

copy

**APPLICATION FOR LEASING UNITED STATES REAL PROPERTY AT
OAHE PROJECT, NORTH DAKOTA**

**TO: District Commander
Omaha District, Corps of Engineers
Real Estate Division
1616 Capitol Avenue
Omaha, Nebraska 68102-4901**

DATE: _____

The undersigned:

_____ an individual

_____ a partnership consisting of _____

_____ a corporation existing under the laws of the State of _____

doing business as _____

of _____,

in accordance with your Notice of Availability No. DACW45-22-B-RE-0001 for leasing of property at the Oahe Project, and subject to all conditions and requirements thereof, propose(s) to enter into a lease for the property identified below, and agree(s) to pay the rental offered below.

Item 1

Tract & Description

TRACTS: 3202-1(pt), part of W $\frac{1}{2}$ and SW $\frac{1}{4}$ S $\frac{1}{4}$ Section 6, part of NE $\frac{1}{4}$ Section 7, T133N, R78W; 3202-2(pt) part of SE $\frac{1}{4}$ and W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 25; 3202-3(pt) part of E $\frac{1}{2}$ W $\frac{1}{2}$ Section 13; 3202-4(pt) part of W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 13, T134N, R79W; T133N and R78W; 3209(pt) part of W $\frac{1}{2}$ E $\frac{1}{2}$ Section 36, T134N, R79W, 3211(pt) part of S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 13, T134N, R79W,

Emmons County, ND

Use, Conditions, Acreage and Annual Rental Offer

PURPOSE: CROPPING AND GRAZING

Total Acres: 165 acres (0 Public Domain, 165 Acquired (161 Grazing, 4 Cropping))

Specific Management Practices:

2022: Grazing is permitted from June 1 to October 31. Lessee will contact the Oahe Project Natural Resource Specialist at (701) 255-0015 to establish grazing dates and stocking rates.

2023: Use prescription form 2022.

2024: Use prescription from 2022.

2025: Use prescription from 2022.

2026: Use prescription from 2022.

Note: If both parties (Corps and the lessee) are in agreement, stocking rates and seasonality of prescription grazing may be altered. Reasons for change may include but are not limited to drought, fire, flooding, rangeland response to the prior year's prescription, etc.

Maximum Stocking Rate: TBD

TERM: 4/1/22-12/31/26 with option for a five-year extension.

MINIMUM ANNUAL RENTAL OFFER: \$3,258.00

ANNUAL RENTAL OFFER: \$ _____ *8.1*

Item 2

Tract & Description

TRACTS: 2305-1(pt) part of N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ north of bay Section 24, part of E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 13; 2403(pt) part of NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10, part of NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11; 2444-1(pt) part of NW $\frac{1}{4}$ SE $\frac{1}{4}$ S $\frac{1}{4}$ Section 11; 2444-2(pt) part of SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11; 2402(pt) part of W $\frac{1}{2}$ E $\frac{1}{2}$ and part of SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3, T129N, R129W,

Emmons County, ND

Use, Conditions, Acreage and Annual Rental Offer

PURPOSE: GRAZING

Total Acres: 99 acres (0 Public Domain, 99 Acquired)

Specific Management Practices:

2022: Grazing is permitted from June 1 to October 31. Lessee will contact the Oahe Project Natural Resource Specialist at (701) 255-0015 to establish grazing dates and stocking rates.

2023: Use prescription form 2022.

2024: Use prescription from 2022.

2025: Use prescription from 2022.

2026: Use prescription from 2022.

Note: If both parties (Corps and the lessee) are in agreement, stocking rates and seasonality of prescription grazing may be altered. Reasons for change may include but are not limited to drought, fire, flooding, rangeland response to the prior year's prescription, etc.

Maximum Stocking Rate: N/A

TERM: 4/1/22-12/31/26 with option for a five-year extension.

MINIMUM ANNUAL RENTAL OFFER: \$1,886.00

ANNUAL RENTAL OFFER: \$ _____ *Key 1000*

Item 3

Tract & Description

TRACTS: 2523(pt) part of SE¼ of Section 35; 2524(pt) part of NW¼ of Section 35, T132N, R79W, Emmons County, ND

Use, Conditions, Acreage and Annual Rental Offer

PURPOSE: HAYING

Total Acres: 45 acres (0 Public Domain, 45 Acquired (18 Acres (2022, 2024 & 2026) 27 Acres (2023 and 2025))

Specific Management Practices:

2022: Hay north area A (18 acres). Haying is permitted on or after July 15. All hay bales must be removed within seven (7) days of completion.

2023: Hay south area B (27 acres). Haying is permitted on or after July 15. All hay bales must be removed within seven (7) days of completion.

2024: Hay north area A (18 acres). Haying is permitted on or after July 15. All hay bales must be removed within seven (7) days of completion.

2025: Hay south area B (27 acres). Haying is permitted on or after July 15. All hay bales must be removed within seven (7) days of completion.

