

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

3027

2005 HOUSE NATURAL RESOURCES

HCR 3027

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. **HCR 3027**

House Natural Resources Committee

☐ Conference Committee

Hearing Date **February 11, 2005**

Tape Number	Side A	Side B	Meter #
2	x		1519-2295
Committee Clerk Signature <i>Karen Bonnet</i>			

Minutes:

Chr. Jon O. Nelson: We will open the hearing on HCR 3027 and ask the clerk to read the bill.

All members present.

Dale Frink, State Engineer, State Water Commission: I support HCR 3027. However, I am proposing an amendment. I certainly support the Southwest Pipeline. However, this resolution puts a peg in the wall when it says don't take the water any farther than this. If you look at all the intake structures that we have, from Montana to South Dakota, I would say that SW Pipeline is probably the most secure intake that we have. It is probably the only one that can take water off at 1,775 feet, at which it was designed. It is clearly better off than all the other intakes. Basin Electric constructed it and we bought into it. My suggestion is that we just broaden it out to not necessarily refer specifically to the SW Pipeline because they are in pretty good shape.

Chr. Nelson: Are there any questions?

Rep. Dawn Marie Charging: Would there be an elevation level to use to standardize all three of these resolutions? Are you comfortable with the other resolutions?

Frink: Certainly the last one hit 1,825 and that is possibly a bit high, but that is a nice level for Lake Sakakawea. I have referred to all of the intakes; I've generalized it. You could go back to the elevation of 1,825. We have learned that the Parshall intake will be in trouble next year. Despite spending \$2.4 million on it, they may not even get a year out of it. We have some serious problems out there.

Charging: Have you heard the number 1,790 as a low?

Frink: The lower decile number is, I believe, currently 1,791. That's a one in 10 chance but the mountain snowpack now is the lowest ever. If that's the case, we are currently looking at lower deciles. Things could happen. In 1993, we had incredible rains that changed everything, but the lowest snowpack ever in the mountains says a lot. I think we're looking at lower deciles, 1,790-91 as a possibility.

Charging: At that level, knowing what you know now, would any of the municipalities of the upper regions all the way to the border survive?

Frink: Southwest Pipeline.

Charging: Are they the only one?

Chr. Nelson: Dale, are you satisfied with the role in a couple of these resolutions where the language *urges* the governor and the attorney general, is there more that we can do from a state standpoint in your opinion? Are we maximizing our efforts?

Frink: We're doing a lot, but we do have a lot of hurdles. I think the state of Missouri is the biggest hurdle that we have. If we get down to 1790, where we start to have a serious impact on

more than just navigation, a lot of the intakes downstream need 20-25,000 cfs discharge and if it's not there, it's not there. For that reason when we go the Missouri River Basin Association, the only we have in the corner is Missouri. We do have Iowa, Nebraska, and Kansas starting to move in our direction, but Missouri still feel they have so much power they go their own way. I think we have to keep all our options open and continue to negotiate.

Rep. Dorvan Solberg: Is barge traffic issue the only issue that impacts the clout that the state of Missouri has, or do they have a big stick somewhere else?

Frink: Missouri has a lot of sticks. In the last two presidential elections, they've been regarded as the swing state and there have been a lot of promises made directly to them. Sometimes I even wonder if they care so much about navigation, but it is authorized use and keeps lots of water in the Missouri River in Missouri and I think that's what they're pushing for more than anything else.

Chr. Nelson: Are there any questions? Seeing none, thank you for your testimony. Is there further supporting testimony?

Duaine Ash, ND Sportfishing Congress and Friends of Lake Sakakawea: (Written testimony attached)

Chr. Nelson: Are there any questions? Is there further supporting testimony? Seeing none, is there opposing testimony to HCR 3027? Seeing none, I will close the hearing.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR 3027

House Natural Resources Committee

☐ Conference Committee

Hearing Date **February 11, 2005**

Tape Number	Side A	Side B	Meter #
2	x		2920-End (Action)
Committee Clerk Signature <i>Karen Bonnet</i>			

Minutes:

Chr. Jon O. Nelson: We will take HCR 3027.

Rep. Todd Porter: (Written proposed amendments attached). I would move the amendment.

Rep. Duane DeKrey: Second.

Chr. Nelson: An amendment to HCR 3027 has been moved by Porter and seconded by DeKrey.

Rep. Dorvan Solberg: I agree with the amendment. However, I think there has been an omission regarding our Congressional delegation. They weren't mentioned anywhere.

Chr. Nelson: They're not part of the original resolution. That's an issue that only the sponsors could answer.

Rep. Mike Norland: Is it possible to deal with all the amendments at one time, or do we have to take them separately?

Chr. Nelson: We sure can deal with them together.

