

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
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ROLL NUMBER

DESCRIPTION

3040

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Yolanda Richardson
Operator's Signature

10/16/03
Date

2003 HOUSE AGRICULTURE

HCR 3040

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Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR 3040 & HCR 3041

House Agriculture Committee

Conference Committee

Hearing Date February 14, 2003

Tape Number	Side A	Side B	Meter #
1	X		22
Committee Clerk Signature <i>Edward D. Ellison</i>			

Minutes:

REP. POLLERT, VICE-CHAIR Called the hearing to order. He allowed testimony for HCR 3040 and HCR 3041 as they are similar.

REP. JOHN WARNER, DIST. 4 Introduced the resolution. He deferred testimony to other people testifying.

BILL BUTCHER, REPRESENTING FRIENDS OF LAKE SAKAKAWEA, Testified in support of the resolution. The Friends of Lake Sakakawea, has been in existence for several years now. We represent a considerable number of people, businesses and organizations. We have Chambers of Commerce, businesses, fishing groups, resorts, sailing groups, our membership ranks in the one hundreds. We feel these two concurrent resolutions are very important. It is most important for the Bush administration to understand that they need to exercise their oversight responsibilities with the Corps of Engineers and make sure these representations and promises are met.

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Salvatore Riccardi
Operator's Signature

10/16/03
Date

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House Agriculture Committee
Bill/Resolution Number HCR 3040, HCR3041
Hearing Date February 14, 2003

JILL DENNING GACKLE, GENERAL MANAGER OF BHG INC. Testified in support of the resolutions 3040 and 3041. See attached written testimony. She also submitted charts relating to the Garrison Reservoir Elevation Study. See attached copies.

REP. ONSTAD Related to the deadlines in her testimony, how past due are they on the original deadline, are there any indications where they are at?

JILL DENNING GACKLE There might be some people who can answer this a little bit better. It has been at least thirteen years, that we have been waiting for the master manual. It is a now a political fight between the Missouri and the upper basin states. All we really know, is that nothing has been released. Anything they could release would be better than what we are having right now.

TERRY FLECK, SALES MANAGER AND CO-OWNER OF PRO-RADIO ALSO A FREE LANCE PUBLIC SPEAKER AND WORK FOR THE UNIVERSITY SYSTEMS CORPORATE DEVELOPMENT CONTINUED EDUCATION DIVISION Testified in support of the resolution. Stated he was here to represent the cabin site owners. He stated he lives in Bismarck but owns a cabin, which used to be on the lake. The lake has moved so far away that he can hardly see it from where it is now. He stated they were meeting with the Corps of engineers, and his request today was support from the committee. He said everyone needs to know where Lake Sakakawea is and what it faces.

REP. ONSTAD Asked for enlightenment working with the corps, and some of the concerns of the cabin owners.

TERRY FLECK I think we need to understand that in 2004, 2005, and 2006, there are an awful lot of people coming to North Dakota to help us celebrate the Lewis & Clark Expedition,

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House Agriculture Committee

Bill/Resolution Number HCR 3040, HCR3041

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we have two major events in our state, and our concern is, what they are going to see, which is a sea of AKOSHA. That will be our responsibility to take care of it, we hope we will get permission to do a control burn, which is not an easy thing to get. We work hard and long hours to keep up that area. We will be stuck at Van Hook, we built a beautiful ramp last year, a break water and it is a gorgeous area, but that ramp is going to be a long way from the water. We will use temporary ramps. The Lake Sakakawea Derby has been cancelled, a tournament that has been held for years and years. They can't hold it this year, because you can't put that many boats in, on a temporary sandbar, with grates and pieces of cement. We are not looking to challenge the Corps, we want the Corps to embrace who we are and what we are faced with, we need their help. If this continues with the drought scenerio, people can easily see very much what Lewis and Clark saw, and that would be just a river. That is what easily could be left if we don't protect that resource.

TOM ABRAHAMSON, ON BEHALF OF THE NORTH DAKOTA SPORTFISHING

CONGRESS Testified in support of the resolutions. See attached written testimony.

REP. ONSTAD When you talk about the lake levels, is there a certain level we have to be at before any water can even get here, is there a point at 18 or 25?

TODD SANDO, ENGINEER Answered the question, he stated he was working on the Missouri River since the last drought, and studied the master manual since 1989, the lake is full March 1, at 18 37 1/2, that is the flood control zone, that is when the reservoir captures run off from the plains and the mountain snow pack, then the lake usually comes up within the mid 40's. The people like the lake at different levels, but we like to see the lake full. 18 25 us pretty critical. In June, July, August and early September, that is when it can be really critical if we are

Salvatore Richardson
Operator's Signature

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at 18.25, you can see major fish die out at that level. We will see 18.19 by next month, we are probably at peak lake level for the year. In the winter time when you have ice, you need that much more.

LEE KLAPPRODT, BISMARCK Testified in support of the resolutions. Stated he was involved in salmon fishery and developing that on Lake Sakakawea over the last twenty years. He stated he is very concerned about the circumstances we are faced with this year, and equally concerned about the Corps Master Manual and their lack of action in improving a revised Master Manual which represents the contemporary needs of the people who live throughout the entire Missouri River Basin. I hope the legislature sees fit to send both of these resolutions to the federal administration and the US Corps of Engineers. It is important that we demonstrate that there is statewide support for improved management, for a new master manual and corps investment in the recreational facilities that are going to be so critical during the Lewis & Clark Bicentennial. We will probably see hundreds of thousands of people coming through North Dakota during the Bicentennial and it would be just a shame if those people don't have reasonable facilities to use while they are here, whether they are campers or staying in motels. I think the Corps, being this is their reservoir and they manage all of the land around the reservoir, they have a huge responsibility making sure that both Lakes Sakakawea and Lake Oahe and the Missouri River, are dressed to show for all of these visitors.

TODD SANDO, ASSISTANT STATE ENGINEER Testified in support of the resolutions. Gave a background on the Master Manual. See attached testimony.

REP. POLLERT Asked if there was any effect to the southwest pipeline?

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TODD SANDO Yes, we share an intake with the coal gasification plant. That intake level is below the permanent pole, which is actually 17.75. The way the 1960 Master Manual was read, they could fluctuate the reservoir from 18.50 down to 17.75. They could fluctuate the reservoir up to 80 feet.

