

2011 SENATE AGRICULTURE

SB 2204

# 2011 SENATE STANDING COMMITTEE MINUTES

**Senate Agriculture Committee**  
Roosevelt Park Room, State Capitol

SB 2204  
January 21, 2011  
13237

☐ Conference Committee

Committee Clerk Signature



## Explanation or reason for introduction of bill/resolution:

To prohibit state funding of the northern plains national heritage area

Attachment #1, #2, #3, #4, #5, #6, #7, #8, #9, #10,  
#11, #12, #13

## Minutes:

**Senator Flakoll:** Meeting called to order the 21<sup>st</sup> day of January, 10:05 am .....Senate Bill 2204

**Senator Margaret Sitte:** Senator from District 35 (Attachment #1)

**Senator Flakoll:** Questions

**Randy Christmann:** Senator from 33 Legislative District. This bill as my district starts here, outskirts of Mandan.....includes the refinery plant goes north to Dunn County into Ft Berthold Reservation. I agree with Senator Sitte and the amendment and constituents here my constituents are in fear of this heritage area. Many questions, public meetings, I would characterize you are still working on the plan. Question on how this will impact....how will instruct air requirements, water requirements, visual requirements, etc. I reassure them that it won't affect them. I feel the people have a right to be skeptical and cautious as we discuss the state owned property being involved.....I feel there is a minimal amount of responsible for us if we pass this bill. Make certain the changes we make will have legislative approval ...make the plan before us (even bring in legal counsel) to make sure we know exactly what we are getting in to before we allow this to happen.

**Jim Schmidt:** Representative of District 31, Mandan (Attachment #2)

**Senator Murphy:** Are you aware if any opportunity for private individual within the heritage area who would have to compete with the state for grant writing? Any help the state or heritage area give an individual to help write a grant or apply for funds?

**Jim Schmidt:** The Northern Plains Foundation has expertise for help individual land owner or non -profit organization. That should be accessible.

**Senator Miller:** Does this bill .....ham's string federal funds flowing into the heritage area in any way?

**Jim Schmidt:** No. I do not want the state to be in competition for the federal funds. I want them to be able to compete for those federal funds without having to also compete with the state because the state can provide funds to play Abraham Lincoln to other means and the land owner cannot.

**Curly Haugland:** Representing Landowner's Association of North Dakota (Attachment #3)

**Senator Miller:** Can you provide any background what the heritage area does? Let others speaking will give more detail....more clarity with others in opposition speaking.

**Senator Flakoll:** Will you be around later for further questions?

**Curly Haugland:** Yes

**Sandy Clark:** Representative North Dakota Farm Bureau (Attachment #4)

**Senator Miller:** Can you highlight some nation of what Farm Bureau's fears are with the Heritage area.....I can understand the expansion, but what is the cause your initial hesitance/opposition to this program?

**Sandy Clark:** Others will address this question. Property right was concerns that in some heritage areas along comes zoning ordinances that regulates land use, water, air quality. Senator Dorgan put in a provision (at our request) that would allow people in the corridor and state landers to opt in rather than out. Originally you live there you were in....this way you have to opt in not opt out.

**Senator Flakoll:** Said you mention a couple states.....give me examples

**Sandy Clark:** Another will address that question.

**Bob Wetsch:** Representing himself (South of Mandan) (Attachment #5)

**Senator Murphy:** What are your fears?

**Bob Wetsch:** My land is in what was originally what was dictated as the natural plains heritage area. What I don't like, this group will lobby my county commission for "what"? You should for protections....I know it is going to be something restrictive as to how I can use my land. Don't want to bother with have to keep track of what these people are doing.....seems very unnecessary. No reason to have this entity.....primary reason was to collectively market a bunch of historical sites up and down the Missouri River. Let's do it within the confines of the state.....let's do it through the state tourism dept, state parks and rec., we don't need another entity that we have to watch over to see what they are doing.

**Senator Luick:** Will you contact before time to testify in favor or against this proposition?

**Bob Wetsch:** No.....I was not contacted at the start of this or on the side of the N.P. Heritage either. This was put upon us as a surprise to everyone ...first meeting at library and found out their land was included in a heritage area. Wrote to Senator Dorgan to fix this problem ....telling him this was unacceptable. No reasons for private lands to be included within this area. I was not contacted to testify for this.

**Wes Klein:** Landowner, producer in Mercy County (Attachment #6)

**Senator Miller:** Sustainability....can you give me more background on that ....how do these heritage areas self fund .....How could they be sustainable or what is the attempt to be sustainable even though they fail ....what were they trying to do?

**Wes Klein:** My research, part of reason for not receives sustainability, they never get full buy in from the people, residents, citizens, landowners in the heritage area. You have an entity that sees that has an agenda of preservation, preserving natural cultural, scenic resources. They don't have sustainability because the landowner is already preserving those cultural resources. You don't have the "buy in" from the people to reach the sustainability. No program....state funding first....then goes to private individuals to get a match.

**Senator Miller:** Was it their intentions that mill levies would be assessment district, or a sales tax would imposed in this area to help fund, or this a ....?

**Wes Klein:** My research, never seen where a sales tax or mill levy has been leveled, bring an invisionary as to what this is about. This program is initiated and created by the National Park Service as a way to play in the sandbox without being accountable ....they don't have to go to congress to ask for a federal designation any taking of land. They get an entity and a senator to authorize legislation to create a heritage area.....to play in without accountability. Issue where Nat Park Service found a way without being accountable. We are a state of private property land owners who that's where the money should stay.

**Senator Larsen:** Article 11 section 3 ....all flowing streams, natural water courses belong to the state. Your discussion, water shed .....Do you think this is an attempt for the heritage foundation to take water shed usage and expand and expand from lakes and streams?

**Wes Klein:** One requirement of a heritage area must have a river running through it. There is not a heritage in the nation that does not have a river running through it. Requires the NPHeritage Foundation to do is preserve cultural, natural resources. This entity is mandated in the authorization of congress to start programs to do that ....this is a congressionally authorization a fed authorization that requires this entity to follow through on their mandate. Can't say we're not going to do it.... This is fed legislation that requires them to preserve and manage the natural, cultural within this heritage area. This is for point 7 million acres.... this body has to use Senator Dorgan's amendment.

**Senator Heckaman:** Is you land opted out?

**Wes Klein:** With the passage of Senator Dorgan's amendment, yes, our land was opted out

**Senator Heckaman:** How do you feel threaten now?

**Wes Klein:** the heritage is in 5 counties, it has defined boundary. History shows from the other 49 heritage areas and 3 proposed, all these have a boundary. My land is opted out...if my neighbor opts in, part of the scenic area runs into his land, he wants to preserve that area....the restrictions that he imposes on his land may affect mine. (Example given)

**Senator Heckaman:** Are you a farmer/rancher?

**Wes Klein:** Wife is rancher....I work for Basin Electric along with maintaining the equipment

**Senator Heckaman:** Do you feel you are sustainable/independently?

**Wes Klein:** We work in that direction.

**Senator Heckaman:** Do you receive any state or fed funds on you land through any of the programs on your ranch?

**Wes Klein:** Conservation tree planting ...not participating in their program unless receiving a letter from the fed gov.

**Becky Graner:** South of Bismarck/Mandan (Attachment #7)

**Senator Flakoll:** Oppositions

**David Borlaug:** President Lewis & Clark, Ft. Mandan Foundation and Northern Plains Heritage Foundation (Attachment #8)

**Senator Murphy:** Would you address the concerns of many citizens as outlined in their testimony about zoning ordinances and water, air quality. How do you see this fitting into your organization?

**David Borlaug:** Very grave concerns. We have long list of all things heritage area cannot do....they are much longer than what it can do. In spite of what heard before, congress has very much constrained what a national heritage area does for nation needs. Absolutely nothing to do with zoning, water issues, we are precluded from any of that consideration. Cannot own real property, cannot have anything to do with historical designation. All the federal programs you heard mentioned, that is somewhere else. It has nothing to do with national heritage area designation and the heritage area program was developed by conservative members of US congress who found this to be a wonderful economic development program.

**Senator Murphy:** Do you find any more in Mr. Klein's testimony ...not able to change color of house? Does that have anything to do with your organization?

**David Borlaug:** that is a restriction place by the national park service because of a national historic site. Completely separate from the national heritage area destination....we would not be part of that at all or anything that the national park service may develop with future

programs.....it is not incumbent upon us to administer or participate in that program. There is a course of law in this designation and encourage you to look carefully at that.

**Senator Miller:** Why would you want to be a part of an expansion in the heritage, requesting federal funds for ....would you think that limit your ability to get money for your first foundation Ft Mandan foundation? I would see a conflict of interest ....you are obviously receiving federal funding because you applied for grants and then set up the heritage area. Now your pie is that much bigger. What you have to do is divvy up from .....Why would you want to do that? Why wouldn't you just keep getting your federal money for you Ft. Mandan?

**David Borlaug:** Strikes the essence of this designation. Through the years, both FT Lincoln and my foundation have sought through "ear marks" federal funding. We know that practice is behind us....we have not received any federal funding in any form for a number of years. This designation allows institutionally to continue a relationship with the federal government for the sole purpose of grants. It takes two foundations but allows us to the designation to share that fed funding with communities. I am hearing great support from ...economic development type issues maybe a grant for store front rehabilitation, riverboat theme for down town Washburn. A way to share in this fed funding with communities and private sector. As a fund raiser you want ever arrow in your quiver.....this designation which honors our area allows us to receive fed funds.

**David Miller:** don't know if Washington gotten hint ..... They seem to be throwing money down drain.

**Senator Flakoll:** If this bill were to pass impede your ability to or change to work with the federal gov?

**David Borlaug:** Now that I have definition of what a quasi non-profit is, it is apparently me and we would not be able to participate. My board of directors made up Al Christianson, Great River Energy, Basin Electric, Lignite Energy Council, MDU, the law of my board of directors, they stand with me. My 1,000 members of my foundation and question would this legislative assembly really sees fit how we can spend our money. Distressing!

**Senator Flakoll:** Do you think we should decide as a legislative body how we should we should spend the tax payer's money?

**David Borlaug:** Absolutely....go on record it has never been a point of discussion within our foundation and board of directors to even think state funding to match anything with our work.

**Senator Flakoll:** Do you think the bill as presented essentially deals with due process?

**David Borlaug:** Apparently it is, but feels it is deeply flawed.

**Senator Murphy:** Concerned about Representative Schmidt's concerns about self sustained ability .... His concern is your organization can be self sustain. Could you talk about that goal?

**David Borlaug:** What referring to? Lewis & Clark or North Plains. Sustain ability is constant goal.... we have been in operation years; we have sustainable, sustainability for any non profit is incumbent upon fund raising .... Is a constant endeavor. Never fully fundable from operations ....We submit and annual plan bases of what we intend to do with any grant money we receive.... And if we can show that we are matching those funds, if we are not sustainable, then we don't do the work. We can't get ahead of ourselves; we are an entirely volunteer organization with administrative contract for A Lincoln foundation. I have great faith and confidence through the years, we will be entirely sustainable.

**Senator Flakoll:** With respect to conflict type scenario ....how do you make sure that/what would constitute situations where there is no conflict of interest in the roles that you play with the two organizations; certainly they have crossed pollination in their efforts .....What is appropriate and constitutes in your mind ....what would deem a conflict of interest? Has there been a conflict of interest in any activities that anyone has had to declare within the group?

**David Borlaug:** We (the board) all represent those interests...we are in culture and heritage tourism. Policy now being formulated for the purpose of directing grants....separate grant committee which will make recommendations to full board for approval. Any point in time, any member of that committee would keep him/herself if the application had a direct relationship with their entity that they represent. We talked about having a bench of standby committee members in the event that there is a series of grant requests affects many of us or deny one are you benefiting another. The cross pollination ....we will make sure it is a fair process. Spread the generosity (grant money) to wide variety as possible.

**Alexius representing Dana Bohn:** Executive Director North Dakota Tourism Alliance Partnership (Attachment #9)

**Mike McEnroe:** ND Chapter of the Wildlife Society (Attachment #10)

**Senator Miller:** 15 million dollar match grant...is that a one time thing. ... or constantly putting money in?

**Mike McEnroe:** Mr. Potter could answer the question

**Senator Flakoll:** Would it be burdensome if you have a plan that would wish to participate or would require a state match to bring the plan to the legislature requesting approval as require by the bill?

**Mike McEnroe:** It may affect the timing .....Legislature meets every 2 years that would make it a state entity seeking the use the state funding for .....example parks and rec would need to build it into their budget...whether or not the 15 million is still available or any left. Add a timing burden.. Legislature has the opportunity to over-ride.

**Senator Flakoll:** UND has a long row, priorities....they present a plan....does it require more thought going in it? Rather than us issuing dollars that may or may not be used...for projects we may or may not like. Are there checks and balances if we do not pass the bill?

**Mike McEnroe:** Not losing the Checks and balances if you defeat the bill, you still have them.... Example State Parks and Rec's budget ....identify matching grants -fed and state

**Senator Flakoll:** Who is the responsible party if something is really greediest ...in these projects/dollars coming from the federal government....what recourse do citizens have if they are not satisfied with decision? Who is responsible?

**Tracy Potter:** Executive Director of Ft Abraham Lincoln Foundation/Mandan (Attachment #11)

**Senator Flakoll:** you say this is not a lobby organization .... 44% was used for lobbying according to the form that we have.

Tracy Potter: I haven't seen those ...I feel that is a misunderstanding. The only dollars if congress asked you to testify on feasibility study, it would be paid by the heritage foundation. About \$1,800

Senator Flakoll: \$8,400.46

Tracy Potter: Don't know what that is.

**Senator Larsen:** Does that give funds to private entities?

Tracy Potter: Yes, to private, nonprofit, for profit entities or individuals

**Senator Larsen:** Does that have constitutional authority and does that conflict against article 10 sections 18?

Tracy Potter; I don't believe it does, we are not talking about gifts, we are talking about grants.

**Senator Larsen:** Read section (article 10 section 18)

Tracy Potter: I am familiar. It comes down to whether there is a public purpose is to be served when it is defined and is basically equal access. As long as anyone can apply for these grants and determined on a logical bases. At the Attorney General level, but not final....an interim step on way to Supreme Court.

**Senator Murphy:** My colleague: (Read from testimony) Can bring visitors here, would the law continue to do so? But seeking federal funds for tourism should not infringe upon private property rights. You say there is no infringement upon private property rights, would the Ft. Lincoln foundation and L & C Ft. Mandan Foundation be injured should this bill pass?

Tracy Potter: Depends on definition....quzi public/agency nonprofit. If we are those, yes, we will be severely injured. If only taking state lands and state money out, then it is state agencies that are being ham-strung. It put a color on the national heritage area....but we would continue. It shortens up the list potential grant awards. It absolutely hurts our operation.



Senator Miller: Where did you get your seed money to start the Northern Plains Heritage Foundation?

Tracy Potter: Congress through Senator Dorgan's work on Appropriations committee gave us starting money (approx \$141,000) done over a 2 year period. Then submitted to congress.

Senator Miller: How many employees and what are the exclusive employees of this area?

Tracy Potter: One employee....during feasibility study. Since 2007, no staff....expense of furnishing an office.

Senator Miller: Draft on your desk.

Tracy Potter: That's what we were hired to do....to see this process through the management plan process which is 3 years from the bill passing the bill by US Congress. A plan has to be submitted to the Sec of Interior....public meeting process in every county, then draft management plan, take to public hearing, tweak as needed and submit to Sec of Interior for approval.

Senator Miller: Once this plan in action....then a staff that will be Northern Plains Heritage foundation staff who is full time. Do I apply for funds to you for whoever staff is and they give the money, or is everything an act of congress?

Tracy Potter: No, it doesn't require an additional act of congress .....the money that has be appropriated may be tapped for the grants. Northern Plains' directors will determine through their process who receives the grant. They have to meet the muster.

Senator Luick: You stated held these public hearing to county commissioners ...public awareness.. Can you enlighten us how that took place, why there is such controversy of whether they actually took place?

Tracy Potter: Can't understand why controversy. County Commission meeting (open) has agenda, advertised, were put into county paper that activity took place. Asked for a letter of support for the feasibility study ....letters were granted and placed in feasibility study and was given to congress. The county supported the feasibility study ..... Bsmk Tribune front page talked about heritage foundation and feasibility study. No opposition generated as there had been none....no opposition to the bill until shortly before its passage....first heard of opposition was Dec 08....passed the following March 09. Can't understand why no one seems to have upset other than there was nothing upsetting about the legislation...it is only when it became mischaracterized. By that time, it didn't matter what was said, or what the bill said, it was over read and should have done it in a different way.

Senator Flakoll: Issuing grants...because the conflict of interest, how we get past who gets it and who doesn't get it?

Tracy Potter: Certainly is a conflict.....board of directors.....because they want to see something good come back to Ft Mandan. Conflict, you can't be involved with anything that involves you personally. Conflict in our bi-laws.

Senator Flakoll: Are you compensated directly in any way from the Heritage Center except for expenses....by contract or on the payroll in any way?

Tracy Potter: no

Senator Flakoll: Contract or agreement ...how much is that contract for?

Tracy Potter: \$4,200 a month ... use of office and organization. Goes to Ft Abe Lincoln Foundation.

Senator Miller: ND would give you 10 million dollars, would you let the national heritage national away and set up our own state program?

Tracy Potter: There is a national recognition that comes with...an advantage to being a national heritage area as the congress might say that is some place to visit to learn more about the history of America.

Julie Ellingson: Stockman's Association (Attachment #12)

Rita Faut: Resident Mercer County (Attachment #13)

Senator Flakoll: Close hearing

# 2011 SENATE STANDING COMMITTEE MINUTES

**Senate Agriculture Committee**  
Roosevelt Park Room, State Capitol

SB 2204  
Friday, January 28, 2011  
13615

☐ Conference Committee

Committee Clerk Signature

*Greta Nelson*

## **Explanation or reason for introduction of bill/resolution:**

Relating to notice of proposed annexations.

## **Minutes:**

Amendment attachment: #1

**Senator Flakoll:** Meeting called to order on January 28, 2011 10:40 am

**Clerk:** Roll call 6 present/ 1 absent (Senator Miller)

**Senator Flakoll:** Letters from Great River Energy, MDU Resources, Lignite Energy Council wanting to clarify their standing on this bill.

*Letters enclosed within file.*

1. Great River Energy – no position on the bill
2. MDU Resources – no formal position on this legislation
3. Lignite Energy Council – go on record in support of SB 2204

**Senator Heckaman:** Amendments (Attachment #1)

**Senator Flakoll:** We'll put them with the ones we will do next week. We will work on the ones with appropriations first ....next week. We have to get the ones out that are stamped "fiscal note". Two bills have to go out next week....any amendments must be out on Friday.

**Senator Heckaman:** All for right now?

**Senator Heckaman:** We heard the concerns of the citizens around there. Maybe not presented as well as could have been, but could have been a very positive to the people in the area. It could be a positive tourism and historical meaning to our state....people follow the heritage around when they are traveling. Tourist/historian buffs who like to look at that area.....could make a tourist destination/historical destination. My opinion, doesn't do damage to any of the property owners.

**Senator Larsen:** Clarification on first amendment, if we take the word "property" out, does that mean the property in the heritage area is state property or private property? What property are you talking about? Confused why we are taking property out.

**Senator Heckaman:** I ask Council to draft, they said you are taking everything out, but only talking about money, you don't need the word property on that line. Legislature would have to prove any funds.....then don't need the word "property". Someone should come into explain.

**Senator Larsen:** Confusion: At White Earth Bay, it is not in the heritage area, no funds available for boat ramp.....but then found artifacts and took the land....now can no longer use the ramp. If something comes up, will it then be given over to the heritage area?

**Senator Murphy:** The national heritage area has already been taken out if they want to. Anyone with property in ND, you find those types of relics. What power does the state have?

**Senator Larsen:** Cultivating .....run across ....very careful about letting people we have come across relics.

**Senator Heckaman:** True all over state...should contact the heritage center. Reason for the heritage center is mostly tourism in which people can see travels/trails/.....not taking property from farmers

**Senator Larsen:** Thought we heard testimony they wanted to take another 800ft buffer zone...Knife River Indian Village. If we remove "property" that will give them the idea ....we will incorporate that.

**Senator Heckaman:** I would have to look at the testimony ....that was land not included in this. Nothing to do with this area.

**Senator Larsen:** Group of maps of the 5 counties .... Maybe Oliver/Mercer County? Testimony from Wes Klein on page 9.

**Senator Murphy:** Effected county, but doesn't mean includes all those counties.

**Senator Larsen;** Fear if property is left out, the heritage area could and find site; we are not going to let private property owners do anything with it. Way this heritage area can take property from land owners.

**Senator Flakoll:** Anybody in the tower that you want to hear from for clarification....What we can and can't do? Let it rest and think about it.

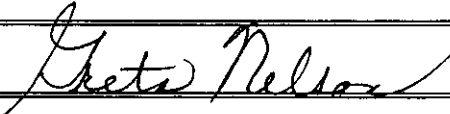
# 2011 SENATE STANDING COMMITTEE MINUTES

**Senate Agriculture Committee**  
Roosevelt Park Room, State Capitol

SB 2204  
February 18, 2011  
14684

☐ Conference Committee

Committee Clerk Signature



## **Explanation or reason for introduction of bill/resolution:**

To prohibit state funding of the northern plains national heritage area.

## **Minutes:**

Attachments: #1, #2

**Senator Flakoll:** Meeting called to order SB 2204 A couple sets of amendments have been handed out ....none acted on.

**Senator Klein;** Handed out amendment that quasi-agency and makes up the nonprofit entities.

**Senator Flakoll;** referring to the 03004 Three sets of amendments handed out.

**Senator Klein;** I move amendments 11.0421.03004

**Senator Luick:** Second

**Senator Flakoll:** Moved and second to adopt 3004 amendments to SB 2204

**Senator Flakoll;** Discussion?

**Senator Murphy:** Need time to review.

**Senator Larsen:** When listening to testimony, someone asked if was a quasi agency .....he said he was, but don't remember who that was? Was it Lincoln Park or near Washburn? What is a quasi?

**Senator Klein;** That is why it is amended as people weren't sure what a quasi agency was or nonprofit entity maybe implied. This amendment removes that.

**Senator Murphy:** Is it proper to discuss 3002 as they relate to 3004 before we react on 3004.

**Senator Flakoll;** Taken up separately. If you were to adopt more than one set of amendments, legislative council would cotify those amendments.(Example on the educational bill.)

**Senator Flakoll;** Discussion?

**Senator Flakoll:** Both proponets of the bill would prefer that quasi agency and nonprofit entity language be removed?

**Senator Klein;** One question was definition of quasi.

**Senator Flakoll;** Clerk take roll for the adoption of 3004 amendment to SB 2204

**Clerk:** 7-0-1

**Senator Flakoll:** Motion carries

**Senator Heckaman;** Look at amendments ending in 3002. These are the ones Senator Larsen was referring to...take the word property out of there .....don't know if we use state property or give state property away.....why is that word in there? No problem with state funds being approved by the legislature for any of these areas..... I don't think that is a problem, but I don't know the reasoning in lines 10 and 11 by looking at .....heritage is not specifically the land itself, it is more like a theory looking at your heritage in your state. Historical things have taken place ....and it is a way for interested people in history, have an opportunity to go onto the site to see the places that have been selected to visit. We have some misinformation as to what this does and does not do.

