

**SENATE CONCURRENT RESOLUTION NO. 4027**

Introduced by

Senators Tomac, Christmann, Freborg, Kilzer

Representatives Grosz, Mahoney

1 A concurrent resolution urging the Congress of the United States and the United States Army  
2 Corps of Engineers to assume responsibility for Missouri River bank erosion downstream from  
3 all Pick-Sloan Project dams, including the Garrison Dam to Oahe Reservoir reach in North  
4 Dakota, and to continue a program of annually appropriating funds for the maintenance and  
5 construction of bank protection projects.

6 **WHEREAS**, the Flood Control Act of 1944, as amended, assured benefits to all 10  
7 states within the Missouri River basin under a control and management program that came to  
8 be commonly known as the Pick-Sloan Project; and

9 **WHEREAS**, the Congress has directed the United States Army Corps of Engineers to  
10 build, operate, and maintain all the features of the Pick-Sloan Project; and

11 **WHEREAS**, the Pick-Sloan Project provides major flood control benefits, recreational  
12 benefits, water supply benefits, hydropower benefits, and navigational benefits for states lying  
13 downstream from Sioux City, Iowa, through construction of large reservoirs in states lying  
14 upstream from that point, and by channelizing the Missouri River from Sioux City, Iowa, to St.  
15 Louis, Missouri, at federal expense; and

16 **WHEREAS**, the Pick-Sloan Project reservoirs have been in place for many years, thus  
17 providing the downstream states in the Missouri River basin all of the benefits promised in the  
18 Pick-Sloan Project; and

19 **WHEREAS**, construction of facilities under the Pick-Sloan Project has, through 1997,  
20 resulted in \$16.7 billion of flood protection to downstream interests and has allowed those  
21 downstream interests to develop the original floodplain of the Missouri River for industrial,  
22 municipal, and agricultural uses; and

23 **WHEREAS**, the United States Army Corps of Engineers has stabilized and continues to  
24 maintain the entire channel of the Missouri River from Sioux City, Iowa, to St. Louis, Missouri,  
25 all at federal expense; and

1           **WHEREAS**, under the Pick-Sloan Project, North Dakota has sacrificed over 550,000  
2 acres of land, which has meant the permanent loss of 2,641 jobs, \$45 million of annual  
3 personal income, and \$131 million of annual gross business volume; and

4           **WHEREAS**, almost two-thirds of the inexpensive hydroelectric power generated by  
5 Garrison Dam in North Dakota, which was built pursuant to the Pick-Sloan Project, is used in  
6 states other than North Dakota; and

7           **WHEREAS**, the United States Army Corps of Engineers stated in its final report to  
8 Congress dated December 1981 concerning the Missouri River streambank erosion that "bank  
9 erosion in this reach results in a permanent net loss of high value lands. This process, unless  
10 halted, would eventually transform the present river into a wide area of sandbars and channels,  
11 occupying an increasing proportion of the valley width between the bluffs"; and

12           **WHEREAS**, the lands adjacent to the Missouri River have been and will continue to be  
13 seriously eroded and permanently lost to the local landowners and the State of North Dakota  
14 because of reservoir management that releases highly fluctuating amounts of clear water  
15 capable of eroding and transporting large amounts of soil; and

16           **WHEREAS**, soil eroded from the banks of the Missouri River is being deposited as a  
17 delta in the headwaters of the Oahe Reservoir and Lake Sakakawea thereby causing the water  
18 table to rise under the adjacent land, and is increasing the frequency and severity of ice jam  
19 hazards and has, according to recent United States Army Corps of Engineers'  
20 pronouncements, endangered 6,000 acres of land containing 150 homes, industrial  
21 development, and valuable farmland around Lake Oahe; and in the headwaters area of Lake  
22 Sakakawea, the delta is endangering the Buford-Trenton irrigation district, the water intake for  
23 the city of Williston, and many acres of valuable farmland; and

24           **WHEREAS**, a similar bank erosion problem exists for a 58-mile reach on the South  
25 Dakota-Nebraska border downstream from the Gavins Point Dam and also between the Fort  
26 Peck Dam in Montana and Lake Sakakawea; and

27           **WHEREAS**, the Missouri River will continue to change without additional bank  
28 stabilization; and

29           **WHEREAS**, destructive bank erosion continues when high winter water releases for  
30 power generation occur; and

1           **WHEREAS**, concerns have been expressed regarding impacts of bank protection along  
2 the Missouri River as well as the impacts of allowing bank erosion to continue; and