2026: Hay north area A (18 acres). Haying is permitted on or after July 15. All hay bales must be removed within seven (7) days of completion.

Note: If both parties (Corps and the lessee) are in agreement, stocking rates and seasonality of prescription grazing may be altered. Reasons for change may include but are not limited to drought, fire, flooding, rangeland response to the prior year's prescription, etc.

Maximum Stocking Rate: N/A

TERM: 4/1/22-12/31/26 with option for a five-year extension.

MINIMUM ANNUAL RENTAL OFFER: \$491.00

ANNUAL RENTAL OFFER: \$ _____ *5000.00*

Item 4

Tract & Description

TRACT: 2409(pt) part of NW¼SE¼ of Section 4, T130N, R79W, Emmons County, ND

Use, Conditions, Acreage and Annual Rental Offer

PURPOSE: CROPPING

Total Acres: 1 acre (0 Public Domain, 1 Acquired)

q. Haying Practices.

(1) Unless otherwise specified under Paragraph 2, Specific Management Practices, all haying will be conducted after 15 July each year. One (1) cutting only will be permitted per year.

(2) Individual hay bales, windrowed hay, broken bales, fodder butts, and windrowed feed must be removed from the field within 7 days of harvest. Shocked feed, haystacks, and properly piled bales may be temporarily stored on hay land of the leasehold (not in high risk flood areas or where permanent vegetation will be damaged), but must be removed and the residue cleaned up prior to 1 October each year.

(3) A 20-foot buffer of uncut hay must be left along all water and drainage edges and adjacent to all shelterbelts, tree stands and woody draws.

r. Cropping Practices.

(1) Lessees must not expand cropland beyond that existing as of 1 April 1992 unless permitted under the specific terms of this lease or approved in writing by the Natural Resource Manager. Cropland expansion includes breaking grasslands, woodlands, meadows, pastures, prairie or native sod for the purpose of planting row, forage, grain, hay or other crops. Expansion includes extending the perimeter of existing cropland fields. Expanding cropland without authorization will be considered noncompliance and may be a basis for revocation of the lease.

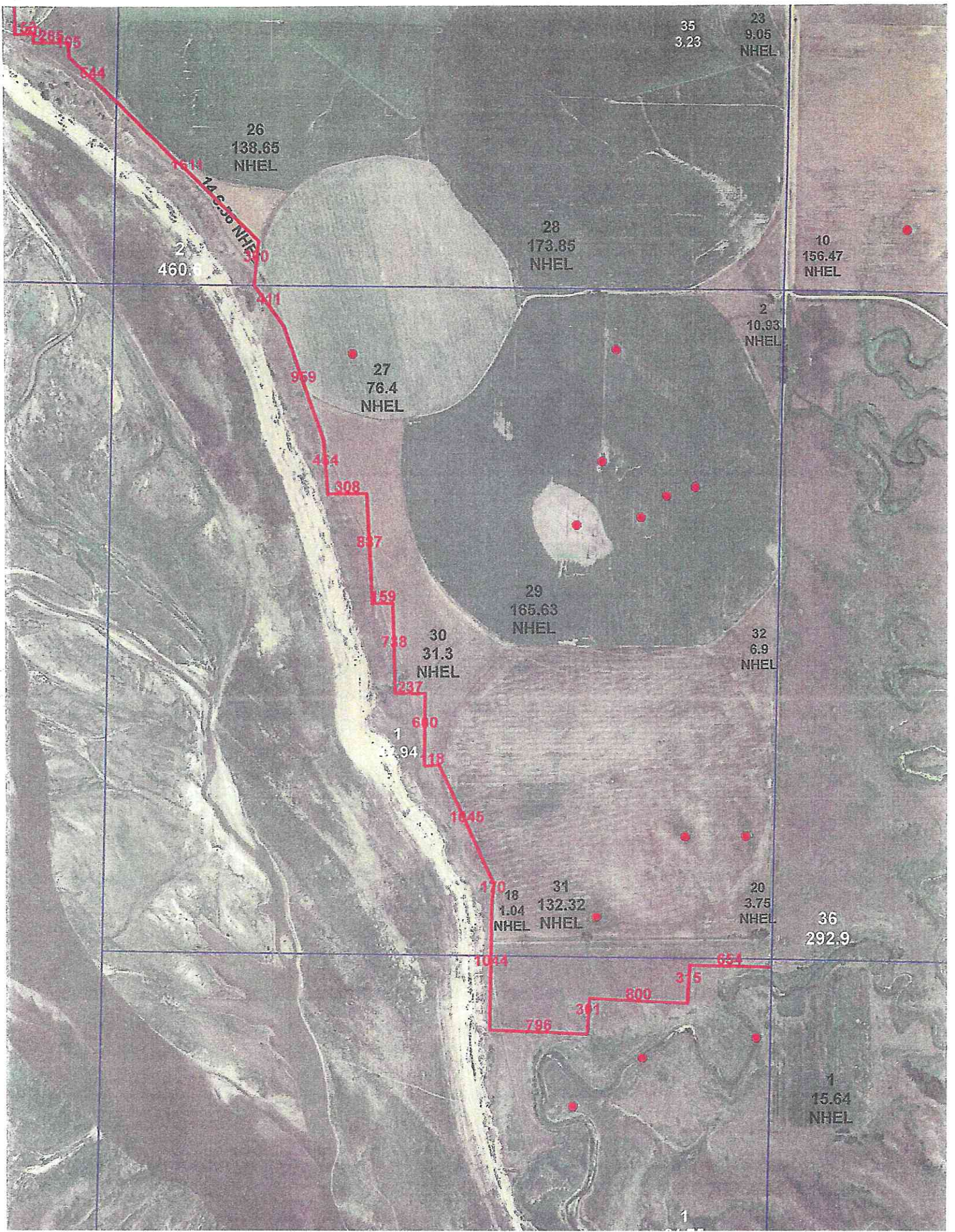
(2) Lessees must insure that food plots or crops left for wildlife, as required by a rental offset, will not be grazed or utilized by livestock in any manner and will be left standing until 1 April of the following spring. The food plot acreage may be a part of the overall cropland acreage or a separate food plot located elsewhere on the leased land. If the food plot is part of the overall cropland acreage, the Natural Resource Manager has the option to choose the location of the crop that will be left standing as a wildlife food plot. A legal description or map of the area to be left as a food plot may be included in the lease. The lessee may be required to plant food plots other than wheat such as barley, oats, corn, sunflowers and sweet clover, or plant a mixture of crops in the same field. The wildlife food plots must be clean and free of weeds.

