



Highlights of [GAO-08-249T](#), a testimony before the Committee on Indian Affairs, U.S. Senate

Why GAO Did This Study

From 1946 to 1966, the government constructed five dams as flood control projects on the Missouri River in North Dakota and South Dakota. The reservoirs created behind the dams flooded portions of seven Indian reservations—Fort Berthold, Cheyenne River, Standing Rock, Lower Brule, Crow Creek, Yankton, and Santee. The tribes at these seven reservations received compensation when the dams were built as well as additional compensation over the years that followed.

Since 1991, GAO has issued three reports on additional compensation claims for tribes at five reservations:

- 1991—Fort Berthold and Standing Rock ([GAO/RCED-91-77](#));
- 1998—Cheyenne River ([GAO/RCED-98-39](#)); and
- 2006—Crow Creek and Lower Brule ([GAO-06-517](#)).

In these reports, GAO proposed that one recommended approach to providing additional compensation would be to calculate the difference between the tribe's final asking price and the amount that was appropriated by Congress and then adjust the difference using the inflation rate and an interest rate to reflect a range of current values.

This testimony is based on GAO's three prior reports, and summarizes the damages estimated by the Department of the Interior and the compensation authorized by Congress, for dams constructed on the Missouri River.

To view the full product, including the scope and methodology, click on [GAO-08-249T](#). For more information, contact Robin M. Nazzaro at (202) 512-3841 or nazzaror@gao.gov.

INDIAN ISSUES

Damages and Compensation for Tribes at Seven Reservations Affected by Dams on the Missouri River

What GAO Found

The reservoirs created by the dams on the Missouri River permanently flooded over 350,000 acres of land on seven Indian reservations, ranging from over 150,000 acres flooded on the Fort Berthold reservation to less than 600 acres flooded on the Santee reservation. In addition to the valuable river bottom land that was lost, the tribes also lost any natural resources and structural improvements on the land. The natural resources lost included timber, wildlife, and native plants. The structural improvements lost included such things as homes and ranches. In some cases, entire towns were lost. In addition to the direct damages, Congress has recognized that the tribes also suffered indirect or intangible damages for the loss of assets of unknown value. These losses included spiritual ties to the lands (for example, cemeteries and tribal monuments); tribal claims to a homeland; and benefits derived from living along the Missouri River.

The tribes at the seven reservations that lost land due to the flood control projects on the Missouri River originally received compensation for their damages between 1947 and 1962, and they subsequently requested and received additional compensation between 1992 and 2002. For the tribes at the five reservations that we have reported on in the past, the original compensation was based on detailed assessments by the U.S. government and the tribes of the damages caused by the dams and, in some cases, protracted settlement negotiations. The U.S. government and the tribes were ultimately unable to reach settlement agreements, and Congress decided the compensation amounts. In each case, the original compensation authorized was less than what the tribes had requested, leading the tribes to request additional compensation. The three largest additional compensation amounts—Cheyenne River, \$290.7 million in 2000; Fort Berthold, \$149.2 million in 1992; and Standing Rock, \$90.6 million in 1992—were all within the ranges calculated in GAO's 1991 and 1998 reports. Congress did not ask GAO to review the methodologies used to calculate the four smaller additional compensation amounts, all less than \$40 million, before enacting the bills in 1996 (Crow Creek), 1997 (Lower Brule), and 2002 (Yankton and Santee). The Crow Creek Sioux and Lower Brule Sioux tribes were authorized additional compensation commensurate, on a per-acre basis, with the additional compensation provided to the Standing Rock Sioux tribe in 1992. Similarly, the additional compensation authorized in 2002 for the Yankton Sioux and Santee Sioux tribes was also partially based on a per-acre calculation.