**Senator Murphy:** Senator Dorgan added to comfort disgruntaled persons

**Senator Heckaman:** Persons who testified were in fear of them taking over some of their property. I don't see this happening....as it looks like misunderstanding.  
I move of adoption of amendments 11. 0421.03002

**Senator Murphy Second**

**Senator Flakoll:** Moved and second adoption of 3002 amendments to SB 2204.

**Senator Luick;** Boundary....why do they have boundary?

**Senator Heckaman:** When traveling, there is not a formal sign or fence telling you it is a Heritage begins and stops.

**Senator Murphy:** The Heritage is a tourism attraction to come to visit our river area. Extra money to get for tourism.

**Senator Miller:** I view Heritage area as sort of a park...that doesn't seem abrasive ....this idea of getting money. Trouble going into the Heritage area They have \$100,000 ...the

chance of getting more is very slim. What is worth while putting into this area for a small amount of money?

**Senator Heckaman** It goes back to the word, Heritage.....on a map can see the designated areas. Travel to the area of your interest.....if out of the area spend more time looking for the destination. We are looking the funding....they don't know how much will come down out of the 10 million, but we have opportunity to get that or even a third ....that is good for tourism in our state. This is basically tourism and funds for this specific area. If we don't get the funds, they will go back for someone else's use. If it doesn't cost our state anything, it is a good deal.

**Senator Luick:** It may not be costing our state directly, but taking federal funds ..... I feel is not the right thing.

**Senator Flakoll:** Do we know how much money TN has received?

**Senator Murphy;** Do you think farmers shouldn't receive monies.....all departments have fed money coming to use for their needs.

**Senator Flakoll;** Clerk take roll for amendments for 11.0421.03002 for SB 2204

**Clerk:** Take roll call vote. 2-5-0

**Senator Flakoll;** Motion fails

**Senator Klein:** Move SB 2204 as amended

**Senator Larsen;** Second

**Senator Flakoll;** Moved by SB 2204 for DO Pass as amended . It will automatically be rolled so you go 6<sup>th</sup> order with your bill assuming the amendments are adopted, then it will go automatically on that same bill to the 11<sup>th</sup> order.

**Clerk:** 5-2-0

**Senator Flakoll** Carries

**Senator Flakoll;** Senator Klein carries the bill

**Senator Flakoll:** Adjourned

February 15, 2011

#1

PROPOSED AMENDMENTS TO SENATE BILL NO. 2204

Page 1, line 6, remove "or quasi-agency"

Page 1, line 7, remove "nonprofit entities"

Page 1, line 7, after "area" insert "or any similar or successor designated areas"

Page 1, line 9, after "area" insert "or any similar or successor designated areas"

Renumber accordingly



Date: 2/17/11

Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 2207 (3004)

Senate Agriculture Committee

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

Action Taken: ☐ Do Pass ☐ Do Not Pass ☐ Amended ☒ Adopt Amendment  
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Senator Klein Seconded By Senator Luick

Senators	Yes	No	Senators	Yes	No
Chairman Flakoll	✓		Senator Heckaman	✓	
Vice-Chair Oley Larsen	✓				
Senator Klein	✓				
Senator Luick	✓				
Senator Miller	✓				
Senator Murphy	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Senator

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



PROPOSED AMENDMENTS TO SENATE BILL NO. 2204

Page 1, line 4, remove "and property"

Page 1, line 6, remove "or quasi-agency"

Page 1, line 7 remove "nonprofit entities"

Page 1, line 8, remove "State lands, water, property, or facilities may not be"

Page 1, remove lines 9 through 11

Renumber accordingly

Date: 2/17/11

Roll Call Vote # 2

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 2204 (3002)

Senate Agriculture Committee

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

Action Taken: ☐ Do Pass ☐ Do Not Pass ☐ Amended ☒ Adopt Amendment  
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Senator Heckaman Seconded By Senator Murphy

Senators	Yes	No	Senators	Yes	No
Chairman Flakoll		✓	Senator Heckaman	✓	
Vice-Chair Oley Larsen		✓			
Senator Klein		✓			
Senator Luick		✓			
Senator Miller		✓			
Senator Murphy	✓				

Total (Yes) 2 No 5

Absent 0

Floor Assignment Senator

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

*Failed*

Date: 2/17/11

Roll Call Vote # 3

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 2204

Senate Agriculture Committee

Legislative Council Amendment Number 11.0421.03004

Action Taken: ☒ Do Pass ☐ Do Not Pass ☒ Amended ☐ Adopt Amendment  
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Senator Klein Seconded By Senator Larsen

Senators	Yes	No	Senators	Yes	No
Chairman Flakoll	✓		Senator Heckaman		✓
Vice-Chair Oley Larsen	✓				
Senator Klein	✓				
Senator Luick	✓				
Senator Miller	✓				
Senator Murphy		✓			

Total (Yes) 5 No 2

Absent 0

Floor Assignment Senator Klein

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

**REPORT OF STANDING COMMITTEE**

**SB 2204: Agriculture Committee (Sen. Flakoll, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2204 was placed on the Sixth order on the calendar.

Page 1, line 6, remove "or quasi-agency"

Page 1, line 7, remove "nonprofit entities"

Page 1, line 7, after "area" insert "or any similar or successor designated areas"

Page 1, line 9, after "area" insert "or any similar or successor designated areas"

Renumber accordingly

2011 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2204

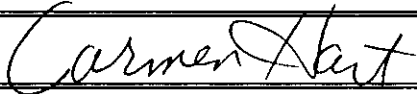
# 2011 HOUSE STANDING COMMITTEE MINUTES

House Government and Veterans Affairs Committee  
Fort Union Room, State Capitol

SB 2204  
March 17, 2011  
15640

☐ Conference Committee

Committee Clerk Signature



## Explanation or reason for introduction of bill/resolution:

Prohibit state funding of the northern plains national heritage area

## Minutes:

**Chairman Bette Grande** opened the hearing on SB 2204.

**Senator Margaret Sitte, District 35**, appeared. **Attachment 1.**

**Rep. Roscoe Streyle:** I would like to applaud you for bringing this forward. I think this is an extremely important piece of legislation.

**Rep. Lonny Winrich:** It appears from your testimony that the state already has much of the authority that you seem to be seeking in this legislation. For example, the director of state parks has already removed the state parks from this area. What is the problem? Can't areas just be removed under current law?

**Senator Margaret Sitte:** That portion of this bill is just an extra precaution that the legislature is there to look out for the rights of property owners. When you are in an area like this and you read all of the fine details, you have to be concerned about changing the view shed, the noise shed, water shed, and the land. Every single aspect of your land is now under the control of the national park service. This is absolutely huge and these people have very real concerns. We wouldn't want a change in administration in the governor's office to change state involvement on a whim. We also don't want state agencies to be out there as they have done in the past granting matching funds for these federal funds for activities there. We believe that it is important that the legislature watch over these federal land designations.

**Rep. Lonny Winrich:** The informational brochure that you passed out the third FAQ says the national heritage area is not a unit of the national park service nor is any land owned or managed by the national park service. National park service involvement is always advisory in nature. How do you get to the conclusion that the national park service is going to control this area?

**Senator Margaret Sitte:** There has been extensive correspondence back and forth with the national park service. To be honest, they were not eager to take this designation on,

but very definitely under federal law a national heritage area is put under the national park service.

**Sandy Clark, North Dakota Farm Bureau**, appeared in support. North Dakota Farm Bureau has been opposed to the federal designation of the northern plains national heritage since it came to light a few years ago. This bill would ease the fears of landowners who live in the heritage area corridor. This bill as it has been explained allows the state legislature to maintain control over your state land, and we think that is the role of the state legislature. We are more concerned about what can happen in the future as these things begin to grow and then rules and regulations start being put into place. The heritage area originally included all lands, both public and private, and at the instigation of landowners, Senator Dorgan did go back into the legislation and require that you would have to opt in to the heritage area rather than opt out. We appreciate that Senator Dorgan did that because otherwise it would have just put everybody inside the program. It does allow for \$10 million in federal dollars over 15 years. It is for tourism and to preserve cultural heritage aspects of our state. That in itself is a very noble cause, but as we have watched other heritage areas, it has caused a lot of anxiety for North Dakota landowners. You heard about the concern that we have about property rights. In other areas zoning ordinances have been passed that put a lot of restrictions on neighboring lands. That is not to say that is going to happen here. We are also concerned about the future as these grow and they use federal dollars to implement these programs and particularly if there are capital projects. What happens when the federal dollars go away? It will be up to the state of North Dakota to maintain those facilities. We also like the provision that says the heritage area could not be expanded without your approval. That, too, has been happening in these other heritage areas across the country. There are now 49 other heritage areas in the country.

**Rep. Lisa Meier:** To date, how much money have we received so far?

**Sandy Clark:** That would be a question that you might like ask to the folks who are administering the program.

**Wes Klein, Mercer County Resident**, appeared. **Attachment 2.**

**Becky Graner, South Bismarck/Mandan Resident**, appeared. **Attachment 3.**

**Bret Narloch, Burleigh County Property Owner**, appeared in support. I have studied it extensively and the previous testifiers talked about the heritage areas in broad general terms. I kind of want to bring it home and how I think it is going to affect everybody's personal property in Burleigh County, Oliver County, Mercer County, all these counties. Once the federal appropriations are made and if the state matches it and they get all these funds, you are talking about millions of dollars that can be used to lobby local governments into changing their ordinances. That is where the property rights aspect I think comes into play. There are laws that say that federal money cannot be used to lobby, but as far as I can tell there aren't any laws that prohibit laundering money to groups like the Sierra Club or starting new groups or anything like that that can continuously and aggressively lobby county commissions, city commissions, township boards, all of those local governments, with federal dollars or state dollars to affect private property rights.



**Mary Graner, Private Landowner**, appeared. We look at these pictures of Lewis and Clark coming up the river. None of them said hey, let us leave it the way it is. They came up here for progress. They came up here to make changes, to have a better life for people that were settling in the area. Our families have settled this area for over 100 years. What if oil does get located down here? What if we can't put up an oil well? What if we can't put up a wind farm? I don't think they are the prettiest things, but if it is a way to make a living, I should have that opportunity on my own land to have that. We ranch down by Graner Park and what if my husband wants to put up a feedlot and now these cattle, whether it is the smell or the sound or the look of them, the people can't stand to see that driving by in a western area. These are the real concerns of the private landowners and that is why we would like the state to keep an eye on this rather than handing it over to the national park service.

**Julie Ellingson, North Dakota Stockmen's Association**, handed out testimony in support. **Attachment 4.**

**Opposition:**

**Tracy Potter, President and Executive Director, Fort Abraham Lincoln Foundation and President of Missouri Riverboat Inc.**, appeared in opposition. **Attachment 7 & 8.** He started out by passing out testimony from **David Borlaug, President of the Northern Plains Heritage Foundation**, who was unable to be present. **Attachments 5 & 6.** Mr. Potter closed with a couple of references to Mr. Klein's testimony. People should understand. The national park service has opposed the designation of, I believe, every national heritage area. This is a reason that you can all understand as members of the legislative branch. It is a conflict between the legislature and the executive branch. The executive branch has its plans in place for what it wants to do with its budget in the national park service. It comes from the bureaucrats in the national park service. This reaches out beyond them. This is money that they would rather see in their parks and so they have opposed each and every one of these. Yes, they do have their view. As Mr. Klein was pointing out something that I thought sounded like there was a contradiction, I want to tell you there is no contradiction, because there is no contradiction between caring about preservation and not regulating people's private lives or their land. If you offer incentives for people to preserve, that is not regulating them in any way.

**Rep. Lisa Meier:** To date, how much money has been received?

**Tracy Potter:** \$213,000. It hasn't actually been received. It has been placed in an account in Omaha and we need to generate matches to receive it. We need programs. To date, the only thing that has happened is we have prepared the management plan and held public hearings and things like that and have received, I believe, a total of \$19,000 of that \$213,000.

**Rep. Lisa Meier:** That \$19,000 in matching grants so far?

**Tracy Potter:** That is correct.

**Dan Ulmer, Mandan Resident and Fort Lincoln Foundation Board Member,** appeared in opposition. I was with the Fort Lincoln Foundation when we started it in the late 70s. Like you, I have a lot of volunteer programs and things that tug on my heart where I try to make my community better. In 1981 under Governor Al Olson, the new park and rec director met with us and we started talking about what could be done with Fort Lincoln. Fort Lincoln was put back together originally in the 30s under the CCC. The park and rec director came up with what was called the Legacy Tour. Part of that tour was to look at the Missouri River. The heritage along this river is incredible. I was on the Mandan city commission for 16 years. We decided to redo First Street. We discovered there was a thing called Scattered Village filled with Indian artifacts. My home has been home to people for a long, long time. That is our heritage. Under this bill what you are telling me is that the state funds cannot be expended without legislative approval. Let me tell you what wouldn't be there. We wouldn't have the Custer House. We wouldn't have Fort Lincoln. We probably wouldn't have Knife River. I don't know that we would have Graner Bottoms which is a wonderful campground. I have been to all the hearings that the Farm Bureau tells you about. It becomes a bunch of boogiemen. We are not kooks. We are not crazy. We are folks who are concerned about our community. We are concerned about our neighbors. We want to take care of these issues, but we also want to develop some things. One of the developments is to preserve our heritage.

**Rep. Karen Karls:** That is all in the past. I don't think this is going to affect what is already in place. It seems pretty specific to the northern plains heritage area, no money going for that. Will that really affect future historical preservation in our area?

**Dan Ulmer:** Yes. For example, Fort Lincoln and Fort McKeen are going to need some help redeveloping the block houses. Under this bill we can't do that without coming to you for legislative approval. The way I am reading it no state funds can be expended, transferred from state agencies to match federal without coming to the legislature first. We didn't come to you to build the Custer House. We didn't come to you to remodel the earth lodges. We put it together as a community and made it happen, the same with Knife River, and Lewis and Clark. They didn't come to the legislature to do the Cross Ranch. They raised the money privately and they gave it to the state.

**Rep. Karen Karls:** If we just get rid of the northern plains national heritage area designation, problem solved?

**Dan Ulmer:** Then nobody can do it then.

**Rep. Karen Karls:** Well, it is specific to that designation.

**Dan Ulmer:** As I read the bill, and maybe I am reading it wrong, nobody could do it.

**Chairman Bette Grande:** You said the Custer House would not have been done. This says state funds. Was it built with state funds without the legislature designating those dollars?

**Dan Ulmer:** We used \$100,000 in loan money. We set up a special loan fund through the Bank of North Dakota.

**Chairman Bette Grande:** As a former legislator, who designates the state dollars in our state?

**Dan Ulmer:** You do. In some instances you provide the discretion for state funds to be spent on maintenance, upkeep, etc. and they not necessarily fully spelled out in the budget. They come through an emergency basis or as needed basis, etc.

**Chairman Bette Grande:** The legislative assembly would have done that?

**Dan Ulmer:** Yes, they would have appropriated something.

**Bill Shalhoob, One of the original members who found the Fort Lincoln Foundation,** appeared in opposition. Unlike Mr. Ulmer, I am more on the other side of the aisle. I had all these conversations with the staff of Fort Lincoln about what this would do or what it would not do. My examination of the fact that whether this would interfere in any way with any kind of private property thing was more intense than yours or any of these folks at the time and went through a rigorous examination before I would vote to allow them to proceed. When the designation came along and we talked about this within the bill about the individual rights and the individual concerns, that has been raised properly here at the time, and the way to address that would be to have an opt in clause instead of an opt out clause, we supported that immediately. While I appreciate Senator Sitte's remarks about our cooperative efforts and what we have done, most of those cooperative efforts have always been without money. For those of you who talked about the commerce budget where tourism is located last time, our numbers are that we are about \$6 million a biennium below what is necessary to truly remain competitive in marketing. We are always looking for marketing dollars and that is what this is. I am not concerned about the development side. Where there won't be time to come before the legislative assembly is on the marketing side which is what this is designed to do. If we have a marketing program we are doing it now for this summer, it is fine. Next year if we develop a marketing program and there are some funds that we can use with parks and rec or with tourism in order to help market this part of the state, how do we get to the legislative assembly in order to get permission for them to be involved in the marketing process to take the extra dollars and to generate some more traffic for North Dakota? That is the problem. Fort Lincoln and Washburn are entirely owned by the state of North Dakota. We own nothing there, but we built those properties, both places. We turned it immediately over to the state of North Dakota. We have a concessionaire relationship in there. We happen to be in there as the concessionaire that is running the interpretative program, the programs that are going on within that area. It is completely at the discretion of the state of North Dakota for both of us to tell us we are done tomorrow. We are already under executive control. The state of North Dakota in terms of the park department has chosen to opt out. We have a parks department person appointed by the governor and we have an administrative process in place that will restrict these funds and will see that nothing untoward is going to happen. I submit that we have the legislative oversight in terms of the budgets and we have the management oversight in terms of the administration or the executive branch and that this bill is unnecessary and it makes the process for us spending marketing dollars on this area more cumbersome.

**Dana Bohn, Tourism Alliance Partnership Executive Director**, handed out testimony in opposition. **Attachment 9.**

The hearing was closed.

**Chairman Bette Grande** informed the committee that Mr. Haugland representing private landowners had planned to be there but he was presently fighting flood waters.

**Chairman Bette Grande** opened the discussion on SB 2204 later that same afternoon.

**Rep. Roscoe Streyle** moved a Do pass.

**Rep. Karen Karls** seconded the motion.

**Rep. Lonny Winrich:** Under what conditions may state funds be expended or transferred from state agencies without approval of the legislative assembly?

**Chairman Bette Grande:** I am not sure.

**Rep. Lonny Winrich:** I don't think that first sentence means anything.

**Chairman Bette Grande:** I would have to probably be a little more well versed in human services. What comes to mind to me for federal match things is human services.

**Rep. Mark Sanford:** I would imagine that appropriated funds to parks in their budget could then be expended. Couldn't they? What this is saying is they could not be spent on no matter—it would be approved but it wouldn't be specific. It would be a departmental decision or an agency decision to do it.

**Rep. Roscoe Streyle:** I would say that not every single fund that is appropriated to human services has a specific purpose, every single dollar. I would assume that there are some funds where they can have discretion.

**Chairman Bette Grande:** For some of that they are put out, not necessarily specific, but they are put out in a grant to match up with another grant. Then they are really kind of matched when we send them out. I don't mind codifying that language in that I think, the case in point, former Senator Ulmer, nobody spends money until the legislature tells them to spend money and I think that is the key to that statement.

**Rep. Lonny Winrich:** That is already the case.

**Chairman Bette Grande:** So then codifying is not a bad thing.

**Rep. Lonny Winrich:** It is redundant. Why do we need this?

**Rep. Mark Sanford:** This one seems to me to be real direct guidance. Essentially, this is saying the state is not going to approve funds now or going forward for this particular.

**Rep. Lonny Winrich:** We can't do that. It is unconstitutional to bind the future legislature.

**Chairman Bette Grande:** Everything is constitutional until it is proven unconstitutional.

**Rep. Lonny Winrich:** I think we have an obligation to read the constitution.

**Chairman Bette Grande:** It has been read to us, don't you know.

**Rep. Gary Paur:** If we were going to restrict that northern plains, that is one thing or any similar. I don't know what you consider similar.

**Chairman Bette Grande:** Any similar would be other types of heritage areas.

**DO PASS, 8 YEAS, 3 NAYS, 2 ABSENT. Rep. Roscoe Streyle is the carrier of this bill.**

Date: 3-17-11  
Roll Call Vote #: 2

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2207

House GOVERNMENT AND VETERAN AFFAIRS Committee

☐ Check here for Conference Committee

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

Action Taken ☒ Do Pass ☐ Do Not Pass ☐ Amended ☐ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Streyle Seconded By Karls

Representatives	Yes	No	Representatives	Yes	No
Chairman Bette Grande	✓		Bill Amerman		✓
Vice Chairman Randy Boehning	✓		Ron Guggisberg		✓
Glen Froseth			Lonny Winrich		✓
Karen Karls	✓				
Lisa Meier	✓				
Gary Paur	✓				
Karen Rohr					
Mark Sanford	✓				
Vicky Steiner	✓				
Roscoe Streyle	✓				

Total (Yes) 8 No 3

Absent 2

Floor Assignment Streyle

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

**REPORT OF STANDING COMMITTEE**

**SB 2204, as engrossed: Government and Veterans Affairs Committee (Rep. Grande, Chairman) recommends DO PASS (8 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2204 was placed on the Fourteenth order on the calendar.**

2011 TESTIMONY

SB 2204



Testimony on SB 2204  
Senate Agriculture Committee  
January 21, 2011

#1

Mr. Chairman and members of the committee, I am Margaret Sitte, senator from District 35 in Bismarck.

The Northern Plains Heritage Area was designated by Congress in the Omnibus Land Management Act of 2009 (Public Law 111-11). The Heritage Area designation places five counties, Mercer, McLean, Morton, Oliver and Burleigh, under the authority of the National Park Service. The title of the bill says a great deal: it is indeed a land management plan, and it was enacted without the knowledge or consent of the landowners in this region.

Only after the Omnibus Land Management Act of 2009 had become law in March of that year did the Northern Plains Heritage Foundation finally hold a public hearing. I attended that hearing in the basement of the Bismarck Public Library, and I listened to speaker after speaker heatedly express concerns about his or her property rights. Every single speaker that evening spoke in opposition to this heritage area. I will keep my comments brief so that you can hear their concerns today.

I have an amendment, and I will include it when explaining the bill's three parts. First, "state funds may not be expended or transferred from state agencies or quasi-agency nonprofit entities to match federal moneys for the northern plains national heritage area or any similar or successor designated areas without the approval of the legislative assembly." Dictionary.com defines "quasi" as a combining form meaning "resembling," "having some, but not all of the features of," and it is used in the formation of compound words: quasi-definition; quasi-monopoly; quasi-official; quasi-scientific." Some examples of quasi-agency nonprofit entities would be the Fort Abraham Lincoln Foundation and the Lewis and Clark Fort Mandan Foundation, which are independent nonprofit entities, but which many average citizens perceive to be state agencies.

Attached is an article from yesterday's U.S. News and World Report that lists heritage area grants as one of many areas that Congress is considering cutting.

Second, "state lands, water, property, or facilities may not be included in the designated northern plains national heritage area or any similar or successor

designated areas without the approval of the legislative assembly." Early on, former director of state parks Doug Prchal removed state parks from the heritage area, and that removal continues today.

Third, "no further lands, water, property, or facilities may be designated as heritage areas within this state without the approval of the legislative assembly."

Notice that all of these activities may occur; this bill just places them under legislative authority.

I refer you to the attached handout taken from the National Park Service website. The first question asks, "How do National Heritage Areas work? National Heritage Areas (NHA) expand on traditional approaches to resource stewardship by supporting large-scale, community centered initiatives that connect local citizens to the preservation and planning process.

