

MEMO DATE: Tuesday, June 15, 2010

MEMO TO: Members of the WATER-RELATED TOPICS OVERVIEW COMMITTEE

MEMO FROM: Merle Boucher, Member of the North Dakota House of Representatives and the House Minority Leader

MEMO RE: Flooded agricultural land(s) and properties

GREETINGS: Chairman Fischer and Committee Members

For the record I am Representative Merle Boucher (Legislative District 9) and currently the House Minority Leader. My home area is Rolette County which is a part of this basin and water shed. Though not thought of as being in the universe of what committee members have observed in their travels in this immediate area, similar situations and issues extend far beyond where we are meeting today.

For the past two decades we have observed the constant rise of Devils Lake and several other similar lakes through out the Devils Lake Basin. Thousands of acres of productive farm and grazing lands have been consumed by the rising waters. Local and regional infra-structure that supported our farm and ranch operators has been destroyed.

There have been countless studies looking into the situation. Meetings, like the one we are participating in today have been ongoing. Volumes of geological, environmental, economic, and political data have been generated and circulated for public discussion. Essentially we know the situation(s) very well.

Unfortunately palatable and sustainable solutions have not evolved out of all the studies and meetings. We discuss and say how difficult and unfortunate are these events of nature that have happened and how much our people and our communities have suffered. We have poured millions of dollars into these studies and meetings and short-term fixes. Our reality of this is that nothing changes for the better. We continue to wallow in our circumstantial miseries.

Current short-term fixes are not solving the problem(s). We need to get serious about long-term solutions. This starts with recognizing that people who have lost millions of dollars worth of land and building and earning potential need to be fairly compensated. The wet cycle can stop today. We can create engineering projects to address lowering the water levels. The reality is; it will be years before these lands and properties will be accessible and how long it would be before the land would be productive.

I suggest the following considerations are given as we work to determine long-term solutions:

1. Fair and adequate compensation be offered to the land owners, and address ownership options.
 - a. A direct buy-out and the public will take ownership of the land.
 - b. A public lease option, where the current owners retain ownership and public obtains usable access.
2. Issues regarding taxation must be addressed.
 - a. Our solutions need to be sensitive to the income tax situations that owners will encounter.
 - b. Property tax impact on the local units of government must be addressed to prevent unfair shifts of tax burdens to others.
3. The third is a very controversial and politically difficult issue and that is environmental cleanup.
 - a. Abandoned building sites create unknown environmental hazards.
 - b. We are aware that there is likely many unknown local waste sites.

I have confined the focus of this memo on three significant situations that need to be addressed regarding agricultural lands and the current owners. I thank-you for listening to my comments. I would be happy to answer questions.

Respectfully submitted by,

Merle Boucher, House Minority Leader