

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

4026

2005 SENATE NATURAL RESOURCES

SCR 4026

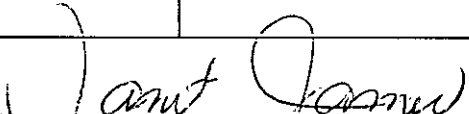
2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SCR 4026

Senate Natural Resources Committee

☐ Conference Committee

Hearing Date February 10, 2005

Tape Number	Side A	Side B	Meter #
1			14.4 - 36.8
Committee Clerk Signature 			

Minutes:

Senator Stanley Lyson, Chairman of the Senate Natural Resources Committee opened the hearing on SCR 4026 urging Congress to enact legislation to address the adverse economic impact on businesses and the economic health of North Dakota caused by the low water levels of the federally managed reservoirs on the Missouri River in North Dakota.

All members of the Committee were present.

Senator John Warner (14.4) of District 4 cosponsor of SCR 4026 introduced the resolution (See attached testimony).

Senator John Traynor asked about the impact of the Indian tribes and if this should be included in the resolution as this might give an advantage for the resolution to be considered.

Senator Warner had no objection but thought there were other vehicles and maybe in one of these that should be included.

Senator Lyson relayed to the committee he has visited with both chairman of the Three Affiliated Tribes and Standing Rock and they were satisfied with the mention of Indian Nations after the first "Whereas" in the resolution.

Duaine Ash (18.9) representing the North Dakota Fishing Congress and Friends of Lake Sakakawea testified in support of SCR 4026 (See attached testimony). He also distributed to the committee the Friends of Lake Sakakawea newsletter and written testimony in support of SCR 4026 from **Mike Rud**, a business owner in Garrison, North Dakota (See attached).

Bill Butcher, (24.3) the State Director of the National Federation of Independent Business testified in support of SCR 4026 stating 82% of the polled membership agreed that the mismanagement of the Lake Sakakawea has had adverse effect on businesses. He continued to tell his personal story of his use and lack of access to Lake Sakakawea.

Dave MacIver (27.5) representing the North Dakota Chamber of Commerce testified in support of SCR 4026 stating Lake Sakakawea is the greatest asset of this state. The concern is how the Corp. of Engineers measures the negative economic effects on tourism as compared to the barge traffic to the south.

Austin Gillette (28.8) of the Three Affiliated Tribes testified in support of SCR 4026 stating it is the tribes that lost the most land with the development of Lake Sakakawea and will have the economic recovery. He wishes that the tribes be at the table when this issue is discussed.

Senator John Traynor asked for examples of how the tribes have been impacted by the low levels of Lake Sakakawea.

Austin Gillette responded that Mandaree and Parshall, North Dakota's water intake system had to be rebuilt and at Four Bears area had to be redone due to the current changes of the water.

Dale Frink, State Engineer and secretary and Chief Engineer to the North Dakota State Water Commission testified in support of SCR 4026 (See attached testimony).

Mike Dwyer representing the North Dakota Water Users Association stated support for SCR 4026.

Senator Lyson asked for opposing testimony.

Carol Two Eagle stated that **Senator Dennis Bercier** had something to relay to the committee but was else where testifying. She further commented on her personal history and the hardship of Cannonball, North Dakota caused by low water levels.

Austin Gillette further added that **Senator Bercier** was satisfied with the language in the resolution.

Senator Lyson closed the hearing on SCR 4026.

Senator Joel Heitkamp made a motion for a Do Pass of SCR 4026.

Senator Michael Every second the motion.

Roll call vote of SCR 4026 was taken indicating 7 YEAS, 0 NAYS AND 0 ABSENT OR NOT VOTING.

Senator Layton Freborg will carry SCR 4026.

Date: 2-10-05
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 4026

Senate Senate Natural Resources Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Heitkamp Seconded By Every

Senators	Yes	No	Senators	Yes	No
Senator Stanley Lyson, Chairman	✓		Senator Joel Heitkamp	✓	
Senator Ben Tollefson, Vice Chair	✓		Senator Michael Every	✓	
Senator Layton Freborg	✓				
Senator Rich Wardner	✓				
Senator John Traynor	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Sen. Freborg

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

REPORT OF STANDING COMMITTEE (410)
February 10, 2005 11:58 a.m.

Module No: SR-27-2393
Carrier: Freborg
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SCR 4026: Natural Resources Committee (Sen. Lyson, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4026 was placed on the Eleventh order on the calendar.

2005 HOUSE NATURAL RESOURCES

SCR 4026

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SCR 4026

House Natural Resources Committee

☐ Conference Committee

Hearing Date **March 10, 2005**

Tape Number	Side A	Side B	Meter #
1	a		949-1980
Committee Clerk Signature <i>Karen Bonnet</i>			

Minutes:

Chr. Jon O. Nelson: We will open the hearing on SCR 4026 and I'll ask the clerk to read the title.

Rep. Dawn Marie Charging, Dist. 4: A few of our members just flew over Lake Sakakawea.

It's a visible loss of water, and the long term economic impact has yet to even be determined.

We understand that even more feet of water will be gone this coming year. The impact on small recreation businesses that have developed on Lake Sakakawea, which have kept many of these small towns alive, are in dire straits. The Corps of Engineers has done their best to provide water access. It seems incomprehensible that they build a boat ramp only to destroy it and at the cost of millions of dollars move it down deeper in the water. We hope they will use this (unintelligible) and do what they can for the people of ND. I urge a do pass.

Chr. Nelson: Are there any questions? Seeing none, thank you for your testimony. Is there further supporting testimony?