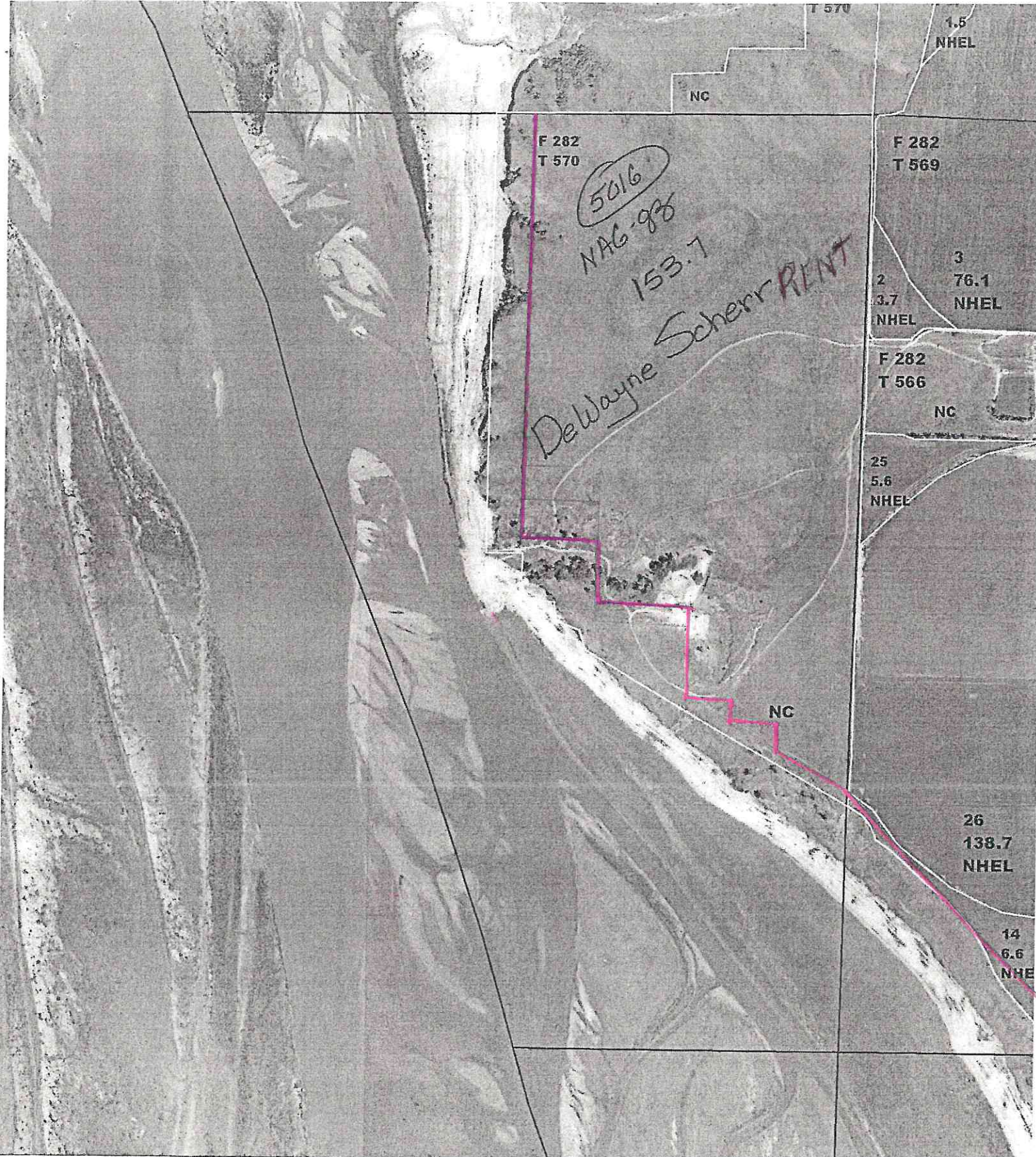
(3) Fall plowing of crop stubble is prohibited. Summer fallow of cropland areas must be minimized or eliminated but fields in fallow rotation may be black fallowed if the lessee plants vegetation erosion strips, ridges fields or uses other Natural Resources Conservation Service approved means to inhibit wind and water erosion. Continuous cropping is an approved method of using cropland as long as the lessee rotates the types of crops that are planted annually (wheat, barley, oats, corn, sunflowers, sweet clover, etc.). The Natural Resources manager may require the lessee to discontinue continuous cropping or require that specific crops be planted in a specific year.

