

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

4016

2007 SENATE NATURAL RESOURCES

SCR 4016

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SCR 4016

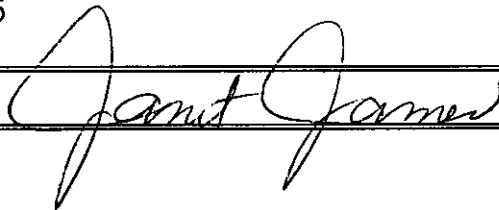
Senate Natural Resources Committee

Check here for Conference Committee

Hearing Date: February 8, 2007

Recorder Job Number: # 3125

Committee Clerk Signature



Minutes:

**Senator Stanley Lyson**, Chairman of the Senate Natural Resources Committee opened the hearing on SCR 4016 urging Congress to direct the United States Army Corp of Engineers to address and rectify the problems by caused by the accumulation of sediment in the Missouri River main stem reservoirs.

All members of the committee were present.

**Senator Stanley Lyson** of District 1 prime sponsor of SCR 4016 introduced the resolution stating this problem needs to be heard. He told the committee about areas of river water that are no longer water but sand bars. He told how water is damned because of sand build up and causes flooding and how the close proximity water is now miles away all due to sediment. If something is not done about this problem the Missouri River will become a channel. This resolution will send a message that someone is complaining.

**Andy Mork** testified in support of SCR 4016 stating he has lived on the river all his life and has served on many boards regarding water issues of the Missouri River. He presented history of the river, how it was damned for navigation and to preserve the land. The Corp of Engineers should have known there would be sediment problems and he further presented examples of this sediment and the problems it has caused. Flood plain levels have changed causing flood

insurance rates increasing and how water intakes have plugged up due to sediment. He stated SCR 4016 is timely and hopefully helpful in rectifying this problem. A Missouri River task force has been developed by Senator Conrad to help with the problem.

**Dale Frink** State Engineer from the North Dakota Water Commission testified in support of SCR 4016 and stated there is a similar resolution in the South Dakota Legislature.

**Duane Ash** representing the Friends of Lake Sakakawea testified in support of SCR 4016 (See attachment #1).

**Senator Lyson** asked for opposing testimony of SCR 4016 and hearing none closed the hearing on the resolution.

**Senator Joel Heitkamp** made a motion for a Do Pass of SCR 4016.

**Senator Ben Tollefson** second the motion.

**Senator Constance Triplett** asked the sponsor of the bill what he expects will done about it.

**Senator Lyson** responded that they knew what would happen and have not done one single thing make a difference.

**Senator Heitkamp** added they could be investing money in a project they built and causing the damage by doing some river bank stabilization to stop the sediment.

**Senator Herbert Urlacher** said dredging or mud pumps to move sediment to the gulf could be used.

A voice vote for a Do Pass of SCR 4016 was taken indicating 7 Yeas, 0 Nays and 0 absent or not voting.

**Senator Lyson** will carry SCR 4016.

Date: 2-8-07

Roll Call Vote #: \_\_\_\_\_

**2007 SENATE STANDING COMMITTEE ROLL CALL VOTES**

BILL/RESOLUTION NO. 40/6

Senate Natural Resources Committee

Check here for Conference Committee

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

Action Taken Do Pass

Motion Made By Heitkamp Seconded By Tollefson

Senators	Yes	No	Senators	Yes	No
Sen. Stanley Lyson, Chairman			Sen. Joel Heitkamp		
Sen. Ben Tollefson, ViceChairman			Sen. Jim Pomeroy		
Sen. Layton Freborg			Sen. Constance Triplett		
Sen. Herbert Urlacher					

Total (Yes) 7 No 0

Absent 0

Floor Assignment Lyson

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

**REPORT OF STANDING COMMITTEE**

**SCR 4016: Natural Resources Committee (Sen. Lyson, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4016 was placed on the Eleventh order on the calendar.**

2007 HOUSE NATURAL RESOURCES

SCR 4016

## 2007 HOUSE STANDING COMMITTEE MINUTES

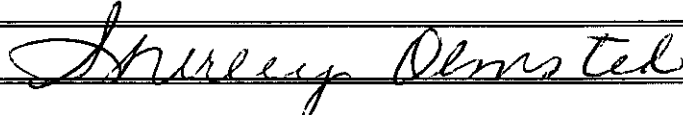
Bill/Resolution No. SCR 4016

House Natural Resources Committee

Check here for Conference Committee

Hearing Date: March 2, 2007

Recorder Job Number: 4268

Committee Clerk Signature 

Minutes:

