent with the other beneficial uses of water.

Reference was also made to the Hearings related to this subject matter and printed in House Report 3961, part 6, 78th Congress, 2nd Session.

A review of the Comprehensive Development of the Missouri River Basin, based on the documents listed heretofore, raises considerable doubt in the mind of the writer as to the advisability of constructing the Garrison Dam which inundates and takes away from the Indian Reservation about 45 per cent of their land. A discussion of the items prompting this doubt follows.

STORAGE:

An analysis of the storage proposed in the Compromise Plan indicates that much more storage is provided for Multiple use purposes than is justified from the stream flow records for the period 1898-1943 inclusive.

Approximate Gross Storage in Acre Feet

On Main Stem of Upper Missouri River

Gross Storage at Fort Peck.....	19,400,000 Ac. Ft.
Gross Storage at Garrison Project....	17,000,000 Ac. Ft.
Gross Storage at Oahe Project.....	19,600,000 Ac. Ft.
Gross Storage at Big Bend Project....	250,000 Ac. Ft.
Gross Storage at Ft. Randall Project..	5,100,000 Ac. Ft.
Gross Storage at Gavens Point Project_	200,000 Ac. Ft.
Total Gross Storage.....	61,550,000 Ac. Ft.

Fort Peck Storage is included as it controls about one-third of the stream flow recorded at Yankton, South Dakota.

The above gross storage will be subdivided approximately as follows (based on Sen. Doc. 191, etc.):

- (a) Dead or Silt Storage.....17,350,000 Ac. Ft.
- (b) Usable Storage.....31,800,000 Ac. Ft.
- (c) Storage provided for Flood Control12,400,000 Ac. Ft.

The dead, or silt storage, is neglected in this analysis as the bottom portion of the reservoir is only filled once, except perhaps in extreme cases of drought when some of it may be used for irrigation purposes only.

The usable storage of 31,800,000 acre feet is used primarily for irrigation, navigation and hydroelectric power. Reference to the stream flow records at Yankton gage for the period 1898-1943 shows that the average annual run-off was 23,050,000 acre feet. This indicates that the usable storage portion of the reservoirs requires about 1.4 years to fill and it would never be filled unless the annual consumption of the water use was less than the average annual flow. The capacity of this portion of the reservoir is 38% greater than the average run-off, and would only have been filled six (6) times in the 46 years of record.

The 12,000,000 acre feet provided in the reservoir for Flood Control would not have captured any water during this period, indicating that the storage proposed for this series of dams is not justifiable. No losses for evaporation, transpiration, etc., were deducted from the average annual run-off. Such losses amount to an appreciable portion of the stream flow, particularly when the reservoirs have large surface areas similar to the Garrison Project.

A brief investigation of the Compromise Plan, but omitting the Garrison Project, indicated that sufficient storage was available for the economic control, conservation, and use of the water resources of the Basin.

HYDRO-ELECTRIC POWER:

A gross head of about 160 feet is created by the construction of the Garrison Dam. The storage proposed is such that substantially all the stream flow at this point can be used to produce hydro-electric power. Approximately 1,600,000,000 KWH are available after making deductions in stream flow due

to diversion for irrigation, evaporation losses, etc. The construction cost of this project has been increased from the original estimate of \$130,000,000 to \$161,000,000. As stated in the compromise report, "the Garrison Dam, with its large amount of silt storage, would prolong the life of the reservoirs downstream."

A dam constructed on the main stem at the point where the township line between townships 150 and 151 N. crosses the river would, to some extent, offset the power loss and collection of silt if the Garrison Dam is not built. This dam would back the headwater up to Elev. 1830, the same as the Garrison Dam, and would make available a gross head of about 80 feet for the generation of power. The output in KWH would be approximately one-half that produced by the Garrison Dam, as the run-off contributed by the Little Missouri River into the Garrison Reservoir would be balanced by the decrease in evaporation losses. A project constructed at this location, provided with hydro-electric units, would cost, roughly \$60,000,000, or about the same as the cost of the Oak Creek Project, in the Corps of Engineers Report, House Doc. 475, page 28. The resulting cost per KWH would be less. This dam would also provide some additional usable storage which could be used to irrigate the lands in the valley downstream.

PROPERTY DAMAGES:

The construction of the Garrison Dam will result in high property damage costs.

