

Response to 2002 Nomination Form  
Additional Documents Section, items 1-14

National Trust for Historic Preservation  
America's 11 Most Endangered Historic Places List  
January, 18, 2002

1. Describe the site.

The Site includes that stretch of the Upper Missouri River Basin between approximately river mile 800 near Yankton, South Dakota, and approximately river mile 2,315 at the headwaters of the Missouri near Three Forks, Montana, a total of 1,515 miles. The Site crosses South Dakota, North Dakota and Montana, (Hereafter the Site shall be referred to as the Endangered Corridor), and includes the six (6) Federal Mainstem Reservoir Projects, known as Fort Peck, Sakakawea, Oahe, Sharpe, Francis Case and Lewis and Clark Lakes.

The Missouri River Trench is the major drainage between the Rocky Mountains and the Mississippi River, geographically dividing the semi-arid western plains and the eastern prairie lakes area of the Northern Great Plains. The last glacier receded approximately 12,500 years ago. Paleontological resources are numerous and found in varying concentrations in the entire Endangered Corridor. Significant concentrations of paleontological Resources are known in the Fort Peck Region. Many of these resources remain undocumented and/or unprotected.

It is estimated that at approximately the same time the glacier was receding the first human inhabitants became established in this area. Thousands of archeologically important places dating from the end of the last ice age and representing a continuum of indigenous occupation that survives to present day are located in the Endangered Corridor. These include large sedentary village complexes, paleo- and archaic camp sites, hunter's caches, areas of prayer and devotion, traditional harvesting and gathering sites, burial grounds (including burial mounds), effigy sites, and countless rock cairn formations throughout the Endangered Corridor are just some examples. Also located in the Endangered Corridor are a number of post-contact architectural structures associated with the Indian Fur Trading era, the military forts of the Indian Wars era, and the agency buildings, the churches, and the cemeteries associated with the Reservation era.

Over several thousand years of occupation various indigenous groups established cultures and traditions that revolve around the natural resources of, and wildlife attracted by, the River ecosystem. This ecosystem and its well being is crucial to the worship practices and life ways of many indigenous peoples. There is a direct relationship between the environment, traditional worship practices and the continued cultural survival of diverse indigenous groups. Animals, such as the buffalo, eagle, wolf and turtle, migratory and non-migratory birds, were and continue to be central to these traditional practices. The natural rise and fall of the waters of the Missouri on a seasonal basis, created fertile river flood plains which supported indigenous agricultural practices and created natural barriers used for trapping and harvesting fish and game (i.e. buffalo jumps, antelope

jumps, fish traps, etc). As well as, supporting enormous stands of edible and medicinal plants, trees, and shrubs.

Important natural springs exist in many places within the endangered corridor. With the advent of the system of mainstem dams and subsequent erosion by reservoir waters many of the cultural areas containing those natural springs are being destroyed or are already lost. These areas are and have been culturally important to many indigenous tribal groups for hundreds if not thousands of years. The natural springs also attracted wildlife at various times during the year.

2. What is the sites history? Has it been named or nominated to other lists?

The Endangered Corridor has been a site of continued occupation, trade and interaction by human populations for thousands of years. Extremely complex relationships resulting from the vast trade system supported the exchange of goods that included copper and tobacco pipes (soapstone, blackstone, etc.) from the Ohio River Valley; dentalium from the Pacific Northwest; conch, busycon and other important shells from the Gulf of Mexico; and, obsidian from Mexico and the Yellowstone area. The salt trade was another extremely important aspect of the trade network.

In more recent history, the River has remained extremely important for indigenous populations while assuming an increasingly important role for all populations moving into the area. The River provided the opportunity for European expansion into the western part of this country, by offering a necessary transportation route for travel and trade. The basis of this expansion was provided by early explorers who trespassed onto tribal land to document for the Euro-American vast resource holdings in the West. Most well known was the Lewis and Clarke expedition which ushered in an era of high commercial activity by the fur trade, making the Missouri River central to the economic development of this country. The Department of the Army was responsible for the building of military forts that later evolved into the foundation for the development of broader, non-Indian civilian communities. More recently the Army Corps of Engineers built a system of dams to provide hydropower for the expanding energy needs of the nation and flood control for the Missouri and Mississippi River valleys.