Dwaine Ash, ND Sportfishing Congress: (Written testimony attached)

Chr. Nelson: Are there any questions? Seeing none, thank you for your testimony. Is there further supporting testimony?

Mike Donahue, ND Wildlife Federation and the United Sportsmen of ND: (Written testimony attached.)

Chr. Nelson: Are there any questions? Seeing none, thank you for your testimony. Is there further supporting testimony?

Carol Two Eagle: I have relatives at both Standing Rock and the Three Affiliated Tribes, so I have seen the devastation in terms to the businesses on the river. It has become difficult to fish. It's my estimation that some of the downstream states are, shall we say, more than a little greedy in this matter of water. They seem to think that we exist to supply them. I think this is backwards. We lost a great deal along the river when the lake was created by the Pick-Sloan project. We eventually adapted and developed businesses along the water, and the water is gone again. Last winter when the Standing Rock ran out of water because the water intake froze because it was out of the water, I was one of those who helped haul water. It was the first time that I had ever been on any reservation, anywhere, where the children weren't playing and neither were the dogs. Kids were hauling snow for melting for water toilets because there no outhouses. I urge you to give this bill a unanimous do pass and I hope it makes a significant impact in Washington.

Chr. Nelson: Are there any questions? Seeing none, thank you for your testimony. Is there further supporting testimony?

Austin Gillette, Three Affiliated Tribes: I agree with those who have spoken before me, and I request a do pass.

Chr. Nelson: Are there any questions? Seeing none, thank you for your testimony. Is there further supporting testimony? Seeing none, is there opposing testimony? Seeing none, I will close the hearing on SCR 4026.

Rep. David Drovdal: I move a do pass and put it on the consent calendar.

Rep. Darrell D. Nottestad: Second.

Chr. Nelson: It has been moved by Rep. Drovdal and seconded by Rep. Nottestad for a do pass and put it on the consent calendar. Is there any committee discussion?

Rep. Duane DeKrey: Question.

Rep. Dawn Marie Charging: I would like to add to my testimony. I think it is very important, the deprivation that we're experiencing on the Missouri River system because it will be a great cost to all of ND and downstream. We are very limited in out we can approach those problems and correct them. Also, in many areas, the river has receded and the cattle are unable to access the water.

Chr. Nelson: Does everyone have Dale Frink's testimony in their packet? **(Dale Frink's testimony submitted for the public record-attached).** Is there further committee discussion on a do pass motion? Seeing none, I'll call for a voice vote. All those in favor signify by saying aye. Opposed, same sign. Motion carried, unanimous.

Do Pass and Place on Consent Calendar, vote:

13-Yeas; 0-Nays; 1-Absent; CARRIER: Charging

Date: 3/10/05
Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SCR 4026

House NATURAL RESOURCES Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number :

Action Taken : Do Pass + Put on Consent Calendar *10/10/05*

Motion Made By : Drovdal Seconded By : Nottestad

Representatives	Yes	No	Representatives	Yes	No
Chairman - Rep. Jon O. Nelson	✓		Rep. Lyle Hanson	✓	
Vice Chairman - Todd Porter	✓		Rep. Bob Hunsakor	✓	
Rep. Dawn Marie Charging	✓		Rep. Scot Kelsh	✓	
Rep. Donald L. Clark	✓		Rep. Dorvan Solberg	Absent	
Rep. Duane DeKrey	✓				
Rep. David Drovdal	✓				
Rep. Dennis Johnson	✓				
Rep. George J. Keiser	✓				
Rep. Mike Norland	✓				
Rep. Darrell D. Nottestad	✓				

Total (Yes) 13 No 0

Absent 1 Solberg

Floor Assignment Charging

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

REPORT OF STANDING COMMITTEE (410)
March 11, 2005 8:51 a.m.

Module No: HR-45-4734
Carrier: Charging
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SCR 4026: Natural Resources Committee (Rep. Nelson, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4026 was placed on the Tenth order on the calendar.

2005 TESTIMONY

SCR 4026

Senate Concurrent Resolution 4026
Senator John Warner
10 February 2005

Members of the Senate Natural Resources Committee,

They say "It always rains after a drought." Unfortunately, we haven't seen that day. And so we are here before you again with the perennial issue of the mismanagement of the main stem Missouri River reservoirs.

Fifty years ago North Dakota gave up about a half million acres of the most productive river bottom land in the state in exchange for the promise of a reliable source of water and a buffering mechanism to take some of the highs and lows out of our climatic cycle.

That promise has never been kept, if anything the highs and lows of the water levels and thus of the economic cycle have been exaggerated by the policies of the Corps of Engineers. The river towns of a half century ago were prosperous little towns who worried for a few weeks in the spring about flooding. The reservoir towns of the twenty-first century see their shorelines move miles away driving away tourism, leaving hundreds of thousands of acres of weeds, preventing the development of industry and even drying up access to the most critical of basic infrastructure, municipal water.

This resolution calls upon congress to adopt a more fair approach to the management of Missouri River water, one in which the interests of the upstream states are given due regard and to address the adverse economic impact on businesses and the economic health of North Dakota caused by the low water levels.

I urge your adoption of this resolution.

**Testimony of Duaine Ash, Lobbyist # 383 & President of North
Dakota Sportfishing Congress and Friends of Lake Sakakawea
Presented to the Senate Natural Resources Committee**

on

SCR 4026

February 10, 2005

Thank you for the opportunity to speak in support of Senate Concurrent Resolution 4026. My name is Duaine Ash. I am president of the North Dakota Sportfishing Congress and the Friends of Lake Sakakawea.