1. Approximately six miles of the Minneapolis, St. Paul and Sault Ste Marie Railroad will have to be relocated.

2. It will inundate 145,000 acres of land (of which about one-third are irrigable) of the Fort Berthold Indian Reservation. Practically all of the land to be inundated by the reservoir at Elev. 1830, plus the land on the east bank of the river which is proposed to be abandoned, takes away from the reservation its richest soil. The following statement indicates the amount of land to be taken away from the reservation by the construction of this dam:

Total Acreage in Reservation (of which
some is owned by State. Government
and in fee patent)-----643,368 acres

Land to be inundated by Reservoir at Elev. 1830-----	145,000 acres
Land to be abandoned on east bank of river-----	130,000 acres
Total land taken away from Indians-----	275,000 acres
Total amount of lands to be retained in the reservation on the west bank of the river, amounts to approximately----	326,000 acres

There are very few farm units in the area to be retained, but the acreage to be inundated and abandoned is thickly settled. This is an indication that the value of the land to be retained on the west bank is much less than that of the land being taken away. The new lands proposed for relocation, amounting to about 290,000 acres (most of which is assessed at less than \$5.00 per acre), adjoins the land to be retained on the West and South.

The costs involved in acquiring the lands due to litigation and developing new areas for moving the reservation, would run into a substantial figure. The benefits to be derived do not justify such an expenditure unless there is a demand for hydro-electric power which, so far, the writer has not discovered in the documents reviewed by him.

In Senate Doc. No. 247, page 3, the last sentence of paragraph 9 states: "The final storage capacities to be selected for the above reservoirs will be jointly agreed upon after more detail plans and cost estimates have been made." It is the writer's opinion and recommendation that no construction work be started on any of the proposed dams on the main stem of the river, until a thorough study of the stream flow (using hydrographs) is made jointly by the Corps of Engineers and Bureau of Reclamation, at several upstream gaging stations; at the storage dams, with and without Garrison Dam in the picture; and at three or four gaging stations below Yankton, and determining therefrom the storage needed to economically serve the requirements of irrigation, flood control, hydro-electric power, etc. The detail plans and cost estimates can then be made and based on the hydro-graphic study. The merits of an 80-foot dam located near the upper end of the Indian Reservation should also be ascertained.

IN CONCLUSION:

1. The usable storage ascertained from these studies should be prudently allocated between the storage dams for irrigation, navigation and hydro-electric power purposes. Sufficient water should be impounded to supply the irrigation requirements over a long dry period such as was experienced from 1930 to 1941.

The additional storage required for Flood Control should receive careful consideration. It is generally recognized that floods occurring on the Missouri River above Sioux City do not cause serious property damage below Kansas City, as an illustration.

a. The greatest flood, based on reliable records, occurred in 1943. It reached a peak of 300,000 second feet at Pierre, South Dakota, but had dropped to about 150,000 second feet by the time it reached Omaha and Kansas City and did no damage below Kansas City.

b. But later in the year, after the earlier flood had subsided and the discharge of the river at Omaha had dropped to 15,000 second feet, a second flood occurred, causing a great deal of damage between Kansas City and St. Louis. After this flood had subsided, it was followed by another of weaker proportions, which also did a lot of damage in the same stretch of the river. These two floods originated from the drainage area below Omaha.

Therefore, this fact should be given considerable weight when determining the Flood Control Storage in the dams on the main stem of the Missouri River above Yankton, South Dakota, as excess storage in any project is costly.

2. It is the writer's opinion, based on the information presently available, that these studies will indicate that the proposed Oahe, Big Bend, Fort Randall and Gavens Point, together with the Fort Peck Storage, will provide adequate storage on the main stem for:

a. Flood Control for all floods of record originating above Sioux City;

- b. Irrigation over a long dry period;
- c. Navigation below Sioux City;
- d. Generation of firm hydro-electric power.

3. That the proposed Garrison Project would be constructed primarily to utilize the fall of the river from Williston, North Dakota, to the dam site for the generation of hydro-electric power.

a. If so, what is the estimated value of the power generated here?

b. Will this cost meet the competitive cost of power generated by a steam plant using lignite as fuel?

c. Where would such a large amount of power be marketed?

4. A dam across the main stem on the township line between townships 150 and 151 N. near the upper end of the Indian Reservation would develop about 50 per cent of the fall of the river below Williston and generate power cheaper than at the Garrison Dam.

RECOMMENDATION:

It is therefore recommended that this comprehensive plan for the conservation, control and use of the water resources of the Upper Basin of the Missouri River be developed without inundating the lands of the Fort Berthold Reservation, by locating the Garrison Dam further upstream and save in construction costs about \$100,000,000.

March 15, 1946

Daniel C. Walser
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Washington, D. C.