

2017 HOUSE ENERGY AND NATURAL RESOURCES

HCR 3021

2017 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau –A Room, State Capitol

HCR 3021
2/9/2017
28113

- Subcommittee
 Conference Committee

Committee Clerk Signature

Kathleen Davis

Explanation or reason for introduction of bill/resolution:

Allowing the utilization of the Garrison Diversion Unit facilities, including the McClusky Canal and the Snake Creek pumping plant, as a water supply for eastern and central North Dakota, irrigation, and for all other authorized project purposes, and not deauthorize or repurpose any part of the Garrison Diversion Unit.

Minutes:

Attachment #1

Chairman Porter: Called the committee to order on HCR 3021.

John Olson, on behalf of General Manager, Duane DeKrey, Garrison Diversion Conservancy District, presented DeKrey's testimony as Attachment #1, and respectfully request a Do Pass.

9:50

Rep. Keiser: This is the first time I've heard about the parent hearing that's going to come up soon, and that one of the outcomes would be to repurpose or deauthorize the current segments. That would suggest (1) they're cancelling the project, or (2) what would be the alternatives to the state if they take that action and how likely are they?

John Olson: I don't have the answer to that. That's a really important question. We certainly don't want it deauthorized or repurposed. We want full use of the facilities. My only thought, we need to send this resolution out to convince them of that point. We have another new administration and maybe we can get someone to listen to us to what the potential is for these facilities and how we can maximize the potential that's there for moving Missouri River water.

Rep. Roers Jones: If the Bureau of Reclamation does go through with the surplus of the portion of the New Rockford canal, because that was never completed, would that have any effect on the proposal of the Red River supply group trying to get authorization to use that portion of the McClusky Canal to connect to that to bring water to the eastern part of the state?

John Olson. I think so, it might have some affect. The federal government has been an obstacle all along to moving the water across the divide. We need to keep that pressure on. Yes, I think those affects would have to be looked at in terms of current policy.

Rep. Roers Jones: If they did surplus that portion, I'm not familiar how that's oriented with the rest of the project, it wouldn't be something where it would be conveyed back to the state, and the state would have control over it? It sounds like in the testimony it would be sold or conveyed to the water resource districts for their personal use?

John Olson: I don't have the answer to that.

Rep. Keiser: You mentioned lawsuits. Is Garrison Diversion or the state of ND enjoined in any lawsuits? How many are there and who are the players on the lawsuits?

John Olson: I'm not aware of any direct litigation because we haven't moved forward with any projects that would increase potential of a lawsuit being brought. We have Canadian interests and other state interests always looking at us in terms of how we move water. It's a questions Duane DeKrey should answer. I'm not aware of any litigation similar to NAWS is having right now in their attempts to get water from the Missouri.

Chairman Porter: Questions? We have students that have joined us from Hazelton Mott Braddock. Welcome. Further support? Opposition? Closed the hearing on HB 3021.

2017 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau –A Room, State Capitol

HCR 3021
2/9/2017
28115

- Subcommittee
 Conference Committee

Committee Clerk Signature

Kathleen Davis

Explanation or reason for introduction of bill/resolution:

Allowing the utilization of the Garrison Diversion Unit facilities, including the McClusky Canal and the Snake Creek pumping plant, as a water supply for eastern and central North Dakota, irrigation, and for all other authorized project purposes, and not deauthorize or repurpose any part of the Garrison Diversion Unit.

Minutes:

Chairman Porter: Called the committee to order on HCR 3021.

Rep. Devlin: I would move a Do Pass on HCR 3021 and to be placed on the Consent Calendar.

Rep. Keiser: Second

Chairman Porter: I have a motion from Rep. Devlin, second from Rep. Keiser for a Do Pass on HCR 3021 to be placed on the Consent Calendar. Discussion.

Rep. Roers Jones: Do we need an amendment adding the Bureau of Reclamation or is that not necessary on this one? It's not there currently, do we want to add that?