**Chairman Porter** opened the hearing on SCR 4016 and asked the clerk to read the title.

**Senator Stanley Lyson** from District #1 came forward as a sponsor of SCR 4016.

This resolution before you is getting more realistic every year and one of the reasons that I thought we should bring it out this time with the water levels as low as they are, maybe the Corp of Engineers and the federal government would take a look. Where I live at Williston we have mud flats from the Missouri River all the way to Indian Hills which is about two miles. The only thing that is growing on that area is tumbleweeds and that goes several miles towards Lake Sakakawea where the silt is coming in. It is more than just that because as we go back to 1950 when they started this you can go back and look and they said that the silting was going to be so great that you could probably even change the route of the river. I think west of Williston the route of the river may change. I think that what we are trying to do here is to tell them to wake up and take a look at what is happening. This is not just a burden of Lake Sakakawea and the lower Missouri River in North Dakota. It is all down through the Bismarck area to Lake Oahu and the silting is getting terrible and the more it builds in certain areas, it reroutes the river and starts to erode the banks. They have got to start looking at doing something.



**Representative Hanson** asked if he knew what the life span was of Lake Sakakawea.

**Senator Lyson** said he did not know that answer but he said you should come up and take a look in our area. The lake is moving east continually because of silting. My daughter lives on the lakeshore about 24 miles east of Williston. She used to be about 1/3 of a mile from the water. Now she is about 2-1/2 miles from the water. This is caused a lot from the drought but still the silting is happening now and it continues to build because there is not enough pressure from the water to blow it through. It continues to create big problems. Tobacco Gardens is in Representative Drovdal's district. That is high and dry right now and must be about two miles from the water. One of the reasons is the drought but the other reason is that when we have low water like this there is no pressure to push that stuff through so it builds up farther down stream. The silting is creating problems downstream and it is building up in certain areas. It is starting to erode the banks of the Missouri River and Lake Sakakawea down in the New Town and Parshall areas.

**Representative Meyer** asked if when the water was receding are those lands becoming sovereign lands.

**Senator Lyson** said they are at this point. Dating back to 1952 the guys from the area that I live in said at that time that we will have farmers farming that land by 2010 and I believe they will be. Right now they are sovereign lands.

**Representative Drovdal** said in your testimony that that sediment area is growing tumbleweeds. When I drove by there it looked like nap weed and creeping jenny and salt seeder and marijuana and all the rest of that stuff. Should there be a whereas in this particular resolution saying something to the fact that they have to control the noxious weeds and that they should be taken care of.

**Senator Lyson** said you are absolutely right. When I said tumbleweeds and you are the farmer and I was the sheriff. I don't know the difference between the two. The federal government has given monies to the county for the purpose of spraying in our area. If the river moves over by Indian Hills we will pick up that part of your county.

**Representative Dawn Charging** from District 4 came forward in support of SCR 4016. She said she represented one of the only counties that has the river running through it and that was the Missouri River. For those of us who live in that region, we don't call it the Missouri River. We call it the river. It was always called that prior to the dam. Now as we look across to what was a four or five mile gap, our distance is back to the river. I am in support of this and we have been privileged to hear a number of issues that have come before Natural Resources and one being to provide water and quality water. It has been a concern that Senator Lyson brought up about the accumulation of sediment and the first thing that comes to mind is what silt is. It is also a concern about what the quality of that water will be. It is called turbidity when the water is full of organisms, dirt and sand that is going through in what is left of the running water. That is where it brings up concerns to our municipal and rural intake structures. There may be five feet of water over that intake but because of the sediment whether that be actual sand or dirt or the turbidity that is called when other organisms that are flowing through the limited amount of water. As I said in a hearing yesterday to the State Water Commission and the Garrison Diversion Conservancy we do not have a crystal ball. This resolution fits into our legislative intent to the Corp of Engineers seeking an answer to this. At this point, we are not aware of an answer. We are in a drought cycle and we can't make it snow anymore in the mountains of Montana and the Rocky Mountains although every little bit helps. There are some valid concerns and big picture concerns that we need to address and I am sure this is

just one small way where we can give our support. I urge a do pass on this resolution and have consideration on other issues that are related to the Missouri River.