REP. POLLERT Asked if Mr. Sando had a position on HCR 3041.

TODD SANDO Stated he didn't have a position on that resolution.

TERRY FLECK Commented again, stating he would like to invite committee members and any of their constituents to come to the meeting on Tuesday regarding the lake.

BILL BUTCHER Commented again stating HCR 3041 is similiar to HCR 3040 except it is addressed to the Corps of Engineers and has to do with lake development recreation. 3041 addresses representations which were made by the Corps of Engineers to Senator Dorgan and to the people of North Dakota, that they will be supportive and do certain things that are itemized in HCR 3041 to support and provide for the Lewis & Clark Centennial celebration. Our concern is those matters are not being addressed, and those promises are not being fulfilled. We are going to have hundreds of thousands of people here in the next three or four years who will have certain expectations and we want those expectations to be met.

REP. ONSTAD As the lake level drops, basically, for every foot that lake drops, how much loss is that to the state of North Dakota?

BILL BUTCHER There are probably people here who can address that better than I. I have been sailing on that lake for 30 something years, and I can tell you, the figure 18.25 was mentioned, when it gets below that, businesses close.

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TODD SANDO Came forward to answer Rep. Onstad's question, stating they are in the middle of several lawsuits on the Missouri River since they haven't been able to get the plan in place, so we are conducting economical analysis of the regional impacts and state impacts, it really doesn't properly address what the impacts are from Lake Sakakawea are. We are working through NDSU on an economic analysis to look at what the impacts are if the lake continues to drop. Right now the Corps, in their Master Manual says, that recreation is worth is about 85 million per year, to the nation's economy. When you start looking at regional impacts and see how that money turns over, it is even a much larger number.

BILL BUTCHER Returned to comment. I don't want to leave the impression that this whole economic impact is strictly to communities and businesses that are on the lake, this whole thing, the water level on Lake Sakakawea, it impacts the business communities in Bismarck, Minot and Williston, and Dickinson.

With no further testimony, the hearing was closed on both resolutions.

COMMITTEE ACTION ON HCR 3040

Committee members decided to amend the resolution on Page 2, Line 20, replace" Missouri River Division" with "northwest division".

REP. BOE Made a motion to adopt the amendment as suggested.

REP. KINGSBURY Second the motion. Motion carried by voice vote.

REP. MUELLER Made a motion for a **DO PASS AS AMENDED AND BE PLACED ON THE CONSENT CALENDAR.**

LR

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House Agriculture Committee
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Hearing Date February 14, 2003

REP. KREIDT Second the motion. **MOTION CARRIED**

9 YES 0 NO 4 ABSENT

REP. POLLERT Was given the floor assignment.

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10/16/03
Date

HCR 3040

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

NOT RECORDED
WITH AMENDMENT

Action Taken

1

Motion Made By

BOE

Seconded By

KINGSBURY

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 F. OELICH					
REPRESENTATIVE MUELLER					
REPRESENTATIVE ONSTAD					

Total (Yes)

No

Absent

Floor Assignment

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10/16/03
Date

HCR 3040

Date:
Roll Call Vote #:

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

*Casey
CAC*

House AGRICULTURE COMMITTEE

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS

Motion Made By Mueller Seconded By KREIDT

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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La Costa Richard 10/16/03
Operator's Signature Date

REPORT OF STANDING COMMITTEE (410)
February 14, 2003 1:40 p.m.

Module No: HR-29-2785
Carrier: Pollert
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
HCR 3040: Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR (9 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING)**. HCR 3040 was placed on the Tenth order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-29-2785

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Yolanda Richardson
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10/16/03
Date

2003 SENATE NATURAL RESOURCES

HCR 3040

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10/16/03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR 3040

Senate Natural Resources Committee

Conference Committee

Hearing Date 3-²⁰2-03

Tape Number	Side A	Side B	Meter #
1	X		43.3 - end
		X	0.0 - 26.6
		X	39.2 - 42.0
Committee Clerk Signature <i>Jamie James</i>			

Minutes:

Senator Thomas Fischer, Chairman of Senate Natural Resources Committee opened the hearing on HCR 3040 urging the President of the United States, the Secretary of the Army, and the United States Army Corp of Engineers to adopt and implement as undated Missouri River Master Water Control Manual that gives fair consideration to the substantial recreation values present on Lake Sakakawea, Lake Oahe, and the Missouri River in North Dakota.

All members of the committee were present.

Representative John Warner of District 14 cosponsor of HCR 3040 and HCR 3041 presented both resolutions stating his district surrounds Lake Sakakawea and how important tourism is to the area. The declining levels of the lake are catastrophic to the industry not only in the short term but also in the long term development of the industry.

Bill Butcher (46.0), State Director of the National Federation of Independent Business testified on behalf of the NFIB and the Friends of

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10/16/03
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Page 2

Senate Natural Resources Committee
Bill/Resolution Number HCR 3040
Hearing Date 3-20-03

Lake Sakakawea in support of HCR 3040 (See attached testimony). He also presented 1800 signatures of North Dakotans in support of HCR 3040 to the committee.

Judith Iverson, (Side B, 0.0) Executive Director of the Garrison Area Improvement Association in Garrison, North Dakota and co-owner of a steakhouse and lounge in Garrison testified in support of HCR 3040 (See attached testimony).

Andy Mork (4.4) of rural Mandan, North Dakota representing BOMMM Joint Water Resource Board (Burleigh, Oliver, Morton, McLean and Mercer counties) testified in support of HCR 3040. He stated the water levels in North Dakota need to have the same attention as the down stream states do and that the 80 miles of river between the Lake Sakakawea and Lake Oahe are getting no respect and are neglected. He stated the concern they have with the release of water and the different levels of the river causing bank erosion. He wanted to remind the committee that what was good for the lake systems also must be good for the river.

Tom Abrahamson (10.5) representing the North Dakota Sportsfishing Congress testified in support of HCR 3040 (See attached testimony).

Mike Donahue (12.7) of the North Dakota Wildlife Federation and the United Sportsman of North Dakota testified in support of HCR 3040 stating they stand in union with the other testimony in support of HCR 3040.