Page 2

House Natural Resources Committee

Bill/Resolution Number **HCR 3027**

Hearing Date **February 11, 2005**

Porter: I would include that in my amendment.

Chr. Nelson: There were two sets of amendments, the one by Rep. Porter, and the Frink amendments are part of the motion. Committee discussion? Seeing none, I will try a voice vote on the proposed amendments. All those in favor of the proposed amendments, signify by saying aye. Opposed-1. Motion carried. What are the wishes of the committee?

Rep. Porter: I move a do pass as amended and be placed on the consent calendar.

Rep. DeKrey: Second.

Chr. Nelson: Rep. Porter moves a do pass as amended, seconded by DeKrey, and to be placed on the consent calendar.

Do pass as amended and be placed on the consent calendar, Vote:

14-Yeas; 0-Nays; 0-Absent; CARRIER: Hanson

By: Porter, Rep. Todd
Proposed Amendment
Re: HCR 3027

PROPOSED AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3027

Page 2, line 5, replace "and urges the Governor and the Attorney General to take appropriate action" with ", compliments the Governor and the Attorney General on their efforts, and urges them to continue their actions"

Renumber accordingly

By: Dale Frink
Re: HER 3027
2/11/05

PROPOSED AMENDMENTS TO HOUSE CONCURRENT RESOLUTION 3027

Page 1, line 2, remove "the upper portion of" and remove the second "the"

Page 1, line 3, remove "Southwest Pipeline Project and the 26 communities and 3,000 farms and ranches that receive"

Page 1, line 4, replace "water from the Southwest Pipeline Project" with "all water users, including municipal, rural, irrigation, and industrial"

Page 1, line 6, replace "southwest" with "western"

Page 1, line 24, remove "the 26 communities and"

Page 1, line 25, replace "and 3,000 rural hook-ups that receive water from the Southwest Pipeline Project" with "several communities and other users"

Page 2, line 5, replace "southwest" with "western"

Renumber accordingly

February 11, 2005

VJR
2/11/05

PROPOSED AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3027

Page 1, line 2, remove "the upper portion of" and replace the second "the" with "all water users, including municipal, rural, irrigation, and industrial, complimenting the Governor and the Attorney General on their efforts, and urging them to continue their actions"

Page 1, remove lines 3 and 4

Page 1, line 5, remove "take appropriate action"

Page 1, line 6, replace "southwest" with "western"

Page 1, line 24, replace "the 26 communities and" with "several communities and other users;"

Page 1, remove line 25

Page 2, line 4, replace "long-term" with "stable water" and replace "the" with "all water users, including municipal, rural, irrigation, and industrial, compliments the Governor and the Attorney General on their efforts, and urges them to continue their actions"

Page 2, remove line 5

Page 2, line 6, remove "appropriate action"

Page 2, line 7, replace "the area" with "western North Dakota"

Renumber accordingly

Date: 2/11
Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HCR 3027

House NATURAL RESOURCES Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number : 58326.0101 Title: 0200

Action Taken : No Pass as Amended Place on Consent Calendar

Motion Made By : Porter Seconded By : DeKrey

Representatives	Yes	No	Representatives	Yes	No
Chairman - Rep. Jon O. Nelson	✓		Rep. Lyle Hanson	✓	
Vice Chairman - Todd Porter	✓		Rep. Bob Hunskor	✓	
Rep. Dawn Marie Charging	✓		Rep. Scot Kelsh	✓	
Rep. Donald L. Clark	✓		Rep. Dorvan Solberg	✓	
Rep. Duane DeKrey	✓				
Rep. David Drovdal	✓				
Rep. Dennis Johnson	✓				
Rep. George J. Keiser	✓				
Rep. Mike Norland	✓				
Rep. Darrell D. Nottestad	✓				

Total (Yes) 14 No 0

Absent 0

Floor Assignment Hanson ✓

If the vote is on an amendment, briefly indicate intent:

note Use both amendments, incorporate lang of both.

REPORT OF STANDING COMMITTEE

HCR 3027: Natural Resources Committee (Rep. Nelson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3027 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "the upper portion of" and replace the second "the" with "all water users, including municipal, rural, irrigation, and industrial, complimenting the Governor and the Attorney General on their efforts, and urging them to continue their actions"

Page 1, remove lines 3 and 4

Page 1, line 5, remove "take appropriate action"

Page 1, line 6, replace "southwest" with "western"

Page 1, line 24, replace "the 26 communities and" with "several communities and other users;"

Page 1, remove line 25

Page 2, line 4, replace "long-term" with "stable water" and replace "the" with "all water users, including municipal, rural, irrigation, and industrial, compliments the Governor and the Attorney General on their efforts, and urges them to continue their actions"

Page 2, remove line 5

Page 2, line 6, remove "appropriate action"

Page 2, line 7, replace "the area" with "western North Dakota"

