

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

3005

2007 HOUSE AGRICULTURE

HCR 3005

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HCR 3005

House Agriculture Committee

Check here for Conference Committee

Hearing Date: 1—18—07

Recorder Job Number: 1390

Committee Clerk Signature



Minutes:

CHAIRMAN D JOHNSON: Committee Members we will start the hearing on HCR 3005.

CHAIRMAN D JOHNSON: Commissioner Johnson, would you like to start with your testimony.

COMMISSIONER JOHNSON: Chairman Johnson. I am here today in support of HCR 3005 urging Congress to pass an agricultural disaster relief package. Please read Commissioner Johnson's testimony which is attached.

CHAIRMAN JOHNSON: Woodie would you like to be next?

WOODIE BARTH: I am with the North Dakota Farm Bureau. We support HCR 3005. I put up very little hay. We need more than farm assistance. We need disaster relief. We hope President Bush signs on.

CHAIRMAN JOHNSON: Others who support this resolution,

DAN WOGSLAND: For the record my name is Dan Wogsland, Executive Director of the North Dakota Grain Growers Association. The North Dakota Grain Growers Association is in full support of HCR3005. Please read Dan Wogsland's testimony which is attached.

CHAIRMAN JOHNSON: Is there other testimony in favor of the resolution.

Hearing Date: 1—18--07

JOE DUNN: Standing Rock Sioux Tribe: We support the resolution. Please see the printed testimony. Mr Dunn also passed out a resolution to the committee members. The resolution number is 321-06.

CHAIRMAN JOHNSON: Representative Froelich, you are next.

REPRESENTATIVE FROELICH: We need a disaster relief fund. The Congressional Delegation and the Governor are in favor of this resolution.

REPRESENTATIVE KERSHMAN: We need this resolution to be passed for disaster relief.

CHAIRMAN JOHNSON: Does someone want to move on this HCR 3005.

REPRESENTATIVE MUELLER: I make a motion for a do pass

REPRESENTATIVE HELLER: I second the motion.

A VOICE VOTE WAS TAKEN. THERE WERE 13 YES----0 NO AND 0 ABSENT.

REPRESENTATIVE MUELLER WILL CARRY THE RESOLUTION.

CHAIRMAN JOHNSON: WE WILL CLOSE ON HCR3005.

3005
1-18-07

Date:
Roll Call Vote #:

2007 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 MUELLER Seconded By HELLER

Representatives	Yes	No	Representatives	Yes	No
Dennis Johnson, Chairman			Tracy Boe		
Joyce Kingsbury Vice Chairman			Rodney J Froelich		
Wesley Belter			Phillip Mueller		
Mike Brandenburg			Kenton Onstad		
Mike Brandenburg			Ben Vig		
Craig Headland					
Brenda Heller					
John D Wall					
Gerry Uglem					

voice vote

Total (Yes) 13 No

Absent

Floor Assignment MUELLER

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

REPORT OF STANDING COMMITTEE (410)
January 18, 2007 12:29 p.m.

Module No: HR-12-0738
Carrier: Mueller
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HCR 3005: Agriculture Committee (Rep. D. Johnson, Chairman) recommends DO PASS
(13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3005 was placed on the
Eleventh order on the calendar.

2007 SENATE AGRICULTURE

HCR 3005

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 3005


Senate Agriculture Committee

Check here for Conference Committee

Hearing Date: February 23, 2007

Recorder Job Number: 3749

Committee Clerk Signature



Minutes:

Sen. Flakoll opened the hearing on HCR 3005, a concurrent resolution urging Congress to pass an agricultural disaster relief package. All members (7) were present.

Rep. Froelich, district 31, testified in favor of the bill.

Rep. Froelich- I think this resolution is pretty much self explanatory. Last year was one of the driest years that has been on record since the 1930's, I urge a do pass.

Sen. Flakoll- in reading this over there is not a lot of reference to ND in the resolution, I am just curious if there will be any confusion with this?

Rep. Froelich- I understand that we never caught that maybe we need to add something like that in I see there is one reference in there, maybe add a amendment.

Sen. Flakoll- I understand that you have somewhat of a time concern on this resolution?

Rep. Froelich- we would like to get it down to Washington, that last I heard they are going to try to put another add on to the budget down there. I am open to suggestions, but if we amendment then we have to send it back to the House.

Sen. Krauter, district 31, testified in favor of the bill.

Sen. Krauter- In front of you you have a resolution on the ag disaster in the state of ND and sending it on to Washington, I want to give you some examples of how extreme these situation

are particularly in south west ND. In the 80's and 90's we has some challenges, I think those challenges made producers, farmers and ranchers better operators, more financially able and we have found that through that time it has basically weeded out some individuals that struggled in their operations and moved them on to different types of careers. We are now in a situation that we have agriculture producers that are good operators and good business people and have created good environments out there to create a profit in their farming operation, but mother nature has thrown in some really hard curves. And in that situation we have a scenario where I say that production agriculture is broke, not financially but physically. From my point of view we need to have an ag disaster bill that is in there permanently so that these types of environments can be worked out to the financial end of producers.

Rep. Brandenburg, district 28, testified in favor of the bill.

Rep. Brandenburg- This resolution would definitely send a message and we know that this is probably the last chance to get this answer, whatever we can do to help these people I support that.

Joe Dunn, SRST conservation district, testified in favor of the bill.

Joe Dunn- Standing Rock Sioux Tribe supports this resolution. We offer this resolution in support (see attached).

Tom Silbernagel, testified on behalf of Ag Commissioner Roger Johnson. See attached testimony.

