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DESCRIPTION

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2003 HOUSE AGRICULTURE

HCR 3036

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR 3036

House Agriculture Committee

Conference Committee

Hearing Date February 14, 2003

Tape Number	Side A	Side B	Meter #
1	X		0
Committee Clerk Signature <i>[Signature]</i>			

Minutes:

**REP. POLLERT, VICE-CHAIR** Called the hearing to order.

**REP. BILL KRETSCHMAR, DIST. 28** Introduced the resolution. This resolution is a petition to Congress to appropriate funds for the development of the land along Lake Oahe and the Missouri River through all of the eleven counties in North Dakota, that are involved in the main system along the Missouri River. This will ask Congress to get going and get money and establish a system so that improvements can be made.

**MIKE RUDOLPH, LINTON, NORTH DAKOTA** Testified in support of the resolution. The proposed concept is to seek and invest sixty million dollars from the federal government into the Bank of North Dakota, for a specific period of time, and to have them invest such monies. The gain from that investment would be to used to fund irrigation projects presently planned for along the Missouri River. The major cost of the pump site, the station and the delivery system, is being explored. This plan could positively impact eleven counties. The impact would be an economic

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House Agriculture Committee  
Bill/Resolution Number HCR 3036  
Hearing Date February 14, 2003

benefit of the major portion. There has been approximately five hundred thousand acres of land that was lost in the creation of the Oahe Reservoir and the Garrison Dam. Fifty thousand acres of that alone, has come from Emmons County.

**REP. ONSTAD** When the dam first came in, were you aware of the initial cost which was actually paid to individuals who lost property under that water?

**MIKE RUDOLPH** I do not have those numbers.

**DUKE ROSENDAHL, EXECUTIVE DIRECTOR OF THE HAZEN COMMUNITY**

**DEVELOPMENT** Testified in support of the resolution. I have been working with irrigation and learning about the effects of irrigation, I am still a novice to some degree, but there is no doubt in my mind, over the years, that I have worked with what is going on in the world of water and what it does for us. I understand very clearly, that if we are going to keep up and grow and do the things that are necessary to make North Dakota the kind of state it should be, we will have to do some major things. I think this resolution is an important start. It is a lot of money to ask for, but that is what it will take in North Dakota, to get things going. We have gone out and spent money for studies, state and local money. I urge you to consider this, so that we can get our agricultural sector up to speed.

**REP. POLJERT** With the kind of money you are talking here, have you talked to our North Dakota congressional delegation all about this?

**DUKE ROSENDAHL** This resolution came to my table not too long ago, so I haven't had the opportunity to give this a fair shot on the congressional level, but I am certainly ready to do that. I think we have to start, we have to get our linkage together, local, regional and state support, and also the congressional.

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House Agriculture Committee  
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**MIKE DWYER, NORTH DAKOTA WATER USERS ASSOCIATION AND THE**

**NORTH DAKOTA IRRIGATION CAUCUS** Testified in support of the resolution. Stating he has gone to the congressional delegation about this concept. When we first got to talking to the delegation about this, the Dakota Water Resource Act was just a concept then, and it took seven or eight years for that concept to turn into actual legislation, which provided federal money for state MRI and Indian MRI and Red River Valley water supply. This is kind of another step in trying to recoup the sacrifices North Dakota made for the official plan. This concept, at this point, will have tough sledding in congress, long term, it is something that may happen and we want to pursue it.

**REP. ONSTAD** What were some of the promises said about irrigation?

**MIKE DWYER** The plan included a million acres of irrigation in North Dakota, and about eight hundred thousand acres of irrigation in South Dakota. The first phase of the plan was called the Garrison Diversion and in 1965, that included two hundred and fifty thousand acres. In 1986, it was downsized to about one hundred thirty thousand acres and all of the rest was deauthorized. The eight hundred and seventy thousand acres within the original title was deauthorized, and in the Dakota Water Resource Act, it was further downsized at seventy thousand acres. There are seventy thousand acres in the current Act, and authorization to get some acres, but it is purely an MRI project now.

**REP. WRANGHAM** Have you had conversations with the Bank of North Dakota, that there would be any extra employees needed down there, or what their response would be to managing this money, and also, this sounds like a very unique way of financing, do you know has this been done before?