Renumber accordingly

2005 SENATE NATURAL RESOURCES

HCR 3027

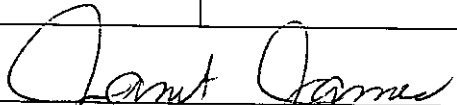
2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR 3027

Senate Natural Resources Committee

☐ Conference Committee

Hearing Date March 11, 2005

Tape Number	Side A	Side B	Meter #
1	X		21.5 - 23.8
	X		41.0 - 42.6
Committee Clerk Signature 			

Minutes:

Senator John Traynor, acting Chairman in place of **Senator Stanley Lyson**, Chairman of the Senate Natural Resources Committee, opened the hearing on HCR 3027 urging the United States Army Corps of Engineers to retain sufficient water to Lake Sakakawea to ensure stable water supply for all water users.

All members of the committee were present except **Senator Ben Tollefson**.

Representative Shirley Meyer of District 36 introduced HCR 3026 stating the resolution will give the senators, congressmen, the governor and the attorney general, legislative intent as this has been missing in former presentations before the Corps of Engineers. She closed her testimony by quoting Will Roger who said "Whiskey is worth drinking, but water is worth fighting over".

Duane Ash, President of the North Dakota Sportfishing Congress and Friends of Lake

Sakakawea testified in support of HCR 3027 (see attached testimony).

Wayne Stenejem, Attorney General of the State of North Dakota testified in support of HCR 3026, 3027 and 3019 as they all have to do with the operations of the Missouri River. (See Tape #1, Side A, 5.3)

Andy Mork with the BOMMM (Burleigh, Oliver, Morton, McClean, Mercer Counties) Joint Board consisting of the five counties along the Missouri River between Garrison and Bismarck, North Dakota that has been involved in supporting the activities of the river. He testified in support of HCR 3026, 3027 and 3029 as they all relate to each other. (See Tape #1, Side A, 8.7)

Mike Donahue of the United Sportmen of North Dakota and the North Dakota Wildlife Federation testified they are in support of HCR 3027. (See Tape #1, Side A 17.6)

Senator Traynor asked for opposing testimony of HCR 3027 and hearing non closed the hearing on HCR 3027.

Tape #1. Side B, 41.0 - 42.6

Senator Stanley Lyson opened the committee work on HCR 3027.

Senator Joel Heitkamp made a motion for a Do Pass of HCR 3027.

Senator Rich Wardner second the motion.

Roll call vote of HCR 3027 for a Do Pass was taken indicating 6 YEAS, 0 NAYS AND 1 ABSENT.

Senator Lyson will carry HCR 3027.

Date: 3-11-03
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 3027

Senate	<u>Senate Natural Resources</u>	Committee
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☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

Do Pass

Motion Made By

Neithan

Seconded By

Warden -

[illegible]

Total (Yes) 6 No 0

Absent

4

Floor Assignment

Lyon

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
March 11, 2005 1:09 p.m.

Module No: SR-45-4769
Carrier: Lyson
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HCR 3027, as engrossed: Natural Resources Committee (Sen. Lyson, Chairman)
recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).
Engrossed HCR 3027 was placed on the Fourteenth order on the calendar.

2005 TESTIMONY

HCR 3027

**Testimony of Duaine Ash, President, North Dakota Sportfishing
Congress and Friends of Lake Sakakawea**

Lobbyist # 383

Presented to the Senate Natural Resources Committee

on

**HCR 3027
March 11, 2005**

Mr. Chairman and member of the committee:

Thank you for the opportunity to speak in support of House Concurrent Resolution 3027. My name is Duaine Ash. I am president of the North Dakota Sportfishing Congress and the Friends of Lake Sakakawea.

Most people take their water for granted. As long as it flows from the tap on demand, the mechanisms that make it available really aren't a concern in our daily lives. However, when the tap goes dry as it did in Garrison last year. Providing water becomes everyone's top priority. The water shortage at Garrison was triggered by the falling water levels in Lake Sakakawea. Fixing the problem required enormous effort and the time required cause severe hardships. We believe that maintaining higher water levels in Lake Sakakawea could have prevented this crisis.

Our primary interest in the Missouri River and its reservoirs has more to do with recreation and maintaining sufficiently high water levels in our reservoirs to maintain a healthy fishery and water based recreation opportunities. However, we know there is a need to keep water levels high enough to meet the water supply needs of people living near Lake Sakakawea and in western North Dakota. The thousands of people who visit the area each year expect and deserve a reliable water supply.

We support House Concurrent Resolution 3027 because we feel it is appropriate and necessary for the State of North Dakota to seek a change in the way the Corps of Engineers has been managing the Missouri River System and for the federal government to provide financial support to avert and future water supply crisis

Thank you for giving us the opportunity to express our concerns.