The National Park Service claims the heritage areas are community centered, but as we have seen, the public was ignored until the plan was in place. Farmers, coal mines and power plants abound in this mineral-rich area, yet the purpose of a heritage area is resource stewardship using large-scale initiatives to preserve and plan, and preservation is often seen as the opposite of development, of prosperity, of freedom over one's own land.

Farther down the page, it says the heritage area strategy is for citizen property owners to form partnerships with the federal government. A partnership with a 900-pound gorilla, unfortunately, leaves the private citizen with little recourse.

Some will come before you today and speak on behalf of tourism, saying the Heritage Area helps market this portion of the state. These attractions were being marketed together long before the National Heritage Area designation. We truly enjoy the beauty and history of these special places in central North Dakota. We recognize the work of the Fort Abraham Lincoln Foundation and the Lewis and Clark Fort Mandan Foundation in bringing visitors here. May they long continue to do so, but seeking federal funds for tourism should not infringe upon private property rights.

This bill will not remove the national heritage area designation from these five counties. All it does is restore some of our state's rights and put the legislature in its rightful place of authority.

FAQ's Taken from National Park Service <http://www.nps.gov/history/heritageareas/FAQ/>

► How do National Heritage Areas work?

National Heritage Areas (NHA) expand on traditional approaches to resource stewardship by supporting large-scale, community centered initiatives that connect local citizens to the preservation and planning process.

► What is the role of the National Park Service?

The National Park Service (NPS) provides technical, planning and limited financial assistance to National Heritage Areas. The NPS is a partner and advisor, leaving decision-making authority in the hands of local people and organizations.

The National heritage Areas staff at NPS headquarters are available to help answer any questions about the program.

► How is it different from a National Park?

A National Heritage Area is not a unit of the National Park Service, nor is any land owned or managed by the NPS. National Park Service involvement is always advisory in nature.

► How does a region become a National Heritage Area?

National Heritage Areas are designated by Congress. Each National Heritage Area is governed by separate authorizing legislation and operates under provisions unique to its resources and desired goals. For an area to be considered for designation, certain key elements must be present. First and foremost, the landscape must have nationally distinctive natural, cultural, historic, and scenic resources that, when linked together, tell a unique story about our country. It is strongly recommended that a feasibility study be conducted prior to any designation attempt.

► How do communities benefit from the National Heritage Area designation?

The designation has both tangible and intangible benefits. Heritage conservation efforts are grounded in a community's pride in its history and traditions, and in residents' interest and involvement in retaining and interpreting the landscape for future generations. It offers a collaborative approach to conservation that does not compromise traditional local control over and use of the landscape. Designation comes with limited financial and technical assistance from the National Park Service.

► Why utilize the heritage areas strategy?

The heritage area concept offers an innovative method for citizens, in partnership with local, state, and Federal government, and nonprofit and private sector interests, to shape the long-term future of their communities. The partnership approach creates the opportunity for a diverse range of constituents to come together to voice a range of visions and perspectives. Partners collaborate to shape a plan and implement a strategy that focuses on the distinct qualities that make their region special.

► What kinds of activities does a National Heritage Area offer to outside visitors

National Heritage Areas appeal to all ages and interests. Some have opportunities for walking, hiking, biking and paddling. Some have festivals to attend and museums to visit. Many Areas provide volunteer opportunities, group tours, and multiple-day excursions and can also be visited in combination with over 80 units of the National Park Service.



HOME OPINION WASHINGTON WHISPERS CONGRESS TRACKER WHITE HOUSE TRACKER

## House GOP Lists \$2.5 Trillion in Spending Cuts

By PAUL BEDARD  
Posted: January 20, 2011

Moving aggressively to make good on election promises to slash the federal budget, the House GOP today unveiled an eye-popping plan to eliminate \$2.5 trillion in spending over the next 10 years. Gone would be Amtrak subsidies, fat checks to the Legal Services Corporation and National Endowment for the Arts, and some \$900 million to run President Obama's healthcare reform program. [See a gallery of political caricatures.]

What's more, the "Spending Reduction Act of 2011" proposed by members of the conservative Republican Study Committee, chaired by Ohio Rep. Jim Jordan, would reduce current spending for non-defense, non-homeland security and non-veterans programs to 2008 levels, eliminate federal control of Fannie Mae and Freddie Mac, cut the federal workforce by 15 percent through attrition, and cut some \$80 billion by blocking implementation of Obamacare. [See a slide show of the top Congressional travel destinations.]

Some of the proposed reductions will surely draw Democratic attack, such as cutting the Ready to Learn TV Program, repeal of the Davis-Bacon Act, the elimination of the Energy Star Program, and cutting subsidies to the Woodrow Wilson Center. [See editorial cartoons about the GOP.]

Here is the overview provided by the Republican Study Committee:

**FY 2011 CR Amendment:** Replace the spending levels in the FY 2011 continuing resolution (CR) with non-defense, non-homeland security, non-veterans spending at FY 2008 levels. The legislation will further prohibit any FY 2011 funding from being used to carry out any provision of the Democrat government takeover of health care, or to defend the health care law against any lawsuit challenging any provision of the act. \$80 billion savings.

**Discretionary Spending Limit, FY 2012-2021:** Eliminate automatic increases for inflation from CBO baseline projections for future discretionary appropriations. Further, impose discretionary spending limits through 2021 at 2006 levels on the non-defense portion of the discretionary budget. \$2.29 trillion savings over ten years.

**Federal Workforce Reforms:** Eliminate automatic pay increases for civilian federal workers for five years. Additionally, cut the civilian workforce by a total of 15 percent through attrition. Allow the hiring of only one new worker for every two workers who leave federal employment until the reduction target has been met. (Savings included in above discretionary savings figure).

**"Stimulus" Repeal:** Eliminate all remaining "stimulus" funding. \$45 billion total savings.

Eliminate federal control of Fannie Mae and Freddie Mac. \$30 billion total savings.

Repeal the Medicaid FMAP increase in the "State Bailout" (Senate amendments to S. 1586). \$16.1 billion total savings.

More than 100 specific program eliminations and spending reductions listed below: \$330 billion savings over ten years (included in above discretionary savings figure).

Here is the full list of cuts:

**Additional Program Eliminations/Spending Reforms**

Corporation for Public Broadcasting Subsidy. \$445 million annual savings.

Save America's Treasures Program. \$25 million annual savings.

International Fund for Ireland. \$17 million annual savings.

Legal Services Corporation. \$420 million annual savings.

National Endowment for the Arts. \$167.5 million annual savings.

National Endowment for the Humanities. \$167.5 million annual savings.

Hope VI Program. \$250 million annual savings.

Amtrak Subsidies. \$1.565 billion annual savings.

Eliminate duplicative education programs. H.R. 2274 (In last Congress), authored by Rep. McKeon, eliminates 68 at a savings of \$1.3 billion annually.

U.S. Trade Development Agency. \$55 million annual savings.

Woodrow Wilson Center Subsidy. \$20 million annual savings.

Cut in half funding for congressional printing and binding. \$47 million annual savings.

John C. Stennis Center Subsidy. \$430,000 annual savings.

Community Development Fund. \$4.5 billion annual savings.

\* Heritage Area Grants and Statutory Aid. \$24 million annual savings.

Cut Federal Travel Budget in Half. \$7.5 billion annual savings.

Trim Federal Vehicle Budget by 20%. \$600 million annual savings.

Essential Air Service. \$150 million annual savings.

Technology Innovation Program. \$70 million annual savings.

Manufacturing Extension Partnership (MEP) Program. \$125 million annual savings.

Department of Energy Grants to States for Weatherization. \$530 million annual savings.

Beach Replenishment. \$95 million annual savings.

New Starts Transit. \$2 billion annual savings.

Exchange Programs for Alaska, Natives Native Hawaiians, and Their Historical Trading Partners in Massachusetts. \$9 million annual savings.

Intercty and High Speed Rail Grants. \$2.5 billion annual savings.

Title X Family Planning. \$318 million annual savings.

Appalachian Regional Commission. \$76 million annual savings.

Economic Development Administration. \$293 million annual savings.

Programs under the National and Community Services Act. \$1.15 billion annual savings.

Applied Research at Department of Energy. \$1.27 billion annual savings.

FreedomCAR and Fuel Partnership. \$200 million annual savings.

Energy Star Program. \$52 million annual savings.

Economic Assistance to Egypt. \$250 million annually.

U.S. Agency for International Development. \$1.39 billion annual savings.

General Assistance to District of Columbia. \$210 million annual savings.

Subsidy for Washington Metropolitan Area Transit Authority. \$150 million annual savings.

Presidential Campaign Fund. \$775 million savings over ten years.

No funding for federal office space acquisition. \$864 million annual savings.

End prohibitions on competitive sourcing of government services.

Repeal the Davis-Bacon Act. More than \$1 billion annually.

IRS Direct Deposit: Require the IRS to deposit fees for some services it offers (such as processing payment plans for taxpayers) to the Treasury, instead of allowing it to remain as part of its budget. \$1.8 billion savings over ten years.

Require collection of unpaid taxes by federal employees. \$1 billion total savings.

Prohibit taxpayer funded union activities by federal employees. \$1.2 billion savings over ten years.

Sell excess federal properties the government does not make use of. \$15 billion total savings.

Eliminate death gratuity for Members of Congress.

Eliminate Mohair Subsidies. \$1 million annual savings.

Eliminate taxpayer subsidies to the United Nations Intergovernmental Panel on Climate Change. \$12.5 million annual savings.

Eliminate Market Access Program. \$200 million annual savings.

USDA Sugar Program. \$14 million annual savings.

Subsidy to Organisation for Economic Co-operation and Development (OECD). \$93 million annual savings.

Eliminate the National Organic Certification Cost-Share Program. \$56.2 million annual savings.

Eliminate fund for Obamacare administrative costs. \$900 million savings.

Ready to Learn TV Program. \$27 million savings.

HUD Ph.D. Program.

Deficit Reduction Check-Off Act.

**TOTAL SAVINGS: \$2.5 Trillion over Ten Years**

- Video: House Votes to Repeal Healthcare Reform.
- *See photos of the Obamas behind the scenes.*
- *Check out our editorial cartoons on the GOP.*
- *Check out this month's best political cartoons.*

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Senate Bill 2204

# 2

Testimony

January 21, 2011

Mr. Chairman and members of the Senate Agriculture Committee, I am Jim Schmidt, Representative of District 31 that comprises, in part, the area along the Missouri River from south of Mandan to the South Dakota boarder.

I live south of Mandan just off Highway 1806 and own 420 acres of agricultural land. I was the first landowner to request that my land be withdrawn from the Northern Plains Heritage Area. This request was prior to the addition of the clause that exempted private land.

I have elected to co-sponsor Senate Bill 2204 so that each faction, be they for or against the Heritage Area, can have "their day in court" so that we may once and for all end the conflict and proceed.

I have also co-sponsored Senate Bill 2204 so that any of my constituents may participate in the Heritage Program without competition from the State of North Dakota, its properties or associated organizations.

I believe that the opportunities for this Heritage Area, and my constituents, to succeed are contained in the 3 factors of this Bill.

**1. Elimination of State funds for match:**

The National Heritage Program strives to achieve a level of self-sustainability for each designated Heritage Area. It is reported that not a single Heritage area in the United States is self-sustaining.

I believe that eliminating State funds from being used as matching funds is necessary to accelerate the need for the Northern Plains Heritage Area to achieve sustainability as quickly as possible.

Eliminating state funds for match also accelerates public ownership including, the numerous granting sources, involved citizens who wish to contribute and non-profit organizations, which are critical to success. Doing such places the responsibility of financial or economic success on the people securing private funds rather than legislating for North Dakota tax dollars.

We have experienced that once public funds are injected into a program, that program becomes dependent on those public funds and the ownership of the program transfers to the taxpayer. This is not acceptable for self sustainability.

I also believe that being the Nation's first financially independent Area would be a national "sales pitch" for our Northern Plains Heritage Area thereby increasing our chances for economic success.

## **2. Elimination of State owned land, buildings and facilities:**

The elimination of State owned property provides individuals, non-profit organizations or businesses who wish to participate, an opportunity to compete for **all** Northern Plains Heritage Area funds without competition from state owned properties. Since this is a granting program based on competition, I believe state owned properties and any organization associated with the State owned facilities would be given an unfair advantage. The elimination "levels the playing field" for those who wish to participate and may not have grant writing skills or cannot afford to employ grant writing staff.

This factor also solidifies the previous position of the North Dakota Department of Parks and Recreation that removed State owned properties from the designated area.



**3. Further Heritage Area designation approval by North Dakota Legislature:**

National Park Service policy regarding the process by which a Heritage Area is designated, includes a significant public involvement process. That process did not occur. The National Park Service did not provide programmatic oversight to ensure policy compliance by the project sponsors.

Apparently the National Park Service cannot be expected to maintain sufficient oversight to ensure that a proper public input process is conducted, as directed by its policy.

Requiring approval by the North Dakota Legislature for further Heritage Area designation will ensure that all citizens are informed and allowed input before the process would proceed to designation.

In summary, I sincerely believe the success of the Northern Plains Heritage Area lies with empowering the people and the people taking the responsibility. Involvement by the State prohibits or at best severely limits that process.

I encourage your support for Senate Bill 2204.

Testimony in support of SB 2204

January 21, 2011

Senate Agriculture Committee

#3

My name is Curly Haugland and I appear in support of SB 2204 on behalf of the Landowner's Association of North Dakota.

I have attached several documents that account for activity that led to the creation of the Northern Plains Heritage Area.

It is clear that the United States Senate Subcommittee on National Parks was misled about the community support that clearly does not and did not ever exist for this designation.

Consequently, this bill will neutralize the effects of the designation on private and public property in North Dakota and prevent this type of thing from happening in the future.

Your favorable consideration of this bill is greatly appreciated.

Curly Haugland

Landowner's Association of North Dakota

# Northern Plains Heritage Area Testimony

United States Senate  
Committee on Energy and Natural Resources  
Subcommittee on National Parks

Testimony of Tracy Potter  
President, Northern Plains Heritage Foundation  
Regarding S. 2098

November 8, 2007

Chairman Akaka and Members of the Subcommittee: thank you for the opportunity to testify in support of S. 2098, an act to create a new National Heritage Area along the last free-flowing stretch of the Missouri River in central North Dakota. After working on this project for the better part of three years, I am convinced that this region is worthy of National Heritage Area designation. I hope now to convince you, as well.

My name is Tracy Potter. I am a historian and have been a heritage tourism professional for the last twenty years. I've also recently become a North Dakota State Senator, but please don't hold that against me. My "real job" is serving as the Executive Director of the Fort Abraham Lincoln Foundation. Our mission is to preserve, develop and promote the historic properties within Fort Abraham Lincoln State Park, including the 7th Cavalry's posting, the last home of George Armstrong Custer and the On-a-Slant Mandan Indian Village. Prior to coming to the Fort Abraham Lincoln Foundation in 1993, I served six years at North Dakota Tourism in various capacities, including directing the state office through a legislative session for Governor Ed Schafer, recently nominated for Secretary of Agriculture.

I come before you today as President of the volunteer Board of Directors of the Northern Plains Heritage Foundation.



# Northern Plains Heritage Area Testimony

## Community Support

Since the incorporation of the Northern Plains Heritage Foundation, discussions about creation of a National Heritage Area along the Missouri have taken place in a completely transparent and inclusive way. In public hearings before city and county commissions the meaning of such a program has been discussed and the commissions have unanimously provided their encouragement. The directors of three state agencies: North Dakota Tourism, North Dakota Parks and Recreation, and the State Historical Society of North Dakota serve as ex-officio members of the Foundation's Board of Directors and they have each shown their dedication to the project by their personal attendance at Foundation Board meetings and support for our direction. You can reference the official letters of support in the Feasibility Study conducted over the last three years and published last May. I guarantee you, we're in the land where the deer and the buffalo roam, and there has been nary a discouraging word about the establishment of the Northern Plains Heritage Area. There have been only two questions asked about the Heritage Area. One is about the possibility of federal impingement on individual property rights in the area. When we answer that the program is all carrot and no stick, all incentives and marketing and encouragement with no regulation, there is nothing left to do but cheer for the concept. The other question is how to expand the area, because it sounds like such a good idea. The answer to that is focus and concentration. There are very understandable historical-cultural reasons why this area represents the heartland, the homeland of the Mandan and Hidatsa and their pioneering of agriculture and permanent settlement of the Northern Plains. But more than that, on a more practical, economic basis, the heritage area program requires focus. The storyline

needs to be simple ... the Rivers of Steel is about the heritage of our steel industry; Motor City is about cars. Here we tell the story, along the last 80 miles of free-flowing Missouri River about how people came here 1,000 years ago and established a way of life that echoes down to us today, still affecting and improving our lives. Within this proposed area are a critical mass of excellent historical sites, well-preserved and interpreted, as well as several prehistoric ruins, old village sites in need of attention.

North Dakotans respectively request and welcome federal designation of the Northern Plains Heritage Area.

## A Vision of the Future Derived from the Past

North Dakota doesn't have Mount Rushmore. No Yellowstone, or Chaco Canyon. In North Dakota tourism circles we have long recognized the need to cluster our several remarkable historical sites to create a critical mass, a destination attraction. Those of us in the region, engaged in both preservation and promotion work well together. Recognition of the national significance of the stories told in the Northern Plains Heritage Area will bolster local efforts and by a stroke of a pen, or an act of Congress, provide a prosperous future for the heritage of our past, a prosperity both in economic activity and the richness of the cultural and historic resource.

Again, Mr. Chairman, I thank you for this opportunity to appear before this Subcommittee. I welcome any questions that you and your colleagues may have.



Northern Plains Heritage Foundation 2007 Federal Tax Filing  
ID # 20-2045851

Part IV, continued

<u>Name</u>	<u>Address</u>	<u>Title</u>	<u>Hrs/wk</u>	<u>c</u>	<u>d</u>	<u>e</u>
Paul Trauger,	2395 Hwy 10. Mandan, ND 58554	Treasurer	1	0	0	0
Signe Snortland,	110 W. Ave A, Bismarck, ND 58501	Member	1	0	0	0
Kelvin Hullett,	1514 N. 23 <sup>rd</sup> St., Bismarck, ND 58501	Member	1	0	0	0
Dr. Kermit Lidstrom,	630 Remington Ave, Bismarck, ND, 58503	Member	1	0	0	0
Wallace Joersz,	200 Pirates Loop, SE, Mandan, ND 58554	Member	0	0	0	0

Part V

- 33 Since its inception in 2005 the Northern Plains Heritage Foundation was operated under the auspices of the Fort Abraham Lincoln Foundation, a 501(c)(3) organization receiving federal statutory aid through grant agreement with the National Park Service. All income and expenses were accounted for in the Fort Abraham Lincoln Foundation's 990 tax filings. In 2007, the Northern Plains Heritage Foundation received a \$62,000 federal grant which only passed-through the Fort Abraham Lincoln Foundation and the Heritage Foundation began spending its own money directly on program expenses.

In completing the Fort Abraham Lincoln Foundation's 2007 tax filing (after applying for an extension to file) the accounting firm of Mahlum Goodhart, PC, 208 East Main, Mandan, ND 58554, determined that the Northern Plains Heritage Foundation would need to file its own income tax return relating to the \$62,000 pass-through.

Form **990-EZ**Department of the Treasury  
Internal Revenue Service**Short Form**  
**Return of Organization Exempt From Income Tax**Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code  
(except black lung benefit trust or private foundation)  
▶ Sponsoring organizations, and controlling organizations as defined in section 512(b)(13) must file Form 990. All other organizations with gross receipts less than \$100,000 and total assets less than \$250,000 at the end of the year may use this form.  
▶ The organization may have to use a copy of this return to satisfy state reporting requirements.

OMB No 1545-1130

**2007****Open to Public Inspection**

<b>A</b> For the 2007 calendar year, or tax year beginning , 2007, and ending , 20							
<b>B</b> Check if applicable: <input type="checkbox"/> Address change <input type="checkbox"/> Name change <input type="checkbox"/> Initial return <input type="checkbox"/> Termination <input type="checkbox"/> Amended return <input type="checkbox"/> Application pending	<table border="1"> <tr> <td><b>C</b> Name of organization <b>NORTHERN PLAINS HERITAGE FOUNDATION</b></td> <td><b>D</b> Employer identification number <b>20-2045851</b></td> </tr> <tr> <td>Number and street (or P.O. box, if mail is not delivered to street address) Room/suite <b>401 W. MAIN</b></td> <td><b>E</b> Telephone number <b>(701) 663-4758</b></td> </tr> <tr> <td>City or town, state or country, and ZIP + 4 <b>MANDAN ND 58554-3164</b></td> <td><b>F</b> Group Exemption Number</td> </tr> </table>	<b>C</b> Name of organization <b>NORTHERN PLAINS HERITAGE FOUNDATION</b>	<b>D</b> Employer identification number <b>20-2045851</b>	Number and street (or P.O. box, if mail is not delivered to street address) Room/suite <b>401 W. MAIN</b>	<b>E</b> Telephone number <b>(701) 663-4758</b>	City or town, state or country, and ZIP + 4 <b>MANDAN ND 58554-3164</b>	<b>F</b> Group Exemption Number
<b>C</b> Name of organization <b>NORTHERN PLAINS HERITAGE FOUNDATION</b>	<b>D</b> Employer identification number <b>20-2045851</b>						
Number and street (or P.O. box, if mail is not delivered to street address) Room/suite <b>401 W. MAIN</b>	<b>E</b> Telephone number <b>(701) 663-4758</b>						
City or town, state or country, and ZIP + 4 <b>MANDAN ND 58554-3164</b>	<b>F</b> Group Exemption Number						

▶ Section 501(c)(3) organizations and 4947(a)(1) nonexempt charitable trusts must attach a completed Schedule A (Form 990 or 990-EZ).

**G** Accounting method: ☒ Cash ☐ Accrual  
Other (specify) ▶**I** Website: ▶ HTTP://NORTHERNPLAINSHERITAGE.ORG**J** Organization type (check only one) — ☐ 501(c) ( ) (insert no.) ☐ 4947(a)(1) or ☐ 527**H** Check ☐ if the organization is not required to attach Schedule B (Form 990, 990-EZ, or 990-PF)**K** Check ☐ if the organization is not a section 509(a)(3) supporting organization and its gross receipts are normally not more than \$25,000. A return is not required, but if the organization chooses to file a return, be sure to file a complete return.**L** Add lines 5b, 6b, and 7b, to line 9 to determine gross receipts. If \$100,000 or more, file Form 990 instead of Form 990-EZ. ▶ \$**Part I Revenue, Expenses, and Changes in Net Assets or Fund Balances** (See page 55 of the instructions.)