Chairman Porter: It certainly wouldn't hurt? The only thing I would say is that this resolution is a response to the public hearings they've had with the Bureau of Reclamation. So this is more directed towards the bosses than the Bureau. I don't know that it's necessary on this one. I think the first one was more towards the Bureau in my quick reading and the testimony was.

Rep. Roers Jones: I was just wondering if it needed to be on that one, but that's fine.

Chairman Porter: Discussion? Voice vote, motion carries. Rep. Roers Jones will watch that on the Consent Calendar.

Date: 2-9-17

Roll Call Vote #: 1

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 3021

House Energy & Natural Resources Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation

- Adopt Amendment
- Do Pass Do Not Pass Without Committee Recommendation
- As Amended Rerefer to Appropriations
- Place on Consent Calendar
- Reconsider _____

Other Actions

Motion Made By Rep. Devlin Seconded By Rep. Keiser

Representatives	Yes	No	Representatives	Yes	No
Chairman Porter			Rep. Lefor		
Vice Chairman Damschen			Rep. Marschall		
Rep. Anderson			Rep. Roers Jones		
Rep. Bosch			Rep. Ruby		
Rep. Devlin			Rep. Seibel		
Rep. Heinert					
Rep. Keiser			Rep. Mitskog		
			Rep. Mock		

*voice
vote
motion
carriers*

Total (Yes) _____ No _____

Absent _____

Floor Assignment Rep. Roers Jones

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

REPORT OF STANDING COMMITTEE

HCR 3021: Energy and Natural Resources Committee (Rep. Porter, Chairman)
recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR**
(13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3021 was placed on the
Tenth order on the calendar.

2017 SENATE ENERGY AND NATURAL RESOURCES

HCR 3021

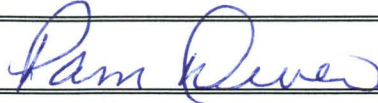
2017 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Fort Lincoln Room, State Capitol

HCR 3021
3/3/2017
Job #28676

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution: Urging Congress and the President to fulfill federal government's promises to ND, allow utilization of the Garrison Diversion Unit facilities, including the McClusky Canal and Snake Creek pumping plant, as water supply for eastern and central ND, irrigation, and for all other authorized project purposes, and not deauthorize or repurpose any part of the Garrison Diversion Unit.

Minutes:

Attch #1=Duane DeKrey

Chairwoman Unruh: Open the hearing on HCR 3021.

Duane DeKrey, General Manager, Garrison Diversion Conservancy Dist.: (see Attch#1) The Office of Inspector General, Federal government, did an audit of the Bureau of Reclamation. This Bureau owns the Garrison Diversion facilities. They found that many projects are sitting on their books for a long time; 30-50 years. They have not been completed and in various stasis. The federal government is on the hook for the cost of the unused capacities of these facilities. OIG said about ND was why they do not deauthorizing McClusky Canal and Oakes Test area, and New Rockford Canal specifically. We continue to develop irrigation on McClusky Canal. Office of Inspector General was happy with our answer. When it came to Oakes test Area is only used 50% of what it could be. We are in the process of transferring title to the Dickey-Sargent Irrigation Dist. OIG was satisfied with that. A bit problematic with New Rockford Canal, because it has never had water in it. Only water that was naturally drained into it off fields. Landowners want the project finished. Any questions? (5.07) We would like you to hold this as we have found a drafting error we need to fix. The State Water Commission is not included, and it needs to be in here.

Chairwoman Unruh: Further testimony in support?

Mike Dwire, ND Water Users Assoc: Hope you pass this resolution. (5.52)

Chairwoman Unruh: Further in support? Any opposed? Any neutral testimony? Seeing none, hearing is closed.

2017 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Fort Lincoln Room, State Capitol

HCR 3021
3/9/2017
Job# 28992

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Minutes:

Committee work; Attch#1,#2=Sen Kreun

Chairwoman Unruh: I think Vice Chair Kreun has some amendments for HCR 3021.

Vice Chair Kreun: I have an amendment that takes HCR 3020 parts and bland into HCR 3021. (see Attch#1) The sponsor of HCR 3020 says it is OK to eliminate that and have one voice with HCR 3021. I also have a copy of the new 3021. (see Attch #2)

Sen. Armstrong: I move this amendment 17.3062.02000. **Sen. Roers** I second.