**Representative Drovdal** said he also has the river running through his county.

**Mr. David Munch** came forward in support of SCR 4016. He said he had fished the river most of his life and it has changed a lot since 1946. He knows this area very well and the river channel has changed considerable. We used to be able to run that river all the way to the state line and a couple of years ago he was an observer for the PWT and the guy took off from the Hazelton Boat Ramp and we went all the way down to state line and they ran on a GPS. When we got to the Casino by the power lines the water got so shallow but I knew where the river channel was, but that river has pushed down to sediment all the way to Fort Yates. There was only about 4 feet of water where there used to be about 50 to 60 feet of water. The way I look at it is if the Corp can't get something done maybe we can get them to start reclaiming some of this because there is a lot of this land that doesn't have that much water on it 90% of the time. The Corp has spent billions of dollars on the levies in the state of Louisiana to keep the Mississippi in so this is wasteland. He said he was at Wolf Creek a few years ago and when the wind came up the Canadian thistle was like a snowstorm. The farmers out here are supposed to control the noxious weeds but there is no way you can keep up when you have a blizzard of that stuff flying around. The majority of the spraying is done in the fields. We have an epidemic with the thistles and the other weeds in these bottoms. Either we have to start grazing or farming these lands or the Corp has got to get in and spray them. I think the best thing to do is start reclaiming some of this land.

**Mr. Marcus Wells Jr.**, Chairman of the Three Affiliated Tribes came forward in support of SCR 4016. He was urging a do pass on this resolution. They had a study presented to them a year and a half ago regarding the sediment and it is everywhere. In addition, the intakes are being

blocked and plugged and being rendered useless. Anything we can do to put something together to get the Corp attention and make them address these issues would be great.

**Representative Meyer** asked who was responsible for noxious weed control on these areas of the sediment buildup.

**Mr. Wells** said when he was down at the lake he was visiting with the Extension Office and they were down there with ATV's and spraying and they told me they had a contract with the Corp. That was about a year and a half ago.

**Representative Charging** said this is a problem. In the Corp of Engineer's budget they do have some money set aside for weed control but the burden is going onto our counties. This is a very big issue. Even if the counties are maintaining their weed boards in the surrounding area it does nothing for their well good and future if the lake isn't dealt with. If you have ever witnessed the area by Highway 23 and you look out at what was Lake Sakakawea in the Van Hook Arm you can't see because it is a mile high and goes straight up into the sky and it is like something you would see in the movie the way the wind is approaching that area.

**Representative Meyer** asked if there were any statistics or data that show that the Corp is not providing enough money to the counties or if that would be a good place to amend in that concern. I have heard it before from counties but when I have requested that they have never provided with me how much is lacking for funding.

**Representative Charging** said she knew for example the Friends of Lake Sakakawea have taken it upon themselves and found funding sources so they have provided grant money. You are right. I think there is an opportunity to amend this resolution to address that as well.

**Representative Drovdal** said they have fought for the Corps for years and have been able to get some funding. The McKenzie County Weed Control Board came down to the marina and sprayed but there are hundreds and hundreds of miles of shoreline of recreational areas that is

not getting sprayed. When the wind blows those seeds go for hundreds of miles. It is a problem and big concern and now it is coming in along the silted areas as the lake has gone down.

**Representative Meyer** asked if there was a yearly granting process through the Corp or is it a part of their designated budget through a granting process for example.

**Representative Drovdal** said it was his understanding that there was not a lot of money available but he could try to get some details to see what is available.

**Representative Charging** said it is something that is in Congress that is being under funded through the Corps projects.

**Mr. Munch** said the question had been asked about the life span of Lake Sakakawea. He said it was 500 years.

**Mr. Dennis Daniel** said he had a brother-in-law that lives up there and as the water has receded there is no longer an access for these elderly people. You cannot drive down with anything and you are required to stay in certain areas. This is like the Sierra Desert. Also if you beach your boat anywhere other than in the designated areas you can be fined. People have been told to get off. Somewhere along the line the Corp of Engineers has to learn some common sense. If you are elderly and you want to drive down there what are you going to hurt driving on this sand dune. If the Corp doesn't want people driving just anywhere, why don't they build some roads down there at least on the section lines? I think this needs to be addressed and I don't know if it should be included in this resolution or not. Somehow we need to send them a message.

**Vice-Chairman Damschen** asked for any further testimony in favor of SCR 4016. Hearing none, he asked for opposition of SCR 4016. Hearing none, the hearing was closed.

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SCR 4016

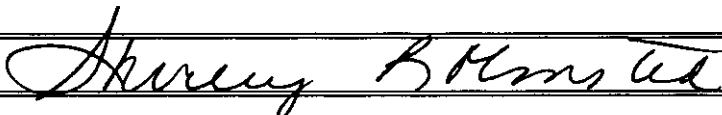
House Natural Resources Committee

Check here for Conference Committee

Hearing Date: March 8, 2007

Recorder Job Number: 4722

Committee Clerk Signature



Minutes:

**Chairman Porter** asked the committee to consider SCR 4016.

**Representative Drovdal** presented an amendment regarding the accumulation of sediment in the reservoirs has contributed to the occurrence and spread of noxious weeds. He made a motion to accept these amendments.