2. Specific Management Practices.

(Specific management practices, as shown under each item, will be listed here on the signed lease.)

Lessee's Initials_____

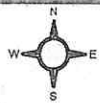




Farm 282

36-134-79

USDA Farm Service Agency
Emmons County, North Dakota



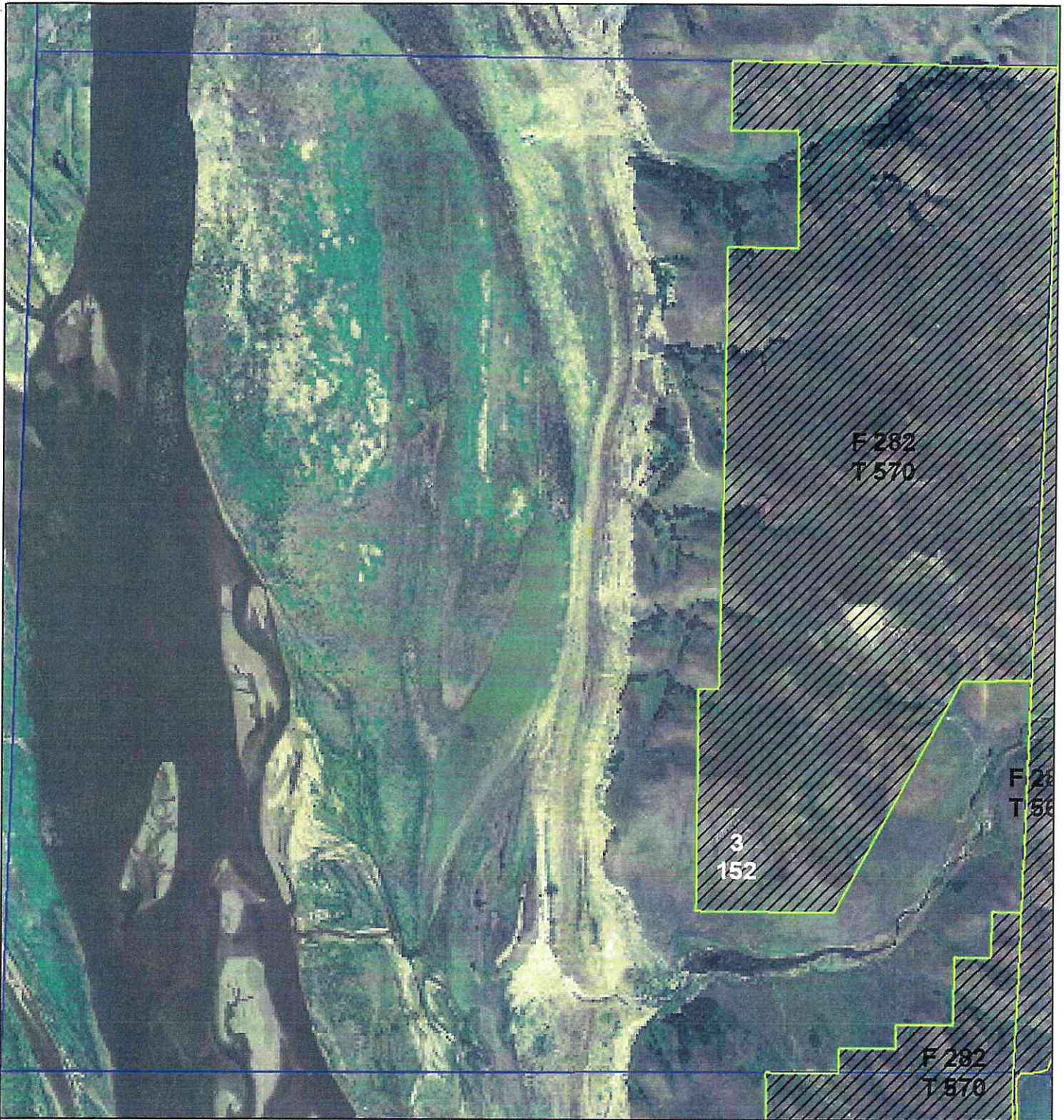
2008

-  Field Boundaries
-  Wetland Points
-  Section Lines



1:8820

Map Created Thursday, January 3, 2008



USDA United States Department of Agriculture
 Farm Service Agency

Farm 282

25-134-79
Emmons County, ND

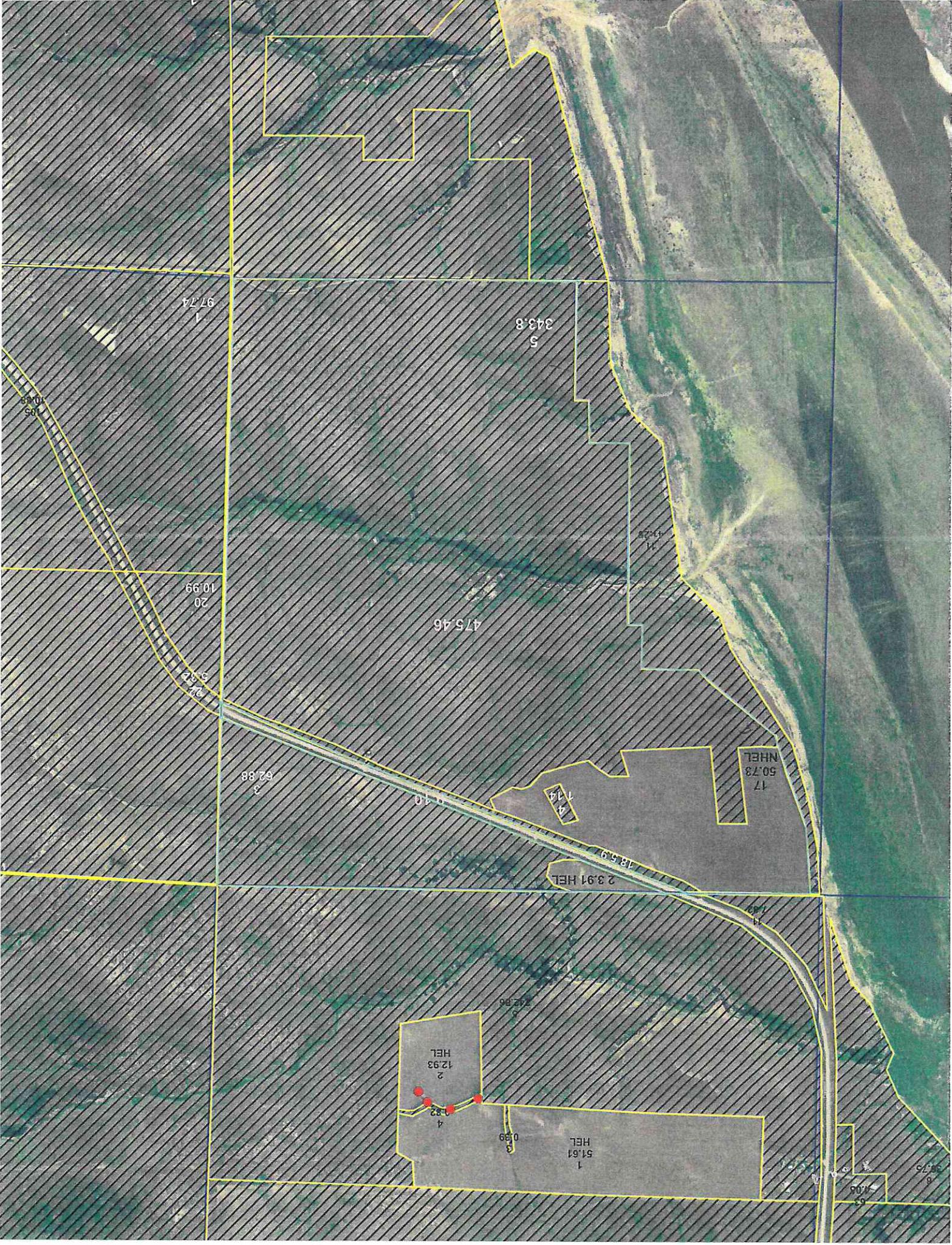
Boundary Descriptions

- CLU Field Boundary
- Tract Boundary
- Section Lines

Wetland Determination Identifiers

- Restricted Use
- Limited Restrictions
- Exempt from Conservation Compliance Provisions

USDA FSA maps are for FSA program administration only. There is no guarantee or representation to the user as to the accuracy, currency, suitability or reliability of the map. FSA MAPS DO NOT REPRESENT A LEGAL SURVEY. The user accepts the data 'as is' and assumes all risks associated with its use. Wetland points reflect records available with NRCS and may or may not constitute a full inventory of the property. The USDA Farm Service Agency assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data.



