

LAKE OAHE

Past/Present/Future

We thank the Resource Committee for providing adjacent landowners the opportunity to express our views and concerns regarding Oahe management of excess lands bordering Emmons County with the enactment of the Flood Act of 1944. Emmons County's contribution of thirty-three thousand plus acres involving "Oahe Dam Taking" has approximately twelve thousand acres of land that is in excess above elevation 1620. The Oahe Project boundaries were established by blocking out the "guide acquisition" lines, generally with a maximum of 10-acre subdivisions; however, this acquisition was subject to changes to eliminate excessive severance damages and uneconomic remnants.

Corps land appraisers began the process of "land taking" in Emmons County. The "Take Line" and "Excess Acres" were questions of concern. I negotiated with the Corps' real estate appraisers for nearly eight years. Corps appraisers told us that excess lands would be leased back to adjacent landowners up to the water's edge for a nominal fee. In other words, ownership will be changing, but management would remain the same. This did occur for some years, and then changes began as more regulations were introduced. Adjacent landowners had to bid on lease property, and later grazing dates were moved from May 1st to July 15th. The noxious weeds on the bottoms continued to become more adverse year after year.

Unknown to landowners, "under the Fish and Wildlife Coordination Act of 1958," federal water projects less than 60% complete by August of 1958 are required to acquire additional land to mitigate for habitat loss as a result of inundation. Lake Oahe is covered under the F.W.C.A. since it was 31% complete in August 1958. The F.W.C.A. also required a general plan, a collective plan signed by the Corps, U.S. Fish and Wildlife Services, and the State Wildlife Agency identifying the strategies and acreages for wildlife purposes. All

signatories agreed that lands would be used for wildlife purposes, or made available to another agency to be leased for wildlife purposes. The general plan for Oahe projects lands was signed in 1981.

The renewal of land leases over the years reflects these policies which helped bring broad changes of grazing dates into later summer periods—May 1 to July 15; therefore, contributing to the uncontrolled noxious weed problems. By these date changes, the Corps now controls adjacent landowners operational policies, especially grazing. There is no fence to mandate these policies. However, under the Oahe Master Plan Update Boundary Monument and Fencing, “considerable emphasis has been placed on boundary monumentation on Oahe project lands. Extensive resources are expended on monumenting those areas currently managed for wildlife purposes, agricultural leasing, and intensive public use. Fencing has been a priority in both wildlife and recreation areas.” Also, “any Corps land can be withdrawn from grazing if it is to be put to an authorized project use.” Agriculture use accounts for the majority of the land in the counties bordering Lake Oahe. Agriculture is only recognized as Interim Status in the Oahe Master Plan.

In our county, fifty years, the adjacent landowners surrounding Lake Oahe are the food plots for wildlife, and caretakers of wildlife. Yet, outdoor recreation is the most subsidized use of public lands. They are allocations of tax dollars to promote uses of federal and state lands.