Both the organizations I represent have a major interest in the economic health and viability of the communities and businesses near the Missouri River and its reservoirs in North Dakota. It is these businesses that provide the services and basic infrastructure necessary to support the developing recreation industry associated with the river and reservoirs. During the drought of the late 1980s and early 1990s and during the current drought, many North Dakota businesses associated directly and indirectly with recreation have failed. Many more are in serious jeopardy. Financing for new businesses or expansion of existing businesses is very difficult due to the uncertainties caused by the Corps' management of the Missouri River system.

Management of the Missouri River by the Corps of Engineers has never adequately met the needs of the recreation industry that has blossomed in the Dakotas and Montana over the past two decades. We support the intent of SCR 4026 because we believe it is time the state sends a clear message to the United States Congress making them aware of how federal management of the Missouri River continues to severely harm our state and its citizens.

We encourage you to support SBC 4026.

Thank you for listening to our concerns.

Testimony of Mike Rud
Presented to the Senate Natural Resources Committee
on
SRC 4026
Feb 10, 2005

Mr. Chairman and members of the committee:

My name is Mike Rud. My wife Melissa and I operate a mom-and-pop convenience store in Garrison. I'm writing you regarding SCR 4026. I believe it's vital some sort of financial package be put together at either the state and/or national levels to address the financial disaster brought about by the mismanagement of the upper basin waters.

Tourism on Lake Sakakawea is 100 million dollar industry. However, the drought and subsequent low water levels have wreaked havoc with local economies from Williston to the shores of Lake Oahe. I can tell you in the Garrison area alone, taxable sales have fallen off by nearly 3 million dollars annually over the past 3 years, due in large part to low water levels which have left the Ft. Stevenson State Park marina high and dry. This 3 million dollar drop represents about a 25% loss in sales for businesses in and around Garrison.

Early in 2004, Senator Dorgan visited Garrison for a town hall meeting. When I asked him in front of a packed house if a financial aid package could be an option for area businesses, he told me our situation isn't a large enough issue to generate enough concern in Washington, D.C. When I posed a similar question to Governor Hoeven's aides at a meeting this past summer, their response was if we make too much noise about low lake levels, we would be sending the wrong message to the general public and lake related tourism would plummet even further. I assured them they need not be too concerned about less people coming to the BIG LAKE because that was already happening.

I bring a unique perspective to this issue. I was a broadcast journalist for nearly a decade. I covered first hand the uncontrollable rise of Devils Lake in the early 1990's. Now, I watch helplessly as our state's greatest natural resource shrinks at an alarming pace, drying up with it the dreams of many small business people.

I urge you to create more than a paper trail with SCR 4026. Let's get a financial package in place to aid those businesses being crippled by low water levels on Lake Sakakawea. And let's do it this year! We seem to be able to find money for other industries in our state when times get tough and natural disaster strikes. Why can't we do the same for the small business people up and down the shores of Lake Sakakawea?

Thank for your time and dedication you devote to our state's legislative process.

Mike Rud
GARRISON BAY EXPRESS
701-463-2966s

TESTIMONY ON SENATE CONCURRENT RESOLUTION 4026
Senate Natural Resources Committee

Dale L. Frink, State Engineer
State Water Commission
February 9, 2005

Mr. Chairman and Members of the Senate Natural Resources Committee, I am Dale Frink, State Engineer and also Secretary and Chief Engineer to the State Water Commission. I am appearing in support of Senate Concurrent Resolution 4026.

North Dakota provided over 30 percent of the land necessary to construct the Missouri River mainstem reservoirs, but according to the U.S. Corps of Engineers' recent review of the Master Manual, North Dakota receives less than 15 percent of the benefits from the system during times of normal runoff. During the current drought, these benefits have been drastically reduced by the record low levels of Lake Sakakawea and Lake Oahe. While the record low levels are in part a result of the drought, the Corps' mismanagement of the system and delay in implementing the new Master Manual also play a role in the low lake levels. The low lake levels have not only devastated the recreation industry in the state, they are also impacting water intakes for both domestic and irrigation use, leaving cities without a dependable water supply and crops to wither. It seems only fair that the federal government address the adverse economic impacts caused by the low lake levels.

I recommend a do pass on Senate Concurrent Resolution 4026. Thank you.



Volume 3, Issue 2
December 2004

Building on the Recreational, Economic and Environmental Opportunities of Lake Sakakawea

Friends of Lake Sakakawea
c/o P.O. Box 309 • Garrison, ND 58540
friends@lakesakakawea.com
www.lakesakakawea.com



Ash presented "Behind the Scene Heroes" awards to Bruce Engelhardt of the North Dakota Water Commission and Linda Phelps of the U.S. Army Corps of Engineers. Another award for Bob Froelich of the North Dakota Game & Fish Department will be presented to Bob at another time.

What's inside

* It's time to send you a dues billing for a Friends of Lake Sakakawea membership. The Friends of Lake Sakakawea can't make a good lake great without your help. Memberships begin at \$15. The FOLS year runs Nov. 1 - Oct. 31. We've achieved our 501c6 tax status; sorry, your contribution is not tax deductible but it can be considered a business donation.

* Cling on stickers for your boat, business or home are enclosed. Sport your stickers proudly. If you already have one, share it with a friend.

* Read inside. We tried to give you a taste of what your organization is accomplishing. We are also trying to keep you informed by e-mails. If you don't receive e-mails from us and would like to know what's going on, let us know at friends@lakesakakawea.com.