Lee Klapprodt of Bismarck, North Dakota testified in support of HCR 3040 stating his concerns as to the lake levels that are needed to maintain the important fishing industry in the state. A new master manual is needed to help maintain those important levels and thinks a strong message needs to be sent to the Corp of Engineers.

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Date

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Senate Natural Resources Committee
Bill/Resolution Number HCR 3040
Hearing Date 3-20-03

Todd Sando (17.0), North Dakota Assistant State Engineer testified in support of HCR 3040

(See attached testimony). He also presented the committee with a amendment to change
"Missouri River" to "Northwestern" on Page 2, Line 20. (see attached).

Senator Fischer closed the hearing on HCR 3040.

Tape 1, Side B, 39.2 - 42.0

Senator Thomas Fischer opened the discussion on HCR 3040.

Senator Stanley Lyson made motion to accept the Sando amendment that replaces "Missouri
River" with "Northwestern".

Senator Michael Every second the motion.

Roll call vote #1 was taken indicating 7 YEAS, 0 NAYS AND 0 ABSENT OR NOT VOTING.

Senator Lyson made a motion for a Do Pass as Amended of HCR 3040.

Senator Every second the motion.

Roll call vote #2 was taken indicating 7 YEAS, 0 NAYS AND 0 ABSENT OR NOT VOTING.

Senator Lyson will carry HCR 3040.

Senator Fischer closed the discussion and action on HCR 3040.

38379.0101
Title.0200

Adopted by the Natural Resources
Committee

March 20, 2003

JB
3-20-03

PROPOSED AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3040

Page 2, line 20, replace "Missouri River" with "Northwestern"

Renumber accordingly

Page No. 1

38379.0101

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10/16/03
Date

Date: 3-20
Roll Call Vote #: 0

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 3040

Senate Senate Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as Amended

Motion Made By Lyon Seconded By Every

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) 7 No 0

Absent 0

Floor Assignment Lyon

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

Loiseta Richardson 10/16/03
Operator's Signature Date

REPORT OF STANDING COMMITTEE (410)
March 20, 2003 4:33 p.m.

Module No: SR-50-5386
Carrier: Lyson
Insert LC: 38379.0101 Title: .0200

REPORT OF STANDING COMMITTEE
HCR 3040: Natural Resources Committee (Sen. Fischer, Chairman) recommends
AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS**
(7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3040 was placed on the
Sixth order on the calendar.

Page 2, line 20, replace "Missouri River" with "Northwestern"

Renumber accordingly

(2) DESK, (3) COMM

Page No. 1

SR-50-5386

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2003 TESTIMONY

HCR 3040

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10/6/03
Date

12

**Testimony for the North Dakota Sportfishing Congress
HCR 3040**

My name is Tom Abrahamson and I am speaking today on behalf of the North Dakota Sportfishing Congress, an organization created almost 20 years ago to represent fishing clubs from around the state. All fishing clubs in North Dakota are members of our organization and we have an additional 537 individual members.

We are here to urge passage of House Concurrent Resolution 3040 which we believe sends an important message to the President, the Secretary of the US Army and the US Army Corps of Engineers to complete the update for the important Master Plan for the Missouri River System.

Completion of the plan is long over due. Work started thirteen years ago and we still don't have a completed document. We understand from state experts that the conservation measures in all the alternatives to the current Master Manual would be better than the Manual we are now burdened with. The current Manual is clearly inappropriate for meeting contemporary water needs in the Missouri River Basin as the current drought is again demonstrating.

North Dakota, we have painful proof from the drought of the late 1980s and early 1990s that the current Master Manual is devastating to our nationally renowned Missouri River fishery and the recreation it supports. If any of the proposed alternatives would have been in place the last few years, Lake Sakakawea would be five feet higher than it is today. Today Lake Sakakawea is at elevation 1819 feet mean sea level. We are already well below the danger threshold for our fishery which is about 1825 feet mean sea level -- and the Corps' latest forecast shows the level is only going to get worse. We will likely see record low water levels this summer.

If we lose the fishery again in this drought as we did just over a decade ago, it could easily take another decade or more to rebuild. That does not compare in any way with the five DAYS of business the barge companies will lose this year. This is not equitable management of the system and North Dakota should not have to bear the burden of drought while downstream state continue to prosper.

A new Master Manual may not save us from the catastrophe we are facing this year but it is essential to protect North Dakota's interests in the future.

We must have a new Missouri River Master Manual! I hope you will support passage of HCR 3040. Thank you!

TESTIMONY ON HOUSE CONCURRENT RESOLUTION 3040

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 Corps of Engineers constructed six dams on the Missouri River. The Corps operates these dams according to rules described in the Missouri River Master Water Control Manual, commonly called the Master Manual. This manual was written in 1960, and last revised in 1979. The six reservoirs first reached the normal operating levels in 1967. For the next 20 years the Missouri River basin enjoyed plentiful runoff, therefore, the drought provisions of the Master Manual were not tested until the 1987 to 1993 drought. During this drought it became clear that the Master Manual did not meet the needs of the basin. In November 1989, the Corps initiated an update of the Master Manual. More than 13 years later that review is still not completed. In comparison, the five mainstem dams authorized by the Flood Control Act of 1944 were constructed in 18 years.

While the update of the Master Manual has dragged on, drought has returned to the Missouri River Basin. Over the last three years runoff above Sioux City has been a combined 20 million acre-feet below normal. As a result, at the end of January the system storage was nearly 13 million acre-feet below normal. Lake Sakakawea is approximately 14 feet below its normal elevation. Lake Oahe is approximately 16 feet below its normal elevation and has virtually receded from North Dakota. The Corps' most likely forecast, which typically overestimates the runoff and lake levels during a drought, indicates that Lake Sakakawea is currently at its highest level for this year. Had the Corps implemented the conservation measures agreed to by seven of the eight Missouri River Basin Association states before the current drought began Lake Sakakawea would be approximately five feet higher than it is today. Because of the failings of the current Master Manual to respond to the ongoing drought and to address the contemporary needs of the basin, it is critical that the Corps release an updated Master Manual as soon as possible.

I have one comment on the text of this resolution. In the final paragraph, it is resolved that a copy of this resolution be forwarded to the Division Commander of the Missouri River Division of the Corps. Because of reorganization of the Corps there is no longer a Missouri River Division, it has been changed to the Northwestern Division.