Chairwoman Unruh: Any discussion? All in favor say, Yea. Any opposed, Nay.
Amendment passes.

Chairwoman Unruh: We have in front of us amended HCR 3021.

Sen. Armstrong: I move a Do Pass as amended. **Sen. Roers:** I second.

Chairwoman Unruh: Any discussion. Call the roll: YES 7 NO 0 -0- ABSENT

Vice Chair Kreun WILL CARRY THE BILL.

3/9-2017
1 of 1

PROPOSED AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3021

Page 1, line 5, remove "and"

Page 1, line 5, after "Unit" insert ", and to allow the continuation of the Garrison Diversion project canal system to aid the delivery of water to the Red River Valley"

Page 2, line 9, after the semicolon insert: "and

WHEREAS, the United States Bureau of Reclamation and the Garrison Diversion Conservancy District completed an environmental impact statement evaluating eight alternatives for supplying the Red River Valley with water in 2005, supplemented the statement in January 2007, and completed a final environmental impact statement in December 2007; and

WHEREAS, the federal government and the state both selected the Garrison Diversion Unit import to the Sheyenne River as the best alternative for the project, taking into consideration water permitting, environmental impacts, and technical, hydrologic, and design evaluations; and

WHEREAS, the Bureau of Reclamation sent a comprehensive report of the Garrison Diversion Unit to Congress in 2008;"

Page 2, line 16, remove "and"

Page 2, line 17, after "Unit" insert ", and to allow the continuation of the Garrison Diversion project canal system to aid the delivery of water to the Red River Valley"

Page 2, line 18, after "District" insert "and State Water Commission"

Re-number accordingly

Date: 3/9/17
 Roll Call Vote #: 1

**2017 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. HC 3021**

Senate Energy and Natural Resources Committee

Subcommittee

Amendment LC# or Description: 17.3062.0200a

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar

Other Actions: Reconsider _____

Motion Made By Sen. Armstrong Seconded By Sen. Roers

Senators	Yes	No	Senators	Yes	No
Chair Jessica Unruh			Sen. Erin Oban		
Vice Chair Curt Kreun					
Sen. Kelly Armstrong					
Sen. Dwight Cook					
Sen. Jim Roers					
Sen. Don Schaible					

Wice
Vote

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

*all year
 Amendment passed*

Date: 3/9/17
 Roll Call Vote #: 2

**2017 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. HCR 3021**

Senate Energy and Natural Resources Committee

Subcommittee

Amendment LC# or Description: 17.3062.0200a

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar

Other Actions: Reconsider _____

Motion Made By Sen Armstrong Seconded By Sen. Roers

Senators	Yes	No	Senators	Yes	No
Chair Jessica Unruh	/		Sen. Erin Oban	/	
Vice Chair Curt Kreun	/				
Sen. Kelly Armstrong	/				
Sen. Dwight Cook	/				
Sen. Jim Roers	/				
Sen. Don Schaible	/				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Sen Kreun

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

REPORT OF STANDING COMMITTEE

HCR 3021: Energy and Natural Resources Committee (Sen. Unruh, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3021 was placed on the Sixth order on the calendar.

Page 1, line 5, remove "and"

Page 1, line 5, after "Unit" insert ", and to allow the continuation of the Garrison Diversion project canal system to aid the delivery of water to the Red River Valley"

Page 2, line 9, after the semicolon insert: "and

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WHEREAS, the federal government and the state both selected the Garrison Diversion Unit import to the Sheyenne River as the best alternative for the project, taking into consideration water permitting, environmental impacts, and technical, hydrologic, and design evaluations; and

WHEREAS, the Bureau of Reclamation sent a comprehensive report of the Garrison Diversion Unit to Congress in 2008;"

Page 2, line 16, remove "and"

Page 2, line 17, after "Unit" insert ", and to allow the continuation of the Garrison Diversion project canal system to aid the delivery of water to the Red River Valley"

Page 2, line 18, after "District" insert "and State Water Commission"

Renumber accordingly

2017 TESTIMONY

HCR 3021

Garrison Diversion Conservancy District
Testimony February 9, 2017

In Support of House Concurrent Resolution 3021

Chairman Porter and members of the House Natural Resources and Energy Committee, I am John Olson testifying on behalf of the General Manager of the Garrison Diversion Conservancy District Duane DeKrey, who could not be here today. We ask for a Do Pass recommendation.