The Missouri River has been listed as the Most Endangered River, on The Ten Most Endangered Rivers in America List, generated by the American Rivers Foundation which is located in Washington, DC. The River has also been listed as the Most Endangered River by the organization in previous years.

3. How well known is the site? Who goes there? Is it open to the public?

The Missouri River Valley is extremely well known. The Endangered Corridor is considered an important part of our nation's heritage. It is the subject of many of our nation's important paintings, works of art and literature. From the time of many notable explorers including La Verendrye brothers and Lewis and Clark it has been an integral part of the history taught in our nations schools. It plays a prominent role in tribal oral history and tradition of many Indigenous Nations.

Currently, there are millions of visitors to the Missouri River annually and it is managed by the Corps of Engineers with State involvement as public property. Its recreational areas and waters attract local as well as out-of-state and international tourists. There is expected to be a huge increase in visitation due to the upcoming Lewis and Clark Commemoration, with projections of between 8 to 25 million additional visitors, many of them coming from Europe especially France. Although a variety of organizations and agencies are planning for this Commemoration, there is inadequate consistency and coordination amongst those groups and agencies seeking to gain a benefit from the high visitation. There is no known formal plan to deal with any of the associated environmental and other impacts that will directly arise from this tremendous influx of visitors.

4. Why is this site important? What preservation issues does it exemplify (sprawl, inner city decline, etc)? Consider this ◊ How is the site unique? and why does anyone care that it is endangered?

The Endangered Corridor encompasses thousands of sites representing many traditional cultures. More than 1,100 of the known sites are considered eligible or listed on the National Register of Historic Places, such as the Iron Nation and Medicine Knoll Archeological Districts, and multiple component areas representing pre-contact and post-contact integrity, for example, the Mad Bear and White Swan areas. Existing documentation indicates that there were well over 10,000 recorded cultural areas within the Endangered Corridor. Current fieldwork consistently identifies previously unrecorded sites exposed by erosion and vandalism, which indicates that many more, remain unrecorded and undocumented. Rapid erosion is resulting in the loss of known historic properties and threatens unrecorded important places.

The Endangered Corridor represents pre-European diversity of cultures, traditions and biological communities unique to the Northern Plains. Ancestral village sites within the corridor contain at least 7 different architectural types ranging over the past 2,500+ years and found nowhere else in the world. All indigenous tribal groups consider the Missouri River sacred and care very deeply about associated resources. They are unique cultures whose beliefs and practices were and remain interwoven with what little is left of what was once a rich, diverse, and natural river ecosystem.

The most critical impacts are to the occupation, gathering and worship areas of the indigenous tribal cultures, who have a major presence in the Endangered Corridor. The history of the area clearly demonstrates that the whole basin is not only a historic homeland for many different Indigenous Peoples, but a great melting pot (from north and south, and east and west) of trade and commerce for all of the people of this land. It would be a great loss to the future generations of this country, both Indian and non-Indian, to lose what little remains of the history and traditions of the indigenous cultures of our country.

Over the course of the last year, President Bush has celebrated the diversity of worship practices and beliefs in this country, by inviting several different cultural and religious groups to the White House to conduct ceremonies important to their individual religions. America is founded on the principle of freedom of worship and religion. The commitment

of this country to religious diversity is evidenced by the continual celebration and protection of the rights to freedom of religion. This freedom is severely restricted for indigenous People who require those items and materials, and who utilize those places, found only in the tenuously remaining natural environment of the Endangered Corridor.

#### 5. Describe the threat to the site.

The Endangered Corridor is threatened on many fronts. Although a great deal of historical documentation exists, in modern culture the Missouri River is well known by millions of people for its recreational value. This fact Ð the lack of awareness in the mainstream American population about the cultural, archeological, environmental and historical importance of resources within the corridor Ð is the most frustrating threat to the Endangered Corridor. A contributing factor to this lack of awareness is the historically strained relations between indigenous and non-indigenous groups and the disagreement over management of the corridor itself.