Accomplishments of 2003-2004

- * The Friends of Lake Sakakawea have earned considerable credibility through its role in numerous meetings making it an important sounding board for the Governor and Congressional Delegation concerning recreation issues on Lake Sakakawea.
- * Contacted the Corps' Omaha office about intentions to extend the barge season beyond Oct. 15 following a request from the lower Missouri states. We asked the Corps to give strong consideration to the economic impact such a decision would have. Ensuring more water downstream at the expense of upstream needs ignores the fact that economic value of upstream recreation is 10 times greater. Many of our communities, businesses and livelihoods have been severely impacted by the current lake levels; to take the lake any lower for the sake of barge traffic would be a tremendous blow to Lake Sakakawea stakeholders.
- * Supported the city of Garrison's pursuit of a new marina at Fort Stevenson State Park. FOLS supports all our communities in improving recreational opportunities.
- * Continued to push for an updated master plan for Lake Sakakawea, which would define and lay the ground work for future improvements. Relative to recreation, the plan would address access, water quality, weed control and facility maintenance/enhancement.
- * Endorsed a new Missouri River Corridor Joint Water Board proposed by the existing BOMMM board. This joint board would include the 11 counties adjacent to the Missouri River, Lake Sakakawea and Lake Oahe. It would have the capabilities assigned to water management districts and would hire a full-time coordinator to address the region's recreation, irrigation, water supplies and other water related needs.
- * Represented FOLS members at the Corps' annual operating plan meeting in Williston. The message focused on communities that may be without water as lake levels recede and on the frustration that FOLS members feel with the repeated meetings and small return from their efforts.
- * The FOLS expressed concern to the Corps concerning their plan to create more sandbar nesting habitat on the Missouri River and asked for more public meetings on the topic. Additional work in need as the Corps has decided to request written comments by December 1st rather than hold the requested meetings. According to the goals listed in their 2000 Biological Opinion, they hope to create an average of 50 acres of sandbar habitat per river mile. To put it into perspective, that average is equivalent to a sandbar 310 feet wide from Bismarck to the Garrison Dam and is certain to impact fisheries and recreation.
- * Continued to promote the establishment of the Missouri River Trust authorized by the federal government.
- * Kept members informed through e-mail and press releases about issues impacting Lake Sakakawea.
- * Received 501c6 status from the Internal Revenue Service.
- * Continued to build a strong grass roots membership. Since memberships start at just \$15, we are able to reach cabin owners, occasional fishermen and even out of staters who are interested in following our efforts.

Preliminary Work Proposed for 2004/2005

(based on lake elevation 1800 fmsl) (and bottom ramp elevation 1797 fmsl)

	Category	Type	Planned Work 2004/2005	Necessary Work For Access
Beulah Bay	3	poured concrete	Extend & widen to 1797	\$230,000
Camp of the Cross	4	poured concrete & slide-in metal	Improve existing ramp	\$41,000
Charging Eagle Bay (low water)	4	poured concrete, planks	Extend ramp to 1804 & upgrade access road	\$20,000
Charging Eagle Bay (main ramp)	4	parking lot	Dredge end of ramp, riprap parking lot	\$40,000
Dakota Waters Resort (low-water)	4	poured concrete, planks	Extend to 1797, place riprap	\$124,000
Dakota Waters Resort (island dredging)	4	island dredging	Dredge island out in front of ramp	\$144,000
Dakota Waters Resort (riprap)	4	riprap	Riprap around ramp & concession bldg.	\$106,000
Fort Stevenson State Park (low water)	2	poured concrete	Extend to 1795 and widen	\$340,000
Fort Stevenson State Park (low water)	4	access road & parking lot	Upgrade with pavement	\$300,000
Fort Stevenson State Park	4	marina	Excavate within the existing marina	\$58,000
Four Bears Park (north low water)	2	concrete planks	Upgrade to poured concrete and extend	\$30,000
Four Bears Park (main west ramp)	2	poured concrete	Extend bottom of ramp	\$7,000
Four Bears Park (main east ramp)	4	poured concrete	Extend bottom of ramp	\$12,000
Four Bears Park	4	vault toilets	Place 6 new vault toilets	\$54,000
Garrison Creek Cabin Site	4	poured concrete to 1814	Extend to 1797, fill and riprap	\$35,000
Garrison Creek Cabin Site	4	riprap top of ramp	Riprap shoreline along top of ramp	\$6,000
Government Bay	1	poured concrete	Silt removal, extend to 1797	\$60,000
Hazen Bay (proposed low water)	4	poured concrete	Construct new ramp to 1797 and road	\$200,000
Indian Hills (proposed low water)	4	concrete planks	Construct new ramp to 1797 and road	\$54,500
Indian Hills (main ramp)	4	poured concrete	Riprap around ramp & fuel dock area	\$175,000
Indian Hills (parking area)	4	parking lot	Enlarge existing parking area	\$84,500
Lewis & Clark State Park (main)	2	poured concrete	Replace existing ramp (poor condition)	\$260,000
Little Beaver Bay (main lake)	3	poured concrete	Slide in-metal sections for bottom	\$20,000
McKenzie Bay (east main ramp)	4	poured concrete	Extend ramp to 1797, riprap	\$100,000
McKenzie Bay (west main ramp)	4	retaining wall	Repair existing retaining wall	\$18,000
New Town Marina	4	low water marina	Develop a low water marina	\$100,000
Parshall Bay (east main ramp)	4	poured concrete	Improve existing ramp	\$50,000
Parshall Bay (2nd low-water)	4	slide in metal sections	Improve parking lot and road	\$12,000
Parshall Bay (1st low ramp)	4	road, parking lots and ramp	Improve parking lot, road, extend ramp	\$16,000
Pouch Point (3rd low-water)	4	slide in metal sections	Extend ramp	\$5,000
Reunion Bay (low water)	1	riprap sides of ramp	Riprap entire ramp	\$5,000
Reunion Bay (2nd low water)	1	extend ramp	Extend ramp to 1801	\$10,000
Sakakawea State Park (main)	2	poured concrete	Dredge channel & extend ramp	\$1,015,000
Sakakawea State Park	4	marina breakwater	Purchase new anchors	\$45,000
Sakakawea State Park	4	north shore stabilization	Bank stabilization	\$430,000
Sakakawea State Park	4	marina bank stabilization	Bank stabilization	\$2,300,000
Sakakawea State Park (rodeo bay)	4	poured concrete	Repair existing ramp and extend	\$52,000
Sanish Bay (Aftem) (low water)	4	poured concrete	Extend existing ramp, improve road, etc	\$53,000
Skunk Creek Rec Area (main ramp)	4	poured concrete	Extend ramp to 1797, riprap	\$50,000
Skunk Creek Rec Area (main ramp)	4	parking lot	Expand parking lot	\$65,000
Skunk Creek Rec Area (main ramp)	4	riprap	Riprap area	\$15,000
Skunk Creek Rec Area (main ramp)	4	courtesy dock	Purchase new courtesy dock	\$5,000
Skunk Creek Rec Area	4	install a second ramp	Install new ramp	\$60,000
Sportsmen's Centennial (low water)	4	poured concrete	Extend ramp to 1808	\$15,000
Sportsmen's Centennial (high water)	4	concrete planks	Upgrade to poured concrete	\$20,000
Steinke Bay (2nd low-water)	4	slide in metal sections	Upgrade ramp to concrete, riprap	\$25,000
Steinke Bay (main)	4	poured concrete	Silt removal and riprap	\$20,000
Tobacco Garden (main)	2	riprap	Riprap channel to main ramp	\$100,000
Van Hook (low-water)	4	metal bridge deck sections	Improve existing ramp	\$42,000
Van Hook (low water)	4	road & parking lots	Improve road and parking lots	\$11,000
Van Hook (breakwater)	4	breakwater	Complete new breakwater	\$762,000
Van Hook (east ramp)	4	poured concrete	Repair and extend	\$12,000
White Earth Bay (low-water)	4	concrete plank & PSP	Silt removal and extend to 1797	\$20,000
White Earth Bay (main)	4	poured concrete	Replace existing ramp (poor condition)	\$40,000
Fort Stevenson State Park	4		Relocate marina	\$4,500,000