Your favorable consideration of House Concurrent Resolution No 3040 is requested.

Thank you

House Agriculture Committee
HCR 3040 and 3041
Feb. 14 9:40 a.m.

Testimony by Jill Denning Gackle

Good morning. Chairman Nicholas and Members of the Committee. I'm Jill Denning Gackle, general manager of BHG Inc., a group of 11 community newspapers in west central North Dakota. We have newspapers as far south as Hazen and Beulah and Washburn and as far north as Parshall and Velva.

My testimony this morning is primarily concerning HCR 3040, but as you listen to the impact that the lake has on our communities, I'm sure you'll realize that the same scenarios fit with the following resolution, HCR 3041.

HCR3040 urges the U.S. Army Corps of Engineers to update its Master Manual. This has been a 13-year ordeal of waiting, testifying, prodding and pleading. And in the meantime, North Dakota suffers. You have attached to my testimony some interesting charts.

Several years ago we began comparing the taxable sales of one lake community, Garrison, with the lake levels. As you can see from this chart and the following ones, the lake dictates our future - visitations at Fort Stevenson State Park, Marina revenue, winning weight of fish at the Governor's Cup and even the number of fishing licenses that are sold.

I'd like to focus in on the first chart - the one that keeps businesses around the lake open and the cash register ringing.

In 1999, North Dakota Game and Fish estimated that for every dollar spent to fish and hunt in North Dakota, 15 cents of that dollar is spent on fishing Lake Sakakawea, or more than \$85 million in 1999. We think \$85 million may just be a drop in the bucket so to speak when we talk to businesses that were impacted by the low water of the 1990s. Here's what a few of them had to say the last time we went through a drought coupled with unnecessary releases.

We opened doors in 1988, we were here for six years with no water. We changed from a marina to a restaurant. It was pretty tough. You might as well close up shop if you're only a marina and people can't get to your place.

Owner, Lund's Landing Resort

We had virtually five years of no income. If it would have been private enterprise, we would have been bankrupt. Next year could be the first year since taking it over in 1987 that we will break even. It took a while to get clientele back, we needed to make repairs, we lost at least half of our tenants. It was the first full year we had. When we bought into the business, I was too cocky. I thought it was too big of a lake to ever go dry. I was dead wrong. Now I'm gun shy. I'm afraid to plan on a good next year because I figure there's a 50% chance we'll be on dry ground.

Investor in Dock Owners Inc. -- own all the docks

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Owner that closed supper club in Garrison in 1990

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Owner Indian Hills Resort

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Owner, Watford City sporting goods store

Garrison and many of the towns where we have newspapers used to be farming communities. Many of our communities have grown into new shoes of tourist towns. We know how to court customers and make them glad to do business with us. But we need customers.

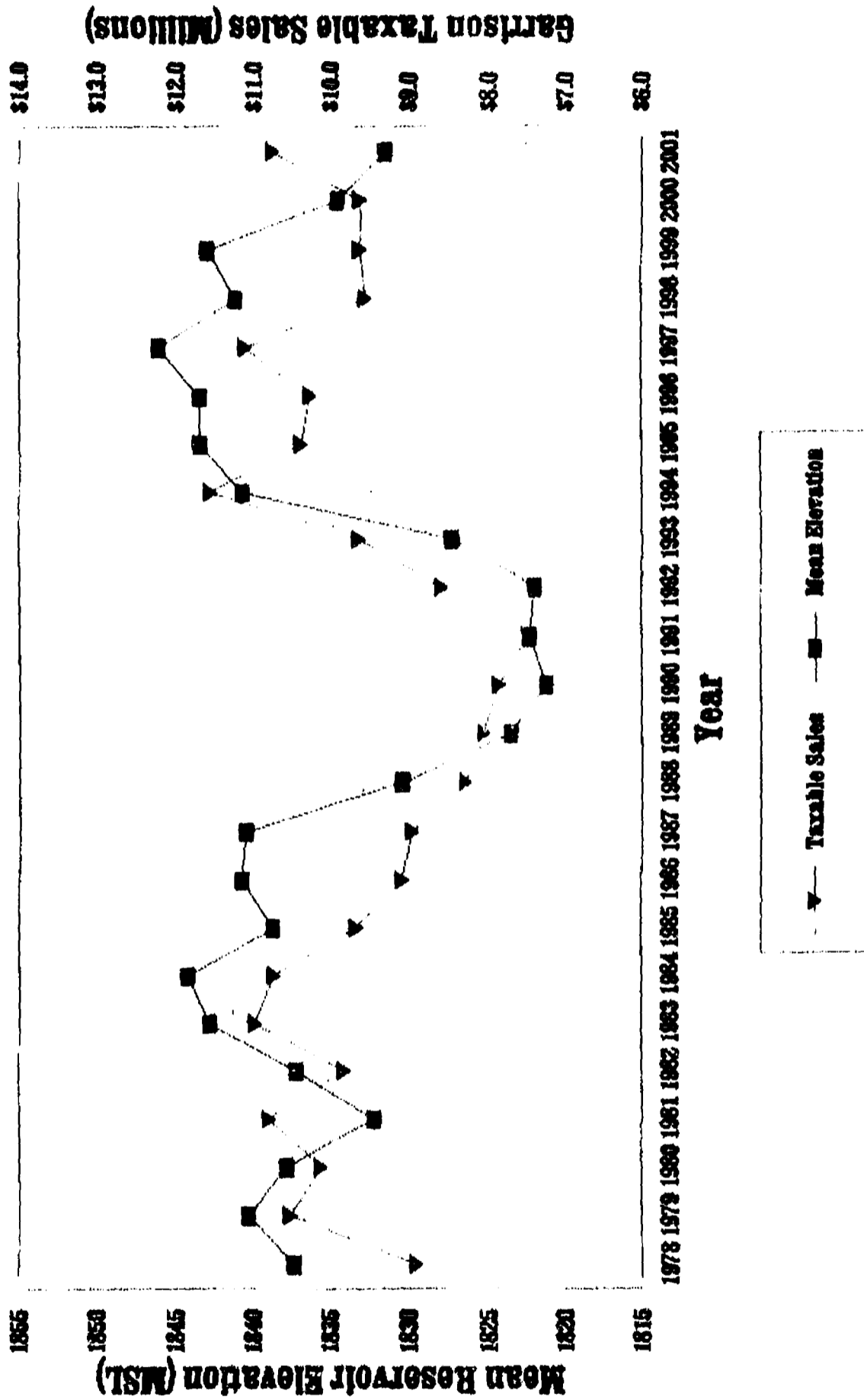
Without adoption of a Master Manual, we are floundering without a plan. It's like driving in Chicago without a map -- we find it pretty impossible. Any version or what they called a Preferred Alternative of the proposed Master Manual would be put us in a better situation than we are today. Please help us put pressure on the Corps of Engineers to release a Master Manual, something that will help us stabilize our economy and plan for our future.