Additional threats include:

- Impacts caused by increasing development expanding out from urban areas (both on and off the water) which is fueled by inadequate planning and management and by poor enforcement of applicable federal laws.
- The cultural resources and traditional and sacred sites within the Endangered Corridor are routinely raided and looted by pot hunters, at night and often from boats, and by arm chair/vacation archeologists who don't acquire federally required permits.
- The waters of the lakes created by the Missouri River dams are constantly eroding the shoreline caused by ice in winter and wind generated waves in summer, in places removing shoreline by up to 30 or more feet per year. This erosion is not only an environmental problem, it also erodes indigenous tribal burial sites and the eroding shoreline is causing the disappearance of many wild gathering and harvesting areas crucial to the continuance of the traditional way of life.
- There is an increasingly serious siltation problem forming deltas at the mouths of all drainage's flowing into the Endangered Corridor caused by the lack of free flowing water in the Corridor itself.
- The dams have adversely impacted the fish populations, as well as nesting birds, river otters, migratory birds and many other animal species that relied on the natural rhythms of the river. Directly resulting in several species being identified as listed, threatened, or endangered.
- Investments of cooperative initiatives (Tribal, State and Federal) in the reintroduction of habitat along the river banks are seriously impacted by rapid erosion. Even those plantings designed to slow or halt erosion are eroding.

The responsibility for overall management and protection of the Endangered Corridor is held by the Army Corps of Engineers. The Pick-Sloan, Flood Control Act of 1944, (and subsequent federal law) authorizes the Army Corps of Engineers to manage and protect this area as part of their operation and maintenance responsibilities for the six (6) Missouri River Mainstem Reservoir Projects. They have consistently failed to do so. A

review of current guidance documents of the Army Corp of Engineers, including the Master Water Control Plan and the Master Manual point out how inadequately, important environmental, archeological and cultural resources are addressed. The Army Corp of Engineers has developed numerous studies, recommendations, agreements and documents relating to these resources that are not implemented, and with no known plan for their implementation. The lack of implementation of professional and scientific as well as tribal recommendations, combined with the unrelenting erosion and vandalism make the operation and maintenance of the reservoir projects by the Army Corp of Engineers the single greatest threat to the Endangered Corridor.

An additional threat is the inadequate advocacy and protection of Tribal Trust resources, by the Department of Interior, which is the Trustee for all of the Indian lands and Trust resources within the Endangered Corridor.

#### 6. How significant is the threat?

All of the threats to the corridor are significant. The level of destruction already experienced environmentally, socially, archeologically and culturally has left an extremely fragile ecosystem and traditional cultures in danger of disappearing. The remaining land areas represent only a fraction of what existed prior to inundation in the 1940's, 1950's, and 1960's, thus making preservation of what little is left absolutely crucial. The Endangered Corridor is subjected to unmanaged erosion created by the Federal Mainstem reservoirs, it's cultural and natural resources are threatened by vandalism and looting, and it's remaining integrity is threatened by a lack of comprehensive and coordinated management.

#### 7. How can the threat be eliminated?

There are many things that can be done to reduce or eliminate the various threats to the corridor. Including the following:

The primary guidance document for management of the Missouri River is entitled the *Missouri River Master Water Control Plan*. This plan does not adequately address environmental and cultural resources. It must be expanded, or preferably be supplemented by an additional guidance document that would be the mechanism for compliance by existing and future actions, with all federal laws. And that would establish and identify management principles and issues addressing cultural, archeological and environmental resources within the Endangered Corridor. This supplemental Guidance Document must do the following:

1. Identify all affected parties and issues.
2. Recognize the roles and responsibilities of all parties.
3. Provide the basis for consistent staffing, training, planning, field and outreach work.
4. Identify all existing agreements, management plans, regulations and protocols affecting the Endangered Corridor.
5. Establish the required authorities and procedural support necessary to develop mutually agreed upon binding agreements, which provide affected

parties opportunities to satisfactorily achieve cultural and environmental resource protection and preservation objectives. And, which remove barriers facing indigenous tribal communities and individuals, which desire to exercise their rights to freedom of worship and religion within the Endangered Corridor.