Category 1 - Corps built ramps/Corps managed and maintained

Category 2 - Corps built ramps/managed and maintained by other agencies

Category 3 - Ramps that were cost shared with the Corps and managed/maintained by other agencies

Category 4 - Ramps that were built by another agency and are managed/maintained by other agencies

Water board proposed – why?

Why is the Friends of Lake Sakakawea proposing a Missouri River Joint Water Board? The issue will be discussed at the Water Users Convention Dec. 8-10 in Bismarck. We hope after reading the following information you contact your county commissioners and ask them to get on board with this important project.

The 12 water resource district boards located in the 11 counties (Burleigh, Dunn, Emmons, McKenzie, McLean, Mercer, Morton, Mountrail, Oliver, Sioux, and Williams) fronting the Missouri River and reservoirs are exploring the establishment of a joint water board.

Two informational meetings have been held—the first on March 30, 2004, in Bismarck and the second on July 20, 2004, in Garrison.

Is there a need for a Missouri River Joint Board? The answer is an emphatic yes. In fact the North Dakota Legislature recognized the need for joint boards across the state. In 1975 they enacted the joint exercise of powers statute for water resource districts. This statute was patterned closely after the joint exercise of governmental powers statute in the North Dakota Century Code. The joint exercise of powers statute for water resource districts is found in Section 61-16.1-11, NDCC.

The first joint board created was the Red River Joint Water Resource Board in 1979. Since then boards have been developed in the West River area, Souris River basin, James River basin, Devils Lake basin, Sheyenne basin, and others.

The authority for individual water resource district boards to join together as joint boards is very useful because it allows water resource districts to do together what they could not do alone.

The BOMMM Board was organized in 1982 through a joint powers agreement. The water boards of Burleigh, Oliver, Morton, McLean, and Mercer counties joined together to address bank stabilization problems on the Missouri River. In recent years the BOMMM Board has realized that the water issues and opportunities go far beyond just bank stabilization. It also realized the Missouri River corridor needs better representation. BOMMM has found that its members do not have the time to work daily on the issues and opportunities. They have decided a full-time manager is needed to deal with the issues and opportunities on a daily basis if they are to be successful.

Ken Royse, Chairman of the Burleigh County Water Resource District Board, presented funding information to reinforce the need for a manager and a joint water board. He stated at the July 20 meeting that \$90,000,000 in state funding is going to projects around the state with only approximately \$100,000 going to address Missouri River water-related issues and opportunities. The water boards who have entered into joint powers agreements and hired managers have had success. The Missouri River counties are missing an opportunity as demonstrated by the financial success of other areas of the state.

A Missouri River Joint Board would provide the ability to:

1. Address interjurisdictional issues and opportunities more easily.
2. Allow hiring of a manager by spreading costs out over 11 counties.

3. Would provide the 11 counties greater voice in issues and opportunities related to the Missouri River basin.

Would a Joint Board overlap the authority of the local county boards? That would not be the intent, and in fact, the tentative bylaws for the board are clear that projects of an interdistrict nature cannot be pursued if an affected county places an objection to the project.