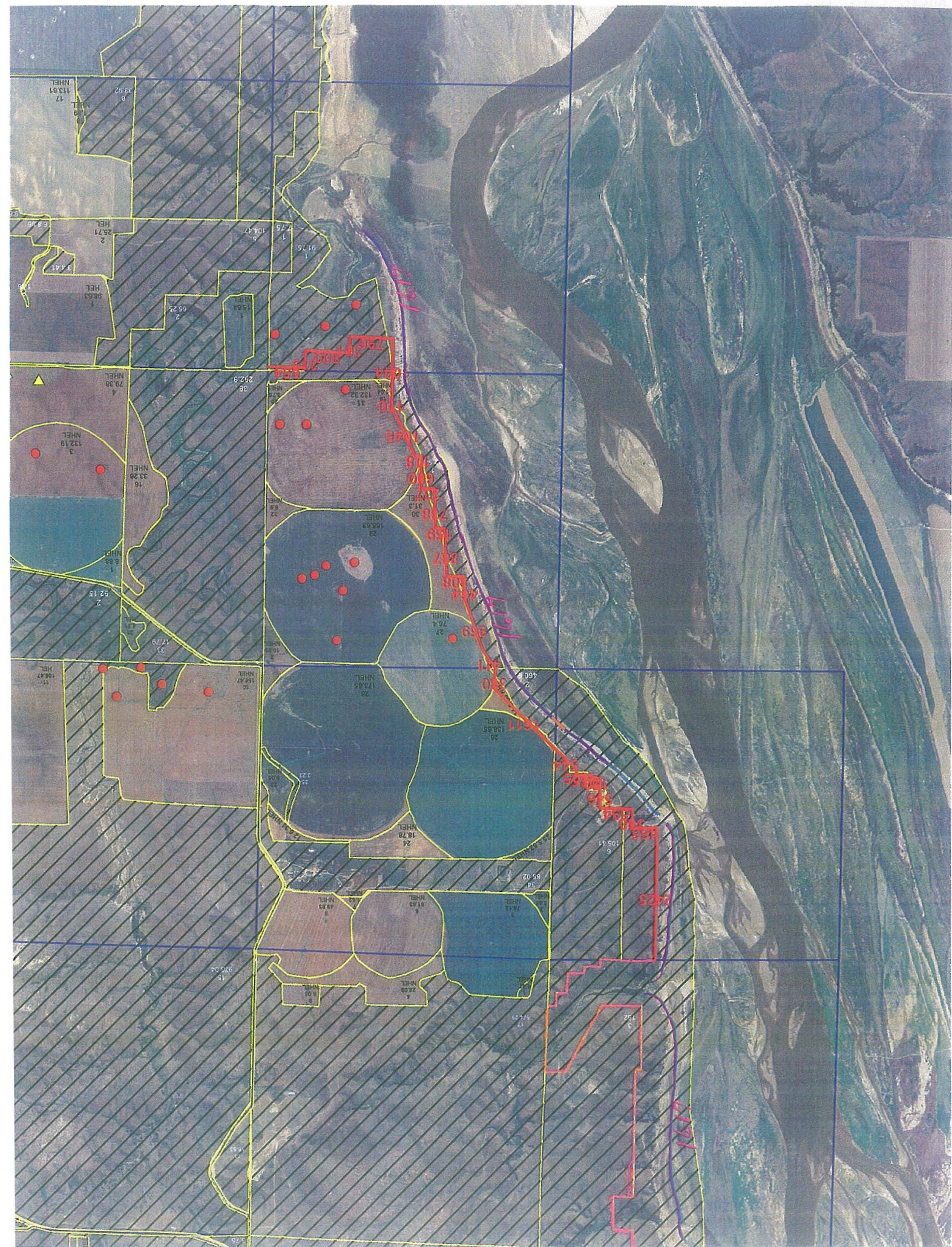
The Pick Sloan Plan under the Flood Act of 1944 is updating an interim study. “Draft Oahe Dam/Lake Oahe Master Plan,” pursuant to Section 108 of the Omnibus Appropriations Act of 2009, the U.S. Army Corps of Engineers is embarking upon the study of the Missouri River projects, and tributaries to review and determine changes.

M.R.A.P.S. Missouri River Authorized Purpose Study
M.R.E.R.P. Missouri River Ecosystem Restoration Plan

These studies will create a long-term plan process to be completed by 2016. Exclusive of flood and power, the Master Plan's objectives consist of two main categories, recreation and wildlife.

Under the past and present Master Plan—adjacent landowners do not have the opportunity to necessitate their livelihood with little consideration by mandates related to reservoir policies that many times are not adaptable and practical. This plan has taken the value of agriculture and downgraded its importance to interim status. What surrounds the reservoir? Agriculture dominates land use around the reservoir, but little acknowledgement is indicated for that use. Laws will force the recovery of wildlife that was destroyed by laws? Wildlife will never flourish and abound in what was the bottomland deleted by the reservoirs. Instead policies mandate wildlife be on narrow strips of upland that must spill onto private properties for their survival, as do noxious weeds and many mandated regulations. The Master Plan includes at least fifty-seven pertinent public laws. How does law change the geography, topography, geology, and soils of the landscape? Lands outside elevation 1620 have been here longer than any dams built. These excess lands (not including parks) have adapted to withstand the conflicts of Mother Nature over the years, and now policy mandates are going to change the few acres of federal properties, and control adjacent lands!