Woody Barth, ND farmers Union, testified in favor of the bill.

Woody Barth- We stand in support of this resolution, the drought was devastating for ND and many parts of the country. If you are going to look at amending this you may want to look at the third line adding 2007.

Dan Wogsland, ND Grain Growers, testified in favor of the bill. See attached testimony.

Kent Albers, Ag Coalition, testified in favor of the bill. See attached testimony.

Brian Kramer, ND Farm Bureau, testified in favor of the bill.

Brian Kramer- We support the resolution and hope that you will too.

Lance Gaibe, from the office of the governor was also present and in favor of the bill.

No opposition to the bill.

Sen. Flakoll closed the hearing.

Sen. Heckaman motioned for a Do Pass and was seconded by **Sen. Behm**, roll call vote 7
yea, 0 nay, 0 absent. **Sen. Erbele** was designated to carry the bill to the floor.

REPORT OF STANDING COMMITTEE

HCR 3005: Agriculture Committee (Sen. Flakoll, Chairman) recommends DO PASS
(7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3005 was placed on the
Fourteenth order on the calendar.

2007 TESTIMONY

HCR 3005

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**Testimony of Roger Johnson
Agriculture Commissioner
House Concurrent Resolution 3005
House Agriculture Committee
Peace Garden Room
January 18, 2007**

Same given to Senate

Chairman Johnson and members of the House Agriculture Committee, I am Agriculture Commissioner Roger Johnson. I am here today in support of House Concurrent Resolution 3005, urging Congress to pass an agricultural disaster relief package.

As you know, several unsuccessful attempts have already been made to pass disaster relief legislation for the 2005 and 2006 production years. However, the effort is not over, and the timing of this resolution is important with Congress again taking up the issue.

I am sure we are all familiar with the production problems experienced in North Dakota over the past two years. The resolution itself speaks to the severity of national losses leading to United States Department of Agriculture (USDA) Secretarial disaster designations in 78 percent of all counties in 2005, and 71 percent of all counties in 2006. North Dakota was among the hardest hit states with 100 percent of its counties receiving a disaster designation in both 2005 and 2006.

In 2005, heavy rains and flooding prevented over one million acres of cropland from being planted in North Dakota. Another nearly one million acres of crops were ruined by heavy rains following planting, which caused not only lost crops but also lost input costs. Severe quality problems resulting in large market discounts were also common in surviving crops due to the disastrous weather. At the same time, fuel and petroleum-based expenses skyrocketed.

In 2006, one of the worst droughts in our nation's history devastated central and southern North Dakota. Grain and forage crops either never grew or withered and died in the hardest hit areas.

On August 31, 2006, the North Dakota Credit Review Board met with ag lenders and agribusinesses from the central and south central part of the state to hear their assessments of the drought and its local impact. A few of the common and summarized themes of the reports included:

- Drought and high energy costs are major concerns.
- Creeks and dugouts are drying up, and it is too expensive to haul water in.
- Wells are not producing.
- Need greater cost share on emergency water projects.
- Hay reserves have been used up, and trucking hay is not profitable.
- Producers are exiting the business due to lack of profitability.
- Financing in 2007 will be a serious challenge because of current losses.
- Younger producers are questioning if they want to continue in business.
- Everyone is hopeful that a disaster program will be passed
- Implement dealers' phones are not ringing. Sales and repairs are very slow.
- Loans are being extended.

On September 25, 2006, NDSU Agriculture Economists estimated the net direct drought livestock and crop losses in North Dakota (insert below).

Livestock impact	\$31,135,000
Crop impact	\$403,612,000
Crop insurance indemnity payments	<u>\$292,873,000</u>
Estimated Net Direct Loss	\$141,874,000

The livestock losses are a result of lost pasture and hay production and therefore increased feeding costs. The January 1 inventory of adult beef, dairy and sheep located in the drought impacted area of the state were assumed to have 50 percent higher feeding costs than normal.

The crop losses were based on the estimated state yield for spring wheat, durum, corn, oats, barley, soybeans and edible beans. The estimated loss per acre for these crops was used to derive an overall loss for winter wheat, flax, sunflowers, peas and lentils. Yield estimates are from NASS. Current estimated yields were compared to thirty-year trend yields and the difference applied to planted acres for each crop and priced at marketing year average prices estimated by USDA.

Crop insurance indemnity payments were estimated based on the average of indemnity payments received from 2001 through 2005 excluding the highest and lowest payment.

Source: George Flaskerud, Tim Petry, Dwight Aakre – Agribusiness and Applied Economics, 701-231-8642

The United States Department of Agriculture recognized the devastation of the drought by implementing the Livestock Assistance Grant Program. The assistance was available to producers in counties suffering the two most severe drought categories (D3 & D4) established by the Palmer Drought Severity Index. Twenty-seven counties in North Dakota met the program's drought eligibility criteria. However, only \$1,807,850 was provided for North Dakota losses; less than 6 percent of the \$31,135,000 in livestock related losses estimated by NDSU. A total of 2,254 livestock producers shared in the limited funding for an average payment of around \$800

per producer. Although any assistance is always appreciated, the program's limited funding was woefully inadequate to address actual livestock related losses. Further, the program provided no assistance for grain crop losses.

For the first five months of fiscal year 2007, requests for mediation from the Agricultural Mediation Service are more than twice the number for the same period in fiscal year 2006. If federal disaster aid is not received soon, it is reasonable to assume mediation requests will continue to increase as producers look to repay loans and finance 2007 operations.