Are there monetary benefits to my county to join this proposed Joint Board? As previously noted, other joint boards in the state have shown exceptional ability to access available state and federal grant and matching funds for projects—it is anticipated that a Missouri River Joint Board can provide the technical and management ability to all member counties to identify, pursue, and obtain those same funds for projects of our area. Typically a local, single county water board does not have the ability, time, or expertise to do such fund solicitation on its own; a Joint Board resolves that issue.

How would such a Joint Board be established? The 12 water resource district boards would be invited to join into a joint powers agreement to address interjurisdictional water resource issues and opportunities.

How would the Joint Board be funded? It is proposed that the board could be funded by a mill levy as authorized by the legislature in Section 61-16.1-11, NDCC. It is also possible to fund the joint board by contributions from the individual water board budgets. A 0.3 mill levy would raise approximately \$97,864 annually.

Are there opportunities for cost share? The North Dakota State Water Commission has indicated financial support for the establishment of a joint board. There is a willingness to consider cost share if such a board is organized.

Would there be a project fund? If a mill levy is assessed, 50% of the assessment has to go into a project fund according to Section 61-16.1-11, NDCC.

What would a tentative budget look like? Assuming the joint board would hire a full time manager, that cost share for administration could be obtained for up to 35% of the administrative costs, that the counties would fund their respective share by a 0.3 mill levy then an annual starting budget of \$122,073 could be sustained. An amount of \$96,179 would be the local cost and the balance would be cost sharing. \$48,089 would go toward project funding. This also assumes the State Water Commission would provide for office space the first 1-2 years.

Sandbar concerns raised, another meeting planned

The U.S. Army Corps of Engineers was recently considering creating emergent sandbar habitat on the Missouri River for interior least tern and piping plover.

The Friends of Lake Sakakawea and the BOMMM Board expressed concerns about the negative impact to recreational boating, island and sandbar use by people, hydroelectric generation, high bottom land, the floodplain and water supply intakes. The Corps was asked to hold additional well publicized meetings.

Here's what they said in a Dec. 2 Bismarck Tribune article:

The U.S. Army Corps of Engineers will hold a second public meeting in Bismarck to hear comments on a plan to create more Missouri River sandbar habitat for endangered birds.

"We can't commit to a date yet," Kelly Crane, the corps' emergent sandbar program manager, said Wednesday. "We want to have all

the right people there, people who can answer any kind of a question the public can have."

Sometime in January is Crane's best guess for the meeting. She said corps officials didn't want to meet before Christmas and compete with the holiday season.

"It will be very widely publicized," she added. A meeting in October was sparsely attended that the corps was criticized for not announcing it.

Various groups and agencies have expressed concerns about the corps' plan, which is aimed at helping endangered interior least terns and the threatened piping plovers between Ponca, Neb., and Fort Peck, Mont. Among the concerns are possibilities of restricted sandbar access, hazardous boating conditions, bank erosion, delta flooding and water intake problems.

'Balance' must consider water needs

Editor's Note: This was presented at the October Annual Operating Planning meeting of the Corps of Engineers on behalf of the Friends of Lake Sakakawea.

Welcome to North Dakota, again. I'm Jill Denning Gackle, a resident of Garrison and secretary of the Friends of Lake Sakakawea, a group with members from every walk of life around the lake – cabin owners, resort owners, business owners and just people who enjoy the lake.

Representatives of our group have attended many AOP meetings and many meetings associated with development of the latest Master Manual. Unfortunately, it is becoming more and more difficult for the people of North Dakota to put an effort into participating in your processes. When I first started attending these meetings eight years ago, we had carloads of people who joined us. Today, I look around the room and see only a few faces from my hometown. It's not that the people who stayed home don't care. They're just wondering if the Corps cares about our reservoir and the plight of those of us who live near it – or what was once near it.

We wonder if you factor in the substantial industries that have grown up around it or the businesses that rely heavily on the lake or the tourists that visit here. But we're back tonight because we continue to hope that the Corps does indeed care about Lake Sakakawea and Lake Oahe and that you will do your best to mitigate the negative impacts that face North Dakota.

As you travel through the upper basin and see the reservoirs you will have to agree that we have a huge and costly mess on our hands. We are providing a few pictures with our written testimony to help you show your bosses in the Corps just how bad it has gotten. The pictures mostly speak for themselves and show totally isolated LOW-WATER boat ramps and marinas, weed infested recreation areas that were once beautiful areas used for swimming, sailing, water skiing and fishing. You will also see water supply intakes perilously close to being out of the water.

As bad as things were this year, your forecasts show that we don't have much hope for significant improvement next year. Your forecast points out that Lake Sakakawea's most likely elevation will be 1,807.6 feet mean sea level by the end of February 2005. This is a desperate level for our marinas, recreation areas, and many water intakes. Not only are we losing our recreation industry but many people are being deprived of water for domestic uses.

Parshall and Garrison have suffered severe water outage scares already and several cabin areas are no longer able to reach the water with their intakes. We fear that areas will become uninhabitable because there won't even be water for drinking. While lower basin states still enjoy sufficiently stable flows to meet their drinking water needs, we have not been so fortunate.

Why Garrison?

There are two reasons why Garrison is set to get a new marina.

1) Garrison lived with an ill-designed marina for 20 years. The marina was built with a depth of 1822 mean sea level; and 2) the community of Garrison worked hard to build a strong case that a marina was a good investment.

Garrison had tracked the impact low water had on sales tax revenue for the past several years. They were one of the few communities that were found to show a direct correlation between the lake level and the community's livelihood; Parshall and New Town were hard to show the same correlation because they are on a reservation and Beulah and Hazen's economy is more diverse. Garrison's sales tax revenue suffered an average of a \$2 million decline in each low water year.