Please help us put pressure on the Corps of Engineers to provide superb recreational facilities for Lewis and Clark travelers.

Please give HCR3040 and 3041 a "do pass." Thank you.

Garrison Reservoir Elevation Study

Mean Elevation vs. Garrison Sales



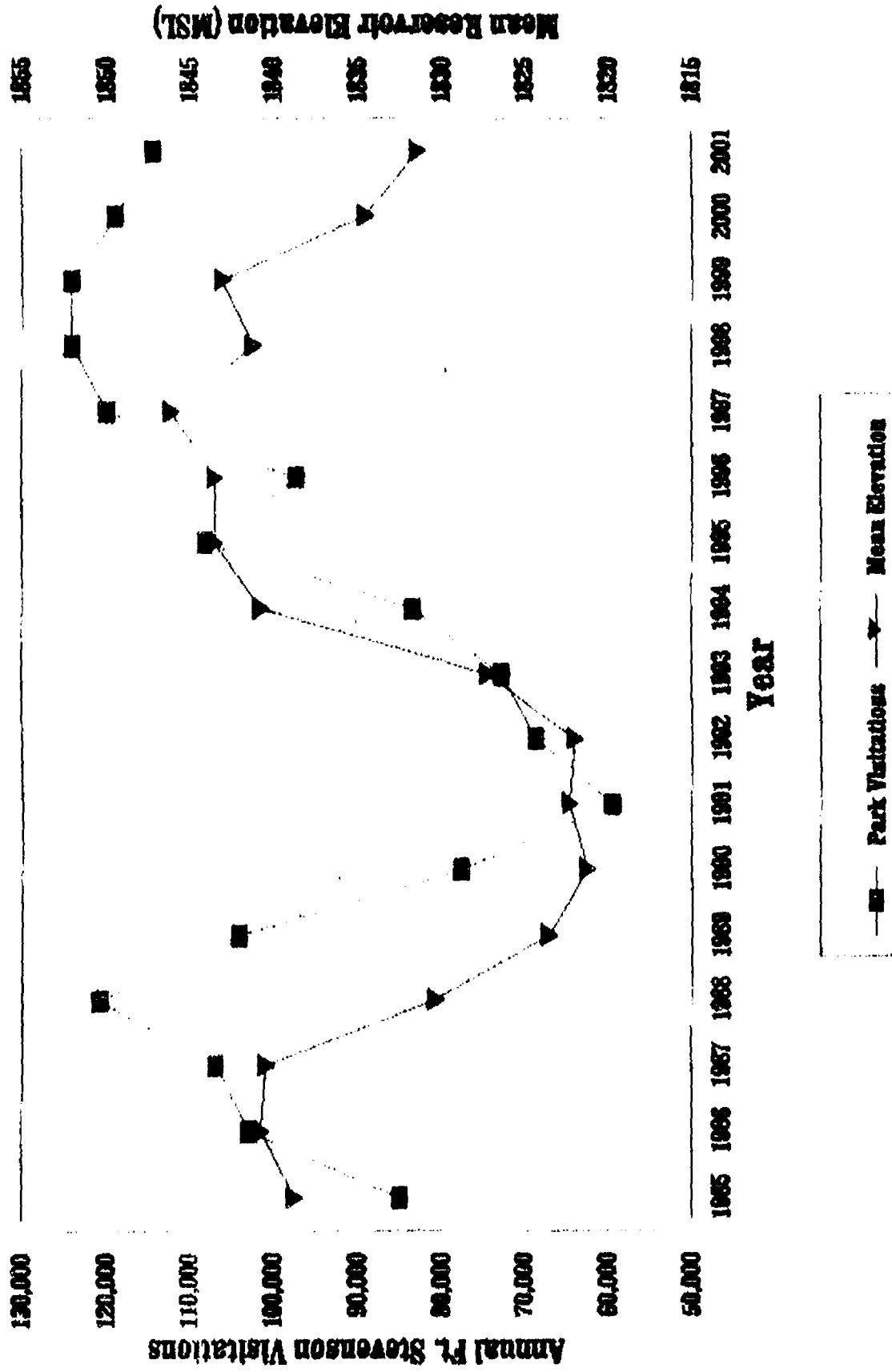
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J. Costa Rickford
Operator's Signature

