

Fifty-fifth Legislative Assembly, State of North Dakota, begun in the Capitol in the City of Bismarck, on Monday, the sixth day of January, one thousand nine hundred and ninety-seven

**SENATE CONCURRENT RESOLUTION NO. 4034
(Senators Tomac, Freborg)
(Representatives Grosz, Mahoney)**

A concurrent resolution urging the United States Army Corps of Engineers to include provisions for the protection of recreation, municipal, industrial, irrigation, and other interests on the Missouri River in North Dakota in developing a revised master manual for the future operation of the Pick-Sloan Project.

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

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

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

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

WHEREAS, construction of facilities under the Pick-Sloan Project has, to date, resulted in \$10.6 billion of flood protection to downstream interests and has allowed these downstream interests to develop the original floodplain of the Missouri River for industrial, municipal, and agricultural uses; and

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

WHEREAS, the United States Army Corps of Engineers is now in the process of revising its master manual for the operation of the entire Pick-Sloan Project in future years; and

WHEREAS, the construction of the Pick-Sloan Project has divided the Missouri River in North Dakota into four distinct regions, namely, the Missouri River reach above Williston, Lake Sakakawea, the Missouri River reach from Garrison Dam to the headwaters of Lake Oahe, and Lake Oahe; and

WHEREAS, as the recreation industry on the Missouri River mainstem in North Dakota, which has developed into a \$67 million per year industry, suffered severely when the United States Army Corps of Engineers allowed lake levels to drop drastically during the drought of the late 1980s and the early 1990s; and

WHEREAS, the United States Army Corp of Engineers, in its new proposed operation plan called the Missouri River Master Manual Preferred Alternative, is planning to allow Lake Sakakawea to drop to 1,775 feet mean sea level and Lake Oahe to 1,540 feet mean sea level in future drought years, thereby again severely damaging North Dakota's recreation industry; and

WHEREAS, the riverbanks in the Garrison Dam to Oahe Reservoir reach consist of ancient floodplain deposits that have been and will be severely eroded with great loss of valuable land whenever high water flows are released from Garrison Dam; and

WHEREAS, the irrigators, fishermen, boaters, industrial, and municipal water intakes, dredged channels, and marinas have all utilized the moderate summer river levels of the Garrison to Oahe reach both before and after the construction of the Garrison Dam; and

WHEREAS, the United States Army Corps of Engineers, in its proposed master manual, is proposing high spring releases every third year and these releases will cause severe bank erosion and loss of much valuable land; and

WHEREAS, the United States Army Corps of Engineers is also proposing very low water releases during the summer to allow endangered shore birds to nest, which will seriously affect many irrigators, recreation users, water intakes, dredged channels, and marinas;

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

That the Fifty-fifth Legislative Assembly requests the United States Army Corps of Engineers to respect the large sacrifice North Dakota has made in order that the Pick-Sloan Project could be built; and

BE IT FURTHER RESOLVED, that the United States Army Corps of Engineers, in its new master manual, provide for Lake Sakakawea minimum levels of at least 1,802 feet mean sea level and Lake Oahe levels of at least 1,569 feet mean sea level, so that North Dakota's flourishing recreation industry may continue to operate; and

BE IT FURTHER RESOLVED, that the United States Army Corps of Engineers, in its master manual, delay any unnecessary high and very high water releases on the free flowing reaches of the Missouri River, which cause the unnecessary loss of valuable land and an increase in flood damage until such time when the riverbanks are protected; and

BE IT FURTHER RESOLVED, that the United States Army Corps of Engineers more evenly balance the needs of endangered species in the Upper Missouri River Basin with the requirements for water supply, the reduction of bank erosion, recreation, and flood control in the free flowing stretches of the Missouri River; and

BE IT FURTHER RESOLVED, that the Governor, members of the North Dakota Congressional Delegation, the State Engineer and staff, director of the Game and Fish Department and staff, and many others be commended for their efforts to date and be urged to continue to work diligently at the local and national levels to influence the United States Army Corps of Engineers to adopt a master manual for the future operation of the Missouri River that is acceptable to all areas and interests on the Missouri River in North Dakota; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the Division Commander of the Missouri River Division of the United States Army Corps of Engineers in order to be part of the public record for the Missouri River Master Manual Draft Environmental Impact Statement; the Secretary of the Army; the Secretary of the Interior; the District Engineer, Omaha District, United States Army Corps of Engineers; the Governor; each member of the State Water Commission; and each member of the North Dakota, South Dakota, Wyoming, and Montana Congressional Delegations.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

Filed in this office this _____ day of _____, 1997,
at _____ o'clock _____ M.

Secretary of State