<b>Revenue</b>	1	Contributions, gifts, grants, and similar amounts received	1	62,000.00
	2	Program service revenue including government fees and contracts	2	
	3	Membership dues and assessments	3	
	4	Investment income	4	
	5a	Gross amount from sale of assets other than inventory	5a	
	5b	Less: cost or other basis (and sales expenses)	5b	
	5c	Gain or (loss) from sale of assets other than inventory. Subtract line 5b from line 5a (attach schedule)	5c	
	6	Special events and activities (attach schedule). If any amount is from gaming, check here <input type="checkbox"/>		
	6a	Gross revenue (not including sales of contributions reported on line 1)	6a	
	6b	Less: direct expenses other than fundraising expenses	6b	
6c	Net income or (loss) from special events and activities. Subtract line 6b from line 6a	6c		
7a	Gross sales of inventory, less returns and allowances	7a		
7b	Less: cost of goods sold	7b		
7c	Gross profit or (loss) from sales of inventory. Subtract line 7b from line 7a	7c		
8	Other revenue (describe ▶)	8		
9	<b>Total revenue.</b> Add lines 1, 2, 3, 4, 5c, 6c, 7c, and 8.	9	62,000.00	
<b>Expenses</b>	10	Grants and similar amounts paid (attach schedule)	10	
	11	Benefits paid to or for members	11	
	12	Salaries, other compensation, and employee benefits	12	
	13	Professional fees and other payments to independent contractors	13	16,000.00
	14	Occupancy, rent, utilities, and maintenance	14	
	15	Printing, publications, postage, and shipping	15	
	16	Other expenses (describe ▶ TRAVEL MEETING EXPENSE)	16	2,869.50
17	<b>Total expenses.</b> Add lines 10 through 16	17	18,869.50	
<b>Net Assets</b>	18	Excess or (deficit) for the year. Subtract line 17 from line 9	18	43,130.50
	19	Net assets or fund balances at beginning of year (from line 27, column (A)) (must agree with end-of-year figure reported on prior year's return)	19	300.00
	20	Other changes in net assets or fund balances (attach explanation)	20	
	21	<b>Net assets or fund balances at end of year.</b> Combine lines 18 through 20	21	43,430.50

**Part II Balance Sheets**—If Total assets on line 25, column (B) are \$250,000 or more, file Form 990 instead of Form 990-EZ.

(See page 60 of the instructions.)

	(A) Beginning of year	(B) End of year
22 Cash, savings, and investments	300.00	45,430.50
23 Land and buildings		
24 Other assets (describe ▶)		
25 <b>Total assets</b>	300.00	45,430.50
26 <b>Total liabilities</b> (describe ▶ ACCOUNT PAYABLE - PROFESSIONAL FEES)		2,000.00
27 <b>Net assets or fund balances</b> (line 27 of column (B) must agree with line 21)	300.00	43,430.50

For Privacy Act and Paperwork Reduction Act Notice, see the separate instructions.

Cat No 10642I

Form 990-EZ (2007)

SCANNED SEP 24 2008

Part III Statement of Program Service Accomplishments (See page 60 of the instructions.)		Expenses
What is the organization's primary exempt purpose? <u>MANAGEMENT OF NATIONAL HERITAGE AREA</u>		(Required for 501(c)(3) and (4) organizations and 4947(a)(1) trusts, optional for others.)
Describe what was achieved in carrying out the organization's exempt purposes. In a clear and concise manner, describe the services provided, the number of persons benefited, or other relevant information for each program title.		
28	<u>COMPLETED AND SUBMITTED TO CONGRESS + SECRETARY OF INTERIOR A FEASIBILITY STUDY ON CREATION OF THE NORTHERN PLAINS NATIONAL HERITAGE AREA</u>	6,000.00
	(Grants \$ ) If this amount includes foreign grants, check here <input type="checkbox"/>	28a
29	<u>TESTIFIED IN SENATE NATURAL RESOURCES SUBCOMMITTEE ON DESIGNATION OF NORTHERN PLAINS NATIONAL HERITAGE AREA</u>	8,446.22
	(Grants \$ ) If this amount includes foreign grants, check here <input type="checkbox"/>	29a
30	<u>ADMINISTERED + MAINTAINED FOUNDATION, HELD REGULAR MEETINGS</u>	4,425.28
	(Grants \$ ) If this amount includes foreign grants, check here <input type="checkbox"/>	30a
31	Other program services (attach schedule)	
	(Grants \$ ) If this amount includes foreign grants, check here <input type="checkbox"/>	31a
32	Total program service expenses. Add lines 28a through 31a	18,869.50
		32

Part IV List of Officers, Directors, Trustees, and Key Employees (List each one even if not compensated. See page 61 of the instructions.)				
(A) Name and address	(B) Title and average hours per week devoted to position	(C) Compensation (If not paid, enter -0-)	(D) Contributions to employee benefit plans & deferred compensation	(E) Expense account and other allowances
TRACY POTTER, 1320 N 2 <sup>ND</sup> ST., BISMARCK ND 58501	PRESIDENT, 2 HRS/WK	0	0	0
SARAH VOEL, 1803 N. 2 <sup>ND</sup> ST. BISMARCK ND 58501	VIC-PRES., 1 HRS/WK	0	0	0
DAVID BORLAUG, 232 COULEE DR. WASHBURN, ND 58577	MEMBER 2 HRS/WK BOARD	0	0	0
KEITH ULMER, 403 BIRCHWOOD DR. BISMARCK, ND 58503	SECRETARY 1 HRS/WK	0	0	0

Part V Other information (Note the statement requirement in General Instruction V.)		Yes	No
33	Did the organization make a change in its activities or methods of conducting activities? If "Yes," attach a detailed statement of each change	33	X
34	Were any changes made to the organizing or governing documents but not reported to the IRS? If "Yes," attach a conformed copy of the changes	34	X
35	If the organization had income from business activities, such as those reported on lines 2, 6, and 7 (among others), but not reported on Form 990-T, attach a statement explaining your reason for not reporting the income on Form 990-T.		
a	Did the organization have unrelated business gross income of \$1,000 or more or 6033(e) notice, reporting, and proxy tax requirements?	35a	X
b	If "Yes," has it filed a tax return on Form 990-T for this year?	35b	
36	Was there a liquidation, dissolution, termination, or substantial contraction during the year? If "Yes," attach a statement.	36	X
37a	Enter amount of political expenditures, direct or indirect, as described in the instructions. ▶	37a	0
b	Did the organization file Form 1120-POL for this year?	37b	X
38a	Did the organization borrow from, or make any loans to, any officer, director, trustee, or key employee or were any such loans made in a prior year and still unpaid at the start of the period covered by this return?	38a	X
b	If "Yes," attach the schedule specified in the line 38 instructions and enter the amount involved	38b	
39	501(c)(7) organizations. Enter:		
a	Initiation fees and capital contributions included on line 9	39a	
b	Gross receipts, included on line 9, for public use of club facilities	39b	

**Part V Other Information** (Note the statement requirement in General Instruction V.) (Continued)

**40a** 501(c)(3) organizations Enter amount of tax imposed on the organization during the year under:  
 section 4911  ; section 4912  , section 4955

**b** 501(c)(3) and (4) organizations Did the organization engage in any section 4958 excess benefit transaction during the year or did it become aware of an excess benefit transaction from a prior year? If "Yes," attach an explanation . . .

**c** Enter amount of tax imposed on organization managers or disqualified persons during the year under sections 4912, 4955, and 4958 . . .

**d** Enter amount of tax on line 40c reimbursed by the organization . . .

**e** All organizations. At any time during the tax year, was the organization a party to a prohibited tax shelter transaction? . . .

	Yes	No
40b		X
40c		X
40e		X

**41** List the states with which a copy of this return is filed.

**42a** The books are in care of  SENGEL AND ASSOCIATES, P.C. Telephone no.  (701) 232-4100  
 Located at  1640 E CAPITAL AV., BISMARCK, ND  ZIP + 4  58501

**b** At any time during the calendar year, did the organization have an interest in or a signature or other authority over a financial account in a foreign country (such as a bank account, securities account, or other financial account)? . . .

If "Yes," enter the name of the foreign country:

See the instructions for exceptions and filing requirements for Form TD F 90-22.1.

**c** At any time during the calendar year, did the organization maintain an office outside of the U.S.? . . .

If "Yes," enter the name of the foreign country:

	Yes	No
42b		X
42c		X

**43** Section 4947(a)(1) nonexempt charitable trusts filing Form 990-EZ in lieu of Form 1041—Check here ☐  
 and enter the amount of tax-exempt interest received or accrued during the tax year . . .  43 ☐

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge.

Please  
Sign  
Here

Tracy A. Potter  8-30-08  
 Signature of officer Date  
 TRACY A. POTTER, ADMINISTRATOR  
 Type or print name and title

Paid  
Preparer's  
Use Only

Preparer's signature  Date  Check if self-employed ☐ Preparer's SSN or PTIN (See Gen. Inst. X)   
 Firm's name (or yours if self-employed), address, and ZIP + 4  EIN   
 Phone no.



**Part III** Statements About Activities (See page 2 of the instructions.)

	Yes	No
<b>1</b> During the year, has the organization attempted to influence national, state, or local legislation, include any attempt to influence public opinion on a legislative matter or referendum? If "Yes," enter the total expenses paid or incurred in connection with the lobbying activities: \$ <u>                    </u> (Must equal amounts on line 38, Part VI-A, or line 1 of Part VI-B.)		No
Organizations that made an election under section 501(h) by filing Form 5768 must complete Part VI-A. Other organizations checking "Yes" must complete Part VI-B AND attach a statement giving a detailed description of the lobbying activities.		
<b>2</b> During the year, has the organization, either directly or indirectly, engaged in any of the following acts with any substantial contributors, trustees, directors, officers, creators, key employees, or members of their families, or with any taxable organization with which any such person is affiliated as an officer, director, trustee, majority owner, or principal beneficiary? (If the answer to any question is "Yes," attach a detailed statement explaining the transactions.)		
<b>a</b> Sale, exchange, or leasing property?	2a	No
<b>b</b> Lending of money or other extension of credit?	2b	No
<b>c</b> Furnishing of goods, services, or facilities?	2c	No
<b>d</b> Payment of compensation (or payment or reimbursement of expenses if more than \$1,000)?	2d	No
<b>e</b> Transfer of any part of its income or assets?	2e	No
<b>3a</b> Did the organization make grants for scholarships, fellowships, student loans, etc.? (If "Yes," attach an explanation of how the organization determines that recipients qualify to receive payments.) <u>Yes</u>	3a	Yes
<b>b</b> Did the organization have a section 403(b) annuity plan for its employees?	3b	No
<b>c</b> Did the organization receive or hold an easement for conservation purposes, including easements to preserve open space, the environment, historic land areas or structures? If "Yes," attach a detailed statement.	3c	No
<b>d</b> Did the organization provide credit counseling, debt management, credit repair, or debt negotiation services?	3d	No
<b>4a</b> Did the organization maintain any donor advised funds? If "Yes," complete lines 4b through 4g. If "No," complete lines 4f and 4g.	4a	Yes
<b>b</b> Did the organization make any taxable distributions under section 4966?	4b	No
<b>c</b> Did the organization make a distribution to a donor, donor advisor, or related person?	4c	No
<b>d</b> Enter the total number of donor advised funds owned at the end of the tax year <u>                    </u>		
<b>e</b> Enter the aggregate value of assets held in all donor advised funds owned at the end of the tax year <u>                    </u>		
<b>f</b> Enter the total number of separate funds or accounts owned at the end of the tax year (excluding donor advised funds included on line 4d) where donors have the right to provide advice on the distribution or investment of amounts in such funds or accounts <u>                    </u>		
<b>g</b> Enter the aggregate value of assets held in all funds or accounts included on line 4f at the end of the tax year <u>                    </u>		

Clerk of the House of Representatives Legislative Resource Center B-106 Cannon Building Washington, DC 20515	Secretary of the Senate Office of Public Records 232 Hart Building Washington, DC 20510
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Secretary of the Senate  
Received: Feb 12, 2008

## LOBBYING REPORT

Lobbying Disclosure Act of 1995 (Section 5) - All Filers Are Required To Complete This Page

1. Registrant Name:

**GREYSTONE GROUP**

2. Address:

418 C Street, NE, Washington, DC 20002

3. Principal place of business (if different from line 2):

4. Contact Name: RACHEL A. EMMONS

Telephone: 2025478530

E-mail (optional): rachele@greystone-group.com

Senate ID #: 295510-152

House ID #:

7. Client Name: ☐ Self

**FORT ABRAHAM LINCOLN FOUNDATION**

## TYPE OF REPORT

8. Year 2007 Midyear (January 1 - June 30): ☐ OR Year End (July 1 - December 31): ☒

9. Check if this filing amends a previously filed version of this report: ☐

10. Check if this is a Termination Report: ☐ => Termination Date:

11. No Lobbying Activity: ☐

## INCOME OR EXPENSES

Complete Either Line 12 OR Line 13

### 12. Lobbying Firms

**INCOME** relating to lobbying activities for this reporting period was:

Less than \$10,000: ☒

\$10,000 or more: ☐ => Income (nearest \$20,000): \_\_\_\_\_

Provide a good faith estimate, rounded to the nearest \$20,000, of all lobbying related income from the client (including all payments to the registrant by any other entity for lobbying activities on behalf of the client).

### 13. Organizations

**EXPENSES** relating to lobbying activities for this reporting period were:

Less than \$10,000: ☐

\$10,000 or more: ☐ => Expenses (nearest \$20,000): \_\_\_\_\_

### 14. Reporting Method.

Check box to indicate expense accounting method. See instructions for description of options.

- ☐ **Method A.** Reporting amounts using LDA definitions only
- ☐ **Method B.** Reporting amounts under section 6033(b)(8) of the Internal Revenue Code
- ☐ **Method C.** Reporting amounts under section 162(e) of the Internal Revenue Code

Form **990**

# Return of Organization Exempt From Income Tax

OMB No 1545-0047

**2007**

Open to Public Inspection

Department of the Treasury  
Internal Revenue Service

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except black lung benefit trust or private foundation)

The organization may have to use a copy of this return to satisfy state reporting requirements

**A** For the 2007 calendar year, or tax year beginning 01-01-2007 and ending 12-31-2007

**B** Check if applicable:

☐ Address change

☐ Name change

☐ Initial return

☐ Final return

☐ Amended return

☐ Application pending

Please use IRS label or print or type. See Specific Instructions.

**C** Name of organization  
FORT ABRAHAM LINCOLN FOUNDATION

Number and street (or P.O. box if mail is not delivered to street address) Room/suite  
401 WEST MAIN STREET

City or town, state or country, and ZIP + 4  
MANDAN, ND 58554

**D** Employer identification number

45-0372813

**E** Telephone number

(701) 663-4758

**F** Accounting method ☐ Cash ☒ Accrual

☐ Other (specify) \_\_\_\_\_

Section 501(c)(3) organizations and 4947(a)(1) nonexempt charitable trusts must attach a completed Schedule A (Form 990 or 990-EZ).

H and I are not applicable to section 527 organizations

**H(a)** Is this a group return for affiliates? ☐ Yes ☒ No

**H(b)** If "Yes" enter number of affiliates \_\_\_\_\_

**H(c)** Are all affiliates included? ☐ Yes ☒ No

(If "No," attach a list. See instructions.)

**H(d)** Is this a separate return filed by an organization covered by a group ruling? ☐ Yes ☒ No

**I** Group Exemption Number \_\_\_\_\_

**M** Check ☒ if the organization is not required to attach Sch. B (Form 990, 990-EZ, or 990-PF)

**G** Web site: WWW.FORTLINCOLN.COM

**J** Organization type (check only one) ☒ 501(c)(3) (insert no) ☐ 4947(a)(1) or ☐ 527

**K** Check here ☐ if the organization is not a 509(a)(3) supporting organization and its gross receipts are normally not more than 25,000. A return is not required, but if the organization chooses to file a return, be sure to file a complete return.

**L** Gross receipts. Add lines 6b, 8b, 9b, and 10b to line 12: 6,208,433

## Part I Revenue, Expenses, and Changes in Net Assets or Fund Balances (See the instructions.)

<b>1</b>	Contributions, gifts, grants, and similar amounts received		
<b>a</b>	Contributions to donor advised funds	<b>1a</b>	
<b>b</b>	Direct public support (not included on line 1a)	<b>1b</b>	7,184
<b>c</b>	Indirect public support (not included on line 1a)	<b>1c</b>	
<b>d</b>	Government contributions (grants) (not included on line 1a)	<b>1d</b>	346,253
<b>e</b>	Total (add lines 1a through 1d) (cash \$ 353,437 noncash \$ )	<b>1e</b>	353,437
<b>2</b>	Program service revenue including government fees and contracts (from Part VII, line 93)	<b>2</b>	131,648
<b>3</b>	Membership dues and assessments	<b>3</b>	37,103
<b>4</b>	Interest on savings and temporary cash investments	<b>4</b>	5,639
<b>5</b>	Dividends and interest from securities	<b>5</b>	27,881
<b>6a</b>	Gross rents	<b>6a</b>	12,015
<b>b</b>	Less rental expenses	<b>6b</b>	
<b>c</b>	Net rental income or (loss) subtract line 6b from line 6a	<b>6c</b>	12,015
<b>7</b>	Other investment income (describe _____)	<b>7</b>	
<b>8a</b>	Gross amount from sales of assets other than inventory	<b>(A) Securities</b>	<b>(B) Other</b>
		<b>8a</b>	1,200
<b>b</b>	Less cost or other basis and sales expenses	<b>8b</b>	10,354
<b>c</b>	Gain or (loss) (attach schedule)	<b>8c</b>	-9,154
<b>d</b>	Net gain or (loss) Combine line 8c, columns (A) and (B)	<b>8d</b>	-9,154
<b>9</b>	Special events and activities (attach schedule) If any amount is from gaming, check here <input checked="" type="checkbox"/>		
<b>a</b>	Gross revenue (not including \$ _____ of contributions reported on line 1b)	<b>9a</b>	5,393,799
<b>b</b>	Less direct expenses other than fundraising expenses	<b>9b</b>	5,213,287
<b>c</b>	Net income or (loss) from special events Subtract line 9b from line 9a	<b>9c</b>	180,512
<b>10a</b>	Gross sales of inventory, less returns and allowances	<b>10a</b>	217,676
<b>b</b>	Less cost of goods sold	<b>10b</b>	158,579
<b>c</b>	Gross profit or (loss) from sales of inventory (attach schedule) Subtract line 10b from line 10a	<b>10c</b>	59,097
<b>11</b>	Other revenue (from Part VII, line 103)	<b>11</b>	28,035
<b>12</b>	Total revenue Add lines 1e, 2, 3, 4, 5, 6c, 7, 8d, 9c, 10c, and 11	<b>12</b>	826,213
<b>13</b>	Program services (from line 44, column (B))	<b>13</b>	552,474
<b>14</b>	Management and general (from line 44, column (C))	<b>14</b>	391,154
<b>15</b>	Fundraising (from line 44, column (D))	<b>15</b>	
<b>16</b>	Payments to affiliates (attach schedule)	<b>16</b>	
<b>17</b>	Total expenses Add lines 16 and 44, column (A)	<b>17</b>	943,628
<b>18</b>	Excess or (deficit) for the year Subtract line 17 from line 12	<b>18</b>	-117,415
<b>19</b>	Net assets or fund balances at beginning of year (from line 73, column (A))	<b>19</b>	1,010,417
<b>20</b>	Other changes in net assets or fund balances (attach explanation)	<b>20</b>	-13,278
<b>21</b>	Net assets or fund balances at end of year Combine lines 18, 19, and 20	<b>21</b>	879,724

**Part III** Statements About Activities (See page 2 of the instructions.)

- 1** During the year, has the organization attempted to influence national, state, or local legislation, include any attempt to influence public opinion on a legislative matter or referendum? If "Yes," enter the total expenses paid or incurred in connection with the lobbying activities \$ (Must equal amounts on line 38, Part VI-A, or line 1 of Part VI-B)

Organizations that made an election under section 501(h) by filing Form 5768 must complete Part VI-A. Other organizations checking "Yes" must complete Part VI-B AND attach a statement giving a detailed description of the lobbying activities

- 2** During the year, has the organization, either directly or indirectly, engaged in any of the following acts with any substantial contributors, trustees, directors, officers, creators, key employees, or members of their families, or with any taxable organization with which any such person is affiliated as an officer, director, trustee, majority owner, or principal beneficiary? (If the answer to any question is "Yes," attach a detailed statement explaining the transactions.)

- a** Sale, exchange, or leasing property?  
**b** Lending of money or other extension of credit?  
**c** Furnishing of goods, services, or facilities?  
**d** Payment of compensation (or payment or reimbursement of expenses if more than \$1,000)?  
**e** Transfer of any part of its income or assets?

- 3a** Did the organization make grants for scholarships, fellowships, student loans, etc.? (If "Yes," attach an explanation of how the organization determines that recipients qualify to receive payments.) ☒ **3b** Did the organization have a section 403(b) annuity plan for its employees?

- c** Did the organization receive or hold an easement for conservation purposes, including easements to preserve open space, the environment, historic land areas or structures? If "Yes," attach a detailed statement  
**d** Did the organization provide credit counseling, debt management, credit repair, or debt negotiation services?

- 4a** Did the organization maintain any donor advised funds? If "Yes," complete lines 4b through 4g. If "No," complete lines 4f and 4g

- b** Did the organization make any taxable distributions under section 4966?  
**c** Did the organization make a distribution to a donor, donor advisor, or related person?

- d** Enter the total number of donor advised funds owned at the end of the tax year

- e** Enter the aggregate value of assets held in all donor advised funds owned at the end of the tax year

- f** Enter the total number of separate funds or accounts owned at the end of the tax year (excluding donor advised funds included on line 4d) where donors have the right to provide advice on the distribution or investment of amounts in such funds or accounts

- g** Enter the aggregate value of assets held in all funds or accounts included on line 4f at the end of the tax year

		Yes	No
<b>1</b>			No
<b>2a</b>			No
<b>2b</b>			No
<b>2c</b>			No
<b>2d</b>			No
<b>2e</b>			No
<b>3a</b>	Yes		
<b>3b</b>			No
<b>3c</b>			No
<b>3d</b>			No
<b>4a</b>	Yes		
<b>4b</b>			No
<b>4c</b>			No



# North Dakota Farm Bureau

*Bringing ag home*

1101 1st Ave. N., Fargo, ND 58102  
P.O. Box 2064, Fargo, ND 58107-2064  
Phone: 701-298-2200 • 1-800-367-9668 • Fax: 701-298-2210

4023 State St., Bismarck, ND 58503  
P.O. Box 2793, Bismarck, ND 58502-2793  
Phone: 701-224-0330 • 1-800-932-8869 • Fax: 701-224-9485

#4

## Testimony on SB 2204 Senate Agriculture Committee

January 21, 2011

*presented by Sandy Clark, public policy director*

Good morning, Mr. Chairman and members of the committee. My name is Sandy Clark and I represent North Dakota Farm Bureau.

We rise today in support of SB 2204. We appreciate that Senator Sitte has brought this bill forward.

North Dakota Farm Bureau has been opposed to the federal designation of the Northern Plains National Heritage Area since it came to light a couple years ago. This bill, SB 2204 would ease the fears of landowners who live in the heritage area corridor.

Just as a quick background, the Northern Plains National Heritage Area, through federal designation, identifies five counties that border the Missouri River as the boundaries of the Heritage Area. Oliver, Mercer, McLean, Burleigh and Morton. It originally included all lands, both public and private.