The National Association of State Departments of Agriculture (NASDA) is advocating a permanent disaster title in their farm bill recommendations. Hopefully, this will happen and ease the future uncertainty of ad-hoc programs. However, it is critical that assistance for 2005 and 2006 be quickly passed and adequately funded by Congress.

Chairman Johnson and committee members, I urge a do pass on HCR 3005. I would be happy to answer any questions you may have.

**STANDING ROCK 2006 CONSTRUCTION ACCOMPLISHMENTS OF STRUCTURAL PRACTICES
 JANUARY 1, 2006 TO DECEMBER 30, 2006**

FIELD OFFICE	STATE	FENCE FT	WELL #	PUMPS #	PIPELINE FT	TANKS #
SELFRIDGE	ND	96,687	12	13	187,452	56
MCINTOSH	SD	41,347	5	10	152,806	45
FORT YATES	ND	5,850	4	4	17,900	8
FORT YATES	SD	44,351	7	7	25,812	4
SUBTOTAL	ND	102,537	16	17	205,442	64
SUBTOTAL	SD	85,698	12	17	178,618	49
TOTAL		188,235	28	34	384,060	113

EQUIP PRIMARY SOURCE OF COST SHARE , SECONDARY SOURCE - ECP, CRP, TRIP

AVERAGE COST ESTIMATED BASED ON EQUIP RATES

\$ 0.70 /ft- 3 wire	131,764.00				
250' deep @ \$20.00		140,000.00			
\$3,000.00 ea.			102,000.00		
\$2.00 / ft- reg & rocky				768,120.00	
\$1.25 /gal- 1200 ea.					169,500

TOTAL ESTIMATED COST \$1,311,384.00

Part 515 - Environmental Quality Incentives Program

Subpart F – Program Eligibility

515.50 Reserved

515.51 Producer Eligibility

A. Overview

To be eligible to participate in EQIP, an applicant must be an individual, entity or joint operation and meet all of the following eligibility criteria:

- (i) Be an agricultural producer that is engaged in livestock or agricultural production as defined in this section.
- (ii) Have an interest in the farming operation associated with the land being offered for enrollment in EQIP.
- (iii) Have control of the land for the term of the proposed contract. For structural and vegetative practices, the applicant must submit a written concurrence by the landowner at the time of the application. (*See* 440-CPM, Paragraph 515.52).
- (iv) Be in compliance with the provisions for protecting the interests of tenants and sharecroppers, including the provisions for sharing EQIP payments on a fair and equitable basis.
- (v) Be in compliance with the highly erodible land and wetland conservation compliance provisions.
- (vi) Be within appropriate payment limitation requirements.
- (vii) Be in compliance with AGI requirements.

Note: Federal and State governments and political subdivisions thereof are not eligible; however land that they own may be eligible if leased to an eligible agricultural producer (*See* 440-CPM, Section 515.52). These entities may be listed with 0 percent shares on an EQIP contract in cases where they are the owner of the land. These entities may include State agencies, State universities, and other State funded organizations.

B. Responsibility for Determinations

NRCS Field Offices will:

- (i) Comply with contracting policy eligibility requirements contained in 440-CPM, Section 512.22.
- (ii) Make agricultural producer eligibility determinations (verify whether an applicant is an agricultural producer and does not exceed the program payment limitation).
- (iii) Determine interest in the farming operation using a web service accessed by ProTracts.
- (iv) Make land eligibility determinations in accordance with 440-CPM, Section 515.52.

Note: Adjusted Gross Income (AGI) is a payment eligibility determination that is applicable beginning with FY 2003 contracts. AGI eligibility determination for EQIP is made at the time of contract approval and is applicable for the entire contract term. AGI verifications are handled through ProTracts.

C. Determining Eligibility as an Agricultural Producer

- (1) NRCS has responsibility for notifying the applicant if they determine producer eligibility criteria are not met and to provide appeal rights according to 440-CPM, Part 510.

- (2) An applicant is eligible if all of the following are met:
- (i) The applicant is an individual, entity, or joint operation.
 - (ii) The applicant is engaged in livestock or agricultural production as defined in this section.
 - (iii) The land being offered for enrollment in EQIP is used in agricultural or livestock production as defined in this section.
 - (iv) Producers with forest land must have one of the following:
 - A forest management plan or forest stewardship plan
 - A prior record of timber harvest or revenue from Timber sales
 - Proof of capital investment on forest practices such as:
 - Tree plantings
 - Forest Stand Improvement
 - Site Preparation
 - Prescribed burning
 - Other Agro forestry practices
 - Other agricultural commodities
 - Other crops used for subsistence
 - Other crops as identified by the State Conservationist with the advice of the State Technical Committee
 - (v) In order to be considered an agricultural producer there must be an annual minimum of \$1,000 of agricultural products produced and/or sold from the operation. If there were reasons beyond the producers control (i.e. climatic conditions such as drought) to meet this \$1,000 annual minimum then documentation must verify that the \$1,000 minimum has been met two of the last five years. An acceptable form of proof of documentation may be an IRS form 1040 Schedule F, or other accounting records certified by a tax preparer, that show profit or loss from farm operations. States should supplement this policy in order to provide clearer guidance based on state and local needs.

Note: Forest agricultural producers are exempt from the \$1,000 requirement; however, they must meet the other producer eligibility criteria within this section.

- (vi) State Conservationists, with advice from the State Technical Committee, may further define criteria necessary for determining agricultural producer and agricultural production eligibility.

Notes: To be eligible for EQIP, an applicant who certified as a beginning farmer or rancher must also be determined as an agricultural producer.

Foreign individuals and entities may be determined eligible producers provided they meet the provisions of this section.