Before the Garrison Dam was built in the 50s and 60s, there were devastating floods all along the Missouri River. For a frame of reference, the water would reach as high as 12 feet deep in the area of the Kirkwood Mall here in Bismarck. The Garrison Dam was a result of the Pick-Sloan Act passed in the US Congress in 1944.

The building of the Garrison Dam came at a tremendous cost to the citizens of North Dakota, along with the monetary costs to the Federal government. North Dakota gave up hundreds of thousands of acres of prime river bottom land that is now beneath Lake Sakakawea.

In return, the Federal government promised that North Dakota would receive a million acres of irrigation, along with domestic and industrial water supply, flood protection, stabilization of Devils Lake, recreation and wildlife habitat benefits. To date, North Dakota has received flood protection, recreation benefits, wildlife habitat and very limited irrigation along the McClusky Canal and at the Oakes Test Area, and in return for reducing authorized irrigation to 75,480 acres, a federal Municipal, Rural, and Industrial Water Supply Program was established, which provides funding for water supply development.

Many promises to North Dakota have never been realized or fully utilized, such as the Garrison Diversion Unit Principal Supply Works beginning on the west end of Lake Audubon that are grossly underused; the New Rockford Canal has never been used; the McClusky Canal is plugged at Mile Marker 59 -

1
2-9-17
HCR 3021
Olson
for
DeKrey

leaving 15 miles of the canal unusable; the intake structure to the New Rockford Canal was never built, the Oakes Irrigation area is underutilized; the Sheyenne Canal to stabilize Devils Lake wasn't built; and the Lone Tree Reservoir was turned into a Wildlife Management Area. The promises of the Federal government have never been fulfilled for a variety of reasons, mostly because of court cases with other states, environmental groups, and Canada's environmental concerns.

The Federal government is financially responsible for the unused capacity costs of the Garrison Diversion Unit. The Federal government currently receives compensation for the water used for irrigation at the Oakes Test Area and from the McClusky Canal, which is paid by the irrigators using the systems.

Recently, the Federal agency responsible for the Garrison Diversion Unit, the Bureau of Reclamation, went through an Office of Inspector General Audit. It was discovered by the Office of Inspector General (OIG) that several facilities throughout the United States exist that are in various states of completion and have been for varying lengths of time.

The OIG report focused on three Garrison Diversion Unit facilities, the Oakes Test Area, the McClusky Canal and the New Rockford Canal. The OIG asked why the federal government should continue to carry these three features of the Garrison Diversion Unit on the Bureau of Reclamation's books and what could and should be done with them.

The local Bismarck office of the Bureau of Reclamation was able to halt any recommendations to surplus or deauthorize the Oakes Test Area and the McClusky Canal. Both features of the Garrison Diversion Unit are actively being used (though not to the full potential) and receive compensation through the sale of water to irrigators. In fact, the Dickey-Sargent Irrigation District, using the Oakes Test Area, is in the process of investigating a title transfer from the Bureau of Reclamation to the irrigation district. The McClusky Canal's irrigation acreage continues to steadily increase. Garrison Diversion is working with local and potential irrigators to develop additional irrigation

out of the McClusky Canal. The OIG was satisfied that these two features of the Garrison Diversion Unit were being properly used and warranted no action by the Bureau of Reclamation. The New Rockford Canal was looked at in a different light.

Having never been functional, and requiring Congressional action and further construction to become functional, the OIG wanted to know why the Federal government should not just surplus it and get it off the Bureau of Reclamation's books. The local Bureau of Reclamation office contacted Garrison Diversion and asked for assistance in formulating a plan moving forward.