At the instigation of landowners, Senator Dorgan placed an opt in provision in the language, so anyone who wants to participate and receive the federal funding must opt in to the program, rather than opt out. We appreciate the Senator's actions on this issue.

The law allows the National Heritage Area Foundation to receive \$10 million in federal dollars over 15 years. Senator Dorgan initiated the federal legislation to place the federal designation in North Dakota. The money is to preserve our culture and heritage. That in itself is a noble cause.

However, our research in other Heritage Areas has caused anxiety for North Dakota landowners. We have concerns about Heritage Area projects that could conceivably have negative impacts on property rights of private landowners. In other heritage areas, zoning ordinances have been passed that protect the viewshed and limit the activities of area local landowners.

Many of the other heritage areas across the country continue to be expanded in size and scope as the program progresses.

Our members have expressed concern about projects and capital building projects that might be built with these dollars and then when the federal dollars are gone, the state will have to pick up the tab to maintain these projects.

SB 2204, would go a long way to ensure that the citizens of this state are protected. It would maintain the state legislature's total control over state lands and property. It would also ensure that the Heritage Area could not be expanded without your approval.

Therefore, we urge you to give a "do pass" recommendation to SB 2204.

Mr. Chairman, with that I will conclude. We have other members here who would like to testify.

Thank you and I would entertain any questions.

January 21, 2011

#5

Members of Senate Ag. Committee,

My name is Bob Wetsch. I live at 4610 Fort Lincoln Road south of Mandan. I am appearing here on behalf of myself.

I strongly encourage a do pass vote here in the committee and a yes vote on the floor for Senate Bill 2204. Anything the state legislature can do to curtail the actions of those involved with the Northern Plains National Heritage Area (NPNHA) should be done. Under no circumstances should state funds be used in any way to support or match funding of or funding provided by the NPNHA. If there is any way anything the NPNHA does can be subject to approval of the state legislature that would be even better.

I will tell you what I told those involved in the formation and promotion of this entity. This is absolutely unnecessary. Supposedly, to put its purpose in the best of light, this entity was formed to market a group of historical sites collectively. They received 10 million dollars from our bankrupt federal government to do this. If the money cannot be returned to the federal government it should be given to the state to be allocated to the Parks and Rec. and Tourism departments to be used for marketing and this entity should be disbanded. This entity has no credibility with the public given how it was organized and how it maintains its operation. To say the least transparency is sorely lacking from this entity. As a result I do not trust this entity and don't like that I have to keep track of what they are doing and watch who they are lobbying on behalf of who knows what. Anything you can do to stop this is greatly appreciated.

I understand there is a HB 1290 which also deals with the NPNHA and puts possibly greater limitations on them. If these two bills get merged, fine. However in the case of this bill I strongly encourage a do pass recommendation.

If you have any questions I would be happy to respond.

Thanks,

Bob Wetsch  
4610 Fort Lincoln Road  
Mandan, ND 58554

#6

The Senate Ag Committee

Sen. Tim Flakoll (R), Fargo, chairman

Sen. Ole Larson, Minot (R), vice chair

Sen. Jerry Klein (R), Fessenden

Sen. Joe Miller (R), Park River

Sen. Larry Luick (R), Fairmont

Sen. Joan Heckaman (D), New Rockford

Sen. Phillip Murphy (D), Portland

Testimony of Wes Klein on Senate Bill 2204

Pages 1-3, Testimony

Page 4, Blackstone River Valley National Heritage Corridor Map

Page 5, Schuykill River Heritage Area Map

Page 6, Crane River Heritage Area Map

Page 7, Mississippi Hills National Heritage Area Map

Page 8, Northern Plains Heritage Area Map

Page 9, Sec. 120. Section 8004 of the Omnibus Public Land Management Act of 2009  
( Public Law 111-11; 123 Stat. 1240) is amended----

Northern Plains Heritage Area Amendment

Chairman Flakoll, and Committee members, the federal designation of the NPHA encompasses five counties 4.7 million acres. The total area of Theodore Roosevelt NP is just over 70,000 acres. If you turn to pages 4 through 8 you will notice that the listed Maps all have a solid boundary. In the enabling language of these Heritage Areas it States a core area of resources in the heritage area. The heritage area program rolled out in 1984 was the first stab by a federal agency to set in place a system of Management In The Landscape. This system creates a large contiguous area where all authorized activities can take place. Going back to the beginning of this conversation, with Senator Dorgan, the big concern was a way to minimize the impacts to entities in the Heritage Area that do not want to participate in the federal program but due to where we live we are part of the area. After much discussion, Senator Dorgan very wisely added an Amendment to the Enabling Legislation. This Amendment is on page 7, what this amendment does is excludes all private property owners from the Heritage Area. This part of the Amendment is very important since this is the only Heritage Area in the nation that has this language. But Senator Dorgan went one step further with the Amendment, it allows this body the North Dakota State Legislature, or any local Government entity to withdraw from the heritage area. Senate bill 2204 exercises this Congressionally authorized action.

The State of North Dakota in its elected or appointed officials should continue to have prevue and control over state property, its use or preservation. The use of this authorized amendment does just that.

No heritage area to date has ever met the 15 yr. sustainability mark, they are all



dependent on local regional and state money to match with federal money to continue to exist.


One heritage area in particular the Blackstone River Heritage area is run by the NPS due to a lack of funding. It still has a commission but all authorized activity is overseen by the NPS. This heritage area is also under consideration along with 3 other heritage areas for establishment of additional national parks within the boundary of the heritage areas, these are called resource studies by the NPS. I believe it is imperative that this Legislative Body protects the residents in this heritage area from further federal creep. This Bill does not restrict the Northern Plains Heritage Foundation from carrying out its federal mandate within the heritage area. It does not restrict private individuals or local subdivisions from playing. What it does require is thoughtful decisions through the Legislative process, input from the citizens, and by state officials before committing state land, money, or resources to projects undertaken by the NPHF.

These heritage areas have over their history of 27 years tended to be fluid in their existence, they never shrink and have a history of growing.

In closing I give you the following example of my concern with this Federal Designation and why Senate Bill 2204 is necessary.

Who would have thought that after 50 years of the existence of the Garrison Dam that a Federal Management Entity the Corp. of Engineers would begin charging the very people whose parents gave up thousands of acres of land for a dam a water storage fee. A new twist in 50 year old legislation, one that will most likely take court action, state money, and resources to stop.

You as a Legislative Body have been given Congressional Authorization within the



NPHA Legislation to be proactive and ensure with Senate Bill 2204 that state resources are not put at risk and the public will not be subject to further unwanted federal encroachment by the Northern Plains Heritage Area designation.

I encourage a do pass recommendation on Senate Bill 2204. Thank you Wes Klein

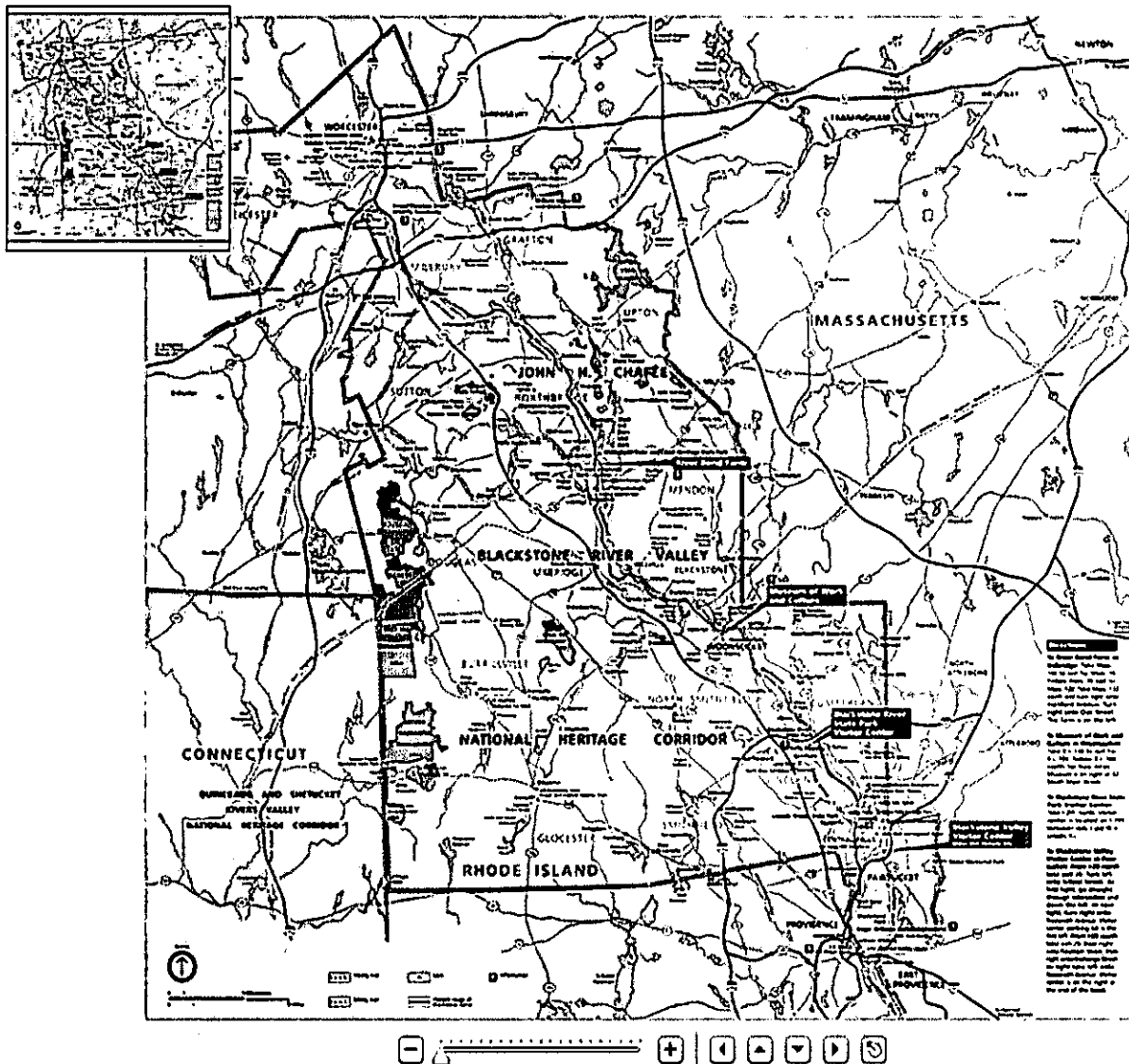


nps.gov

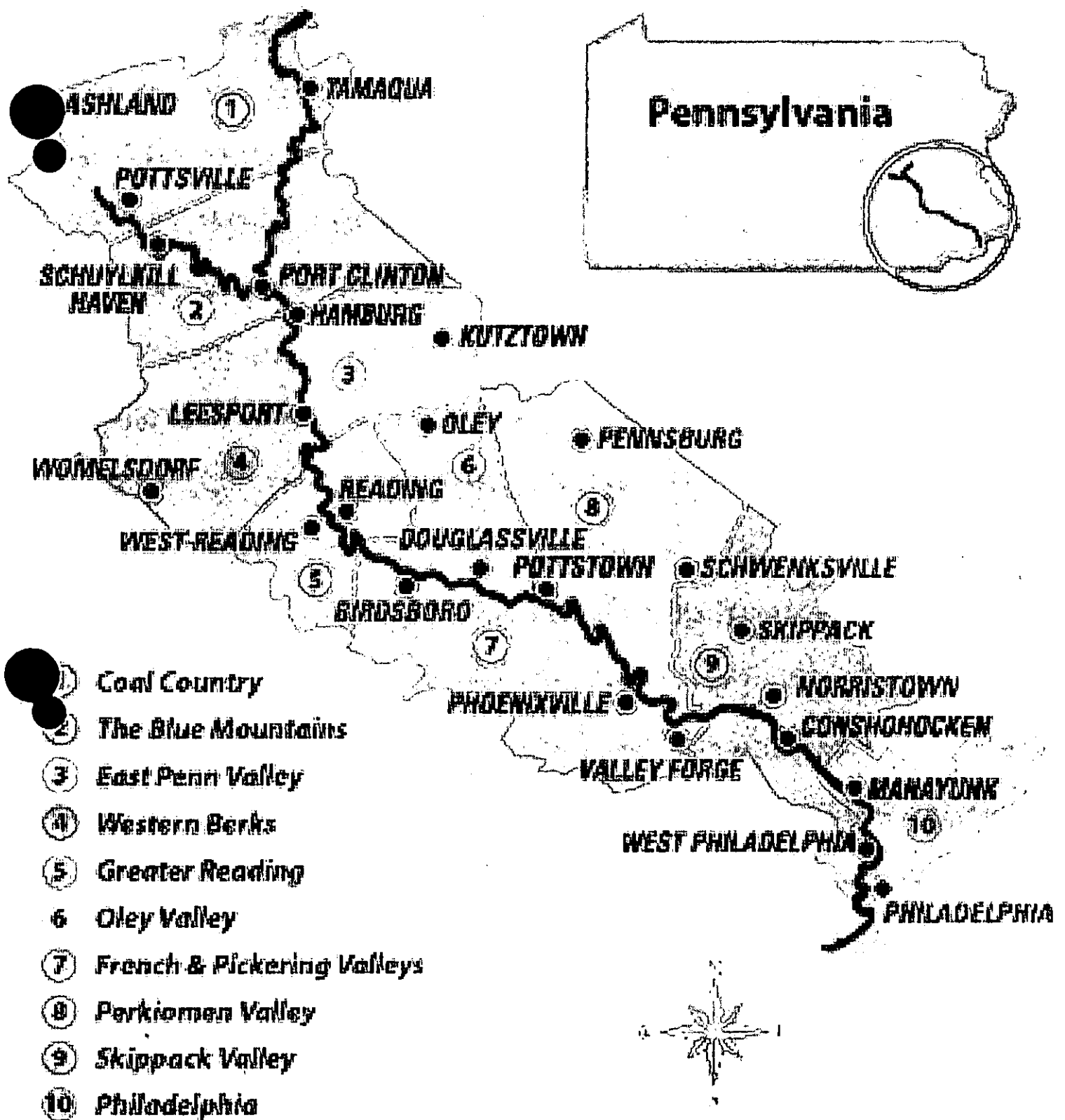
## Blackstone River Valley National Heritage Corridor Map

close map

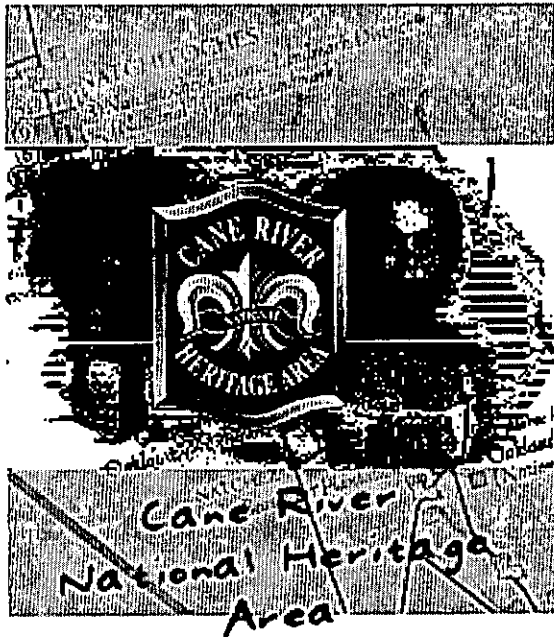
print map



Park Directions Page »



**Schuylkill River Heritage Area**



*Cane River Heritage*

heritage area   historic sites   grants   projects

*National Heritage Area Map*



[back to heritage area](#)

Cane River National Heritage Area  
PO Box 1201

HOME ITINERARIES ATTRACTIONS CALENDAR OUTDOORS MEDIA

MEMBERSHIP

HOME MAP

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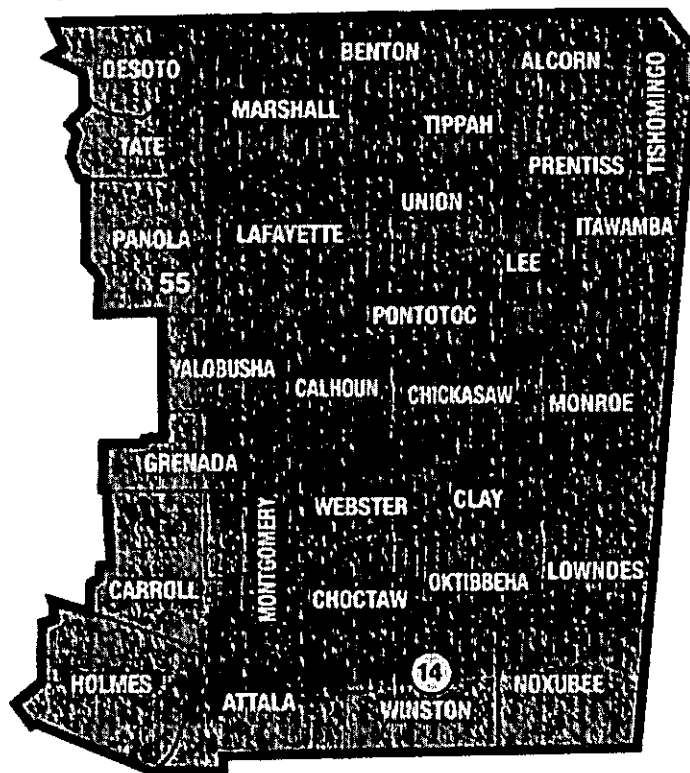
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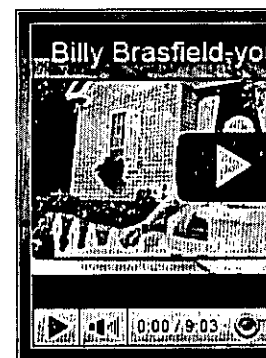


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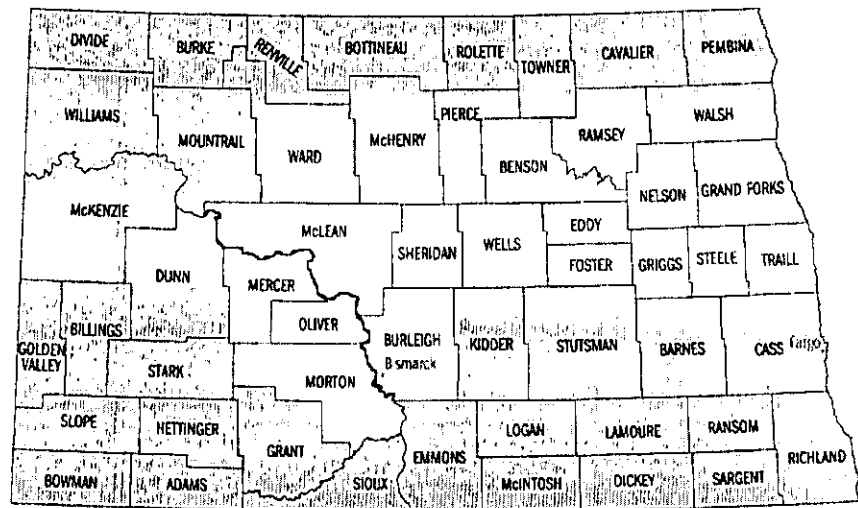
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#### HERITAGE AREA MAP

the Missouri River past the cities of Stanton, Washburn, Mandan, and Bismarck and continue south to the headwaters of Lake Oahe. The proposed East/West boundaries of the heritage area extend approximately 12 miles east and west of the Missouri River.

The heritage area is anchored at each end by early Mandan and Hidatsa settlements which are now both designated and managed as state and national cultural historic sites. At the south end is Huff Mandan Indian Village which is registered as a National Historic Landmark. Huff Indian village is also a designated and



Affected Counties in the Northern Plains Heritage Area

## NORTHERN PLAINS HERITAGE AREA, AMENDMENT

SEC. 120. Section 8004 of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 1240) is amended—

“(g) REQUIREMENTS FOR INCLUSION AND REMOVAL OF PROPERTY IN HERITAGE AREA.—

“(1) PRIVATE PROPERTY INCLUSION.—No privately owned property shall be included in the Heritage Area unless the owner of the private property provides to the management entity a written request for the inclusion.

“(2) PROPERTY REMOVAL.—

“(A) PRIVATE PROPERTY.—At the request of an owner of private property included in the Heritage Area pursuant to paragraph (1), the private property shall be immediately withdrawn from the Heritage Area if the owner of the property provides to the management entity a written notice requesting removal.

“(B) PUBLIC PROPERTY.—On written notice from the appropriate State or local government entity, public property included in the Heritage Area shall be immediately withdrawn from the Heritage Area.”.

## NATIONAL HERITAGE AREA, OPT OUT PROVISION

SEC. 127. Any owner of private property within an existing or new National Heritage Area may opt out of participating in any plan, project, program, or activity conducted within the National Heritage Area if the property owner provides written notice to the local coordinating entity.



Mr. Chairman and members of the committee:

#7

My name is Becky Graner and I live south of the Bismarck /Mandan area along the Missouri River.

I have followed the National Heritage designation of the Northern Plains Heritage Area since April of 2009. I had concerns then about the reckless spending and I retain grave concerns about the choices this country continues to make regarding spending money we don't have.

As a citizen of ND and the United States I am concerned about the long term fiscal burden created by these types of designations.

Funding for National Heritage Areas is stated to be \$10 million over 15 years. Matching dollars must be secured to receive these funds. Often times it is the state in which the Heritage Area has been designated that is looked to as the first source for matching funds.

Last count, there were 49 National Heritage Areas in the United States. To date no Heritage Area, even those who find themselves at the 15 year mark are able to sustain the programs created by the designation without continued burden on the taxpayer.

Senator Kent Conrad on January 5, 2011 said ". . . we have been borrowing about 40 cents of every dollar that we spend. . . We are headed for a fiscal cliff." It is sad to consider the cost of conserving and preserving our heritage is done on money borrowed from other countries.

I support Senate Bill 2204 because it provides a way to monitor the shifting of state funds should they become the target for those matching funds.

Embedded in the Heritage Area designation is a grant program. Grants are often awarded based on the strength of the matching funds, of which state agencies or the associated non-profits have the upper hand by virtue of often times being partially or wholly funded by state funds and well established revenue streams. Those state funds were appropriated for said expenses, and should be used as was described.

And finally I support that no further lands, water, property or facilities may be included in the heritage area within this state without the approval of the legislative assembly. The potential fiscal burden must be weighed by the legislature before state funding is applied to projects undertaken, or approved by the coordinating entity that involve state property.

Mr. Chairmen and committee, thank you for taking my testimony.

**North Dakota Senate Agriculture Committee  
Hearing on Senate Bill 2204  
Friday, January 21, 2011  
Testimony by David Borlaug, President  
Lewis & Clark Fort Mandan Foundation and  
Northern Plains Heritage Foundation**

#8

Mr. Chairman and members of the committee, I am David Borlaug, president of the Lewis & Clark Fort Mandan of Washburn and also president of the Northern Plains Heritage Foundation. I am here speaking in opposition to Senate Bill 2204 and will briefly explain why.