Agricultural support businesses such as agricultural supply buyers and sellers are not eligible to participate in EQIP. Likewise, producer organizations and cooperatives that provide support but do not meet the above criteria are not eligible.

- (3) In addition to the above criteria:
- (i) **Agricultural production** is defined as farm or ranch operations involving the production of crops including but not limited to:
 - Grains or row crops
 - Tobacco
 - Seed crops
 - Vegetables or fruits

- Hay, forage, or pasture
- Orchards or vineyards
- Flowers or bulbs
- Naval stores
- Field-grown ornamentals
- Plant materials
- Plant materials in green houses
- Trees, including private non-industrial forest land

Livestock production is defined as farm or ranch operations involving the production, growing, raising, or reproducing of livestock or livestock products:

- (ii) For food or fiber, including but not limited to the following:
 - Dairy cattle
 - Beef cattle
 - Buffalo
 - Poultry
 - Turkeys
 - Swine
 - Sheep or goats
 - Horses
 - Fish or other animals raised by aquaculture
 - Ostriches or emu
 - Other livestock or fowl
- (iii) Other animals as identified by the State Conservationist with the advice of the State Technical Committee.

D. Determining Eligibility as Separate Individual or Entity

- (1) To be considered as a separate individual or entity for the purposes of EQIP, (other than an individual or entity that is a member of a joint operation), in addition to other provisions of this section, all of the following must apply:
- (2) Has a separate and distinct interest in the land or the agricultural or livestock production involved.
 - (i) Exercises separate responsibility for such interest.
 - (ii) Maintains funds or accounts separate from that of any other individual or entity for such interest.

E. Determining Payment Limitations

- (1) A payment limitation service is available in ProTracts to provide the balance of payment limitations available for contract approval to ensure that a participant has not received payments exceeding the \$450,000 dollar limit. The payment calculation will consider all EQIP payments received from 2002 or newer contracts either direct or indirectly.
- (2) ProTracts will use web service information available from FSA to determine the following information which is necessary to track payment limitations:
 - (i) Names of all members of the entity
 - (ii) Names of all members of any embedded entities
 - (iii) Percentage share for all members
 - (iv) Social Security Numbers for all members (Where applicable; American Indians, Alaska Natives and Pacific Islanders may use another unique identification number for each individual eligible for payment)

Exceptions:

- (i) Foreign individuals and members of foreign entities must obtain and provide a Federal ID number (EIN or SSN).
- (ii) With regard to contracts on Indian Land, payments exceeding the payment limitation may be made to the Tribal venture if an official of BIA or a Tribal official certifies in writing that no one individual directly or indirectly will receive more than the limitation. The Tribal entity must also provide, annually, a listing of individuals and payments made, by social security number, during the previous year for calculation of overall payment limitations. The Tribal entity must also produce, at the request of NRCS, proof of payments made to the individuals that incurred the costs for installation of the practices.

F. Subsistence Producers

Individuals and families engaged in agricultural production for subsistence purposes are eligible for EQIP if they meet the requirements of 440-CPM, Paragraph 515.51(c), however the value of the production of food and fiber had it been sold may be used to document the \$1,000 requirement if the production is:

- (i) The primary source of family consumption and use or
- (ii) Used in barter and trade.

G. Squatters or Tenants by Sufferance

- (1) The applicant must meet all of the following conditions:
 - (i) Be an eligible producer according to 440-CPM, Paragraph 515.61(c).
 - (ii) Have legal access to the land being offered for enrollment.
- (2) Determine EQIP eligibility according to the following table:

IF the applicant...	THEN the applicant is...
Has control of the land being offered for enrollment with the knowledge and consent of the owner.	Eligible.
Is on the land being offered for enrollment without the knowledge and consent of the owner.	Ineligible.

H. Indians and Indian Tribes

Indians and Indian tribes are eligible producers if any of the following apply:

- (i) The Indian tribe owns or has control of the eligible land. (*See* 440-CPM, Section 515.52).
- (ii) An individual Indian on tribal land meets the requirements of 440-CPM, Paragraph 515.51(c).
- (iii) An individual Indian on non-tribal lands meets the requirements of 440-CPM, Paragraph 515.51(c).
- (iv) An individual or entity having grazing authority on tribal land is eligible as a tenant to perform practices on the land if the lease or permit is issued by an appropriate tribal or Bureau of Indian Affairs official.

I. Cooperative Grazing Associations or Districts

A cooperative grazing association or district is eligible if either of the following applies:

515.52 Eligibility of Land

A. Land Eligibility Decisions

NRCS makes land eligibility decisions and maintains copies of the determination in the official EQIP file.

B. Eligible Land

In general, the term “eligible land” means land on which agricultural commodities or livestock are produced in order for an agricultural producer to meet the requirements of 440-CPM. Paragraph 515.61(c). This includes:

- (i) Cropland
- (ii) Rangeland
- (iii) Grassland
- (iv) Pasture land
- (v) Private, non-industrial forestland
- (vi) Other land which the Secretary determines poses a serious threat to soil, air, water, or related resources

Note: Irrigation History:

A participant will be eligible for cost-share or incentive payments for irrigation related structural, vegetative, and land management practices only on land that has been irrigated for two of the last five years prior to application for assistance. State Conservationists will supplement this manual to identify the process and documentation necessary to validate irrigation history.

C. Land Ownership and Control

Land may only be considered for enrollment if the land meets any of the following criteria:

- (i) Privately owned.
- (ii) Publicly owned land where all of the following apply.
- (iii) The land is under private control for the contract period and included in the participant’s operating unit.
- (iv) Installation of conservation practices will contribute to an improvement in the identified natural resource concern.
- (v) The conservation practices will directly benefit agricultural land owned by the participant.
- (vi) The participant has written authorization from the Government or Tribal landowner to apply the conservation practices.
- (vii) Tribal, allotted, ceded, or Indian land.