Over a year ago in August 2003, the Missouri Department of Natural Resources issued a news release saying: "Part of the reason the Missouri River is low is because of drought conditions that exist in the region," Missouri Governor Bob Holden said. "However, another reason is that the U.S. Army Corps of Engineers is not releasing enough water to meet its obligations in the lower Missouri River." This was before the new Master Manual was in place and they were receiving ample flows not only to float barges but to cover all their municipal and industrial water intakes. They were not happy before the new Master Manual and we can be certain they will fight you over the conservation changes called for in the new Manual.

In early September 2004 the Des Moines, Iowa Associated Press quoted Secretary of Agriculture, Patty Judge, as saying that navigation traffic could return to normal at Sioux City and Council Bluffs by the spring of 2005. If this is a true representation of what leaders in downstream states understand about the current condition of reservoir storage on the Missouri River, we have a huge problem. The Corps must do more to educate people about the perilous conditions we have in the upper basin.

We also believe that although promises of flood control and hydro-power have materialized, many important ones like irrigation and water supply to the east, have not. While our downstream neighbors joined us in supporting passage of the Pick-Sloan Plan they now are more than ready to abandon us and the benefits we were promised.

In our opinion the new Master Manual did not achieve the great "balance" that we were promised by everyone from the Corps all the way up to the President of the United States. Yet it is the best compromise that could be reached at this time.

The Friends of Lake Sakakawea hope that the Corps will not be swayed by downstream pressure to increase releases for navigation. We believe the scare tactics used downstream concerning the perceived threat to their water intakes are greatly exaggerated. We know from first hand experience what the loss of a water supply to communities like Fort Yates, Garrison and Parshall mean. We have lived it.

Further unnecessary depletion of our reservoir will force more water supply problems in North Dakota. Our recreation industry has been a sacrificial lamb to downstream greed, we can not allow our communities to lose their water supplies. Please adhere to the conservation measures in the new Master Manual.

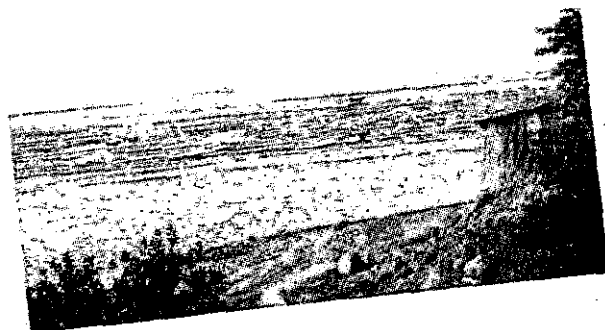
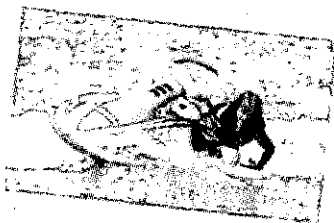
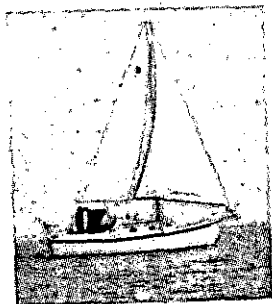
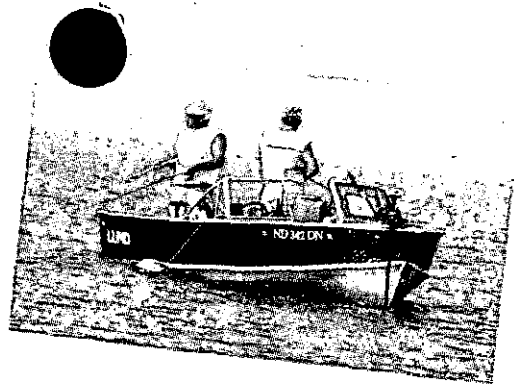
Legislative work begins

Duaine Ash will be the Friends of Lake Sakakawea lobbyist in the 2005 session. Duaine is chairman of the Friends and also a lobbyist for the Sportsfishing Congress.

The Board of Directors of the Friends will meet in Bismarck Wednesday, Jan. 12, to discuss possible legislation and the idea of ways to increase the awareness of legislators to the Friends' efforts.

2004-2005 Board of Directors

Chairman: Duaine Ash
Vice Chairman: Terry Fleck
Treasurer: Clarence Weltz
Secretary: Jill Denning Gackle
Mercer County: Mike Quinn
Dunn County: still planning to fill
McKenzie County: David Johnson
Williams County: Herman Backhaus
Mountrail County: Clarence Weltz
McLean County: Diane Stockdill
Tribal: Mervin Packineau
Recreation: Lee Klapprodt and Duaine Ash
Local Businesses: Clayton Folden and Jill Denning Gackle
Economic Development: Steve Stenehjelm and Bill Butcher
Cabin Sites: Larry Kerzman and Terry Fleck



Friends of Lake Sakakawea
c/o P.O. Box 309
Garrison, ND 58540



Make a Splash

*Join an organization working to
make a good lake great—*



*Building on the Recreational,
Economic and Environmental
Opportunities
of Lake Sakakawea
www.lakesakakawea.com*

YES, I want to be a member of the Friends of Lake Sakakawea organization. I have checked the membership level that works for me and made my check payable to Friends of Lake Sakakawea.