As you know, the Lewis & Clark Interpretive Center at Washburn, operated by our Foundation, is a public-private partnership, dating back to our opening in 1997. The Center was built with \$1.5 million of State funding, of which 80 percent was provided by the Federal Government through the Department of Transportation. Three years later, Gov. Schafer approved an additional \$1.3 million for an expansion of our facility, which was 100 percent funded by federal dollars. All along the way, our Foundation more than matched these grants with private sector dollars. In fact, another \$1 million or so in federal dollars made their way to our Foundation to support our work, although we have received no federal funds since 2005. Our Foundation raised many millions more, from individuals, cooperatives and corporations, to accomplish all that we have at the Interpretive Center and Fort Mandan.

And, last session, you appropriated \$1.5 million for a second expansion of our Center, for which we are grateful. We are now in the midst of a capital campaign to raise an additional \$4.5 million to more than match this amount to further our mission.

Our Foundation is a shining example of public-private partnerships at work. In the process, we are a major economic engine in our county, with a payroll of over \$500,000, and attracting 25,000 to 50,000 visitors a year to our special place, from all 50 states and around the world. This has been a good partnership.

This is why our Foundation, along with the Fort Abraham Lincoln Foundation, formed the Northern Plains Heritage Foundation, in order to accept continued federal funding through the National Heritage Area designation. That is what this partnership is all about, accepting federal grants and sharing them with our foundations, the communities in the Area, state entities and the private sector. The sole reason for the National Heritage Area designation is to provide federal funds to assist in our efforts to tell our multi-cultural stories and attract more tourists to North Dakota. We are honored that Congress recognized our good work, and the stories we have to

tell, with this designation--shared with 59 other entities across the country--one of which includes the entire state of Tennessee.

Mr. Chairman, and members of the committee, the result of this bill before you, intended or not, will be that state agencies, from the Historical Society to Tourism to Parks and Recreation and others, will not benefit from this designation. Further, it appears that the bill even intends to dictate how our non profit foundations, funded with private sector generosity, may benefit from the National Heritage Area. I cannot imagine why we would NOT want to have the Heritage Center, Tourism, Fort Abraham Lincoln and Cross Ranch State Park benefit from these grants. Another example is the NDSU Extension Service, with which our Foundation has partnered to benefit our neighbor, the Western 4-H Camp.

Every day I wake up to a job that allows me to help tell the great stories that we have here in the Missouri River Valley. It is a responsibility that I take very seriously. It has become my life's work. And it takes a lot of money. I welcome the benefits of federal funding to assist in those efforts, and I trust that you will agree, and go with a "do not pass" recommendation on this bill.

Thank you for your consideration, and I will be happy to take any questions you may have, Mr. Chairman.

# North Dakota

## Tourism Alliance Partnership

#9

P.O. Box 2599  
Bismarck, ND 58502  
(701) 355-4458  
FAX (701) 223-4645

### 2010/2011 MEMBERS

Basin Electric  
Power Cooperative

Bismarck-Mandan CVB

Buffalo City Tourism

Days Inn - Grand Dakota Lodge

Destination Marketing  
Association of North Dakota

Devils Lake CVB

Dickinson CVB

Fargo-Moorhead CVB

Fort Abraham  
Lincoln Foundation

Grand Forks CVB

International Peace Garden

Lewis & Clark Fort  
Mandan Foundation

Municipal Airport Authority  
of the City of Fargo

ND Tourism Division (ex-officio)

Newman Outdoor Advertising

Norsk Hostfest Association

Odyssey Communications Group

Select Inn of Bismarck

Spirit Lake Casino and Resort

State Historical Society of  
North Dakota Foundation

Theodore Roosevelt  
Medora Foundation

Three Affiliated Tribes  
Tourism Dept.

Town of Minot  
Band of Chippewa Indians

Williston CVB

Woodland Resort, Inc.

### Testimony of Dana Bohn Tourism Alliance Partnership Executive Director SB 2204

Mr. Chairman and members of the committee, my name is Dana Bohn and I am here representing the North Dakota Tourism Alliance Partnership (TAP). TAP is a coalition of tourism-related industries including Convention and Visitors Bureaus (CVBs), state attractions, businesses and other stakeholders in the viable and growing tourism sector of North Dakota's economy. I am here today in opposition of SB 2204 and urge a do-not pass on the bill.

The Northern Plains National Heritage Area was designated by Congress and signed into law by the President on March 30, 2009. The law named the nonprofit Northern Plains Heritage Foundation as the entity to cooperate with the National Park Service on directing the investment of federal matching funds to heritage tourism sites and events in the area.

The law describes the National Heritage Area as a "core area of resources" in five counties on both sides of the Missouri River. The best-known and most visited resources are the state Heritage Center, Fort Abraham Lincoln State Park, the Lewis and Clark Interpretive Center and Fort Mandan, and the Knife River Indian Villages National Historic Site. Other important State Historic Sites are Double Ditch and Huff Indian Villages. All of those but Knife River and Fort Mandan are state-owned sites.

Currently, no private land is included in the Area, and none can be without the written application of the landowner. All public land is presumed to be part of the Area unless it opts-out. If a site is opted-out, there is no provision for re-admission.

The designation of the National Heritage Area has no regulatory effect. All it really does is provide an annual matching grant program, lasting 15 years, to improve, sustain and market the attractions and events of this region. Currently the amount of federal money allocated is \$150,000 to \$300,000 per year.

SB 2204 prevents state agencies from receiving matching grants from the Northern Plains Heritage Foundation and directs four state agencies to stop helping to shape the National Heritage Area. It sends a message of hostility to federal-state-private partnerships in heritage tourism and economic development, and leaves visitors to our area with incomplete information about where they can learn more about the heritage that lured them here.

SB 2204 may intend to do even more, but it's unclear. The language about "quasi-agency nonprofits," appears nowhere else in the Century Code. Further, the reference to "state lands" is vague and could be interpreted to mean more than state-owned lands.

The bill does not eliminate the National Heritage Area, but just hampers its ability to help build our heritage tourism sector.

Mr. Chairman and members of the committee, thank you for the opportunity to appear before you today in opposition of SB 2204. I would be happy to answer any questions.



North Dakota Chapter

## THE WILDLIFE SOCIETY

P.O. BOX 1442 • BISMARCK, ND 58502



**TESTIMONY OF MIKE McENROE  
NORTH DAKOTA CHAPTER OF THE WILDLIFE SOCIETY  
ON SB 2204  
SENATE AGRICULTURE COMMITTEE  
JANUARY 21, 2011**

Chairman Flakoll and members of the Senate Agriculture Committee:

My name is Mike McEnroe and I represent the North Dakota Chapter of The Wildlife Society. The Chapter is a professional organization made up of over 320 biologists, land managers, university educators, and law enforcement officers in the wildlife and natural resource field.


The Chapter opposes SB 2204 which prohibits state funding for the Northern Plains National Heritage Area.

National Heritage Areas are designated by the U. S. Congress to identify locations where historic, cultural, scenic and natural resources meet and overlay and should be recognized. Certainly the area of Lewis and Clark, Sakakawea, the native American peoples, Ft. Lincoln and "general" Custer, the early history of Bismarck and Mandan, all located along the free flowing Missouri River qualifies for such recognition.

The Northern Plains National Heritage Area created by Congress through the National Park Service is a \$ 15 million matching grant program to promote the area's historic, cultural and natural resources. The funding can be used for grants to Ft. Lincoln or the Cross Ranch State Park, for the United Tribes Pow-Wow, for the Lewis and Clark Visitor Center or Fort Mandan at Washburn. Grants for development or displays at the State Heritage Center or the State Capitol would be possible from the federal matching grant program.

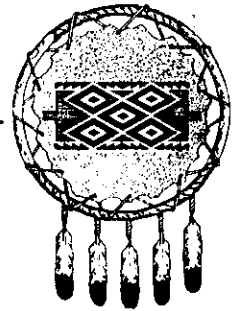
The Northern Plains Heritage Area does not include funding for land acquisition; it is not about zoning restrictions on private land. The Northern Plains Heritage Area effort is about promoting the attractions that the State and the local communities already endorse and support.

The Chapter urges a "Do Not Pass" vote on SB 2204. Thank you for the opportunity to comment. I will answer any questions the committee may have.



UNITED TRIBES TECHNICAL COLLEGE  
3315 UNIVERSITY DRIVE  
BISMARCK, NORTH DAKOTA 58504 • PHONE 701-255-3285 • FAX 701-530-0605

**62nd Legislative Assembly  
State of North Dakota**



**Senate Agriculture Committee**

**Testimony of United Tribes Technical College  
and United Tribes of North Dakota**

**David M. Gipp, President  
regarding SB 2204**

**a bill to "prohibit state funding to the northern plains national heritage area"**

January 21, 2011

Mr. Chairman and members of the Senate Agriculture Committee: This testimony is by David M. Gipp, President of United Tribes Technical College (UTTC) and United Tribes of North Dakota (UTND). Neither UTTC nor UTND have taken a formal position on SB 2204, and so this testimony is neutral towards the express aim of SB 2204 as stated above. However, this bill raises some serious questions which could affect UTTC and even some of its member Tribes, as follows:

1. There is no question that the state has the authority to prevent state funds from being used in any manner to match federal funds for the project in question. But what caught our attention is the undefined term in lines 6-7 of the bill, "quasi-agency nonprofit entities." Which kinds of nonprofits does that include? Could it include nonprofit corporations that receive any kinds of state funds, such as UTTC?
2. The second sentence of the bill is also troubling. It implies that the state has the power to determine what is included in the designation of the Heritage Area in question. This Area was designated by the United States Congress. But there is nothing that we know of in the United States Constitution that allows the state of North Dakota to unilaterally veto an act of Congress that might affect the state.
3. The third sentence of the bill is even more sweeping than the second, as it appears to be trying to unilaterally limit the powers of the U.S. Congress, saying that no further "lands, water, property or facilities", without any limitation on those terms, may be designated as heritage areas without the permission of the state legislature. Again, this appears to be a violation of the United States Constitution, and a violation of fundamental property rights of state citizens (including Tribes and Tribal organizations) who may want to be included in such a designation. Such a prohibition, if it could become effective, could affect Tribes and organizations such as UTTC that might benefit from being within an historical area designation, such as the Northern Plains National Heritage Area, which benefits could include additional tourism dollars and other funds.

UTTC and UTND respectfully ask the Senate Agriculture Committee to take into account these concerns as it considers SB 2204.

**Testimony of Tracy Potter on SB 2204, Senate Agriculture Committee**

Mister Chairman and members of the Senate Agriculture Committee, I am Tracy Potter, Executive Director of the Fort Abraham Lincoln Foundation in Mandan, and President of the Missouri Riverboat, Inc..

In addition to providing the interpretive programs at Fort Lincoln State Park and marketing local Native American art through Five Nations Arts and operating the Lewis and Clark riverboat, the Fort Abraham Lincoln Foundation sometimes provides administrative services for other heritage tourism projects. For instance, we organized the first Lewis and Clark National Signature Event for North Dakota, called The Circle of Cultures. It was a multi-year task and it went very well. Then we became involved in the multi-year effort to gain Congressional designation of the Northern Plains National Heritage Area. We currently provide staffing and other administrative services to the Northern Plains Heritage Foundation.

The Heritage Area brings national attention to Fort Lincoln, Fort Mandan and the Knife River Indian Villages, places where legends of American history walked. And with the national attention also comes a little bit of federal money.

I was tourism director for Bud Sinner for six weeks and for Ed Schafer for six months. I don't know what Sara Otte-Coleman plans to do, but if this kind of designation happened when Jim Fuglie or Tracy Potter or Kevin Cramer was tourism director, I guarantee you that it would have been one focus of our marketing efforts. We would have spent money proclaiming to the world that our area was so steeped in history that even the Congress of the United States thought it was so cool that it needed to be recognized for its historical values. We would have been especially eager to do that marketing if our investment was leveraging an equal amount of federal money.

Those two things are what the Heritage Area is all about and all it is all about. There is nothing regulatory about it. The federal legislation spells that out, as one of the documents you have in front of you makes clear. Even with those assurances, there were enough people who misunderstood the legislation that Senator Dorgan felt it was important to reassure private landowners further and he inserted language into the appropriations process that takes all private land out of the heritage area. A private landowner has to take action to opt-in, if they want to say their land is in the heritage area - not that it makes any practical difference one way or another.

Later this year the Northern Plains Heritage Foundation will begin taking grant applications from agencies, organizations and private individuals. If this legislation were to be enacted, my understanding is that state agencies would be prevented from applying for the grants. The federal money will still be appropriated and grants distributed, but state agencies and only state agencies will not be allowed to apply.

That is not the precise language, which says that those agencies can't match federal grant dollars without legislative approval. How that approval would be obtained is unclear.



**Potter testimony on SB 2204, page two of two**

So, the situation would be, after passage of this bill, that the state tourism office could spend \$50,000 or \$100,000 promoting visitation to the National Heritage Area, but could not accept federal funds to pay for half of it.

This proposed legislation is not in any regard positive - it appears to be a solution in search of a problem, but it doesn't even achieve its advertised goal. The title says it will prohibit state funding of the northern plains national heritage area, of which there hasn't been any. But the title is contradicted by the phrase, "without legislative approval." In any case, whether or not the state agencies are allowed to participate in shaping the heritage area, it will go on. The question before you is not about the heritage area but about state government.

The tourism director, the parks director, the Indian Affairs director and the director of the state historical society have all served as ex-officio members of the Board of Directors of the NPHF and have helped shape it's policies. They, like the other members of the board, are committed to the heritage area providing only positive incentives for projects that attract visitors to experience our history.

By September of this year you could see a heritage area grant helping to market the United Tribes Pow-wow; or helping the Railroad Museum in Mandan to extend their hours of operation; or helping Fort Lincoln repair the bay window at the Custer House; or any of dozens of good things. What you will never see is any regulations coming from the Heritage Area.

The national heritage area program is all carrot and no stick.

I could go on. But let me close by saying there are nearly 50 National Heritage Areas in the country. In Iowa, the Farm Bureau is a major financial sponsor of the Silos and Smokestacks National Heritage Area. In Tennessee, the entire state is a National Heritage Area. None of the other areas have the Dorgan amendment excluding private land, and people have found that there were no negative consequences to that. Life goes on in Tennessee, people farm, put up wind towers, conduct business, and buy and sell real estate.

This is a bill that needs to be rejected. The united tourism sector of North Dakota urges your do-not pass.

Thank you for your consideration. Please let me know if you need any additional information. Email [tracy@fortlincoln.org](mailto:tracy@fortlincoln.org) or call 471-9805.

# KNIFE RIVER INDIAN HERITAGE FOUNDATION

Friends of Knife River Indian Villages National Historic Site

600 County 37 Stanton, ND 58571

[www.kniferiverfriends.org](http://www.kniferiverfriends.org)

January 13, 2011

Northern Plains Heritage Foundation  
401 W. Main St.  
Mandan, ND 58554

To whom it may concern;

The Knife River Indian Heritage Foundation (KRIHF) would like to formally opt-in to the Northern Plains National Heritage Area as the Foundation is very interested in preserving and interpreting the historic sites and structures along the Missouri River in North Dakota.

The Knife River Indian Villages National Historic Site at Stanton is situated on the confluence of the Knife and Missouri Rivers and is rich in archeological artifacts and remnants of the culture and agricultural lifestyle of the Plains Indians. The Corps of Discovery's journey with Sakakawea has called national attention to the Hidatsa, Arikara and Mandan Indian cultures at this historic site. At that time, the Indian villages at the confluence were the largest population and trading center at the heart of North America. The expedition of German Prince Maximilian and Swiss artist Bodmer is widely known in Europe. The battling over sovereignty claims by the Spanish, French and British of this historic site in the 1800s is part of a long term plan to promote the seven historic trails that led to the confluence for over hundreds of years.

The Knife River Indian Heritage Foundation, a 501(c)(3) organization, co-chairs their Board positions with tribal members of the Three Affiliated Tribes in New Town, ND and members from the Stanton community. This affiliation anchors the tribal members to their authentic homeland and expands the role of KRIHF to its charter goals of promoting preservation, development and public understanding of the history and cultural resources of the Knife River Indian Villages National Historic Site.

The KRIHF plans to shine the spotlight on the centuries of trails that converge at Knife River as well as many other aspects of 11,000 years of heritage, especially the history of international trade and hospitality that took place at this authentic site.

The KRIHF has the conviction that there is no single site in North Dakota that rivals the potential of what is authentically found at the confluence of the Knife and Missouri Rivers. We are looking forward to the economic possibilities for the community of Stanton and the surrounding area as we preserve and interpret the cultural, historical and scenic resources of the Northern Plains Heritage Area.

Sincerely,

*Donna M. Buchmann*

*Calvin Grinnell*

Knife River Indian Heritage Foundation

Donna M. Buchmann & Calvin Grinnell, Co-presidents

(signed with permission  
from Calvin Grinnell 1-15-11  
rm)



411 West Main Street, Mandan, North Dakota 58554

January 7, 2011

Mr. Borlaug,

On behalf of the Mandan Art Association I would like to extend our support for the Northern Plains National Heritage Area. This letter may be included as public input. We recognize the possibilities for positive impact this designation may provide to the counties contained in the heritage area.

The Mandan Art Association has been in existence since 1958 with the mission of providing a showcase for local and area artists and to support art and art appreciation in Mandan, Bismarck and the surrounding area. We believe that the Northern Plains Heritage Area will have a positive impact in our area especially in raising community awareness of the arts and the rich history associated with the arts.

The Mandan Art Association also is a strong supporter of the Mandan Heritage Plaza Foundation which is dedicated to revitalizing downtown Mandan, which includes our gallery in the Heritage Plaza location. With the assistance of the Northern Plains National Heritage Area we believe this historical area can once again be made an interesting, vital part of our community.

Sincerely,

Rose Heiser, Treasurer and Gallery Director

Mandan Art Association

Phone: (701) 751-4331

Email: [mandanartassociation@yahoo.com](mailto:mandanartassociation@yahoo.com)

[www.mandanart.org](http://www.mandanart.org)



Mr. Borlaug:

On behalf of the Mandan Heritage Plaza Foundation Board of Directors, I would like to formally extend our support for the Northern Plains National Heritage Area. Please include this letter as public input. We recognize the unlimited possibilities for positive impact this designation provides to North Dakota, specifically the five counties contained within the heritage area.

The Mandan Heritage Plaza Foundation is dedicated to renovating the historical buildings formerly known as the NP Depot and NP Lunchroom (Beanery), and adding points of interest to the surrounding area in order to revitalize and provide a focal point of interest to downtown Mandan. To date, we have succeeded in getting the area around the NP Depot and Lunchroom designated as 'Heritage Plaza' by the Mandan City Commission, and adding 'Heritage Plaza' signage to the front of the buildings. Our future projects involve bringing in and renovating NPRR railcars, constructing murals that tell the story of the area, and much more.

In addition to our support, we would also like to express our interest in applying for any grant opportunities provided by the NPHF. We believe that our mission to improve the downtown area in Mandan is an important step in maintaining and expanding North Dakota's highly-respected heritage tourism industry.

We are eager to see the Northern Plains National Heritage Area continue develop over the coming months and years.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew Schanandore", is written over a horizontal line.

Matthew Schanandore  
President  
Mandan Heritage Plaza Foundation

---

[info@mandanheritageplaza.org](mailto:info@mandanheritageplaza.org)

401 W. Main St.

Mandan, ND 58554

P. 701-711-2983

F. 701-711-2883



# NORTHERN PLAINS HERITAGE FOUNDATION

## **Northern Plains Heritage Foundation Board of Directors**

**President:** David Borlaug, 232 Coulee Drive, Washburn, ND 58577

**Vice-President:** Signe Snortland, 110 West Ave A, Bismarck, ND 58501

**Secretary:** Keith Ulmer, 403 Birchwood Drive, Bismarck, ND 58504

**Treasurer:** Paul Trauger, 2395 Hwy 10, Mandan, ND 58554

Dr. Kermit Lidstrom, 630 Remington Ave, Bismarck, ND 58503

Elwood Barth, 2599 County Road 135, Solen, ND 58570

Brian Bitner, 751 80<sup>th</sup> St. SE, Bismarck, ND 58501

Sarah Vogel, 1204 N. 2<sup>nd</sup>, St. Bismarck, ND 58501

Wally Joersz, 2200 Pirates Loop SE, Mandan, ND 58554

Kelvin Hullet, 1514 N. 23<sup>rd</sup> St., Bismarck, ND 58501

Rose Laning, 4121 78<sup>th</sup> Ave NE, Bismarck, ND 58503

Richard C. Tokach, County Road 81, St. Anthony, ND 58566

Melanie Luger, 7 Captain Leach Dr., Mandan, ND 58554

### **Active ex-officio members**

Mark Zimmerman, North Dakota Parks and Recreation Department

Sara Otte-Coleman, North Dakota Department of Commerce, Tourism Division

Merle Paaverud, State Historical Society of North Dakota

Scott Davis, North Dakota Indian Affairs Commission



# NORTHERN PLAINS HERITAGE FOUNDATION

*Excerpt from Omnibus Public Land Management Act of 2009 (PL 111-11)*

**(4) PROHIBITION ON ACQUISITION OF REAL PROPERTY.**—The local coordinating entity may not use Federal funds authorized to be appropriated under this section to acquire any interest in real property.

...

**(f) PRIVATE PROPERTY AND REGULATORY PROTECTIONS.**—

Nothing in this section—

(1) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to—

(A) permit public access (including access by Federal, State, or local agencies) to the property of the property owner, or;

(B) modify public access to, or use of, the property of the property owner under any other Federal, State, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State, tribal, or local agency;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

(5) authorizes or implies the reservation or appropriation of water or water rights;

(6) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(7) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.



# NORTHERN PLAINS HERITAGE FOUNDATION

## NORTHERN PLAINS HERITAGE AREA, AMENDMENT

**SEC. 120.** Section 8004 of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 1240) is amended—

### **(g) REQUIREMENTS FOR INCLUSION AND REMOVAL OF PROPERTY IN HERITAGE AREA.—**

**(1) PRIVATE PROPERTY INCLUSION.—**No privately owned property shall be included in the Heritage Area unless the owner of the Private Property provides to the management entity a written request for the inclusion.

### **(2) PROPERTY REMOVAL.—**

**(A) PRIVATE PROPERTY.—**At the request of an owner of private property included in the Heritage Area pursuant to paragraph (1), the private property shall be immediately withdrawn from the Heritage Area if the owner of the property provides to the management entity a written notice requesting removal.

**(B) PUBLIC PROPERTY.—**On written notice from the appropriate State or local government entity, public property included in the Heritage Area shall be immediately withdrawn from the Heritage Area.

## NATIONAL HERITAGE AREA , OPT OUT PROVISION

**SEC. 127.** Any owner of private property within an existing or new National Heritage Area may opt out of participating in any plan, project, program, or activity conducted within the National Heritage Area if the property owner provides written notice to the local coordinating entity.

#12

**SB 2204**

Good morning, Chairman Flakoll and members of the Senate Agriculture Committee. For the record, my name is Julie Ellingson and I represent the North Dakota Stockmen's Association.

Our organization rises in support of SB 2204, which prohibits state funding for the Northern Plains Heritage Area and the inclusion of state land and facilities in the designated area unless approved by the legislative body.