D. Evidence of Control of Land

An applicant must provide satisfactory evidence that control of the land will continue uninterrupted for the contract period. Evidence may include:

- (i) Deed or other evidence of land ownership
- (ii) Lease
- (iii) Other written authorization from the landowner showing control of the land for the life of the contract.

Note: Evidence may already be on file in the FSA county office or NRCS field office and should be referenced.

E. Permission of the Landowners

An applicant proposing to implement a structural or vegetative practice (*See* 440-CPM, Paragraph 515.91(e)) on rented land must sign the application and submit written concurrence by the landowner at time of application. (*See* 440-CPM, Paragraph 515.81(b).)

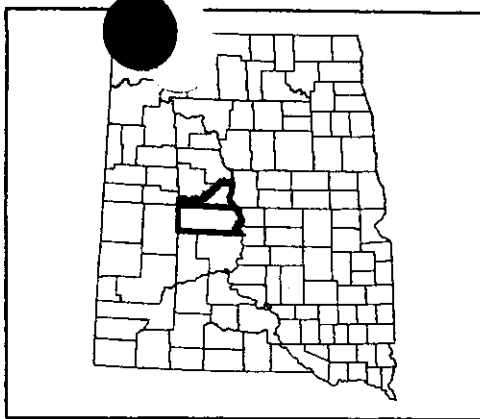
F. Land enrolled in other Conservation Programs

Land enrolled in other conservation programs is eligible under EQIP provided:

- (i) EQIP does not pay for the same practice on the same land as any other USDA conservation program.
- (ii) Land enrolled in CRP may only be offered for enrollment during the last year of the contract and no EQIP practice shall be applied on that land until after the CRP contract has expired or has been terminated.
- (iii) The EQIP practices do not defeat the purpose of either EQIP or the other conservation program.

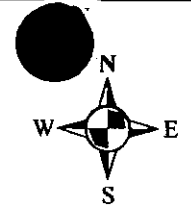
(*See* 440-CPM, Paragraph 515.91(b) for practice eligibility).

	Allotted	Tribal	Tribal Fee	Tribal Reserve	Timber	Fee	State School	National Grassland	Other Government	Water	Totals
Rock Creek	130,623	173,084	22,261	510	1,913	624,902	20,148	30,951	0	3,394	1,007,787
Porcupine	87,736	40,578	2,356	0	382	259,979	17,959	6,239	0	1,561	416,791
Little Eagle	62,413	27,876	0	134	1,324	90,756	2,034	0	0	1,052	185,590
Wakpala	58,071	36,945	160	0	27	73,620	2,924	0	32,149	4,968	208,861
Fort Yates	58,361	37,045	2,718	368	0	64,348	5,297	0	14,287	3,192	185,616
Kenel	43,145	19,045	5,701	0	0	47,880	399	0	13,206	3,573	132,949
Bear Soldier	17,606	3,226	0	0	0	80,167	847	0	0	0	101,846
Cannonball	43,353	18,639	1,267	14	114	32,620	161	0	6,004	1,934	104,105
Totals	501,309	356,438	34,463	1,026	3,760	1,274,271	49,769	37,190	65,646	19,673	2,343,545