10/16/03
Date

Garrison Reservoir Elevation Study

Park Visitations vs. Mean Elevation



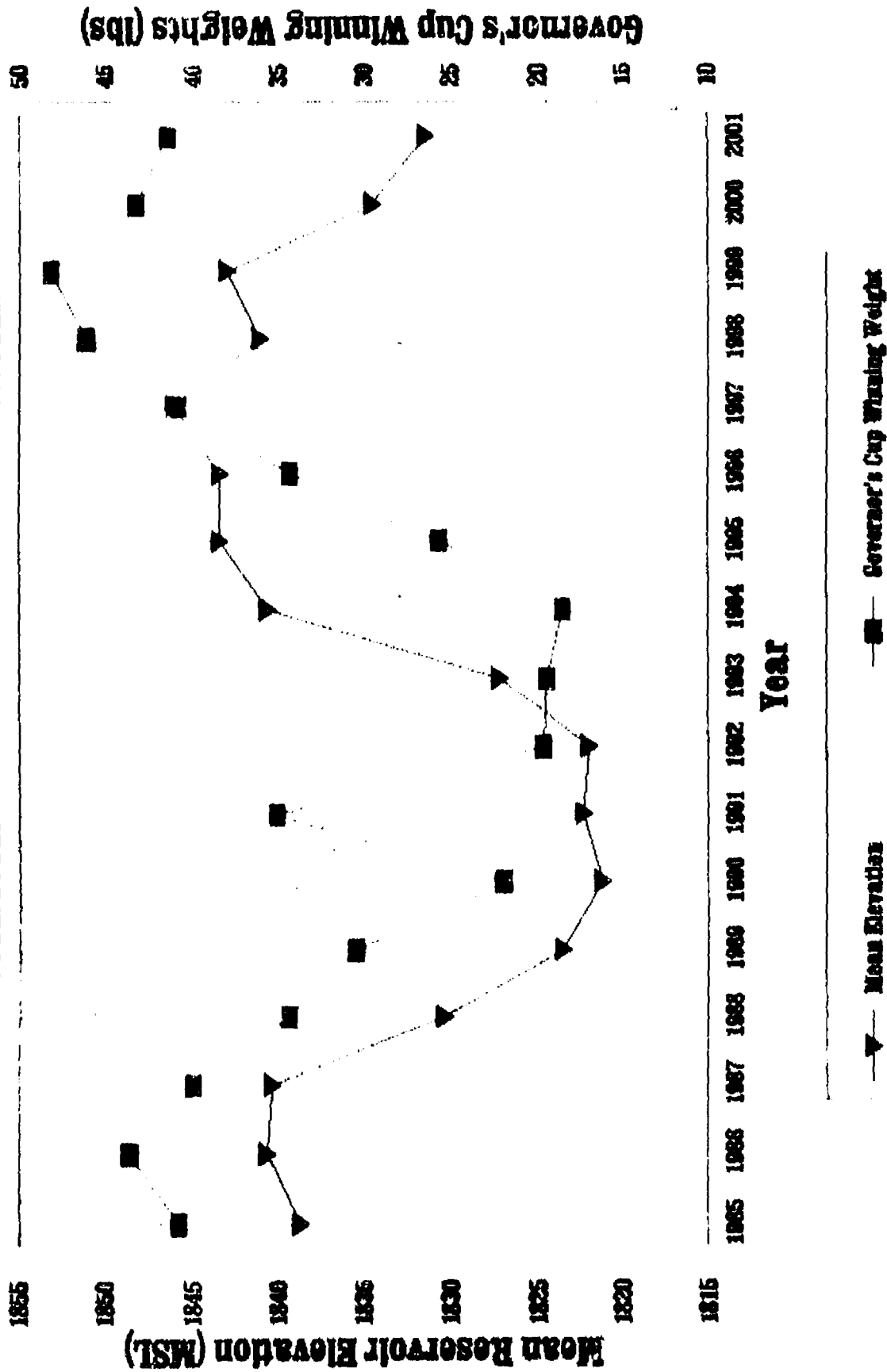
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La Costa Rickford
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10/16/53
Date

Garrison Reservoir Elevation Study

Governor's Cup vs. Mean Elevation



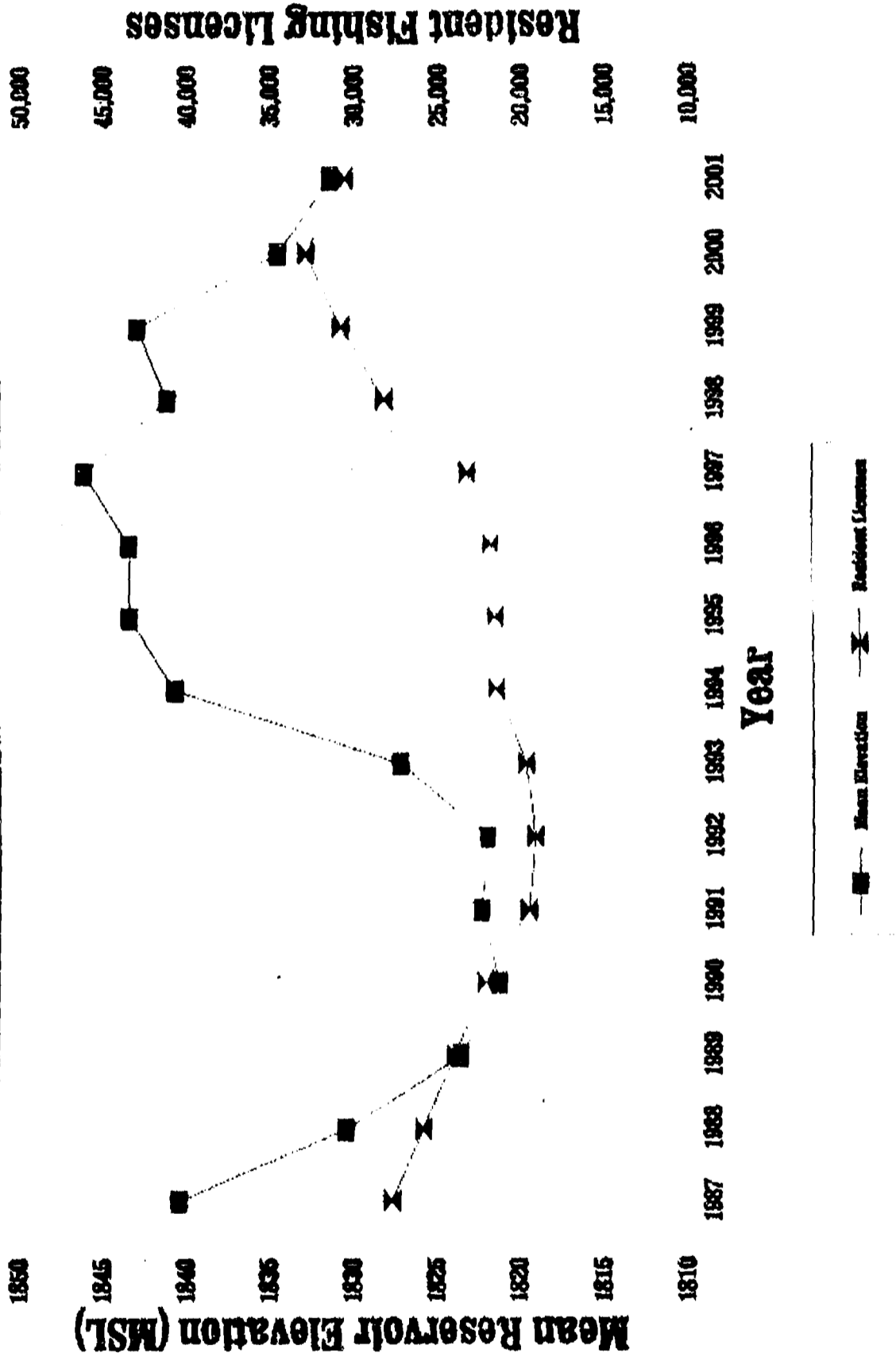
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Jolanta Rickford
Operator's Signature