In here lies the contravention, which must be addressed. Agriculture should have just as much, if not more, status of importance as wildlife, and recreation relating to the reservoir in the Master Plan. D. Eisenhower's quote, "farming looks mighty easy when your plow is a pencil, and you are a thousand miles from the cornfield." Most of the reservoir's excess land in Emmons County is grass—grasslands can be over rested as well as over grazed, and should co-evolve with grazing, a natural ecological process. Cattlemen already know that by letting livestock behave within nature's model we can have our grass and eat it too.



Herbert H. Grenz
7145 5th Avenue SW
Linton, ND 58552

DRAFT

July 25, 2005

Honorable Governor John Hoeven
Governor's Office
Capitol Building
Bismarck, ND 58505

Dear Governor Hoeven;

Again the recent hearings in Bismarck relating to excess land taken for reservoir construction of dams in North Dakota, Lake Sakakawea, and Lake Oahe is a matter that should take on the forum of final resolution. There is excess land in all eleven counties in the Missouri River Corridor; land above elevation of 1617 in Oahe and elevation of 1854 in Sakakawea.

Every County affected by the "Pick Act" has a different geography, and each county is going to have a different prospective of the excess acres. I recommend the County Commissioners of each county in the corridor set up committees to make recommendations regarding mitigation, recreation, and excess lands. Counties integrated with Native American reservations, cabin owners, and others must come together and resolve their egress-ingress concerns.

When the county committee has concluded its recommendations, and the County Commissioners have approved the plan, the State of North Dakota shall petition the *the federal government* Corps for the transfer of the excess land to that county for their consideration.

Since the beginning of the "Pick Act," the adjacent land owners have taken the brunt of the transgressions from all parties involved. Be it noxious weeds, wildlife, recreation, environment, egress-ingress, adjacent land owners are responsible for taking care of the excess land.

I am asking your support in helping to put the excess land in control of the counties wherein the land lies. It is these counties who are best prepared to control the management of the excess land.

Thank you for your support and cooperation on this matter.

Sincerely,

Herbert H. Grenz

Excess land taken for reservoir construction of dams in ND, Lake Sakakawea and Lake Oahe in eleven counties in the Missouri River corridor, land above elevation 1617 on Lake Oahe and elevation 1845 on Lake Sakakawea.

Conditional excess = meaning land wouldn't be needed under modern land acquisition criteria.

Excess Land = means property under the control of any Federal Agency which is not required for its needs and the discharge of its responsibilities.

Every ND county affected by the 1944 Flood Act has a different geography and each county is going to have a different prospective of excess acres. The county commissions of each county in the river corridor, set up committees for the purpose of making recommendations involving wildlife mitigation, recreation and excess lands. When the county committees have concluded their recommendations, the county commissioners have approved the plan, the state of ND shall petition the Federal Government Agencies for the transfer of the excess land to that county for their consideration.

Understand, it is not possible for the Corps to transfer land to state or counties without specific federal legislation authority. All land lying below elevation 1617-1854 and federal recreation areas would remain the responsibility of the Corps.

Example –

Emmons County's excess land is estimated at 12,000 acres more or less. The committee would set aside 2,000 acres for mitigations, and recreation. 10,000 acres would be considered excess land. This land is appraised at \$300.00 per acre for adjacent landowners consideration to purchase. The sale would total 3 million dollars which would remain in a county trust fund. Interest from this fund would be used to enhance projects in the county that a committee, or county commissioner may approve. 10,000 acres would be added to the county's real estate tax roll.



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
1616 CAPITOL AVENUE
OMAHA NE 68102-4901

1 July 2009

Operations Division

Subject: Oahe Master Plan

Dear Interested Party:

The U.S. Army Corps of Engineers (Corps), Omaha District, has completed the Draft Oahe Dam/ Lake Oahe Master Plan. Enclosed is a copy of the draft master plan. This master plan can also be found on "<https://www.nwo.usace.army.mil/masterplans>" (make sure to use "https" in the URL). CDs of the master plan are available upon request. All previous versions should be discarded.