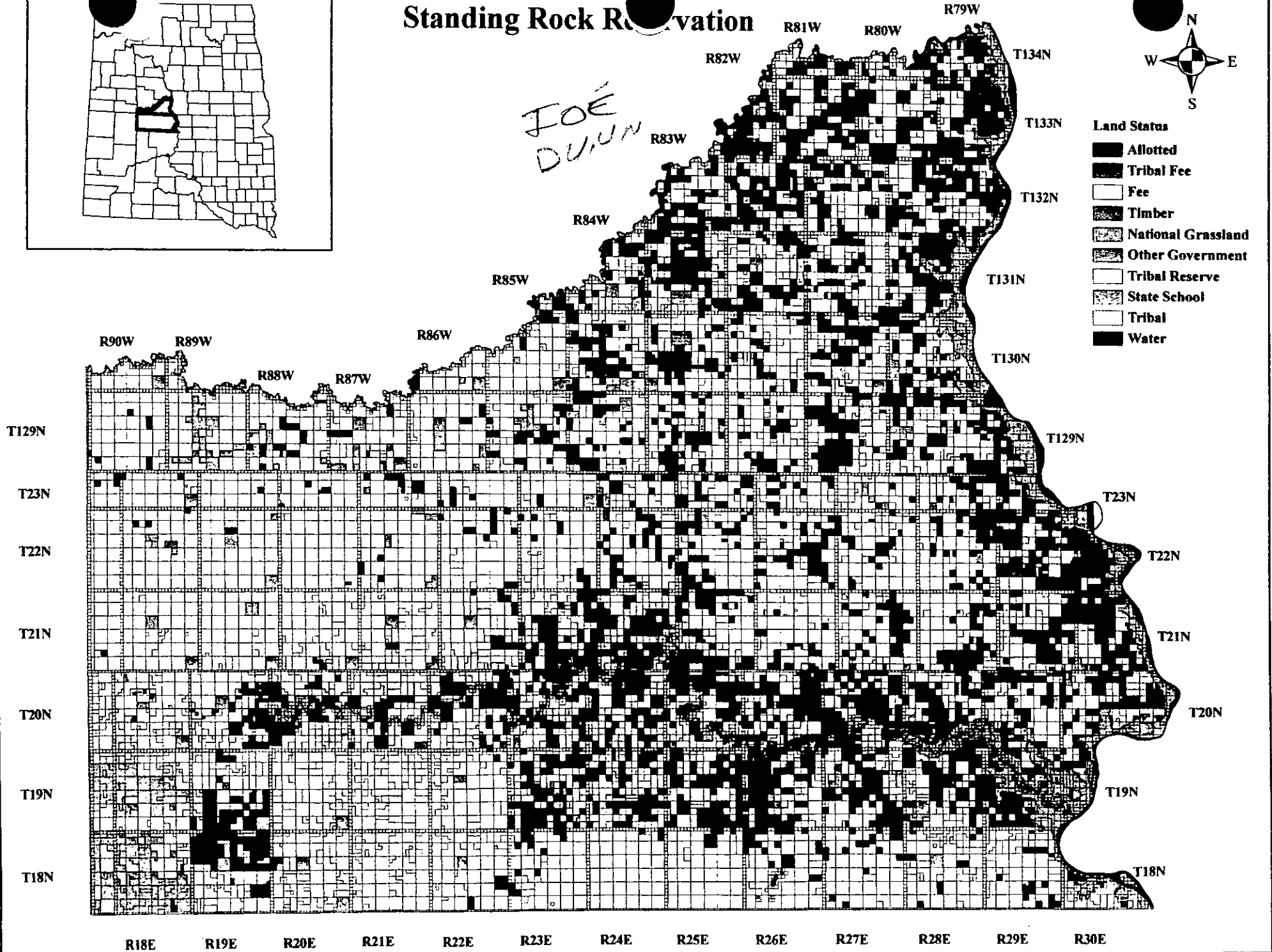


Standing Rock Reservation

*JOE
DUINN*



- Land Status**
- Allotted
 - Tribal Fee
 - Fee
 - Timber
 - National Grassland
 - Other Government
 - Tribal Reserve
 - State School
 - Tribal
 - Water



ARTICLE 89-11

**DROUGHT DISASTER LIVESTOCK WATER SUPPLY PROJECT
ASSISTANCE PROGRAM**

Chapter
89-11-01 Drought Disaster Livestock Water Supply Project Assistance
Program

**CHAPTER 89-11-01
DROUGHT DISASTER LIVESTOCK WATER SUPPLY PROJECT
ASSISTANCE PROGRAM**

Section
89-11-01-01 Definitions
89-11-01-02 Drought Declaration Required
89-11-01-03 Applicant Eligibility
89-11-01-04 Funding - Priority - Eligible Items
89-11-01-05 Noneligible Items
89-11-01-06 Application Procedure

89-11-01-01. Definitions. As used in this chapter, unless the context or subject matter otherwise requires:

1. "Livestock producer" means an individual who produces livestock or operates a dairy farm, who normally devotes the major portion of the individual's time to the activities of farming or ranching, and who normally receives not less than fifty percent of the individual's annual gross income from farming or ranching.
2. "Water supply project" includes construction of new wells; construction of dugouts or stock dams that are spring-fed or have a high water table, pipelines, and rural water system connections; and the development of springs.

History: Effective July 1, 1992.

General Authority: NDCC 28-32-02, 61-03-13, 61-34-03

Law Implemented: NDCC 61-34-02

89-11-01-02. Drought declaration required. No funds may be disbursed for any water supply project unless the county in which the water supply project is to be located is a county or is adjacent to a county that has been declared by the governor to be a drought disaster area for purposes of this program, or a drought disaster area under a drought declaration that has not been rescinded.

History: Effective July 1, 1992.

General Authority: NDCC 28-32-02, 61-03-13, 61-34-03

Law Implemented: NDCC 61-34-02

89-11-01-03. Applicant eligibility.

1. The applicant must be a livestock producer with livestock water supply problems caused by drought.
2. The applicant must first apply for water cost-share assistance from the farm service agency formerly known as the agricultural stabilization conservation service and must have been denied such cost-share assistance.

History: Effective July 1, 1992; amended effective August 27, 2002.

General Authority: NDCC 28-32-02, 61-03-13, 61-34-03

Law Implemented: NDCC 61-34-02

89-11-01-04. Funding - Priority - Eligible items.

1. The state water commission shall provide funds for the program to the extent funding is available. Priority will be based on earliest date of application.
2. Cost-share assistance may only be used for water supply projects which will provide a long-term immediate solution to a drought-related water supply shortage.
3. All wells drilled with funds provided pursuant to this program must be drilled by a North Dakota certified water well contractor.
4. The applicant may receive up to fifty percent of the eligible costs of the project, but no more than three thousand five hundred dollars.

History: Effective July 1, 1992; amended effective January 1, 1993; August 27, 2002.

General Authority: NDCC 28-32-02, 61-03-13, 61-34-03

Law Implemented: NDCC 61-34-02

89-11-01-05. Noneligible items. The following projects are not eligible for funding from the drought disaster livestock water supply project assistance program.

1. A rehabilitation of an existing well.
2. A water supply project on federal or state land.
3. A dry hole drilled in an attempt to construct a water well or to locate a water source.
4. A water supply project started without prior approval of the state engineer.

5. The construction of stock dams or dugouts dependent upon runoff.
6. Projects that require repair as a result of failure to provide maintenance to an existing water source.
7. Readily removable project features of water supply projects including electric pumps, stock watering tanks, or electrical hookups or easements.

History: Effective July 1, 1992; amended effective January 1, 1993; August 27, 2002.

General Authority: NDCC 28-32-02, 61-03-13, 61-34-03

Law Implemented: NDCC 61-34-02

89-11-01-06. Application procedure.