10/16/03
Date

Garrison Reservoir Elevation Study

Mean Elevation vs. Resident Licenses



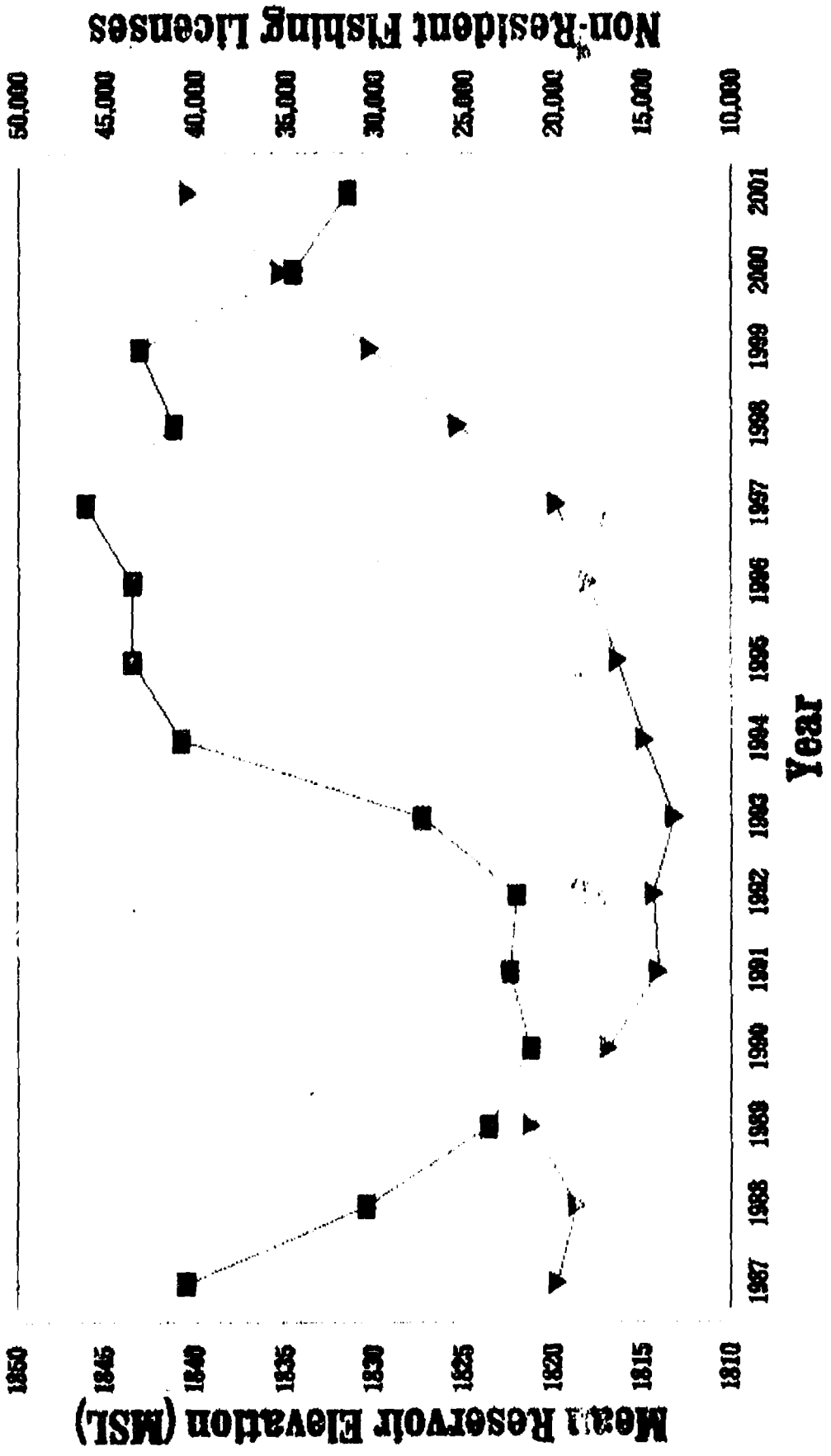
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La Costa Rickford
Operator's signature

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Date

Garrison Reservoir Elevation Study

Mean Elevation vs. Non-Res. Licenses



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Tal Costa Richardson 10/6/03
 Operator's Signature Date

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Testimony of Bill Butcher, State Director of the National Federation of Independent Business, on behalf of NFIB and the Friends of Lake Sakakawea in support of HCR 3040

NFIB/ND represents approximately 3000 small business owners from every corner of the state.

The Friends of Lake Sakakawea group is made up of hundreds of individuals, business owners, civic groups and chambers of commerce, all of whom support responsible management of Lake Sakakawea.

All positions that NFIB takes on issues before the Legislature are determined entirely by member ballots. We do not take a position unless at least 60 percent of our members vote in favor of or against an issue.

In April of 2002 a poll of NFIB/North Dakota members and 82% of our members voted to take whatever action is necessary to require the Corps of Engineers to stabilize water levels of upstream lakes on the Missouri.

Projections are that the water level on Lake Sakakawea at the end of May will be down to 1814 feet above sea level- 40 feet below the high water mark of a few years ago. Business owners depend upon some degree of stability in water levels or their businesses go under. 40 feet of variance is not stability.

General Fastabend of the Corps spoke in Garrison about a month ago and acknowledged that if the Corps shortened the downstream navigation season by five weeks, as they did in 1992, the water level on Lake Sakakawea would be up by six feet. They have arbitrarily chosen not to do that. He further

acknowledged that if the Corps had chosen any of the options available to them and updated the Master Manual, as they are required to do every ten years, the lake level would be up by six feet. If they had done both of those things the lake level would be up a total of twelve feet, which would bring it above the 1825 level that is so critical to the fisheries and to business. It would be at that level despite the current drought!