A master plan guides the development and management of natural and cultural resources and recreation-related facilities in and around the reservoir. The Oahe project is currently operating under the August 1978 version of the master plan. An update of this plan is necessary to manage and plan for changes in recreation trends and/or needs as well as changes in land use. We must consider points of view from the Tribes, Federal and State governments and general public that have an interest in the lands around Lake Oahe.

all non-Federal owners come under general public *must include absent landowners*

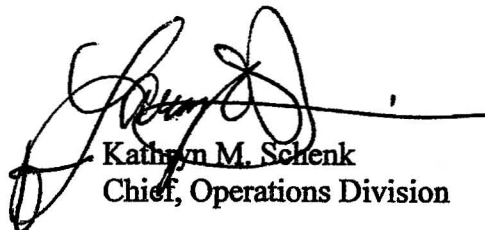
The comment period on this document is from July 13 through August 21, 2009. Any comments may be submitted to:

Mr. John Bartel
Oahe Project Office
P.O. Box 997
Pierre, South Dakota 57501
(605) 224-5862
(605) 224-5945 (Fax)

fax 402 995 2411

*Planned
Lake
Boss*

You may also contact Jeannine Nauss of my staff by telephone concerning the master plan. Her telephone number is: (402) 995-2496. The Corps of Engineers appreciates your interest and input into the development of this document.


Kathryn M. Schenk
Chief, Operations Division

Enclosure



US Army Corps
of Engineers •

Oahe Master Plan FACT SHEET August 2009

PURPOSE AND OBJECTIVE

The U.S. Army Corps of Engineers continues work on the revision of the Oahe Master Plan and is seeking public input. A Draft Master Plan has been completed and is now available for public comment.

The Master Plan guides the development and management of natural and cultural resources and recreation-related facilities in and around the reservoir. The master plan **does not** address reservoir water levels and should not be confused with the Missouri River Master Water Control Manual. The Draft Master Plan includes proposals

for improved recreation facilities and measures for natural and cultural resource protection, and is being conducted in three phases:

- Phase One was the information gathering process. The Corps solicited input from the public, Tribes, and Federal and State land management agencies to help define the present and potential future uses of the lands under Corps management responsibility.
- Phase Two included the preparation of a Draft Master Plan with an Environmental Assessment to aid in decision making and meet the requirements of the National Environmental Policy Act (NEPA). We are currently soliciting comments on this document.
- Phase three will be the preparation and presentation of the Final Master Plan to be completed by spring 2010.

During the Master Plan update, the Corps will be seeking public input. The Draft Master Plan is now available for review by the public, Tribes and governmental agencies.

BACKGROUND

Authorized by the 1944 Flood Control Act (P.L. 534), construction of the Oahe project was initiated in 1948 and was completed in 1962. The Oahe project is a unit of the comprehensive plan for development in the Missouri River basin. The project's authorized uses include flood control, navigation support, hydroelectric power, irrigation, recreation, fish and wildlife, and municipal water supply.

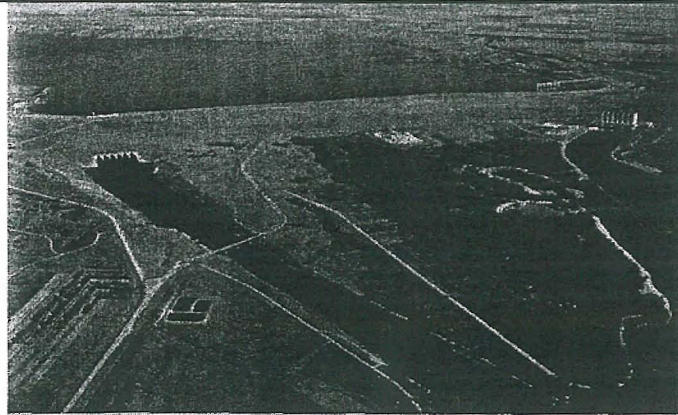
Considerable work has been completed since the 1962 Master Plan. Since then, new laws and regulations have been enacted to enhance recreation facilities, protect valuable natural and cultural resources, and to better manage project resources. Although numerous draft master plans had been produced in the past 45 years, none had been approved. This Master Plan update is an opportunity for the public to help shape and guide future management of the recreation and natural resources of the Oahe Project. This master plan incorporates Title VI legislation into the plan where lands were transferred to State of South Dakota and Bureau of Indian Affairs in trust for Cheyenne River Sioux Tribe for current purposes.