1. Requests for assistance must be on a form provided by the state water commission and must include:
 - a. Written proof the applicant applied for cost-share assistance from the farm service agency formerly known as the agricultural stabilization conservation service and was denied such assistance including the reason for the denial.
 - b. An area map indicating the location of the proposed water supply project.
 - c. A written estimate of the costs of the proposed water supply project.
 - d. Verification by the applicant that the applicant is a livestock producer.
2. The state engineer shall review applications and approve or deny them. The state engineer shall, within the limits of available funding, provide assistance to those persons whose applications are approved. The applicant must agree to:
 - a. Complete the project within sixty days of receiving notification of approval of funding of the water supply project.
 - b. Provide receipt of actual expenditures or an affidavit of work completed if work is done by the applicant, or both, if applicable.
 - c. Grant to the state water commission or anyone authorized by the state water commission the right to enter upon the land to inspect the completed water supply project after giving reasonable notice to the applicant.

d. Indemnify and hold harmless the state of North Dakota and the state water commission, its officers, agents, employees, and members, from all claims, suits, or actions of whatsoever nature resulting from or arising out of the activities of the applicant or applicant's agents or employees under this agreement.

3. Application forms may be obtained by contacting:

North Dakota State Water Commission
900 East Boulevard
Bismarck, ND 58505
(701) 328-2750

History: Effective July 1, 1992; amended effective August 27, 2002.

General Authority: NDCC 28-32-02, 61-03-13, 61-34-03

Law Implemented: NDCC 61-34-02

CHAPTER 61-34
LIVESTOCK WATER ASSISTANCE PROGRAM

61-34-01. Definitions. In this chapter, unless the context otherwise requires:

1. "Commission" means the state water commission.
2. "Program" means the drought disaster livestock water assistance program.
3. "State engineer" means the state engineer appointed under section 61-03-01.

61-34-02. Drought disaster livestock water assistance program - Administration. The commission shall administer the program for the purpose of providing relief for livestock water supply problems caused by drought.

61-34-03. Advisory committee. The commission shall appoint an advisory committee of at least three members. The committee shall advise the commission in determining the criteria for eligibility, in defining expenses covered by the program, and in developing rules.

61-34-04. Eligibility - Application for assistance. Applicants with livestock water supply problems caused by drought may apply for assistance from the program. An applicant must first apply for water cost share assistance from the agriculture stabilization and conservation service. If cost share assistance is denied by the service, the applicant may forward the application to the commission for consideration. An application forwarded to the commission must include a document from the agriculture stabilization and conservation service stating the reason for denial of cost share assistance. The state engineer shall review all applications received by the commission. If the state engineer approves an application, the applicant may receive up to fifty percent of the cost of the project, but in no event more than three thousand five hundred dollars. The state engineer shall provide funds for approved applications in accordance with rules and criteria for eligibility and only to the extent that funding is available.

JOE DANA

RESOLUTION NO. 321-06

WHEREAS, the Standing Rock Sioux Tribe is an unincorporated Tribe of Indians having accepted the Indian Reorganization Act of June 18, 1934 with the exception of Section 16; and the recognized governing body of the Tribe is known as the Standing Rock Sioux Tribal Council; and

WHEREAS, the Standing Rock Sioux Tribal Council, pursuant to the amended Constitution of the Standing Rock Sioux Tribe, Article IV, §§ 1[a], 1[c], 1[] and 1[o], is empowered to negotiate with Federal, State and local governments and others on behalf of the Tribe, to authorize or direct subordinate boards, committees and Tribal Officials, to administer the affairs of the Tribe and to carry out the directives of the Tribal Council and to safeguard and promote the peace, safety, morals, physical and general welfare of members of the Tribe; and

WHEREAS, the Standing Rock Sioux Reservation, Act of March 2, 1889, § 3 [25 Stat. 888] has been and is experiencing a severe drought for more than five years – since summer 2001 – occasioned by extremely limited rain and snowfall combined with unseasonably warm winters, etc.; and

WHEREAS, the Standing Rock Sioux Reservation has been and is facing extreme fire conditions throughout the reservation; and

WHEREAS, Tribal members have suffered the loss of homes, property and community infrastructure due to fires caused by the said drought; and

WHEREAS, the drought has seriously reduced the availability of feed and forage for livestock on the reservation; and

WHEREAS, the drought has placed a great strain on the Standing Rock Sioux Tribe MR&I water system and profoundly decreased the amount of water available for livestock consumption in reservation dams and wells; and

WHEREAS, the said severe drought conditions have been and are inflicting devastating hardships on reservation residents, communities, livestock and natural resources;

NOW THEREFORE BE IT RESOLVED, that the Standing Rock Sioux Tribe hereby declares the Standing Rock Sioux Reservation to be a **MAJOR DISASTER AREA**; and

BE IT FURTHER RESOLVED, that the Standing Rock Sioux Tribe requests a Federal Emergency Declaration and Disaster Relief and assistance from Federal Agencies tasked to provide Disaster Relief; and

BE IT FURTHER RESOLVED, that the Chairman and Secretary of the Tribal Council are hereby authorized and instructed to sign this resolution for and on behalf of the Standing Rock Sioux Tribe.

CERTIFICATION

We, the undersigned, Chairman and Secretary of the Tribal Council of the Standing Rock Sioux Tribe, hereby certify that the Tribal Council is composed of [17] of whom 14 constituting a quorum, were present at a meeting thereof, duly and regularly, called, noticed, convened and held on the 12th day of JULY, 2006, and that the foregoing resolution was duly adopted by the affirmative vote of 12 members, with 0 opposing, and with 2 not voting. **THE CHAIRMAN'S VOTE IS NOT REQUIRED EXCEPT, IN CASE OF TIE.**

DATED THIS 12th DAY OF JULY, 2006.

