Transfer restores nearly 25,000 acres of tribal homelands lost to the Garrison Dam project

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WASHINGTON - Principal Deputy Assistant Secretary – Indian Affairs Lawrence S. Roberts, who leads the Office of the Assistant Secretary – Indian Affairs, joined Assistant Secretary of the Army for Civil Works Jo-Ellen Darcy to announce the transfer of 24,959 acres previously acquired by the U.S. Army Corps of Engineers for the construction of the Garrison Dam project to the Department of the Interior, which will hold the land in trust for the Three Affiliated Tribes of the Fort Berthold Reservation in North Dakota. The acres, now excess to the project, consist mostly of undeveloped grasslands situated above the maximum flood control pool for Lake Sakakawea.

“It is a tremendous honor to take the land previously acquired for the Garrison Dam project into trust for the Three Affiliated Tribes,” Roberts said. “I want to recognize our BIA staff in the Great Plains Region for their hard work over many years along with Assistant Secretary Darcy for her leadership. We believe this transfer provides strong protections for existing land uses, whether it’s housing, recreational, or the Corps’ continued mission at Lake Sakakawea, while also ensuring there is recognition of the Tribes’ sovereign authority to manage these lands going forward.”

“I am so pleased to transfer the Garrison Dam project lands taken from the Three Affiliated Tribes of the Fort Berthold Reservation into trust held by the Department of the Interior. The Army Corps worked very hard to see this through,” stated Assistant Secretary Darcy. “The Tribes will now have all of the associated economic, environmental and cultural benefits that come with trust land for generations to come.”

“The return of these lands is an important step toward mending a historic injustice,” said Mark Fox, chairman of the Three Affiliated Tribes of the Fort Berthold Reservation. “Half of our adult men were fighting for their country and their homes in World War II when the federal government began making plans to take our lands for the Garrison Dam. The flood caused by the Dam displaced 90 percent of our people from their homes. It literally destroyed our heartland. Our people have been fighting to have the surplus lands returned to the Nation for years. I am grateful that this goal has been accomplished, and the hard work of so many of our leaders has finally paid off.”

The transfer was made possible as a result of the Fort Berthold Mineral Restoration Act. The transfer protects lawful public access, including access for recreational purposes. Current lessees will continue to enjoy their existing rights while Interior and the Tribes will handle future leases. As such, Interior stands ready to record and implement any new rights-of-way that parties may negotiate across the transferred lands.

The Army Corps of Engineers will continue its role as an active resource manager in the Lake Sakakawea area through its retained right to flood and erode the lands. The Tribes will collaborate with

Interior and the Army Corps of Engineers to manage natural and cultural resources. All federal laws and regulations will continue to apply, but now, Interior will be the lead federal agency instead of the Army.

The Obama Administration has been committed to the restoration of tribal homelands. When Secretary Jewell took office, she set an ambitious goal to restore 500,000 acres of land into trust for tribes. In October 2016, Jewell announced the Bureau of Indian Affairs has processed 2,265 individual trust applications and restored more than 500,000 acres of land into trust since 2009.

Congress originally passed the Fort Berthold Mineral Restoration Act, Public Law No. 98-602, Title II, Section 206 (b) in 1984, which authorized the Army Corps of Engineers to transfer excess lands no longer needed for the Garrison Dam project back to the Tribes. In 2015, Interior and Army Civil Works signed a memorandum of agreement that outlined the process the agencies used to implement the land transfer.

The Secretary of the Interior is authorized by the Indian Reorganization Act (IRA) of 1934 to acquire land into trust for federally recognized tribes. Lands held in federal Indian trust status, which cannot be sold, alienated or transferred to non-Indians or non-Natives, benefit their American Indian and Alaska Native tribal owners who are eligible for federal program assistance for business development, housing, and environmental and cultural protection. Typical uses of trust land include governmental operations, cultural activities, agricultural/forestry projects, housing, economic development, social and community services, and health care and educational facilities.

The Principal Deputy Assistant Secretary – Indian Affairs oversees the Bureau of Indian Affairs, which is headed by a director responsible for managing day-to-day operations through four offices – Indian Services, Justice Services, Trust Services, and Field Operations. These offices directly administer or fund tribally based infrastructure, economic development, law enforcement and justice, social services (including child welfare), tribal governance, and trust land and natural and energy resources management programs for the nation’s federally recognized American Indian and Alaska Native tribes. The BIA carries out its responsibilities in managing federal Indian trust lands through the Office of Trust Services.

For information about the Assistant Secretary of the Army for Civil Works, visit the ASA(CW) website.

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