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1

343.8
5

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9



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
OAHE PROJECT
28563 POWERHOUSE ROAD
PIERRE SD 57501-6174

REPLY TO
ATTENTION OF:
Operations Project Manager

August 1, 2019

Emmons County Commissioners
PO Box 129
Linton, ND 58552

Dear Commissioners:

The Oahe Project Office of the Army Corps of Engineers (CORPS) will soon turn over three parcels of land, totaling approximately 1,200 acres above elevation 1620, to the North Dakota Game and Fish Department (NDGFD) for management. The areas are Glencoe, Badger Bay and Beaver Creek wildlife areas, as shown on the attached maps.

The land will remain in federal ownership but the NDGFD will be responsible for management to improve these areas for wildlife and outdoor enthusiasts. The North Dakota Game and Fish will honor existing leases the CORPS has in place until they expire and will then continue to work with neighbors interested in haying and grazing for management purposes.

The contact person for the North Dakota Game and Fish Department regarding management of these areas is:

Bill Haase
Wildlife Resource Management Supervisor
bhaase@nd.gov
701-220-1020

Sincerely,

A handwritten signature in black ink that reads "Eric Stasch".

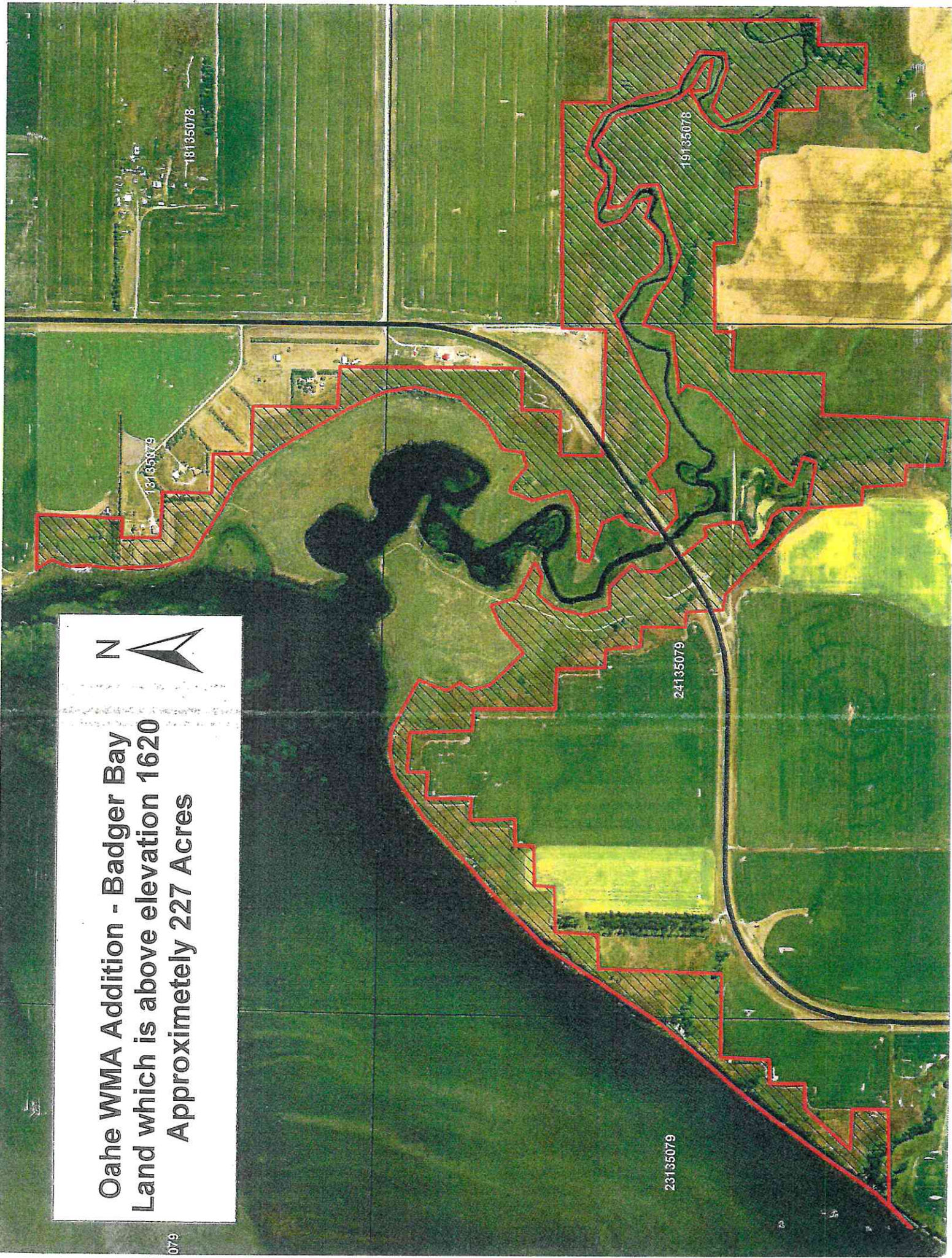
Eric Stasch
Operations Project Manager

Encl

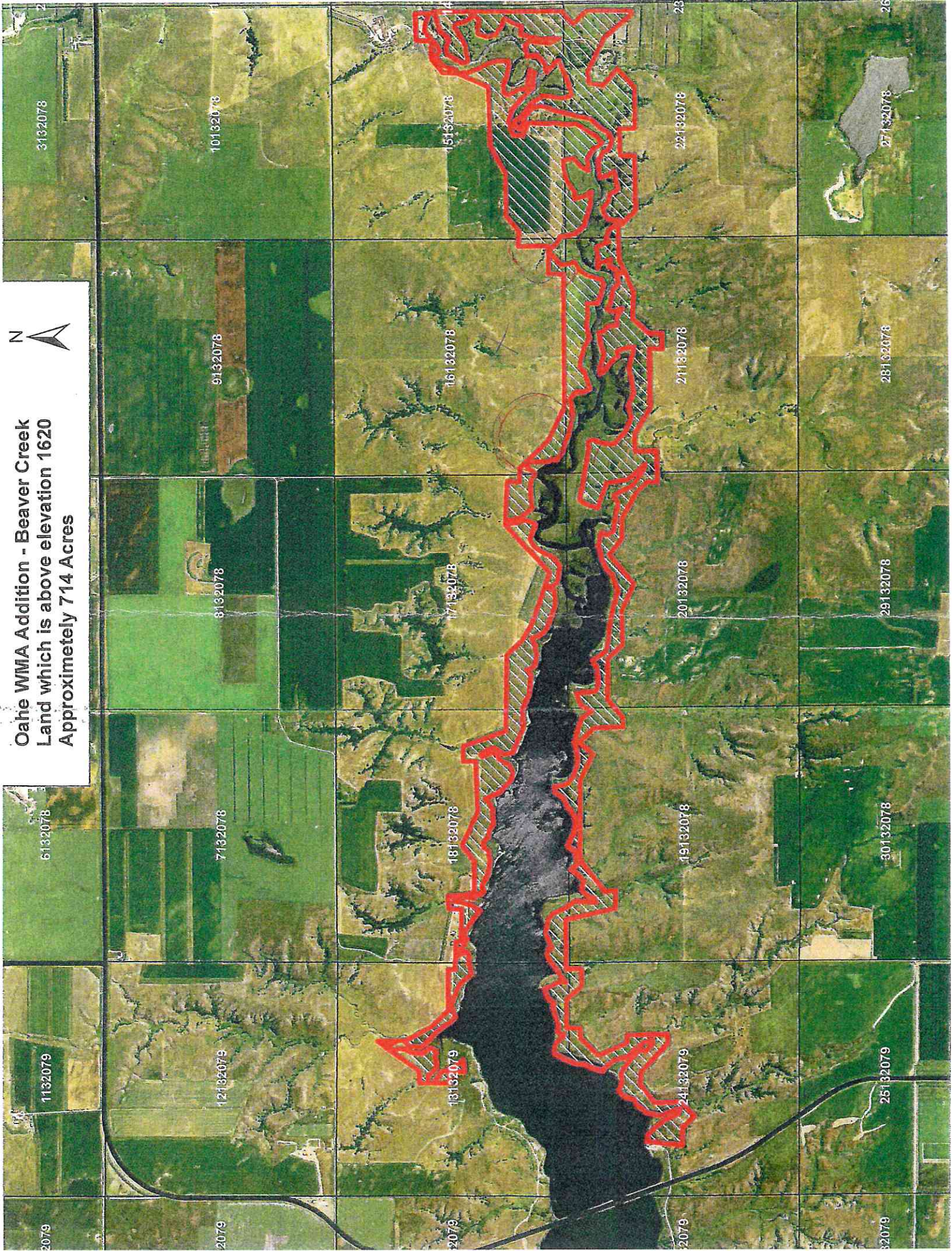
CF:
Bill Haase



**Oahe WMA Addition - Badger Bay
Land which is above elevation 1620
Approximately 227 Acres**



Oahe WMA Addition - Beaver Creek
Land which is above elevation 1620
Approximately 714 Acres



EMMONS COUNTY COMMISSIONERS' RESOLUTION

2016-09-0001

A resolution urging Senators John Hoeven and Heidi Heitkamp, and Representative Kevin Cramer to supply dates between August 24th and October 14th, 2016, at which they could attend a public meeting to be called by the Emmons County Commissioners to determine the level of support to secure enactment of necessary federal legislation to return excess lands to the operation of the Oahe Dam in Emmons County, together with mineral rights thereto, to the State of North Dakota.