As previous testifiers have already remarked, we think that it is appropriate for the legislative body to weigh-in on such decisions, because of the implications for the state and its citizens. We also believe that the legislative process facilitates a very open, transparent process where all those who are interested have a chance to voice their support or opposition through a public hearing. Under this scenario, if citizens disagree with the decision the legislature chooses, they also have recourse in being able to vote for or against legislators who supported their position. That opportunity would not necessarily exist if state agencies or quasi-agency non-profit entities were given full authority to enter or to not enter into such an arrangement.

Many landowners have been wary of the Northern Plains Heritage Area since parts of North Dakota received the designation in 2009, especially because it took so many by surprise. Those involved have assured them that this will in no way infringe on their private property rights. Inclusion of the North Dakota Legislative Assembly in the process is a way to ensure that the promise is delivered and that our state's involvement or non-involvement reflects the wishes of its citizens. For these reasons, we ask for your do-pass recommendation.



#3

Good morning, my name is Rita Faut. I am here today as a concerned resident of Mercer County.

The Northern Plains Heritage Area is a neighbor not many people would be happy to have. With the federal dollars NPHF is now eligible to use, pressure can be put upon local zoning boards to restrict what landowners in the heritage area are able to do with and on their property. This is still an issue, even after Sen. Dorgan signed the amendment last year which opted private land owners out of the area. We have been hearing a lot about view shed. This can affect land owners many miles outside of the boundaries of the area by limiting the building of wind towers or other structures that can be considered to be obstructions of the view.

The NPHF is so completely focused on "telling the story" of who and what came before, they are forgetting that people are currently living and working here. They are willing to do what they feel is necessary to restrict change in the landscape by trying to regulate the potential for development on personal property, be it mining, wind farms or other interests. When Lewis and Clark were sent on the Journey of Discovery was it just to take a look at the great landscapes out west or were they supposed to be looking for ways to expand and improve the young and growing US?

Currently ND is enjoying a booming economy, but with the federal deficit at the level it is today, funding this heritage area is just one more drain on an already empty wallet. There are 49 other heritage areas in the US. Not one of them is financially self sustaining. Can we in good conscience fund another?

Thank you for allowing me to speak before your committee.



JOHN W. DWYER, *President*  
JohnDwyer@lignite.com

1016 E. Owens Avenue  
P.O. Box 2277  
Bismarck, ND 58502  
Tel (701) 258-7117  
Fax (701) 258-2755

January 25, 2011

The Honorable Tim Flakoll  
Chairman  
Senate Agriculture Committee  
North Dakota State Capitol  
600 E. Boulevard Avenue  
Bismarck, ND 58505

Re: SB 2204

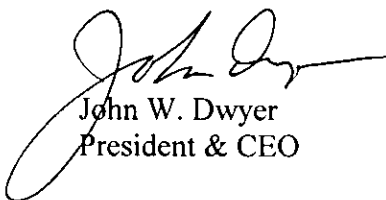
Dear Chairman Flakoll:

It is my understanding that last week during the initial hearing on SB 2204, it was represented that the Lignite Energy Council was opposed to SB 2204.

In order to clarify the record, please advise your committee members that the Lignite Energy Council wishes to go on record in support of SB 2204.

Sincerely,

LIGNITE ENERGY COUNCIL



John W. Dwyer  
President & CEO

JWD/msh

cc: Senate Ag Committee  
Oley Larsen, Vice Chairman  
Joan Heckaman  
Jerry Klein  
Joe Miller  
Larry Luick



# MDU RESOURCES

GROUP, INC.

1200 West Century Avenue

Mailing Address:

P.O. Box 5650

Bismarck, ND 58506-5650

(701) 530-1000

January 26, 2011

The Honorable Tim Flakoll  
Senate Agriculture Committee  
North Dakota Legislature  
Bismarck, ND 58501

RE: SB 2204 - An Act to prohibit state funding of the northern plains national heritage area.

Dear Chairman Flakoll:

It has come to my attention that recent statements may have been interpreted to suggest that MDU Resources is opposed to this legislation. While our corporate foundation supports efforts to preserve and promote the cultural resources of North Dakota, this is to advise that we have no formal position on this legislation.

Please feel free to contact me at 530-1086 if you need further information.

Sincerely,

Geoff Simon  
Director, Government Affairs



GREAT RIVER  
ENERGY®

Bismarck Office • 1611 East Century Avenue • Suite 200 • Bismarck, North Dakota 58503 • 701-250-2165 • Fax 701-255-5405

January 25, 2011

Chairman Flakoll and Senate Agriculture Committee Members:

I would like to clarify about the testimony that was given on Senate Bill 2204 to your committee. During David Borlaug's testimony he stated who was on his Board of Directors, and my name and Great River Energy was one of those mentioned. It is true I am the Chairman of the Board of the Lewis & Clark Foundation, and I work for and represent Great River Energy. However, in the matter of Senate Bill 2204, Great River Energy has not taken a position on this bill. So, if by having it mentioned there was inference that Great River Energy did not support or supported Senate Bill 2204, please understand we have no position on it. If you have any questions or feel that I need to testify, please let me know and I will gladly do so.

Sincerely,

GREAT RIVER ENERGY

Al Christianson

Manager, ND Business Development and Governmental Affairs

Attachment 1  
SB 2204

Testimony on SB 2204

House Government and Veterans' Affairs Committee

9 a.m. March 17, 2011

Madame Chairman and members of the committee, I am Margaret Sitte, senator from District 35 in Bismarck.

The Northern Plains Heritage Area was designated by Congress in the Omnibus Land Management Act of 2009 (Public Law 111-11). The Heritage Area designation places parts of five counties, Mercer, McLean, Morton, Oliver and Burleigh, under the authority of the National Park Service. The title of the bill says a great deal: it is indeed a land management plan, and it was enacted without the knowledge or consent of the landowners in this region.

Only after the Omnibus Land Management Act of 2009 had become law in March of that year did the Northern Plains Heritage Foundation finally hold a public hearing. I attended that hearing in the basement of the Bismarck Public Library, and I listened to speaker after speaker heatedly express concerns about his or her property rights. Every single speaker that evening spoke in opposition to this heritage area. Many of them spoke at the hearing on the Senate side. Some are here today.

The bill has three parts. First, "state funds may not be expended or transferred from state agencies to match federal moneys for the northern plains national heritage area or any similar or successor designated areas without the approval of the legislative assembly." Attached is an article from U.S. News and World Report that lists heritage area grants as one of many areas that Congress is considering cutting. The heritage area is supposed to be a self-sustaining entity, and as such state funds should not be allocated to it through state agency grants unless the legislature approves.

Second, "state lands, water, property, or facilities may not be included in the designated northern plains national heritage area or any similar or successor designated areas without the approval of the legislative assembly." Early on, former director of state parks Doug Prchal removed state parks from the heritage area, and that removal continues today.

Third, "no further lands, water, property, or facilities may be designated as heritage areas within this state without the approval of the legislative assembly."

Notice that all of these activities may occur; this bill just places them under legislative authority.

I refer you to the attached handout taken from the National Park Service website. The first question asks, "How do National Heritage Areas work? National Heritage Areas (NHA) expand on traditional approaches to resource stewardship by supporting large-scale, community centered initiatives that connect local citizens to the preservation and planning process.

The National Park Service claims the heritage areas are community centered, but as we have seen, the public was ignored until the plan was in place. Farmers, coal mines and power plants abound in this mineral-rich area, yet the purpose of a heritage area is resource stewardship using large-scale initiatives to preserve and plan, and preservation is often seen as the opposite of development, of prosperity, of freedom over one's own land.

Farther down the page, it says the heritage area strategy is for citizen property owners to form partnerships with the federal government. A partnership with a 900-pound gorilla, unfortunately, leaves the private citizen with little recourse.

Some will come before you today and speak on behalf of tourism, saying the Heritage Area helps market this portion of the state. These attractions were being marketed together long before the National Heritage Area designation. We truly enjoy the beauty and history of these special places in central North Dakota. We recognize the work of the Fort Abraham Lincoln Foundation and the Lewis and Clark Fort Mandan Foundation in bringing visitors here. May they long continue to do so, but seeking federal funds for tourism should not infringe upon private property rights.

This bill will not remove the national heritage area designation from portions of these five counties. All it does is restore transparency and put the legislature in its rightful place of authority.

FAQ's Taken from National Park Service <http://www.nps.gov/history/heritageareas/FAQ/>

► How do National Heritage Areas work?

National Heritage Areas (NHA) expand on traditional approaches to resource stewardship by supporting large-scale, community centered initiatives that connect local citizens to the preservation and planning process.

► What is the role of the National Park Service?

The National Park Service (NPS) provides technical, planning and limited financial assistance to National Heritage Areas. The NPS is a partner and advisor, leaving decision-making authority in the hands of local people and organizations.

The National heritage Areas staff at NPS headquarters are available to help answer any questions about the program.

► How is it different from a National Park?

A National Heritage Area is not a unit of the National Park Service, nor is any land owned or managed by the NPS. National Park Service involvement is always advisory in nature.

► How does a region become a National Heritage Area?

National Heritage Areas are designated by Congress. Each National Heritage Area is governed by separate authorizing legislation and operates under provisions unique to its resources and desired goals. For an area to be considered for designation, certain key elements must be present. First and foremost, the landscape must have nationally distinctive natural, cultural, historic, and scenic resources that, when linked together, tell a unique story about our country. It is strongly recommended that a feasibility study be conducted prior to any designation attempt.

► How do communities benefit from the National Heritage Area designation?

The designation has both tangible and intangible benefits. Heritage conservation efforts are grounded in a community's pride in its history and traditions, and in residents' interest and involvement in retaining and interpreting the landscape for future generations. It offers a collaborative approach to conservation that does not compromise traditional local control over and use of the landscape. Designation comes with limited financial and technical assistance from the National Park Service.

► Why utilize the heritage areas strategy?

The heritage area concept offers an innovative method for citizens, in partnership with local, state, and Federal government, and nonprofit and private sector interests, to shape the long-term future of their communities. The partnership approach creates the opportunity for a diverse range of constituents to come together to voice a range of visions and perspectives. Partners collaborate to shape a plan and implement a strategy that focuses on the distinct qualities that make their region special.

► What kinds of activities does a National Heritage Area offer to outside visitors

National Heritage Areas appeal to all ages and interests. Some have opportunities for walking, hiking, biking and paddling. Some have festivals to attend and museums to visit. Many Areas provide volunteer opportunities, group tours, and multiple-day excursions and can also be visited in combination with over 80 units of the National Park Service.



HOME

OPINION

WASHINGTON WHISPERS

CONGRESS TRACKER

WHITE HOUSE TRACKER

## House GOP Lists \$2.5 Trillion in Spending Cuts

By PAUL BEDARD

Posted: January 20, 2011

Moving aggressively to make good on election promises to slash the federal budget, the House GOP today unveiled an eye-popping plan to eliminate \$2.5 trillion in spending over the next 10 years. Gone would be Amtrak subsidies, fat checks to the Legal Services Corporation and National Endowment for the Arts, and some \$900 million to run President Obama's healthcare reform program. [See a gallery of political caricatures:]

What's more, the "Spending Reduction Act of 2011" proposed by members of the conservative Republican Study Committee, chaired by Ohio Rep. Jim Jordan, would reduce current spending for non-defense, non-homeland security and non-veterans programs to 2008 levels, eliminate federal control of Fannie Mae and Freddie Mac, cut the federal workforce by 15 percent through attrition, and cut some \$80 billion by blocking implementation of Obamacare. [See a slide show of the top Congressional travel destinations.]

Some of the proposed reductions will surely draw Democratic attack, such as cutting the Ready to Learn TV Program, repeal of the Davis-Bacon Act, the elimination of the Energy Star Program, and cutting subsidies to the Woodrow Wilson Center. [See editorial cartoons about the GOP.]

Here is the overview provided by the Republican Study Committee:

**FY 2011 CR Amendment:** Replace the spending levels in the FY 2011 continuing resolution (CR) with non-defense, non-homeland security, non-veterans' spending at FY 2008 levels. The legislation will further prohibit any FY 2011 funding from being used to carry out any provision of the Democrat government takeover of health care, or to defend the health care law against any lawsuit challenging any provision of the act. \$80 billion savings.

**Discretionary Spending Limit, FY 2012-2021:** Eliminate automatic increases for inflation from CBO baseline projections for future discretionary appropriations. Further, impose discretionary spending limits through 2021 at 2006 levels on the non-defense portion of the discretionary budget. \$2.29 trillion savings over ten years.

**Federal Workforce Reforms:** Eliminate automatic pay increases for civilian federal workers for five years. Additionally, cut the civilian workforce by a total of 15 percent through attrition. Allow the hiring of only one new worker for every two workers who leave federal employment until the reduction target has been met. (Savings included in above discretionary savings figure).

**"Stimulus" Repeal:** Eliminate all remaining "stimulus" funding. \$45 billion total savings.

**Eliminate federal control of Fannie Mae and Freddie Mac.** \$30 billion total savings.

**Repeal the Medicaid FMAP increase in the "State Bailout" (Senate amendments to S. 1586).** \$16.1 billion total savings.

**More than 100 specific program eliminations and spending reductions listed below:** \$330 billion savings over ten years (included in above discretionary savings figure).

Here is the full list of cuts:

**Additional Program Eliminations/Spending Reforms**

**Corporation for Public Broadcasting Subsidy.** \$445 million annual savings.

**Save America's Treasures Program.** \$25 million annual savings.

**International Fund for Ireland.** \$17 million annual savings.

**Legal Services Corporation.** \$420 million annual savings.

**National Endowment for the Arts.** \$167.5 million annual savings.

**National Endowment for the Humanities.** \$167.5 million annual savings.

**Hope VI Program.** \$250 million annual savings.

**Amtrak Subsidies.** \$1.565 billion annual savings.

**Eliminate duplicative education programs.** H.R. 2274 (in last Congress), authored by Rep. McKeon, eliminates 68 at a savings of \$1.3 billion annually.

**U.S. Trade Development Agency.** \$55 million annual savings.

**Woodrow Wilson Center Subsidy.** \$20 million annual savings.



Cut in half funding for congressional printing and binding. \$47 million annual savings.

John C. Stennis Center Subsidy. \$430,000 annual savings.

Community Development Fund. \$4.5 billion annual savings.

\* Heritage Area Grants and Statutory Aid. \$24 million annual savings.

Cut Federal Travel Budget in Half. \$7.5 billion annual savings.

Trim Federal Vehicle Budget by 20%. \$600 million annual savings.

Essential Air Service. \$150 million annual savings.

Technology Innovation Program. \$70 million annual savings.

Manufacturing Extension Partnership (MEP) Program. \$125 million annual savings.

Department of Energy Grants to States for Weatherization. \$530 million annual savings.

Beach Replenishment. \$95 million annual savings.

New Starts Transit. \$2 billion annual savings.

Exchange Programs for Alaska, Natives Native Hawaiians, and Their Historical Trading Partners in Massachusetts. \$9 million annual savings.

Intercity and High Speed Rail Grants. \$2.5 billion annual savings.

Title X Family Planning. \$318 million annual savings.

Appalachian Regional Commission. \$76 million annual savings.

Economic Development Administration. \$293 million annual savings.

Programs under the National and Community Services Act. \$1.15 billion annual savings.

Applied Research at Department of Energy. \$1.27 billion annual savings.

FreedomCAR and Fuel Partnership. \$200 million annual savings.

Energy Star Program. \$52 million annual savings.

Economic Assistance to Egypt. \$250 million annually.

U.S. Agency for International Development. \$1.39 billion annual savings.

General Assistance to District of Columbia. \$210 million annual savings.

Subsidy for Washington Metropolitan Area Transit Authority. \$150 million annual savings.

Presidential Campaign Fund. \$775 million savings over ten years.

No funding for federal office space acquisition. \$864 million annual savings.

End prohibitions on competitive sourcing of government services.

Repeal the Davis-Bacon Act. More than \$1 billion annually.

IRS Direct Deposit: Require the IRS to deposit fees for some services it offers (such as processing payment plans for taxpayers) to the Treasury, instead of allowing it to remain as part of its budget. \$1.8 billion savings over ten years.

Require collection of unpaid taxes by federal employees. \$1 billion total savings.

Prohibit taxpayer funded union activities by federal employees. \$1.2 billion savings over ten years.

Sell excess federal properties the government does not make use of. \$15 billion total savings.

Eliminate death gratuity for Members of Congress.

Eliminate Mohair Subsidies. \$1 million annual savings.

Eliminate taxpayer subsidies to the United Nations Intergovernmental Panel on Climate Change. \$12.5 million annual savings.

Eliminate Market Access Program. \$200 million annual savings.

USDA Sugar Program. \$14 million annual savings.

Subsidy to Organisation for Economic Co-operation and Development (OECD). \$93 million annual savings.

Eliminate the National Organic Certification Cost-Share Program. \$56.2 million annual savings.

Eliminate fund for Obamacare administrative costs. \$900 million savings.

Ready to Learn TV Program. \$27 million savings.

HUD Ph.D. Program.

Deficit Reduction Check-Off Act.

**TOTAL SAVINGS: \$2.5 Trillion over Ten Years**

- Video: House Votes to Repeal Healthcare Reform.
- *See photos of the Obamas behind the scenes.*
- *Check out our editorial cartoons on the GOP.*
- *Check out this month's best political cartoons.*

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House Government Relations & Veteran Affairs Committee

Attachment  
2  
SB 2204

Hearing on SB 2204

Testimony of Wes Klein

Betty Grande, Chair  
Randy Boehning, V. Chair  
Glen Froseth  
Karen Karls  
Lisa Meier  
Mark Sanford  
Vicky Steiner  
Roscoe Streyle  
Karen Rohr  
Gary Paur

Page 1and Testimony of Wes Klein

Page 2, FOIA E-MAIL

Page 4, NPS Wind Tower Impact Map

Page 5, NPS Knife River Indian Village Strategy Paper

Page 6, Enabling Legislation (Amendment)

Madam Chairman, and Committee:

My name is Wes Klein I live North of Hazen North Dakota in Mercer County.

I would like to draw your attention to page Three in the hand out. This e-mail is part of a FOIA I sought in trying to understand how the NPNHA was a Heritage Area where all that would occur is tourism, when after almost three years of studying and working with the NPS and Senator Dorgan and his Staff I knew that heritage areas were much more than that. The second paragraph, I will read through this. I will follow this up with the response.

Clearly there is more to the NPNHA than just tourism. Senator Dorgan became very aware of this issue and consequently added a provision to the enabling legislation that gives the State of North Dakota congressional authority to remove state property from the Heritage area. I will share with you a number of reasons for this amendment.

On page four you will see the NPS KRIV wind tower impact map. this map was release to the Mercer County Planning and Zoning Meeting in the spring of 2009.

On page five you have the NPS KRIV strategic plan.



"Tracy Potter"  
<tracy@fortlincoln.org>  
05/09/2008 10:10 AM

To <Sue\_Pridemore@nps.gov>  
cc  
bcc

Subject Re: I saw your TV promotion for your NHA

You guys haven't moved from 601 Riverfront Drive, or whatever, have you?

On the EIS idea ... what possible impact or compliance is needed when all you are doing is creating a management plan, or even doing marketing? No shovels, not a blade of grass disturbed ... what impact?

I know. It's a federal thing. Don't ask why.

I'm trying not to be cynical. I just told my cynical GOP lawyer who is distraught because Obama is the only one he agrees with on the gas tax, that he needs to follow the path I've taken. I said that I was a cynic for 25 years, but Obama has convinced me to move from being cynical to being skeptical. "Come over," I urged. He said he's not quite there.

tp

----- Original Message -----  
From: <Sue\_Pridemore@nps.gov>  
To: <tracy@fortlincoln.org>  
Sent: Friday, May 09, 2008 10:32 AM  
Subject: ah, quite a question ...

>  
> You said:  
> On the EIS idea ... what possible impact or compliance is needed when all  
> you are doing is creating a management plan, or even doing marketing? No  
> shovels, not a blade of grass disturbed ... what impact?  
>  
> The National Park Service does EISs on all planning documents due to past  
> law suits and their results. We are a conservation/preservation agency  
> ...  
> that is our mission. We assume that any entity placed within our  
> affiliation has the same mission. Ergo, the EIS. If you go to the  
> website  
> and see the elements defined by the agency for feasibility studies, you  
> will see that two elements repeat themselves throughout those criteria  
> ....  
> what I call "5 'tions and a ment" ie, preservation, conservation,  
> interpretation, education, recreation and economic development. We  
> evaluate all documents for NHAs to see an integration of those things and  
> for the documented commitments from individuals, businesses, local  
> government bodies, non-profit organizations et al that blend those 5  
> 'tions  
> (pronounced "shuns"0 and a ment (pronounced "mint"). Due to that  
> perspective, EISs are necessary.  
>  
> While you and David have been consistently upfront with the fact that you  
> plan to use the funds for promotion and tourism-based development, that is  
> not how NHAs are defined or interpreted by my agency. Those opposing  
> values will provide much tension as you and I navigate through meeting  
> your  
> expectations while fitting into the definition of the program you chose to  
> apply to those expectations. This is going to require an honesty, and  
> candor between you and I that we have danced around in the past if I am to  
> help you be successful within a program that defines success differently.  
> I think we can do this so that all needs are met but you and I will need  
> to  
> accept the fact that our dialogs must be about making sure we understand  
> each others perspective and looking for win-win solutions.  
>  
> I, too, am a cynic ... and that means that we are both actually optimists  
> who've watched reality conform to another standard that is not ours!  
>  
> With that said, can we find a place where we can both be comfortable in  
> how  
> things will unfold?  
>  
> --me  
>



"Tracy Potter"  
<tracy@fortlincoln.org>  
05/09/2008 10:52 AM

To <Sue\_Pridemore@nps.gov>

cc

bcc

Subject Re: ah, quite a question ...

Yes We Can!

(you know I'm a closet preservationist ... but we're going to achieve designation by focusing on the 'ment, because that's not controversial. Our market today is not the NPS, it is limited to Byron Dorgan, Kent Conrad, Earl Pomeroy and their colleagues in Congress. That's something Amy could never understand. We don't expect the NPS to support our NHA - we hope the agency will, but it's not the market, until we submit the management plan. In the meantime, up to the time we receive designation, our sole worry is that right-wing nut jobs like Senator you-know-who will pop up in our own area complaining about a federal takeover of their private property rights. Seriously, it's our only worry ... if there is a mini-Sagebrush Rebellion it probably wouldn't, but it conceivably could cause our delegation to reassess their support. So, we talk about all carrot and no stick, all marketing and jobs development, and no regulation.)

But, can we find common ground as we work through this ...