3           **WHEREAS**, Section 33 of the Water Resource Development Act of 1988 amended the  
4 Flood Control Act of 1944 and directed the Secretary of the Army to undertake measures that  
5 the Secretary of the Army determines are needed to alleviate bank erosion and related  
6 problems associated with reservoir releases along the Missouri River between Fort Peck Dam  
7 in Montana and a point 58 miles downstream of the Gavins Point Dam on the South  
8 Dakota-Nebraska border; and

9           **WHEREAS**, at the request of Congress, a 1988 General Accounting Office study  
10 determined that, since the closure of the Garrison Dam, accretion no longer occurs and a net  
11 loss of land results and the study also identified one option of funding bank stabilization projects  
12 as allocating these costs, whether economically justifiable or not, to Pick-Sloan Project  
13 purposes; and

14           **WHEREAS**, Congress appropriated \$1.5 million in fiscal year 1992, \$1.5 million in fiscal  
15 year 1993, and \$3.0 million in fiscal year 1999 for the purpose of protecting the banks of the  
16 Missouri River; and

17           **WHEREAS**, the United States Army Corps of Engineers has used these funds for  
18 maintenance of existing bank protection projects, and the Corps insists that new protection  
19 projects may not be constructed unless a site-specific benefit-cost ratio greater than one exists  
20 which is contrary to the language and intent of Section 33 of the Water Resource Development  
21 Act of 1988 and contrary to the funding criteria of many other projects the United States Army  
22 Corps of Engineers has found necessary to complete the Pick-Sloan Project; and

23           **WHEREAS**, the North Dakota Missouri River Coordinated Resource Management  
24 Program, sponsored by the BOMMM (Burleigh, Oliver, Morton, Mercer, and McLean) Joint  
25 Water Resource Board, has formulated a "Vision Group" consisting of representatives from  
26 various county, state, and federal agencies and spokespersons from other private groups and  
27 organizations who are stakeholders in the Missouri River to serve as a forum for communication  
28 of data and ideas, coordination of efforts, and to facilitate reaching a consensus concerning  
29 critical Missouri River management issues in North Dakota;

30           **NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE**  
31 **HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

1 That the Fifty-sixth Legislative Assembly urges the Congress of the United States to  
2 continue the responsibility for the protection of lands endangered below all Pick-Sloan Project  
3 dams by the operation of the Pick-Sloan Project; and

4 **BE IT FURTHER RESOLVED**, that the Congress of the United States is urged to  
5 continue a program of annually appropriating funds to repair existing bank protection projects  
6 now in danger of failure and to begin to construct bank protection projects in the most critical  
7 locations; and

8 **BE IT FURTHER RESOLVED**, that the United States Army Corps of Engineers, in  
9 evaluating each erosion site, disregard site-specific benefit-cost studies as stated in the  
10 Government Accounting Office study as was the intent of Section 33 of the Water Resource  
11 Development Act of 1988 and that if benefit-cost studies are made, that the benefits are  
12 project-wide and include the delta problems and the enhancement of hydropower and water  
13 release capabilities; and

14 **BE IT FURTHER RESOLVED**, that the Congress of the United States is urged to  
15 provide the necessary funding to the United States Army Corps of Engineers to allow the timely  
16 completion of the cumulative impact statement; and

17 **BE IT FURTHER RESOLVED**, that the United States Army Corps of Engineers is urged  
18 to complete the cumulative impact statement as soon as possible; and

19 **BE IT FURTHER RESOLVED**, that the Fifty-sixth North Dakota Legislative Assembly is  
20 in support of the efforts being put forth by the participants of the Missouri River Vision Group to  
21 address and reach a consensus on the management concerns of the Missouri River in North  
22 Dakota; and

23 **BE IT FURTHER RESOLVED**, that the members of the North Dakota Congressional  
24 Delegation are urged to work diligently with the senators and congressmen of the states of  
25 Montana, South Dakota, and Nebraska to secure appropriations of these necessary funds; and

26 **BE IT FURTHER RESOLVED**, that funding for this project not be normal federal water  
27 project appropriation, but rather be charged to the construction and maintenance of the  
28 Pick-Sloan Project; and

29 **BE IT FURTHER RESOLVED**, that the United States Army Corps of Engineers be  
30 urged to initiate a program to construct bank protection structures along the Missouri River

1 between Fort Peck and a point 58 miles downstream of Gavins Point Dam, as directed by  
2 Section 33 of the Water Resource Development Act of 1988; and

3 **BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this  
4 resolution to the Secretary of the Army; Secretary of the Interior; District Engineer, Omaha  
5 District, United States Army Corps of Engineers; the Governor; each member of the North  
6 Dakota State Water Commission; and each member of the North Dakota, South Dakota,  
7 Nebraska, and Montana Congressional Delegations.