ATTEST:



Ron His Horse Is Thunder, Chairman
Standing Rock Sioux Tribe



Geraldine Agard, Secretary
Standing Rock Sioux Tribe

[Official Tribal Seal]

Meeting Date: 07-12-06
Motion No. 4



January 17, 2007

*same given to
Senate*

Chairman Johnson, Members of the House Agriculture Committee,

For the record my name is Dan Wogsland, Executive Director of the North Dakota Grain Growers Association. The North Dakota Grain Growers Association is in full support of HCR 3005.

The Committee is well aware of the weather-related disasters North Dakota agriculture endured in 2005 and 2006. These adverse weather conditions prompted Governor Hoeven to request disaster declarations for all 53 North Dakota counties in both 2005 and 2006.

The devastation was painfully evident; abnormal wet conditions in 2005 caused 1.1 million acres were prevented from planting. Wet conditions fostered disease; NDSU estimated over \$162 million in direct economic losses in wheat and barley in 2005 alone. Crop insurance indemnities for North Dakota totaled over \$223 million in 2005, 10.2 percent of all of the crop insurance indemnities nationwide and second only to hurricane ravaged Florida.

The disaster didn't stop in 2005; 2006 brought North Dakota one of its worst droughts in recent history. NDSU estimated a negative crop impact of greater than \$403 million in 2006 as well as a negative livestock impact of greater than \$31 million. Crop insurance indemnities topped off at almost \$296 million, \$73 million more than the disaster of 2005.

These are the measurable losses; the losses suffered on Main Street, coupled with the some of the highest agricultural input costs in history, served to devastate the rural North Dakota economy. Clearly there is a need in North Dakota for agriculture disaster assistance from the federal government.

Chairman Johnson, Members of the Agriculture Committee, virtually every commodity, farm, and main street organization, have combined with state leaders such as Governor Hoeven and Ag Commissioner Johnson have joined in the effort to obtain needed disaster assistance for North Dakota farmers and ranchers. Working in consort with our Congressional Delegation in Washington, D.C., the fight continues. As we speak, the work continues to build broad based support for needed aid across America's agriculture sector.

NDGGA provides a voice for wheat and barley producers on domestic policy issues – such as crop insurance, disaster assistance and the Farm Bill – while serving as a source for agronomic and crop marketing education for its members.

Thus the critical need for HCR 3005; HCR 3005 will provide a clear demonstration to decision makers in Washington, D.C. and elsewhere that agriculture disaster assistance is a top priority of the North Dakota legislature and it remains a top priority for our state's leaders. At a time when the budget will overshadow debate in D.C., it is vitally important that North Dakota's leaders make a statement of support for disaster assistance now.

With this in mind, the North Dakota Grain Growers Association urges the passage of HCR 3005 and requests of the Committee its favorable recommendation.



P.O. Box 2599
Bismarck, ND 58502
(701) 355-4458
FAX (701) 223-4645

MEMBERS

AmeriFlax
Milk Producers Association of North Dakota, Inc.
Minn-Dak Farmers Co-op
North Dakota Ag Aviation Association
North Dakota Ag Consultants
North Dakota Agricultural Association
North Dakota Agri-Women
North Dakota Association of Soil Conservation Districts
North Dakota Association of Agricultural Educators
North Dakota Barley Council
North Dakota Beef Commission
North Dakota Corn Growers Association
North Dakota Corn Utilization Council
North Dakota Crop Improvement and Seed Association
North Dakota Department of Agriculture
North Dakota Dry Bean Council
North Dakota Elk Growers
North Dakota Farm Bureau
North Dakota Farm Credit Council
North Dakota Grain Dealers Association
North Dakota Grain Growers Association
North Dakota Lamb and Wool Producers
North Dakota Oilseed Council
North Dakota Pork Producers
North Dakota Soybean Growers Association
North Dakota State Seed Commission
North Dakota Wheat Commission
Northern Canola Growers Association
Northern Plains Potato Growers Association
Northern Pulse Growers Association
Red River Valley Sugarbeet Growers

Testimony of Kent Albers

North Dakota Ag Coalition

House Concurrent Resolution 3005

February 23, 2007

Mr. Chairman and members of the Senate Agriculture Committee:

I am Kent Albers. I farm and ranch near Center and am here today as the chairman of the North Dakota Ag Coalition. On behalf of the Ag Coalition, I encourage your support of HCR 3005, which would urge Congress to pass an agricultural disaster relief package to provide prompt economic assistance to agricultural producers across the nation.

For more than 20 years, the North Dakota Ag Coalition has provided a unified voice for North Dakota agricultural interests. Today, the Coalition is made up of 30 statewide organizations or associations that represent specific commodities or have a direct interest in agriculture. Through the Ag Coalition, these members seek to enhance the business climate for North Dakota's agricultural producers.

The Ag Coalition takes a position on a limited number of issues that have a significant impact on North Dakota's ag industry. Providing a prompt agriculture disaster relief package to those producers within our state who have been severely impacted by weather-related disasters over the past two years is undoubtedly one of those issues.

North Dakota's rural communities have been greatly affected by weather-related devastation in the past few years. The Ag Coalition supports the efforts included in this resolution that encourage prompt economic assistance to those whose livelihood hinges on the well-being of the agriculture industry.

Therefore, we encourage your support of HCR 3005.