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House Agriculture Committee  
Bill/Resolution Number HCR 3036  
Hearing Date February 14, 2003

**MIKE DWYER** There are funding mechanisms that have been utilized in the western United States from some of the western water developments. The State of Utah, has done something like this. It is not that unique in terms of federal perspective. We have not talked to the Bank of North Dakota about this, it is a long ways off.

**TODD SANDO, ASSISTANT STATE ENGINEER FOR THE STATE WATER**

**COMMISSION** Testified in support of the resolution. See attached written testimony.

With no further testimony, the hearing was closed.

**COMMITTEE ACTION**

**REP. WRANGHAM** Made a motion for a **DO PASS**

**REP. KINGSBURY** Second the motion. **MOTION CARRIED, RESOLUTION WAS PLACED ON THE CONSENT CALENDAR.**

9 YES      0 NO      4 ABSENT

**REP. POLLERT** Was given the floor assignment.

HC R 3036  
2-14-03

Date:  
Roll Call Vote #:

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO.

House AGRICULTURE COMMITTEE

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken DO PASS

Motion Made By W. ... Seconded By W. ...

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN NICHOLAS					
VICE CHAIRMAN POLLERT	✓				
REPRESENTATIVE BELTER					
REPRESENTATIVE BOEHNING	✓				
REPRESENTATIVE KELSCH					
REPRESENTATIVE KINGSBURY	✓				
REPRESENTATIVE KREIDT	✓				
REPRESENTATIVE UGLEM	✓				
REPRESENTATIVE WRANGHAM	✓				
REPRESENTATIVE BOE	✓				
REPRESENTATIVE FROELICH					
REPRESENTATIVE MUELLER	✓				
REPRESENTATIVE ONSTAD	✓				

Total (Yes) 9 No 0

Absent 4

Floor Assignment Pollert

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Salvatore Riccardi 10/16/03  
Operator's Signature Date

REPORT OF STANDING COMMITTEE (410)  
February 14, 2003 1:55 p.m.

Module No: HR-29-2795  
Carrier: Pollert  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

HCR 3036, as engrossed: Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (9 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). Engrossed HCR 3036 was placed on the Tenth order on the calendar.



2003 SENATE NATURAL RESOURCES

HCR 3036

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10/16/03  
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR 3036

Senate Natural Resources Committee

Conference Committee

Hearing Date 3-20-03

Tape Number	Side A	Side B	Meter #
1	X		0.4 - 16.5
Committee Clerk Signature <i>Jana James</i>			

Minutes:

**Senator Thomas Fischer**, Chairman of the Senate Natural Resources opened the hearing on HCR 3036 urging Congress to enact legislation for the economic recovery of North Dakota's Missouri River corridor.

All members of the committee were present except **Senator Michael Every**.

**Herb Grenz** representing the North Dakota Irrigation Caucus testified in support of HCR 3036 stating (See attached testimony).

**Senator John Traynor** had questions about payments made when land was acquired for the garrison project, including average price per acre and if there was any severance money paid.

**Herb Grenz** answered that the Corp of Engineers were very powerful and the average paid in Emmons County was \$40.00 per acre with no severance payments.

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*10/16/03*  
Date

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Senate Natural Resources Committee

Bill/Resolution Number HCR 3036

Hearing Date 3-20-03

Senator Traynor stated that if no compensation was paid for the lose of irrigation and if it would not be included in court files, it might be a new cause of action.

Todd Sande, Assistant State Engineer for the state of North Dakota testified in support of HCR 3036 (See attached testimony).

Mike Dwyer representing the North Dakota Water Users testified in support of HCR 3036 stated this is a pipe dream and doesn't have much of a chance but this is how the Dakota Water Resource Act started in 1994 that was finally approved in 2000. So maybe in a few years this might be successful.

Senator Traynor asked if a court of claims might be a different route.

Mike Dwyer answered it might be but thought it would be cost prohibitive.

There was no testimony in a neutral or opposing HCR 3036.

Senator Fischer closed the hearing on HCR 3036.

Senator Stanley Lyson made a motion for a Do Pass of HCR 3036.

Senator Layton Freborg second the motion.

Roll call vote was taken indicating 6 YEAS, 0 NAYS AND 1 ABSENT OR NOT VOTING.