Garrison Diversion and the Bureau of Reclamation agreed to hold sensing sessions with local water boards in Wells and Eddy Counties, the two counties most affected by the New Rockford Canal.

In two separate meetings with the local water boards, options were discussed as to how the New Rockford Canal could be utilized. The two options brought up and discussed by area producers were tile draining into the canal and completing the project and irrigating out of it. The pros and cons of each scenario were discussed and both water boards came to the same conclusion, separately, which was to complete the project and irrigate out of it. It was noted that the original project was authorized after the country had gone through a decade of devastating drought. Everyone agreed that these conditions would exist again and that attitudes about the project amongst congress and the general population may change again dramatically and North Dakota should wait until such conditions exist again before the state agrees to any change with the Garrison Diversion Unit.

Another issue that was asked by the Bureau of Reclamation was what is the state of North Dakota's official position on the Garrison Diversion Unit? What does the state want from the project?

That brings us to House Concurrent Resolution 3021, which states that the official position of the State of North Dakota is to utilize all the features of the Garrison Diversion Unit for

authorized purposes, and the official policy is to not have the Federal government repurpose or deauthorize any features of the Garrison Diversion Unit. Later this year, Garrison Diversion has to answer these queries in an official response to the OIG Report. We respectfully ask this committee to recommend a Do Pass to House Concurrent Resolution 3021 and move it to the full house.

Thank you for your time.

Testimony by Duane DeKrey, General Manager

Garrison Diversion Conservancy District

to the

Senate Energy and Natural Resources Committee

Bismarck, North Dakota

March 3, 2017

HCR 3021
3-3-17
Att #1
pg 1

Chairman Unruh and members of the Senate Energy and Natural Resources Committee, I am Duane DeKrey, the General Manager of the Garrison Diversion Conservancy District testifying in support of House Concurrent Resolution 3021. We ask for a Do Pass recommendation.

Before the Garrison Dam was built in the 50s and 60s, there were devastating floods all along the Missouri River. For a frame of reference, the water would reach as high as 12 feet deep in the area of the Kirkwood Mall here in Bismarck. The Garrison Dam was a result of the Pick-Sloan Act passed in the US Congress in 1944.

The building of the Garrison Dam came at a tremendous cost to the citizens of North Dakota, along with the monetary costs to the Federal government. North Dakota gave up hundreds of thousands of acres of prime river bottom land that is now beneath Lake Sakakawea.

In return, the Federal government promised that North Dakota would receive a million acres of irrigation, along with domestic and industrial water supply, flood protection, stabilization of Devils Lake, recreation and wildlife habitat benefits. To date, North Dakota has received flood protection, recreation benefits, wildlife habitat and very

original

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3/3/17
Alt #1
pg 2

limited irrigation along the McClusky Canal and at the Oakes Test Area, and in return for reducing authorized irrigation to 75,480 acres, a federal Municipal, Rural, and Industrial Water Supply Program was established, which provides funding for water supply development.

Many promises to North Dakota have never been realized or fully utilized, such as the Garrison Diversion Unit Principal Supply Works beginning on the west end of Lake Audubon that are grossly underused; the New Rockford Canal has never been used; the McClusky Canal is plugged at Mile Marker 59 - leaving 15 miles of the canal unusable; the intake structure to the New Rockford Canal was never built, the Oakes Irrigation area is underutilized; the Sheyenne Canal to stabilize Devils Lake wasn't built; and the Lone Tree Reservoir was turned into a Wildlife Management Area. The promises of the Federal government have never been fulfilled for a variety of reasons, mostly because of court cases with other states, environmental groups, and Canada's environmental concerns.

The Federal government is financially responsible for the unused capacity costs of the Garrison Diversion Unit. The Federal government currently receives compensation for the water used for irrigation at the Oakes Test Area and from the McClusky Canal, which is paid by the irrigators using the systems.

Recently, the Federal agency responsible for the Garrison Diversion Unit, the Bureau of Reclamation, went through an Office of Inspector General Audit. It was discovered by the Office of Inspector General (OIG) that several facilities throughout

the United States exist that are in various states of completion and have been for varying lengths of time.