PUBLIC MEETINGS

Public meetings will be held at six locations to inform attendees of the progress being made and to gather any comments on the Draft Master Plan. All interested parties are invited to share their ideas on the future management of the Oahe project lands.

Public Meetings

August 10, 2009 (7:00-9:00 p.m. CDT)	Kelly Inn, Bismarck, ND
August 11, 2009 (7:00-9:00 p.m. CDT)	Linton Community Center, Linton, ND
August 12, 2009 (7:00-9:00 p.m. CDT)	Prairie Knights Casino, Fort Yates, SD
August 13, 2009 (6:30-8:30 p.m. MDT)	HVJ Lakota Cultural Center, Eagle Butte, SD
August 14, 2009 (7:00-9:00 p.m. CDT)	Mobridge National Guard Armory, Mobridge, SD
August 15, 2009 (10:00 a.m.-12 noon CDT)	Pierre Area Chamber of Commerce, Pierre, SD



*What about the
Oahe Master Plan?*

The meetings will commence with a short formal presentation. At that time, comments from public on the Draft Master Plan are encouraged. Comments, ideas, questions, and concerns may also be submitted by returning the "comment" portion of this fact sheet, or emailing or calling one of the numbers listed below.

Lake Manager Phil Sheffield
605-224-5862, Ext. 3005
phillip.r.sheffield@usace.army.mil

or Master Plan Program Manager Jeannine Nauss
402-995-2496
jeannine.m.nauss@usace.army.mil

WHAT IS PROPOSED IN THE DRAFT MASTER PLAN?

The Draft Master Plan modifies the management of the project proposed under the 1962 Master Plan. It includes additional improvements and expansions. The Draft Master Plan proposes a variety of recreation improvements and natural resource protection measures including:

- Increased recreation opportunities;
- Expanded camping facilities;
- Restoration of native vegetation;
- Improved erosion control;
- Appropriate protection of cultural resources;
- Control of noxious weeds; and
- Manage vegetation for optimum use by threatened and endangered species

The Draft Master Plan also includes a Draft Environmental Assessment that evaluates the impacts of the improvements and protection measures.

REPOSITORY LOCATIONS

Copies of the Draft Master Plan are available for review on line at <https://www.nwo.usace.army.mil/masterplans> or at the following locations:

Bismarck Veterans Memorial Public Library
515 North 5th Street
Bismarck, ND 58501
701-355-1480

Sitting Bull College Library
1341 92nd Streets
Fort Yates, ND 58538
701-854-8024

Harry L. Petrie Public Library
101 NE 1st Street
Linton, ND 58552
701-254-4737

Morton/Mandan Public Library
609 West Main Street
Mandan, ND 58554
701-667-5365

Alexander Mitchell Public Library
519 S. Kline Street
Aberdeen, SD 57401
605-626-7097

Dakota Club Library
219 Main Street
Eagle Butte, SD 57625
605-964-7661

Dewey County Library
212 Main Street
Timber Lake, SD 57656
605-865-3541

Gettysburg Public Library
106 E. Commercial Ave.
Gettysburg, SD 57442
605-765-9518

McLaughlin City Library
Main Street
McLaughlin, SD 57642
605-823-4590

Mobridge Public Library
521 N. Main Street
Mobridge, SD 57601
605-845-2808

City of Pierre Library
1000 E. Church St.
Pierre, SD 57501
605-773-7421

South Dakota State Library
800 Governors Drive
Pierre, SD 57501
605-773-3131