In addition, the document must specifically address the following:

- a. The development of a comprehensive interagency training program for all agency and governmental personnel interacting with the Missouri River and including training in the following areas:
  1. Tribal history, culture and government.
  2. Existing federal regulatory requirements.
  3. Conflict resolution.
- b. The development of a consistent law enforcement presence
  1. The development of inter-governmental agreements that provide opportunities for co-management by tribes of tribally significant resource areas, and for the planning and carrying out of cooperative protection and preservation activities.
  2. A public education program focusing on federal, state and tribal laws and penalties in protected areas within the corridor.
- c. The establishment of a tracking and monitoring program that would include the following:
  1. The use of several tribally recognized and selected monitors to coordinate and assist in the protection and preservation of important resource areas.
  2. The use of professionally trained and certified staff who meet the Secretary of Interiors Professional Standards and Guidelines, in numbers that are adequate to simultaneously track and monitor sites that may be hundreds of miles apart.
  3. The identification of those sites that are threatened and the causes associated with that threat.
  4. The development of a data tracking and monitoring system sufficient to compile and collate information using state of the art techniques, on site location and integrity, preservation activities, and the results of those activities. As well as to track impacts from erosion, vandalism and looting.
  5. The completion of current up to date archeological surveys to replace those currently being used, some of which date back 20 years or more.
- d. Development of a consistent, inclusive consultation and collaboration process that fully recognizes the land ownership and vested interests of diverse tribal

groups and others within the Endangered Corridor. Steps that could be taken toward this goal, include:

1. Identification of all parties.
2. Implementation of mutually agreed upon consultation protocols with consistent ground rules for consultation sessions and follow-up.
3. Tracking and follow up of realistic concepts and approaches presented by consulting parties as formal input.
4. Development of a plan for consistent, responsive consultation (i.e. bi-annual meetings, etc) from one action to another to prevent crisis management.
5. Development of a formal mechanism for funding consultation which is integrated into the agency budgeting allocation system.
6. Development of a mechanism to ensure long term compliance of initiatives, agreements and federal actions within the Endangered Corridor.

Of course the obvious answer, remove the dams thus restoring the natural rise and fall of the Missouri River, is one that various interests oppose vehemently. So much so, that this course of action cannot be seriously considered achievable at this point in time. There do exist however, agreements, management plans and other documents that meet federally mandated requirements for protection, documentation, and tribal consultation, that have yet to be implemented and that fit within the context of the proposed "Guidance Document" outlined above.

#### 8. Who are the major players?

The major players include: Federal agencies (USACOE, DOI, DOE), State agencies from the States of Montana, North Dakota, and South Dakota, and Indigenous Nations who have a traditional, historical, or cultural affiliation with areas or resources within the Endangered Corridor. Leaseholders and other individuals or groups who have existing or pending use agreements with a federal agency in the Endangered Corridor area, may also be identified as major players.

#### 9. Who opposes preservation of this site?

Developers and recreational users who feel threatened that preservation will reduce their ability to enjoy access and utilization in areas containing protected resources. Power companies and energy brokers who want consistent provision of hydropower at the minimum cost are potentially threatened by preservation efforts. The downstream interests outside of the endangered corridor oppose preservation activities if they affect the flow of water they consider satisfactory to meet their needs.

#### 10. How would listing this site as one of American's 11 Most Endangered Historic Places help save the site?

Listing the Upper Missouri River Basin as an Endangered Corridor on America's 11 Most

Endangered Historic Places List, would focus necessary preservation and protection efforts on the most critically threatened and important areas by providing national attention and publicity to this Endangered Corridor. The vast majority of Americans are unaware of the seriousness of the threats facing these cultural, archeological, historic and environmental resources. America's 11 Most Endangered Historic Places List has been able to garner tremendous publicity in the past and we believe that this publicity will both educate and heighten the public awareness. Attendant publicity and attention will also put pressure on federal agencies to change policies that have hampered important resource protection along the river. Further, listing of this Endangered Corridor would enhance and reinforce other preservation efforts recently recommended by the National Research Council, the National Academy of Science and the American Rivers Foundation.

11. Other than listing this site, how can the National Trust alleviate the threat?

Additional assistance that would alleviate the threats would include:

- Long term technical assistance and support for the development of local preservation groups related to the Endangered Corridor;
- The National Trust can facilitate improved relations between tribes, SHPOS, developers and the general public;
- The legal expertise within the National Trust can provide important legal advice in the development of documents, agreements and management plans involving areas within the Endangered Corridor;
- The National Trust could be a conduit for information, ideas and approaches to support preservation and protection efforts within the Endangered Corridor.

Without the publicity generated from the 11 Most Endangered Historic Places listing, preservation and protection efforts will continue to be ineffectual. Eroding resources cannot wait any longer. Without immediate attention in the near future, sites of national significance will disappear. That said, the National Trust could continue to help us as we seek to make policy changes within those federal agencies that are involved with the management and protection of resources located in this Endangered Corridor of the Missouri River.