HCR 3021
3-3-17
AH # 1
pg 3

The OIG report focused on three Garrison Diversion Unit facilities, the Oakes Test Area, the McClusky Canal and the New Rockford Canal. The OIG asked why the federal government should continue to carry these three features of the Garrison Diversion Unit on the Bureau of Reclamation's books and what could and should be done with them.

The local Bismarck office of the Bureau of Reclamation was able to halt any recommendations to surplus or deauthorize the Oakes Test Area and the McClusky Canal. Both features of the Garrison Diversion Unit are actively being used (though not to the full potential) and receive compensation through the sale of water to irrigators. In fact, the Dickey-Sargent Irrigation District, using the Oakes Test Area, is in the process of investigating a title transfer from the Bureau of Reclamation to the irrigation district. The McClusky Canal's irrigation acreage continues to steadily increase. Garrison Diversion is working with local and potential irrigators to develop additional irrigation out of the McClusky Canal. The OIG was satisfied that these two features of the Garrison Diversion Unit were being properly used and warranted no action by the Bureau of Reclamation.

The New Rockford Canal was looked at in a different light. Having never been functional, and requiring Congressional action and further construction to become functional, the OIG wanted to know why the Federal government should not just surplus it and get it off the Bureau of Reclamation's books. The local Bureau of

HCR 3021
3-3-17
AH # 1
Pg 4

Reclamation office contacted Garrison Diversion and asked for assistance in formulating a plan moving forward.

Garrison Diversion and the Bureau of Reclamation agreed to hold sensing sessions with local water boards in Wells and Eddy Counties, the two counties most affected by the New Rockford Canal.

In two separate meetings with the local water boards, options were discussed as to how the New Rockford Canal could be utilized. The two options brought up and discussed by area producers were tile draining into the canal and completing the project and irrigating out of it. The pros and cons of each scenario were discussed and both water boards came to the same conclusion, separately, which was to complete the project and irrigate out of it. It was noted that the original project was authorized after the country had gone through a decade of devastating drought. Everyone agreed that these conditions would exist again and that attitudes about the project amongst congress and the general population may change again dramatically and North Dakota should wait until such conditions exist again before the state agrees to any change with the Garrison Diversion Unit.

Another issue that was asked by the Bureau of Reclamation was what is the state of North Dakota's official position on the Garrison Diversion Unit? What does the state want from the project?

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Diversion Unit for authorized purposes, and the official policy is to not have the Federal government repurpose or deauthorize any features of the Garrison Diversion Unit.

3/3/17
#1
AH
pg 5

Later this year, Garrison Diversion has to answer these queries in an official response to the OIG Report. We respectfully ask this committee to recommend a Do Pass to House Concurrent Resolution 3021.

Thank you for your time.

*by
jim brown*

March 9, 2017

*NER 3021
3-9-17
Atch #1
pg 1*

PROPOSED AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3021

Page 1, line 5, remove "and"

Page 1, line 5, after "Unit" insert ", and to allow the continuation of the Garrison Diversion project canal system to aid the delivery of water to Red River Valley"

Page 2, line 9, after the semicolon insert: "and

WHEREAS, the United States Bureau of Reclamation and the Garrison Diversion Conservancy District completed an environmental impact statement evaluating eight alternatives for supplying the Red River Valley with water in 2005, supplemented the statement in January 2007, and completed a final environmental impact statement in December 2007; and

WHEREAS, the federal government and the state both selected the Garrison Diversion Unit import to the Sheyenne River as the best alternative for the project, taking into consideration water permitting, environmental impacts, and technical, hydrologic, and design evaluations; and

WHEREAS, the Bureau of Reclamation sent a comprehensive report of the Garrison Diversion Unit to Congress in 2008;"

Page 2, line 18, after "District" insert "and State Water Commission"

Renumber accordingly

original

*HCR 3021
3-9-17
Attach #2
P81*

1 A concurrent resolution urging Congress and the President of the United States to fulfill the
2 federal government's promises to North Dakota, allow the utilization of the Garrison Diversion
3 Unit facilities, including the McClusky Canal and the Snake Creek pumping plant, as a water
4 supply for eastern and central North Dakota, irrigation, and for all other authorized project
5 purposes, ~~and~~ not deauthorize or repurpose any part of the Garrison Diversion Unit, and to
6 allow the continuation of the Garrison Diversion project canal system to aid the delivery of water
7 to Red River Valley.