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10/16/03  
Date

Date: 3-20-03  
 Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES  
 BILL/RESOLUTION NO. 3034

Senate Senate Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass

Motion Made By Lyon Seconded By Freborg

Senators	Yes	No	Senators	Yes	No
Senator Thomas Fischer	✓		Senator Michael A. Every	✓	
Senator Ben Tollefson	✓		Senator Joel C. Heitkamp		
Senator Layton Freborg	✓				
Senator Stanley W. Lyson	✓				
Senator John T. Traynor	✓				

Total (Yes) 6 No 0

Absent 1

Floor Assignment Ineborg

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

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Julie Richey Operator's Signature 10/16/03 Date

REPORT OF STANDING COMMITTEE (410)  
March 20, 2003 12:43 p.m.

Module No: SR-50-5305  
Carrier: Freborg  
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE  
HCR 3036: Natural Resources Committee (Sen. Fischer, Chairman) recommends DO  
PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3036 was placed on  
the Fourteenth order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-50-5305

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*Yolanda Richardson*  
Operator's Signature

*10/6/03*  
Date

12

2003 TESTIMONY

HCR 3036

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Date

**TESTIMONY ON HOUSE CONCURRENT RESOLUTION 3036**

**House Agriculture Committee**

**Todd S. Sando, Assistant State Engineer**

**February 14, 2003**

Mr. Chairman and Members of the Agriculture Committee, my name is Todd Sando, and I am the North Dakota Assistant State Engineer.

The authorized uses of the Missouri River dams are hydropower, water supply, flood control, recreation, navigation, and fish and wildlife. While North Dakota has seen some benefit from the construction of the dams, primarily in recreation, the benefits have mostly gone to states that have not lost land to the reservoirs. For example, North Dakota receives 13 percent of the hydropower generated by the system, compared to the 24 percent Minnesota receives. Garrison Dam does provide flood control benefits on the river reach between the dam and Lake Oahe, but these benefits were obtained by accepting a permanent flood on over 500,000 acres inundated by the reservoirs in North Dakota.

North Dakota has benefitted from the water supply made available by the reservoirs. However, less than 1 percent of the average flow of the Missouri River at Bismarck is put to a beneficial use within the state. The funds requested by this resolution could be used to improve the ability to make use of the Missouri River water, enhancing the economy of the state. This could begin to address the inequitable distribution of benefits of the Pick-Sloan dams.

Your favorable consideration of House Concurrent Resolution No 3036 is requested.

Thank you

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*Tal Costa Richardson*  
Operator's Signature

*10/16/03*  
Date

Feb. 4, 2003

**STATEMENT OF SUPPORT  
FOR HOUSE CONCURRENT RESOLUTION NO. 3036**

Dear Legislator,

A concurrent resolution dealing with the critical economic recovery of lands adjacent and within the Missouri River Basin of North Dakota has been prepared and will be discussed and voted on in this Legislative Session.

That Resolution, identified as House Concurrent Resolution No. 3036, is offered in recognition of the following past events, all occurring due to the construction of the Oahe and Garrison Dams of the Missouri River under the Flood Control Act of 1944:

- Within North Dakota, over 500,000 acres of prime river bottom lands were inundated by the lakes created by such dams.
- Within Emmons County alone, a loss of approximately 50,000 acres was experienced; lands lost forever from agricultural production, farming opportunity, and the tax rolls of that County.
- Within the boundaries of the Fort Berthold Indian Reservation, a loss of over 150,000 acres of prime bottomland, an additional loss of cultural resources, communities and homes, and economic stability to the area.

No other area of the State of North Dakota has ever been asked, nor has ever contributed as much in terms of land, economic base, agricultural opportunity, and loss of prime environment than have the eleven (11) counties of the State with the construction of the Main Stem dams. And the loss experienced by these 11 counties have resulted in huge benefits of power supply, flood control, recreation, water supply, irrigation, and barge commerce realized almost entirely by the down stream or adjacent States to us.

The intent of Concurrent Resolution No. 3036 is to offer a partial remedy to the losses experienced over the last 50 years since the dams were imposed upon the 11 counties of the Missouri River basin of our State. The Resolution is an attempt to stop the rapid slide all such counties are experiencing in economic development and opportunities, the continued and steady loss of our population and prime work force, and the inability we face, as a State and an area, to fairly share in the benefits of the Dams.

