

Sixty-third  
Legislative Assembly  
of North Dakota

**HOUSE CONCURRENT RESOLUTION NO. 3010**

Introduced by

Representatives Steiner, Delzer, Froseth, Hatlestad, Heller, Kreidt, Laning, Rohr, Schmidt,  
Onstad

Senators Lyson, Unruh

1 A concurrent resolution urging Congress and the United States Army Corps of Engineers to  
2 ~~address access issues on Lake Sakakawea and Lake Oahe or to return to the state of North~~  
3 ~~Dakota land controlled by the United States Army Corps of Engineers which is not necessary to~~  
4 ~~flood control.~~

5 ~~— **WHEREAS**, the well-being of the residents of North Dakota and economy of this state are~~  
6 ~~dependent on agriculture, commerce, and access to recreational opportunities, all of which are~~  
7 ~~enhanced by Lake Sakakawea and Lake Oahe; and~~

8 ~~— **WHEREAS**, the United States, through the United States Army Corps of Engineers, has~~  
9 ~~acquired certain lands around the Missouri River water system, including Lake Sakakawea and~~  
10 ~~Lake Oahe and the Corps does not need some of the land for authorized purposes, for example~~  
11 ~~flood control; and~~

12 ~~— **WHEREAS**, the United States Army of Corps of Engineers does not have the resources to~~  
13 ~~provide reasonable access, including access for the mobility impaired at recreation and wildlife~~  
14 ~~management areas, for use of Lake Sakakawea and Lake Oahe and the Corps does not have~~  
15 ~~the resources to manage the unneeded property; and~~

16 ~~— **WHEREAS**, in South Dakota, certain land that is not necessary for flood control by the~~  
17 ~~United States Army Corps of Engineers has been returned to the state and is managed by the~~  
18 ~~state; and~~

19 ~~— **WHEREAS**, the state of North Dakota has the resources to provide greater use and access;~~  
20 ~~and~~

21 ~~— **WHEREAS**, state parks that border land managed by the United States Army Corps of~~  
22 ~~Engineers should be given special consideration for the return of the unneeded property,~~  
23 ~~especially as to the purchase price; and~~

1 ~~— **WHEREAS**, Congress should hold at least six public hearings at times and places as~~  
2 ~~designated by the Governor before December 31, 2013, for the purpose of negotiating for areas~~  
3 ~~of the lake that may have useable shoreline, dock access, or useable water access; and~~

4 ~~— **WHEREAS**, Congress should consider legislation by 2014 to allow shoreline areas of~~  
5 ~~established developments that benefit the state's economy to be returned to this state through~~  
6 ~~negotiations between the Governor and the United States Army Corps of Engineers; and~~

7 ~~— **WHEREAS**, the Legislative Assembly supports the funding of the negotiation process and~~  
8 ~~the funding of any lawsuit necessary for the return of land from the United States Army Corps of~~  
9 ~~Engineers to this state; ensure that access to Lake Sakakawea and Lake Oahe for agriculture,~~  
10 ~~commerce, energy and water development, and recreation is not inhibited by unreasonable~~  
11 ~~regulations and to address proper funding for all project purposes and weed control on Lake~~  
12 ~~Sakakawea and Lake Oahe.~~

13 — **WHEREAS**, North Dakota has sacrificed hundreds of thousands of acres of production farm  
14 and ranch land for the development of the Lake Sakakawea and Lake Oahe project areas; and

15 — **WHEREAS**, Congress and the United States Army Corps of Engineers have legal and  
16 historical obligations to the state of North Dakota under the Flood Control Act of 1944 [Pub. L.  
17 78-534; 58 Stat. 887; 16 U.S.C. 460d et seq.; 33 U.S.C. 701 et seq.] to ensure proper funding is  
18 provided for all project purposes, and public access to the project areas of Lake Sakakawea  
19 and Lake Oahe; and

20 — **WHEREAS**, the United States Army Corps of Engineers has a federal legal obligation to  
21 adequately budget noxious weed control on all project lands pursuant to the Carlson-Foley Act  
22 of 1968 [Pub. L. 90-583; 82 Stat. 1146; 43 U.S.C. 1241 et seq.] and the Federal Noxious Weed  
23 Act of 1974 [Pub. L. 93-629; 88 Stat. 2148; 7 U.S.C. 2801 et seq.], and adequate funding to  
24 fulfill these duties has not been budgeted for by the United States Army Corps of Engineers nor  
25 provided by Congress; and

26 — **WHEREAS**, the North Dakota Legislative Assembly requests that the United States Army  
27 Corps of Engineers include as agenda items the topics of lake, dock, and shoreline access as  
28 well as weed control when it holds public hearings in North Dakota to discuss lake management  
29 issues;

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

1        That the Sixty-third Legislative Assembly urges Congress and the United States Army  
2 Corps of Engineers to ~~address access issues on Lake Sakakawea and Lake Oahe or to return~~  
3 ~~to the state of North Dakota land controlled by the United States Army Corps of Engineers~~  
4 ~~which is not necessary to flood control~~ensure that access to Lake Sakakawea and Lake Oahe  
5 for agriculture, commerce, energy and water development, and recreation is not inhibited by  
6 unreasonable regulations and to address proper funding for all project purposes and weed  
7 control on Lake Sakakawea and Lake Oahe; and

8        **BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution  
9 to the commanding general of the United States Army Corps of Engineers and each member of  
10 the North Dakota Congressional Delegation.