Name _____

Address _____

Telephone _____

E-mail _____

Fax _____

____ Silver Family Membership \$15
____ Gold Family Membership \$50

____ Silver Business Membership \$100
____ Gold Business Membership \$250

____ Platinum Business Membership \$1,000 +

There is still much to do. We have formed a not-for-profit 501(c) organization called Friends of Lake Sakakawea to:

- Have a strong voice in the State Legislature as well as with our congressional delegation.
- Partner as communities and destinations around the lake in our marketing efforts so we can draw a greater number of tourists to Lake Sakakawea.
- Work with state and federal funding sources to improve the lake infra-structure, such as roads, drinking water, ramps and camping facilities.
- Work towards the completion and implementation of an outdated Lake Recreation Master Plan that would guide budgets and other decisions for future improvements.
- Promote the lake's superb, financially important recreational fishery.

Led by a committed board of directors, we intend to work tirelessly to make a good lake great. Friends of Lake Sakakawea will provide much needed leadership in developing a lake-wide vision and a unified voice for Lake Sakakawea. Won't you join us?

Won't you join us in making a good lake great? Your membership in Friends of Lake Sakakawea is crucial. We'll work together to make Lake Sakakawea an even greater resource. Membership in Friends of Lake Sakakawea will allow you to support an organization that will work hard on your behalf. Your annual membership gives you a voice at our fall annual meeting and a voice on public policy issues throughout the year. You will have a direct pipeline to state and federal officials and a source for information and support throughout the year.

We offer several annual membership levels.

They are:

- Silver Family Membership, \$15
- Gold Family Membership, \$50
- Silver Business Membership, \$100
- Gold Business Membership, \$250
- Platinum Business Membership, \$1,000+

In 2003 a group of concerned area residents gathered with U.S. Sen. Byron Dorgan to talk about fluctuating lake levels, limited lake access and an inadequate infrastructure. That first meeting sparked our desire to work together on mutual concerns. We quickly learned that our partnerships were invaluable. Cabin owners, chamber and city representatives, boat owners, state and federal officials and area concessionaires joined forces to help make the lake an even greater resource. Through the hard work and teamwork of this group we have:

- Seen the need for coordination of all recreational interests on Lake Sakakawea and picked up the challenge to build partnerships and provide common direction.

- Improved lake access through more than \$1 million in improvements to ramps.

- Worked together as public and private entities to determine how various recreational and lake programs and grants could help us to grow and expand.

- Developed partnerships between concessionaires, local businesses, state and federal agencies and concerned citizens.

- Begun to develop a common vision for the lake, which in time will be developed into an updated Lake Recreation Master Plan for Lake Sakakawea.

- Developed clout when speaking about our concerns to U.S. Corps of Engineers and state and federal officials.

- Orchestrated signage on area bays.

- Worked closely with state agencies and legislators to emphasize the financial impact of Lake Sakakawea and testified on agency budgets and other relevant bills.

- Worked to pass two resolutions during the 2003 Legislature to heighten awareness of the public and the Corps of Engineers to 1) update the Lake Recreation Master Plan for development of the lake and to 2) support the lake in enhancements in preparation for the Bicentennial of the Lewis and Clark expedition.

By: Duaine Ash
Re: SCR 4026 3/10/05

**Testimony of Duaine Ash, Lobbyist # 383 & President of North
Dakota Sportfishing Congress and Friends of Lake Sakakawea
Presented to the House Natural Resources Committee**

on

**SCR 4026
March 10, 2005**

Thank you for the opportunity to speak in support of Senate Concurrent Resolution 4026. My name is Duaine Ash. I am president of the North Dakota Sportfishing Congress and the Friends of Lake Sakakawea.

Both the organizations I represent have a major interest in the economic health and viability of the communities and businesses near the Missouri River and its reservoirs in North Dakota. It is these businesses that provide the services and basic infrastructure necessary to support the developing recreation industry associated with the river and reservoirs. During the drought of the late 1980s and early 1990s and during the current drought, many North Dakota businesses associated directly and indirectly with recreation have failed. Many more are in serious jeopardy. Financing for new businesses or expansion of existing businesses is very difficult due to the uncertainties caused by the Corps' management of the Missouri River system.

Management of the Missouri River by the Corps of Engineers has never adequately met the needs of the recreation industry that has blossomed in the Dakotas and Montana over the past two decades. We support the intent of SCR 4026 because we believe it is time the state sends a clear message to the United States Congress making them aware of how federal management of the Missouri River continues to severely harm our state and its citizens.

We encourage you to support ^{SCR}~~886~~ 4026.

Thank you for listening to our concerns.

TESTIMONY ON SENATE CONCURRENT RESOLUTION 4026
House Natural Resources Committee

Dale L. Frink, State Engineer
State Water Commission
March 10, 2005

Mr. Chairman and Members of the House Natural Resources Committee, I am Dale Frink, State Engineer and also Secretary and Chief Engineer to the State Water Commission. I am appearing in support of Senate Concurrent Resolution 4026.

North Dakota provided over 30 percent of the land necessary to construct the Missouri River mainstem reservoirs, but according to the U.S. Corps of Engineers' recent review of the Master Manual, North Dakota receives less than 15 percent of the benefits from the system during times of normal runoff. During the current drought, these benefits have been drastically reduced by the record low levels of Lake Sakakawea and Lake Oahe. While the record low levels are in part a result of the drought, the Corps' mismanagement of the system and delay in implementing the new Master Manual also play a role in the low lake levels. The low lake levels have not only devastated the recreation industry in the state, they are also impacting water intakes for both domestic and irrigation use, leaving cities without a dependable water supply and crops to wither. It seems only fair that the federal government address the adverse economic impacts caused by the low lake levels.

I recommend a do pass on Senate Concurrent Resolution 4026. Thank you.