Concurrent Resolution No. 3036 seeks an investment of \$600 million from the Federal government for the stimulation and recovery of the economy of the 11 counties of this area of our State. Such money would be as an offset to the many millions lost over the last 50 years by the presence of the Dams along the Missouri in our State. The funds are envisioned to be used for appropriate projects in the 11 counties to provide the counties the ability to reestablish their economic bases to the same extent as would have been possible had the Dams not been constructed and to an extent which would have been

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realized had the benefits of such Dams been appropriately allocated to such counties since their inception.

Projects which would benefit from such a Federal commitment could include, but certainly not be limited to, a number of planned irrigation development projects currently in a planning phase along the River within our State. Those projects include the Horsehead Irrigation Project in Emmons County, the Big Bend Project in Oliver and Mercier Counties, the Turtle Lake Irrigation District in McLean County, the South Mountrail Project in Mountrail County, and the Nesson Project and the Elk Charbon Projects, both in Williams County. The impact of the funding and construction of only a few of the listed projects show a promise of huge economic returns to the State.

It is in the interests of all citizens and residents of our State to encourage an economic recovery for the 11 affected counties. The benefits derived from such an endeavor will provide economic stability on a permanent basis for our State.

Please act in the best interests of our State in providing your support for this Resolution.

Sincerely,



Herb Grenz  
Chairman  
ND Irrigation Caucus

An issue pertaining to the economic health of eleven counties along the Missouri River, because of Federal Government action on that River, exists and needs resolution.

More than 50 years ago, eleven counties in ND that border the Missouri River sacrificed their land and much of their economic welfare for the construction of the Main Stem Dams to control the Missouri River.

The Main Stem Dams included relatively very few benefits to the eleven counties who directly were affected by the project. These eleven counties waited patiently for the Garrison project to be completed, but only witnessed its near disintegration of those features that would benefit the State of North Dakota.

Counties affected by the Main Stem Project have been working very hard in attempts to bring about some economic recovery to help alleviate the losses caused by the project during the last fifty years. In our eleven county corridor our options for economic growth have had a continuous study and water and land are still the key elements regardless of what is done. We are dealing with the demise of the small towns, and U.S. citizens need to recognize the importance of agriculture and locally produced food.

Irrigation, we realize, is perhaps an ill appreciated word in Washington, but for many of the Counties it still is the foundation of our economic recovery. There has been, and still are feasibility studies being done, and it appears that approximately one hundred thousand plus acres can be developed for irrigation. If this land had not been taken to better the lives of other downstream States and citizens there is no doubt that well over one hundred thousand acres would be under irrigation in the bottom lands that were lost. This is why the government should put in place economic recovery for these eleven counties.

If irrigation is the strategic infrastructure for economic recovery in this corridor, and studies are showing that it is, then we should rally behind it.

A plan must be devised to implement the means of recovery and rebuilding the economy in the eleven county corridor. The plan is simple. Instead of spending federal dollars, the plan would put federal dollars to work. We would propose a plan as follows:

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**North Dakota's Missouri River Corridor Economic Recovery Act:**

The federal government should appropriate six hundred million dollars to the Bank of ND for a period of 6-10 years. The bank could invest this money whereby the interest would be used by the corridor counties to rebuild the infrastructure that has been lost over the 50-year period. We have in-state agencies to oversee the proposed plans and its progress which would be the most efficient means to spend the federal dollars.

The eleven Counties have struggled to find ways to put the uses of Pick-Sloan projects into proper perspective. The plan proposed herein would help accomplish that objective. To date, the U.S. Government has only weakened or dismantled the layers of the counties economy, now our government should help provide funds for the rebuilding the layers of the economy that been neglected in the eleven County Missouri River Corridor.

Sincerely,



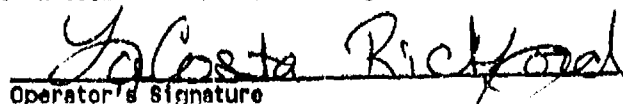
Herb Grenz

cc:

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TESTIMONY ON HOUSE CONCURRENT RESOLUTION 3036

Senate Natural Resources Committee

Todd S. Sando, Assistant State Engineer

March 20, 2003

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Thank you