8 **WHEREAS**, the federal government invested millions of dollars designing and constructing
9 the Garrison Diversion Unit; and

10 **WHEREAS**, the federal government promised North Dakota one million acres of irrigation
11 and a water supply for eastern and central North Dakota, among other things, in exchange for
12 hundreds of thousands of acres of prime river bottom land to build the Garrison Dam, a promise
13 that has never been fulfilled; and

14 **WHEREAS**, the operation of the Garrison Diversion Unit does not violate the Boundary
15 Waters Treaty of 1909 with Canada; and

16 **WHEREAS**, the Dakota Water Resources Act of 2000 recognizes the dire need for a
17 reliable, high-quality water supply in eastern North Dakota; and

18 **WHEREAS**, after studies and reports authorized under the Dakota Water Resources Act of
19 2000, the United States Bureau of Reclamation's needs and options report clearly concluded
20 there is a significant need for a municipal, rural, and industrial water supply in eastern North
21 Dakota; and

22 **WHEREAS**, the environmental impact statement, developed jointly by the Bureau of
23 Reclamation and North Dakota, represented by the Garrison Diversion Conservancy District,
24 further identifies the Missouri River as the most reliable water source and utilizing the Garrison

ACK 3021
3-9-17
AH #2

pg 2

1 Diversion Unit principal supply works as the most cost-effective way to supply the needed water
2 to eastern North Dakota; and

3 **WHEREAS**, a report by the United States Department of the Interior's Office of Inspector
4 General recommended the Garrison Diversion Unit be deauthorized by the federal government;
5 and

6 **WHEREAS**, the Bureau of Reclamation on more than one occasion supported title transfer
7 of the Garrison Diversion Unit to North Dakota, but with restrictions that made the title transfer
8 unfeasible; and

9 **WHEREAS**, representatives of the Bureau of Reclamation conducted limited sensing
10 sessions in North Dakota, and were told by citizens of North Dakota to utilize the Garrison
11 Diversion Unit project and not repurpose it; and

12 **WHEREAS**, the United States Bureau of Reclamation and the Garrison Diversion
13 Conservancy District completed an environmental impact statement evaluating eight
14 alternatives for supplying the Red River Valley with water in 2005, supplemented the statement
15 in January 2007, and completed a final environmental impact statement in December 2007; and

16 **WHEREAS**, the federal government and the state both selected the Garrison Diversion Unit
17 import to the Sheyenne River as the best alternative for the project, taking into consideration
18 water permitting, environmental impacts, and technical, hydrologic, and design evaluations; and

19 **WHEREAS**, the Bureau of Reclamation sent a comprehensive report of the Garrison
20 Diversion Unit to Congress in 2008;

21 **NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF**
22 **NORTH DAKOTA, THE SENATE CONCURRING THEREIN:**

23 That the Sixty-fifth Legislative Assembly urges Congress and the President of the United
24 States to fulfill the federal government's promises to North Dakota, allow the utilization of the

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AH #2
Pg 3

1 Garrison Diversion Unit facilities, including the McClusky Canal and the Snake Creek pumping
2 plant, as a water supply for eastern and central North Dakota, irrigation, and for all other
3 authorized project purposes, and not deauthorize or repurpose any part of the Garrison
4 Diversion Unit; and
5 **BE IT FURTHER RESOLVED**, that the Garrison Diversion Conservancy District State Water
6 Commission be requested to study the desirability, feasibility, and affordability of taking title to
7 the Garrison Diversion Unit and utilizing it for authorized project purposes; and
8 **BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution
9 to the President of the United States and each member of the North Dakota Congressional
10 Delegation.