WHEREAS, since the taking of excess lands in Emmons County for the operation of the Oahe Dam, numerous problems have arisen which adversely affect Emmons County, its residents and adjoining real property;

WHEREAS, the Sixty-fourth Legislative Assembly of North Dakota did pass House Bill No. 1456, with the House voting 91 yeas and 1 nay, and the Senate voting 40 yeas and 7 nays, thereby creating and enacting N.D.C.C. § 54-01-29.1 which provides:

"Federal legislation encouraged to return lands and mineral rights to the state of North Dakota. Uplands of the Oahe Reservoir in Emmons and Morton Counties in North Dakota above the elevation of 1,620 feet [493.78 meters] are defined as excess lands to the operation of the Oahe Dam. The North Dakota legislative assembly encourages Congress to pass federal legislation to return those lands and mineral right to the state of North Dakota and the North Dakota legislative assembly encourages the governor of North Dakota to work with the North Dakota congressional delegation and Congress to secure enactment of necessary federal legislation."

AND WHEREAS, information has been disseminated which indicates there is a reluctance by one or more of North Dakota's congressional delegation to introduce, sponsor or support federal legislation to return excess lands and its minerals to the State of North Dakota without more of a consensus for such federal legislation being shown;

NOW, THEREFORE, BE IT RESOLVED BY THE EMMONS COUNTY COMMISSIONERS:

That the Emmons County Commissioners urge Senators John Hoeven and Heidi Heitkamp, and Representative Kevin Cramer to promptly supply dates between August 24th and October 14th, 2016, at which they could attend a public meeting to be called by the Emmons County Commissioners to determine the level of support to secure enactment of necessary federal legislation to return excess lands to the operation of the Oahe Dam in Emmons County, together with mineral rights thereto, to the State of North Dakota; and

Transfer of Lake Oahe land comes under fire

LAUREN DONOVAN
Bismarck Tribune

The former wildlife chief for North Dakota's Game and Fish Department says a possible transfer of excess land around Lake Oahe to private landowners lacks transparency and would be unfair to the thousands of outdoorsmen and women who use the lakeshore for hunting and fishing.

Randy Kreil said the transfer of more than 6,000 acres of land owned by the U.S. Army Corps of Engineers in Morton and Emmons counties not needed for flood control would have a tremendous impact on sportsmen, especially if the land is returned to private heirs instead of the state.

The transfer was directed by the 2015 Legislature, which passed a

Please see **Lake**, Page A10

A10 | SATURDAY, MAY 28, 2016

Lake

From A1

bill encouraging Gov. Jack Dalrymple to work with the state's congressional delegation to get Congress to authorize the return of land and minerals above elevation 1,620 to the state.

Kreil said no one was aware that the governor's-level discussion included the potential for reprivatizing some of the land until U.S. Sen. John Hoeven's office started calling around last week, looking for public feedback.

"This is an important issue that was going on under the cover of darkness. Thankfully, Hoeven's office started asking around. Without that, it would have progressed further," Kreil said.

Andrea Travnicek, the governor's policy adviser on natural resources, said the possible return of private lands, where practicable, is under discussion, but the main intent is to preserve public access.

"The intent is that public access would be the same in the future as it is today, no matter what happens," she said.

Rep. Kenton Onstad, D-Parshall, House Minority leader, said he voted against the bill and is against any privatization. *Social*

"The governor's office needs to get it out front and be transparent," he said.

One of the bill sponsors is Rep. Jim Schmidt, R-Mandan, who said his family would benefit if some 300-plus acres that are part of a Game and Fish Wildlife Management Area would be returned.

"If that land was grabbed unnecessarily for flood control, yes, I would be interesting in having it returned, but not for free," said Schmidt, who met Wednesday with 13 heirs, all looking for a win-win outcome. "We would want to make sure that recreational values are met."

Schmidt said his uncle and aunts were paid \$51 an acre for about 400 acres in Morton County, most of which was eventually subleased by the Game and Fish for a 2,000-acre wildlife management.

"None of that has ever been under water except in 2011, and that was from high ground water, not overland flooding," he said.

Kreil said Schmidt contacted him at the department before he was a legislator to discuss reacquiring the land.

Schmidt said, if the corps doesn't need the land for flood protection, it amounted to a federal land grab.

"If it's not needed for flood protection, why was it taken?" he said.

Rep. Mike Brandenburg, R-Edgeley, said he's been meeting with landowners on the Emmons County side and said the desire is to return excess land to the heirs.

"We're working on it real hard, but we're not hurting anybody. We want to take care of everybody's needs first with hunting and fishing," he said.

Hoeven's chief of staff Ryan Bernstein said the plan is to get consensus with the recognition that everybody wants a guarantee of continued public access.

"We will not send up a bill that returns land to the heirs. There's no consensus on that," Bernstein said.

U.S. Sen. Heidi Heitkamp said she has prepared a bill to return land to the state as asked by the governor.

"But it's up to the governor and state leaders to work with interested parties on what the next step should be and if this legislation is wanted or needed," she said.

Travnicek said, if the transfer were to pass Congress, the land would go to the state land trust.

"From there, there's no decision on what that would look like," she said.

Reach Lauren Donovan at 701-220-5511 or lauren@westriv.com.

*the
press
is
not
called*

*not
called*