

**TESTIMONY**  
**FOR THE INTERIM NATURAL RESOURCE COMMITTEE**  
**July 30, 2008**

Presented by Terry Steinwand  
North Dakota Game and Fish Department

Most of North Dakota has been in various stages of drought for eight years. And while we've seen some relief it still persists. One of the victims of the drought was declining lake levels, in particular Lakes Sakakawea and Oahe. These two Missouri River system reservoirs provide countless hours of recreational activity as well as economic benefit for the state and communities that lie on their shores. As importantly, they are the source of water for many communities. With lower lake levels resulting from the drought and operations, the effects have been severe in some instances.

The Missouri River Mainstem Reservoir system is operated in accordance with the 1944 Flood Control Act (aka the Pick-Sloan Plan) for various authorized purposes including flood control, water supply, irrigation, hydropower, navigation, recreation and fish and wildlife. Over 60 years have now passed since the 1944 Flood Control Act was passed. While the construction of the reservoir system and other works have resulted in tremendous project benefits from some of the authorized purposes and much less for others, it has also created substantial environmental impacts, such as a large loss of wetlands and habitats for a number of native species. As a result, two birds and one fish are now listed as threatened or endangered and many other species have suffered major declines.

While some of the authorized purposes, such as flood control and hydropower, have provided substantial benefits as expected, other purposes such as irrigation and navigation have not come anywhere close to the expectations when the project was authorized. Other project purposes, such as municipal and industrial water supply, have become increasingly important as the population has grown and multi-year droughts, such as the one we now experience, have occurred. The Western Area Power Administration, which markets power to wholesale customers in the basin, has had their ability to meet firm power demands severely impacted, with much of that due to loss of generating efficiency resulting from low reservoir levels. This has resulted in a 37.3% increase in rates to wholesale customers since January 2004 to cover the cost of purchasing power on the open market. Still, other project purposes, such as recreation, have grown far more than expected.

We believe major changes have occurred in the physical, economic, and environmental conditions since the project was authorized over 60 years ago. In addition, the need for protection of historical and cultural resources is now well documented. Given the long term drought, yet disastrous flood events downstream that led to unplanned conservation of water in the upper basin, it's clearly time for a re-evaluation of the authorized project purposes for this system and believe an objective analysis is needed that could lead to the development of a new comprehensive plan to best meet the contemporary needs of the basin. There may well be an

opportunity to improve the operations of the system for the benefit of both downstream and upstream interests for the various purposes that continue to be important to the nation and North Dakota.

The Missouri River Association of States and Tribes (MoRAST), comprised of water and natural resource representation from North Dakota, Wyoming, South Dakota, Montana, Nebraska, Iowa, Kansas, and American Indian tribes in the Missouri River basin supports this concept.. North Dakota is represented on MoRAST by Dale Frink of the State Water Commission and myself, A letter was written to Senator Byron Dorgan (ND) and Senator Pete Domenici (NM) requesting their help in moving such a review forward. As a result, Senator Dorgan amended the Energy and Water Development Appropriations Bill (S. 3258) to provide \$25 million in federal funds to review the original project purposes of the 1944 Flood Control Act. This amendment does not require that any particular authorized purpose be modified or eliminated but simply asks that a study objectively look at all purposes and other relevant information by reviewing the 1944 Flood Control Act and evaluate whether the current authorized purposes should be changed by Congress. As expected, it has met with opposition from some downstream interests and Governor Matt Blunt of Missouri sent a letter to Senator Bonds (MO) asking removal of that language from the bill (letter attached).

As such, we recommend this Committee and the North Dakota Legislature endorse the concept of reviewing the original authorized purposes of the 1944 Flood Control Act and support management for contemporary needs of not only North Dakota, but the nation.



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July 21, 2008

The Honorable Christopher Bond  
United States Congress  
274 Russell Senate Office Building  
Washington, D.C. 20510

Dear Senator Bond:

I am writing to request your assistance in removing Section 108 of the 2009 Fiscal Year Energy and Water Development Appropriations Bill (S. 3258). Section 108 would authorize an expenditure of \$25 million for the Secretary of the Army to conduct a study of the original Missouri River project purposes as authorized by the Flood Control Act of 1944 "to determine if changes to the authorized project purposes and existing Federal water resource infrastructure may be warranted." Such a study has already recently been conducted and changes implemented – changes that benefited Upper Missouri River Basin states at the expense of residents of the Lower Basin. The effort to authorize such a study is another attempt to shift even more water to Upper Basin reservoirs for recreational uses at the expense of navigation, power generation, flood control, and drinking water supply for Lower Basin states.

In the spring of 2004, after 15 years of debate, litigation and the expenditure of over \$35 million of federal funds, the U.S. Army Corps of Engineers (Corps) finalized the revised Master Manual for operating the Missouri River. In an effort to balance the many competing uses of the river, the Corps implemented an operational plan that provided more water to support upstream interests at the expense of downstream uses. This study created years of uncertainty that was detrimental to the navigation industry and other uses that rely on the river. To authorize another multi-million dollar study would be an unnecessary waste of federal taxpayer dollars.

The 1944 Flood Control Act established flood control and navigation as the dominant purposes of the Missouri River Mainstem Reservoir system. With energy costs at record levels coupled with increasing calls to reduce carbon emissions, the nation's inland waterway system represents an economically and environmentally friendly mode of transportation.

Other compatible uses of the Missouri River, such as water supply and power generation, also provide substantial benefits to the citizens of Missouri and other Lower Basin states. Millions of Missourians rely on the Missouri River for their drinking water and 18 power plants, which have the capacity to generate over 11,000 megawatts of electricity, draw cooling water from the lower Missouri River. The water levels required to support navigation also support these critically important uses. Infrastructure to support water supply and power generation in the Lower Basin was built with the understanding that reliable navigation flows would be maintained into the future.

Rather than embark on another lengthy and contentious study to address an issue that is already resolved, I request that you join with other members of Missouri's Congressional Delegation to remove funding for this project from the appropriations bill.

Sincerely,

A handwritten signature in black ink that reads "Matt Blunt". The signature is stylized, with a large "M" and a cursive "Blunt".

Matt Blunt