**Representative DeKrey** seconded the motion.

**Chairman Porter** asked for discussion. Hearing none, he called for a voice vote. The motion carried.

**Representative Drovdal** made a motion for a do pass as amended and to be placed on the consent calendar.

**Representative DeKrey** seconded the motion.

**Chairman Porter** asked for discussion. Hearing none, he called for a voice vote. Let the record show that the motion prevailed.

**Representative Drovdal** will carry this to the floor.

73085.0101  
Title.0200

Prepared by the Legislative Council staff for  
Representative Drovdal  
March 8, 2007

**House Amendments to SCR4016 (73085.0101) - Natural Resources Committee**  
**03/09/2007**

Page 1, after line 15, insert:

**"WHEREAS**, the accumulation of sediment in the reservoirs has contributed to the occurrence and spread of noxious weeds; and"

Re-number accordingly

Date: 3-8-07  
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SCR 4016

House Natural Resources Committee

Check here for Conference Committee

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

Action Taken my amend. 0101 Drovdal Amend

Motion Made By Drovdal Seconded By DeKrey

Representatives	Yes	No	Representatives	Yes	No
Chairman - Rep. Porter			Rep. Hanson		
Vice-Chairman - Rep Damschen			Rep. Hunskor		
Rep. Charging			Rep. Kelsh		
Rep. Clark			Rep. Meyer		
Rep. DeKrey			Rep. Solberg		
Rep. Drovdal					
Rep. Hofstad					
Rep. Keiser					
Rep. Nottestad					

Total Yes \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

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

*Vote*



Date: 3-8-07  
Roll Call Vote #: 2

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SCR 4016

House Natural Resources Committee

Check here for Conference Committee

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

Action Taken SP As Amended & AC on Consent

Motion Made By Drovdal Seconded By DeKrey

Representatives	Yes	No	Representatives	Yes	No
Chairman - Rep. Porter			Rep. Hanson		
Vice-Chairman - Rep Damschen			Rep. Hunskor		
Rep. Charging			Rep. Kelsh		
Rep. Clark			Rep. Meyer		
Rep. DeKrey			Rep. Solberg		
Rep. Drovdal					
Rep. Hofstad					
Rep. Keiser					
Rep. Nottestad					

Total Yes \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment Drovdal

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

*Noice*  
*Consent*  
*10th*  
*6th Order*

**REPORT OF STANDING COMMITTEE**

SCR 4016: Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4016 was placed on the Sixth order on the calendar.

Page 1, after line 15, insert:

**"WHEREAS**, the accumulation of sediment in the reservoirs has contributed to the occurrence and spread of noxious weeds; and"

Renumber accordingly

2007 TESTIMONY

SCR 4016

Attachment #1

**FRIENDS OF LAKE SAKAKAWEA**

**PO BOX 309**

**GARRISON, ND 58540**

**TESTIMONY OF DUAINE ASH, LOBBYIST # 465  
PRESENTED TO THE SENATE NATURAL RESOURCES**

**ON**

**SCR 4016  
FEB 8, 2007**

Chairman and members of the Senate Natural Resources Committee:

The Friends of Lake Sakakawea concur and do encourage you to support SCR 4016.

We do not have a workable solution to solving the silting problem. As long as we have water moving down the Missouri River system we will always have the silting problem.

If a solution is found, we would be more than willing to working with you to get it implemented.

Please support SCR 4016.

Thank you for your time.

**FRIENDS OF LAKE SAKAKAWEA**  
**PO BOX 309**  
**GARRISON, ND 58540**

**TESTIMONY OF DUAINE ASH, LOBBYIST # 465**  
**PRESENTED TO THE HOUSE NATURAL RESOURCES**

**ON**

**SCR 4016**  
**MAR 2, 2007**

Chairman and members of the House Natural Resources Committee:

The Friends of Lake Sakakawea concur and do encourage you to support SCR4016.

We do not have workable solutions to solving the silting problem. As long as we have water moving through the Missouri River system we will always have the silting problem.

We concur that the Corps of Engineers needs to address and rectify problems caused by the accumulation of sediment in the Missouri River main stem reservoirs.

Please support SCR 4016.

Thank you for your time.

*Note: Left testimony but  
did not attend hearing.*