The Master Manual was last updated in 1979. In 1989 the Corps was directed to conduct a study to update the Master Manual and "search for operating criteria that better serves the contemporary uses of the Missouri River system." That study was completed in July 1994 and the Master Manual has still not been updated. That is outrageous!

In the past month since General Fastabend was in North Dakota the Friends of Lake Sakakawea group circulated petitions urgently requesting that the Master Manual be updated. I present over 1800 signatures from North Dakotans in support of this resolution to this Committee!

Therefore, I am here to report that NFIB/ND and the Friends of Lake Sakakawea are both taking positions in support of HCR 3040 and request that you forward a unanimous "Do Pass" recommendation to your colleagues in the Senate.

Senate Natural Resources Committee
HCR 3040 and 3041
March 20, 10:30 a.m.

Testimony by Judith Iverson

Good morning. Chairman Fischer and Members of the Committee. My name is Judith Iverson. I'm the Executive Director of the Garrison Area Improvement Association in Garrison, North Dakota and I am also a co-owner of a steakhouse and lounge in Garrison.

My testimony this morning is primarily concerning HCR 3040, but as you listen to the impact that the lake has on our communities, I'm sure you'll realize that the same scenarios fit with the following resolution, HCR 3041.

HCR3040 urges the U.S. Army Corps of Engineers to update its Master Manual. This has been a 13-year ordeal of waiting, testifying, prodding and pleading. And in the meantime, North Dakota suffers. You have attached to my testimony some interesting charts.

Several years ago we began comparing the taxable sales of one lake community, Garrison, with the lake levels. As you can see from this chart and the following ones, the lake has mirrored our past and dictates our future. Lake levels influence the visitations at Fort Stevenson State Park, winning weight of fish at the Governor's Cup Walleye Derby and even the number of fishing licenses that are sold.

I'd like to focus on the first chart – the one that charts the Garrison taxable sales from 1978 to 2001. You will see twenty-three years of direct correlation.

In 1999, North Dakota Game and Fish estimated that for every dollar spent to fish and hunt in North Dakota, 15 cents of that dollar was spent on fishing Lake Sakakawea, or more than \$85 million in 1999. We think \$85 million may just be a drop in the bucket when we talk to businesses that were impacted by the low water of the 1990s. Here's what a few of them had to say the last time we went through a drought coupled with unnecessary releases.

We opened doors in 1988, we were here for six years with no water. We changed from a marina to a restaurant. It was pretty tough. You might as well close up shop if you're only a marina and people can't get to your place.

Owner, Lund's Landing Resort

We had virtually five years of no income. If it would have been private enterprise, we would have been bankrupt. Next year could be the first year since taking it over in 1987 that we will break even. It took a while to get clientele back, we needed to make repairs, we lost at least half of our tenants. It was the first full year we had. When we bought into the business, I was too cocky. I thought it was too big of a lake to ever go dry. I was dead wrong. Now I'm gun shy. I'm afraid to plan on a good next year because I figure there's a 50% chance we'll be on dry ground.

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My parents owned the business until 1990 when they said to hell with it and went bankrupt. I bought it at the sheriff's sale. Business has increased 500 percent since then. But it could happen again. Absolutely. I was here the last time and it was ugly. The Tourism Business has such a trickle down affect, it touches everyone. It's a total crime to have the lake at the level it's at now. It's pretty scary where it could be by next spring (1998).

Owner, Watford City sporting goods store

Garrison and many of the towns surrounding Lake Sakakawea used to be farming communities. Many of them have learned to diversify their economies by using tourism, the number 2 industry in the state. We know how to court customers and make them glad to do business with us. We have proven that time and time again. But first we need the customers.

Without adoption of a Master Manual, we are floundering without a plan. And if you will excuse the pun, even our hatchery is in danger of floundering. Any version of what they called a Preferred Alternative of the proposed Master Manual would put us in a better situation than we are today. If we knew what we had to work with we would work with it. Please help us put pressure on the Corps of Engineers to release a Master Manual, something that will help us stabilize our economy and plan for our future.

Please help us put pressure on the Corps of Engineers to provide superb recreational facilities for Lewis and Clark travelers.

Please give HCR3040 and 3041 a "do pass." Thank you.

TESTIMONY ON HOUSE CONCURRENT RESOLUTION 3040

Senate Natural Resources Committee

Todd S. Sando, Assistant State Engineer

March 20, 2003

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

The Corps of Engineers constructed six dams on the Missouri River. The Corps operates these dams according to rules described in the Missouri River Master Water Control Manual, commonly called the Master Manual. This manual was written in 1960, and last revised in 1979. The six reservoirs first reached the normal operating levels in 1967. For the next 20 years the Missouri River basin enjoyed plentiful runoff, therefore, the drought provisions of the Master Manual were not tested until the 1987 to 1993 drought. During this drought it became clear that the Master Manual did not meet the needs of the basin. In November 1989, the Corps initiated an update of the Master Manual. More than 13 years later that review is still not completed. In comparison, the five mainstem dams authorized by the Flood Control Act of 1944 were constructed in 18 years.

While the update of the Master Manual has dragged on, drought has returned to the Missouri River Basin. Over the last three years runoff above Sioux City has been a combined 20 million acre-feet below normal. As a result, at the end of February the system storage was over 13 million acre-feet below normal. Lake Sakakawea was approximately 14 feet below its normal elevation. Lake Oahe was approximately 17 feet below its normal elevation and has virtually receded from North Dakota. Recent precipitation will provide some relief from the drought conditions, however, the system is still very short of water. Had the Corps implemented the conservation measures agreed to by seven of the eight Missouri River Basin Association states before the current drought began Lake Sakakawea would be approximately five feet higher than it is today. Because of the failings of the current Master Manual to respond to the ongoing drought and to address the contemporary needs of the basin, it is critical that the Corps release an updated Master Manual as soon as possible.

I offer an amendment to House Concurrent Resolution 3040. In the final paragraph, it is resolved that a copy of this resolution be forwarded to the Division Commander of the Missouri River Division of the Corps. Because of reorganization of the Corps there is no longer a Missouri River Division, it has been changed to the Northwestern Division.

Your favorable consideration of House Concurrent Resolution No 3040 is requested.

Thank you