12. How has the National Trust been involved to date? What role, if any, is there for the Trust if this site is put on the list?

The National Trust first became involved with issues within the Endangered Corridor in 1999. At that time, the Yankton Sioux Tribe asked for legal assistance believing that a violation of section 106 of the National Historic Preservation Act had occurred. The Legal Department continues to assist the Yankton Sioux Tribe.

In April of 2001, the National Trust and the Lower Brule Sioux Tribe co-sponsored the "Cultural Resources of the Missouri River Basin" conference which brought together state and federal agencies, National Trust staff members from the Legal Department, the Public Policy Department and the Mountains/Plains Office, and tribal elders, tribal cultural resource managers and other members representing several of the Sioux Tribes in North and South Dakota and the Three Affiliated Tribes in North Dakota. This Conference

initiated the process of compiling a formal record documenting the threats to this Endangered Corridor through generations of occupation.

The role of the National Trust could be two-fold. First, the Trust could help give this issue much needed national attention and publicity. A listing on America's 11 Most Endangered Historic Places would elevate the level of much needed, consistent national publicity, awareness and education of this issue. It is our hope that the attention generated from this listing would then pressure agencies involved with this Endangered Corridor on the Missouri River to create and enforce policies that better manage and protect the cultural, archeological, historic and environmental throughout this Endangered Corridor.

The following are a few examples of roles the National Trust could provide in working to alleviate these threats:

- The National Trust could work with federal agencies to ensure that guidance documents such as the Missouri River Master Water Control Plan, better establish and identify management principles.
- The National Trust could participate in the creation of an interagency training program for all agency and governmental personnel interacting with the Missouri River.
- The National Trust could work with the Department of the Army and other federal agencies to create consistent and comprehensive tracking and monitoring programs for threatened areas within the Endangered Corridor.
- The National Trust could be a catalyst to ensure that federal agencies develop and support consistent and inclusive consultation and collaborations with diverse tribal groups affiliated with the Endangered Corridor.

13. Provide additional comments, recommendations.

- a. The Missouri River is one of the nation's longest rivers beginning in Montana traveling through North and South Dakota, along the Nebraska Iowa border, then through Missouri where it joins the Mississippi River just north of St. Louis, for a total distance of 2,500 miles. This application does not address the issues along the entire Missouri River rather, it focuses on the upper portion of the river where the Army Corps owns, operates, and maintains six multi-functional dam and reservoir projects specifically from the headwaters of Montana to South Dakota. See attached Map. The Army Corps' land along the Upper Missouri River is adjacent to several Indian reservations, including Fort Peck Tribe, Fort Berthold, Three Affiliated Tribe, Standing Rock Sioux Tribe, Cheyenne River Sioux Tribe, Crow Creek Sioux Tribe, Lower Brule Sioux Tribe, Yankton Sioux Tribe, and Santee Sioux Tribe of Nebraska. In addition to the tribes that are located along the river, there are several other tribes that claim cultural affiliation.

While this nomination focuses on the upper portion of the Missouri River, we are very cognizant of the fact that these issues are much broader in scope than this area. This application is not meant to detract from the similar threats that

other tribal groups are experiencing in Nebraska, Iowa, Kansas and Missouri. Rather, many of the suggested solutions in this application are also applicable to the lower portions of the River. We are hopeful that by bringing attention to the loss of cultural resources in the upper portions of the Missouri River we will raise awareness of these issues throughout the entire Missouri River basin and the Nation.

b. Supporting documentation listed below as attached.

1. Bibliography
2. Map of Endangered Corridor
3. Draft Lower Brule Sioux Tribe/US Army Corps of Engineers Memorandum of Agreement, provided as example of unimplemented agreements.
4. Press Articles (2)
5. Photographs (6) attached as follows;
  - A. View of Lake Sharpe showing remnant trees stumps from inundation.
  - B. Representatives of various tribes and agencies viewing erosion at a National Register Listed Archaeological District (Iron Nation).
  - C. View of shoreline impacted by erosion (up to 30 feet per year).
  - D. Close-up of shoreline cut bank created by erosion (Iron Nation).
  - E. Close-up of erosion.
  - F. View of Rip Rap (artificial stone barrier) used to stabilize shoreline.

6. 35 mm Slides (9)

14. Provide names, address phone and all appropriate contacts.

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