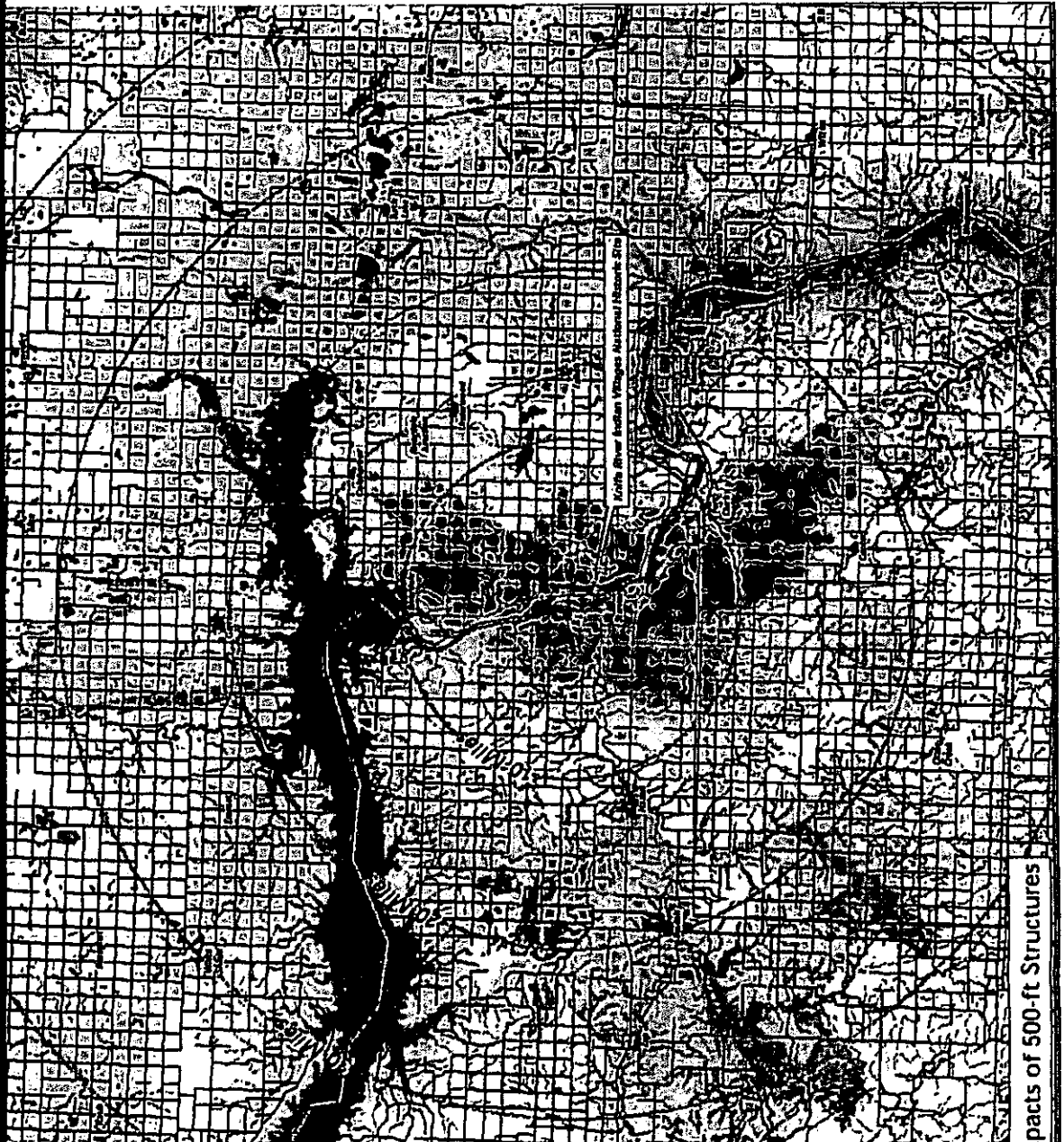
Yes We Can!

Tracy

# Ver Indian Villages National Historic Site

akota

National Park Service  
U.S. Department of the Interior



## Legend

- City or Town
- Boundaries
  - KNRI Administrative Boundary
  - County Boundary
- Transportation
  - US Highway
  - State Highway
  - County Road
- Hydrology
  - Body of Water
  - Perennial Stream
  - Intermittent Stream
- Proximity Buffer
  - Distance to KNRI
- Percent of KNRI Impacted
  - 1 - 4%
  - 5 - 24%
  - 25 - 48%
  - 50 - 74%
  - 75 - 100%

1:262,000



Impacts of 500-ft Structures



THE  
FUTURE  
OF  
AMERICA'S  
NATIONAL  
PARKS

First Annual  
Centennial Strategy for

Knife River Indian Villages  
National Historic Site

August 2007

CENTENNIAL INITIATIVE



Site: KNRI

Year: 2007

#### Vision Statement

Knife River Indian Villages National Historic Site serves as the National Park Service unit focused upon Indian cultures of the Northern Great Plains. The 1,759 acre unit protects sixty-four known archeological sites, five identified cultural landscapes, and a diverse natural resource including areas of native prairie.

The archeological resources span the periods from paleo through historic American Indian and early European plains settlement. Knife River Indian Villages is widely regarded as having the finest remaining earthlodge village sites, consisting of hundreds of such remains and depressions.

The park's location, at the confluence of the Knife and Missouri Rivers, features view sheds reminiscent of pre-European contact. Other areas provide scenery of modern agricultural fields, offering an interpretive parallel to the agrarian practices of the Hidatsa and Mandan peoples of two centuries ago. There are areas within the village sites where visitors can easily envision landscape that the Mandan and Hidatsa would have experienced for generations.

**The goals of Knife River Indian Villages NHS include the long-term protection of the park's cultural and natural resources, the largely pristine view sheds and soundscapes, and to enhance the educational and interpretive experience.**

Presently, the management of Knife River Indian Villages is actively pursuing partnership opportunities. The park's small, but dedicated friends group has offered to become a catalyst in stimulating partnership opportunities with local and regional corporations and philanthropic entities.

Park/ Superintendent/ Program Manager

Brian McCutchen, Superintendent

Site: KNRI

STEWARDSHIP

☒ Provide inspiring, safe, and accessible places for people to enjoy - the standard to which all other park systems aspire.

☒ Other Park/ Program performance goal(s)

Visitor comments routinely heard by Knife River Indian Villages staff regard the pristine landscape that is directly visible to the east of the 1,758 National Park Service unit. The high bluffs, directly across the Missouri River from the park boundary remain relatively unchanged from their pre-European appearance. The bluff line, which is privately owned, contains a wealth of archeological resources directly related to the centuries of habitation on the Knife River side of the Missouri.

~~Presently, there are numerous threats to the view shed - including encroaching coal mining and the potential of residential development. Such intrusions to the historic and natural scene would prove an irreversible impact upon the visitor experience and a loss of the surrounding landscape integrity.~~

As this vital landscape falls outside of the Congressionally designated landscape boundary, preservation easements provided by a partner would provide long-term protection from irreversible threats, and continue the appreciation and enjoyment for visitors.

☐ The work described currently is supported by OFS and/ or PMIS

Site: KNRI

STEWARDSHIP

☒ Improve the condition of park resources and assets.

☒ Other Park/ Program performance goal(s)

As an effort to preserve delicate environmental areas, while enhancing the visitor experience, constructing a boardwalk on the North Forest Trail would permit closing a gap in the trail to create a loop, that presently is impossible without such an elevated access. This would encourage more visitors to experience the full extent of the trail while still protecting a delicate wetland area.

☐ The work described currently is supported by OFS and/ or PMIS

Site: KNRI

STEWARDSHIP

- ☒ Assure that no compelling chapter in the American heritage experience remains untold and that strategically important landscapes are acquired, as authorized by Congress.

- ☒ Other Park/ Program performance goal(s)

With each succeeding generation, articulate language details and stories are often lost. For example, fewer than six individuals survive that speak the Mandan language - a once widely spoken dialect. As the Knife River Indian Villages is the national park unit to preserve, interpret and educate people about resources and culture of the Indian groups of the Northern Great Plains, ensuring the documentation and preservation of the Mandan, Hidatsa, and Arikara - three tribal groups that had for centuries occupied the immediate Knife River region - languages is paramount. As much of a culture is tied to its language, once the language is lost or fragmented, a significant part of the cultural identity is lost forever.

- ☐ The work described currently is supported by OFS and/ or PMIS

Site: KNRI

STEWARDSHIP

- ☒ Serve as the Preeminent resource laboratory by applying excellence in science and scholarship to understand and respond to environmental changes.

- ☒ Other Park/ Program performance goal(s)

The 1,758.35 acres that comprise the Knife River Indian Villages National Historic Site are only a small portion of the overall pre-European settlement of the upper-Missouri River region. Numerous and distinctive groups and cultures thrived for centuries in the upper-Missouri corridor. Relationships between the groups were extensive, though complex. Trade across the region was dynamic, and largely centered at the former villages within the boundaries of the Knife River Indian Villages National Historic Site.

A comprehensive research program that directly addresses the archeological and cultural resources within this corridor will provide an integrated source of study and knowledge for a better understanding of the social and cultural dynamics of this once vibrant network of communities. This program will bring together as a consortium researchers from the Midwest Archeological Center, state historical societies, and academic institutions.

- ☐ The work described currently is supported by OFS and/ or PMIS

## NORTHERN PLAINS HERITAGE AREA, AMENDMENT

SEC. 120. Section 8004 of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 1240) is amended—

“(g) REQUIREMENTS FOR INCLUSION AND REMOVAL OF PROPERTY IN HERITAGE AREA.—

“(1) PRIVATE PROPERTY INCLUSION.—No privately owned property shall be included in the Heritage Area unless the owner of the private property provides to the management entity a written request for the inclusion.

“(2) PROPERTY REMOVAL.—

“(A) PRIVATE PROPERTY.—At the request of an owner of private property included in the Heritage Area pursuant to paragraph (1), the private property shall be immediately withdrawn from the Heritage Area if the owner of the property provides to the management entity a written notice requesting removal.

“(B) PUBLIC PROPERTY.—On written notice from the appropriate State or local government entity, public property included in the Heritage Area shall be immediately withdrawn from the Heritage Area.”.

## NATIONAL HERITAGE AREA, OPT OUT PROVISION

SEC. 127. Any owner of private property within an existing or new National Heritage Area may opt out of participating in any plan, project, program, or activity conducted within the National Heritage Area if the property owner provides written notice to the local coordinating entity.

Madam Chairman and members of the committee:

My name is Becky Graner and I live south of the Bismarck /Mandan area along the Missouri River.

I have followed the National Heritage designation of the Northern Plains Heritage Area since April of 2009. I had concerns then about the reckless spending and I retain grave concerns about the choices this country continues to make regarding spending money we don't have.

As a citizen of ND and the United States I am concerned about the long term fiscal burden created by these types of designations.

Funding for National Heritage Areas is stated to be \$10 million over 15 years. Matching dollars must be secured to receive these funds. Often times it is the state in which the Heritage Area has been designated that is looked to as the first source for matching funds.

Last count, there were 49 National Heritage Areas in the United States. To date no Heritage Area, even those who find themselves at the 15 year mark are able to sustain the programs created by the designation without continued burden on the taxpayer.

Senator Kent Conrad on January 5, 2011 said ". . . we have been borrowing about 40 cents of every dollar that we spend. . . We are headed for a fiscal cliff." It is sad to consider the cost of conserving and preserving our heritage is done on money borrowed from other countries.

the true spirit of partnership that is so often peddled as a tenet of the Heritage Area designation it is important to build relationships with many different entities, unfortunately in many cases the first choice for a partnership is not with private individuals who would be thrilled to partner with an agency to help them get a leg up on a long held dream. These private groups would gladly supply the sweat equity and the dedication to keep the project alive long after the federal money runs out. Rather, the easier path is more often taken and the state in which the Heritage Area is designated becomes the primary match. I support Senate Bill 2204 because it provides a way to monitor the shifting of state funds should they become the target for primary source of matching funds for the Heritage Area.

In past testimony, a Heritage Area that includes the WHOLE state of Tennessee has been submitted as proof that Heritage Areas must be good if indeed a WHOLE state has been designated. Documentation at the Tennessee Heritage Area Website states "the Heritage Area works across the state through key reciprocal partnerships with leading institutional partners. The partners regularly interact and shape Heritage Area policy and projects through membership in the Board of Advisors. The partners identify and **help to jointly fund** and support Heritage Area programs and activities. Some of these key partners include:

Tennessee Department of Tourist Development  
Tennessee Department of Education  
Tennessee State Parks  
Tennessee State Museum

**nd under a heading titled: Operational Certainty the following is written:**

The Heritage Area has a secure major partner in the MTSU (Middle Tennessee State

University) Center for Historic Preservation, the legislatively mandated "clearinghouse" for the Heritage Area. This partnership allows the Heritage Area to create a hands-on learning laboratory for students. As a result, the Center has provided, and will continue to provide:

- Salary and benefits for the Heritage Area Director
- Salary and benefits for the Heritage Area Manager
- Salary and benefits for the Heritage Area Secretary

The MTSU Center for Historic Preservation also provides:

- Offices and meeting rooms at 1417 East Main Street, Mur-frees-boro, TN
- Phones, computers, and other necessary office needs
- Support from graduate assistants from the university's nationally recognized public history program
- The City of Mur-frees-boro provides:
- Offices and exhibit space at The Heritage Center of Mur-frees-boro and Rutherford County, a facility operated in partnership with Main Street Mur-frees-boro.

What will happen when the federal "matching money" does not materialize? Who will be left in the "partnership" to pick up the full cost of the projects initiated by the Heritage Area?

Based on 2 years worth of evidence that Heritage Areas are not always the "good deal" they are marketed to be I support that no further lands, water, property or facilities may be designated as heritage areas within this state without the approval of the legislative assembly. The potential fiscal burden must be weighed before these types of designations are allowed to further impact the citizens of North Dakota.  
Thank you for taking my testimony.

Attachment  
4  
2204

**SB 2204**

Good morning, Chairman and Committee members. For the record, my name is Julie Ellingson and I represent the North Dakota Stockmen's Association.

Our organization rises in support of SB 2204, which prohibits state funding for the Northern Plains Heritage Area and the inclusion of state land and facilities in the designated area unless approved by the legislative body.

We too think that it is appropriate for the legislative body to weigh-in on such decisions, because of the implications for the state and its citizens. We also believe that the legislative process facilitates a very open, transparent process where all those who are interested have a chance to voice their support or opposition through a public hearing. Under this scenario, if citizens disagree with the decision the legislature chooses, they also have recourse in being able to vote for or against legislators who supported their position. That opportunity would not necessarily exist if state agencies were given full authority to enter or not enter into such an arrangement.

Many landowners have been wary of the Northern Plains Heritage Area since parts of North Dakota received the designation in 2009, especially because it took so many by surprise. Those involved have assured them that this will in no way infringe on their private property rights. Inclusion of the North Dakota Legislative Assembly in the process is a way to ensure that the promise is delivered and that our state's involvement or non-involvement reflects the wishes of its citizens. For these reasons, we ask for your do-pass recommendation.





# NORTHERN PLAINS HERITAGE FOUNDATION

Attachment 5  
SB 2204

**Testimony of David Borlaug in Opposition to SB 2204  
House Government and Veterans Affairs Committee  
Thursday, March 17, 2011**

With apologies for my absence from this hearing today (I am in Fargo fundraising all this week), please accept this brief testimony in opposition to Senate Bill 2204.

As president of the Northern Plains Heritage Foundation, I urge you not to concur with the Senate's view that State agencies and lands should not benefit from the National Heritage Area designation. This program is an economic development opportunity to promote tourism in our region, and we would certainly want our State's attractions, including the Heritage Center, Cross Ranch and Fort Abraham Lincoln State Parks, benefitting. The requirement to secure legislative approval would make grants virtually impossible to administer, given the every-other-year legislative schedule.

As president of the Lewis & Clark Fort Mandan Foundation, I must speak very directly to the negative impact this bill, as currently stated, has on my foundation, which is entirely responsible for the operation, maintenance and programming of the North Dakota Lewis & Clark Interpretive Center at Washburn. As my testimony before the Senate committee stated, this facility is owned by the people of North Dakota and operated by our non profit in a wonderful public-private partnership.

That partnership puts the great financial burden on our non profit foundation, and while the vast majority of our support comes from private contributions, we are grateful for any support we may get from state and federal sources. This requirement for legislative approval to have our Interpretive Center receive any grants through the National Heritage Area flies in the face of the long term agreement we have with North Dakota Parks and Recreation.

Non profits like ours need all the help we can get to meet our financial obligations, in this case, operating a State-owned facility. Our work is done on behalf of the people of North Dakota. Please do not hinder our fundraising efforts in this way.

Thank you for your consideration, and I will be happy to meet with you upon my return.

## **PRIVATE PROPERTY PROTECTED**

### **NORTHERN PLAINS HERITAGE AREA, AMENDMENT**

**SEC. 120.** Section 8004 of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 1240) is amended—

#### **(g) REQUIREMENTS FOR INCLUSION AND REMOVAL OF PROPERTY IN HERITAGE AREA.—**

**(1) PRIVATE PROPERTY INCLUSION.—**No privately owned property shall be included in the Heritage Area unless the owner of the Private Property provides to the management entity a written request for the inclusion.

#### **(2) PROPERTY REMOVAL.—**

**(A) PRIVATE PROPERTY.—**At the request of an owner of private property included in the Heritage Area pursuant to paragraph (1), the private property shall be immediately withdrawn from the Heritage Area if the owner of the property provides to the management entity a written notice requesting removal.

**(B) PUBLIC PROPERTY.—**On written notice from the appropriate State or local government entity, public property included in the Heritage Area shall be immediately withdrawn from the Heritage Area.

### **NATIONAL HERITAGE AREA , OPT OUT PROVISION**

**SEC. 127.** Any owner of private property within an existing or new National Heritage Area may opt out of participating in any plan, project, program, or activity conducted within the National Heritage Area if the property owner provides written notice to the local coordinating entity.

attached 7  
SB 2204

**House Government and Veterans Affairs Committee, Senate Bill 2204**  
**Testimony of Tracy Potter**

**Chairman Grande, Honorable Members,** for the record my name is Tracy Potter. I am the President and Executive Director of the Fort Abraham Lincoln Foundation and the President of Missouri Riverboat, Inc., which operates the Lewis and Clark Riverboat. I am on the Executive Committee of the Tourism Alliance Partnership and am a registered unpaid lobbyist for that organization. The Tourism Alliance Partnership has taken a policy position in opposition to SB 2204.

The North Dakota Tourism Division promotes North Dakota as *Legendary*, recognizing the marketing value of the names of legends of American history like George Armstrong Custer and Sitting Bull, like Meriwether Lewis, William Clark, and Sacagawea.

The stories of these fabled characters, each among the most famous people of the 19<sup>th</sup> Century, all intersect in a compact region along the Missouri River in central North Dakota. Because of those stories, this region has been recognized by Congress as the Northern Plains National Heritage Area.

Along with the national recognition comes the authorization for up to \$10 million in matching federal funds that may be invested in heritage tourism over a 15 year period. And that is all that comes with the designation of the National Heritage Area – recognition of our stories and financial help in telling them. There is no regulation, no zoning, no land acquisition, nothing but recognition and funding.

I have been involved in the Northern Plains National Heritage Area since before it had a name. At Fort Lincoln, after the Custer House was built with private donations, four other military buildings and six Mandan Indian earthlodges have been reconstructed. None of them were built with state money, although the North Dakota National Guard did provide the labor for our 7<sup>th</sup> Cavalry stable. They called it a “vertical project.” The funds for these reconstructions came from federal earmarks obtained through Senator Dorgan. When earmarks became a four-letter word, Senator Dorgan suggested a way to make this kind of help for our heritage tourism infrastructure continue would be through the National Heritage Area program.

I investigated the program and agreed. I was especially pleased that what it did, and all that it did, was provide incentives for local people to work together on heritage tourism projects – that it was all carrot and no stick. That it had no regulatory impact or regulatory component, or land-use restrictions or anything of the kind. It was simply a matter of recognizing the historical importance of an area and of providing a structure for improving the heritage tourism infrastructure through competitive, matching federal grants.

There are currently 49 National Heritage Areas. The City of Pittsburgh is in one that covers 5,000 square miles. The entire state of Tennessee is a National Heritage Area, focused on the Civil War battle sites in that state. There are heritage areas along the Erie

**Potter testimony on SB 2204, page two of three**

Canal and others that involve multiple states. Freedom's Frontier NHA includes 12 counties in Missouri and 29 in Kansas. The Silos and Smokestacks NHA takes up a large portion of Iowa. That National Heritage Area is supported financially by the Iowa Farm Bureau. In all these cases, both public and private land is included in the heritage area and life goes on just as it did before, only better. People farm their land, put up wind turbines, repaint their houses, and when they die, they can give their land and houses to their children, all of which opponents have said we can't do if we are in a heritage area. It's all nonsense. In fact, all of the supposed controversy over this heritage area is a string of complete fabrications. No proponent of this bill can point to something bad that can actually happen because of a heritage area. I appreciate your patience in letting me straighten this matter out. I'd also like to take the time to answer each point raised by the proponents of the bill and will be glad to answer any questions you might have, but at this point I'd like to focus on the bill in front of you.

I can read legislation and know the heritage area program quite well, but I still can't tell you what this bill does. I wonder if anyone can.

There are three operative clauses.

First, it says that state money can't be used FOR the heritage area without legislative approval. As you know, no state money can ever be expended without legislative approval. So that's just redundant. It also twists the point. No one spends anything FOR the heritage area. Instead, they will apply for matching federal funds to support their sites, businesses or projects WITHIN the heritage area.

Second, state lands, water, property, or facilities may not be included IN the heritage area. What does that mean? When promoting visitation to this national heritage area, is it the intention of this bill to make it illegal to mention that there is a Fort Lincoln State Park? Can we tell them the 7<sup>th</sup> Cavalry was posted in the area, but not exactly where? And another point – if the Fort Abraham Lincoln Foundation received a grant to help repair the buildings we've built at Fort Lincoln, would this legislation prevent us from spending it in that way? If it doesn't mean that, what does it mean?

Thirdly, there is the clause about further lands, etc., and future designations requiring legislative approval. I believe the Attorney General has already spoken out on this provision in reference to a similar statement in HB 1290, Rep. Kasper's bill – a much better bill than this one – which the House rejected earlier in the Session.

To summarize: the first clause is meaningless; the third clause is unconstitutional and the second clause is indecipherable.

The conclusion of my testimony focuses on that second clause.

**Potter testimony on SB 2204, page three of three**

**The Legends of American History from the Northern Plains National Heritage Area** include: George Armstrong Custer and Libbie; The 7<sup>th</sup> U.S. Cavalry with Keogh, Reno, Benteen, and the brave horse Comanche; Sitting Bull, Rain-in-the-Face, Gall and the Lakota warriors who defeated Custer; Captains Meriwether Lewis and William Clark; Sacagawea and her baby Jean Baptiste Charbonneau; and, Sheheke, the only North Dakotan to ever meet Thomas Jefferson.

**Key Sites in the Northern Plains National Heritage Area**

North Dakota Heritage Center (**State**)  
North Dakota Capitol (**State**)  
Fort Mandan (Private)  
Fort Mandan Overlook State Historic Site (**State**)  
Lewis and Clark Interpretive Center (**State**)  
Fort Abraham Lincoln State Park (**State**)  
Knife River Indian Villages National Historic Site (Federal)  
Huff Indian Villages National Landmark and State Historic Site (Federal and **State**)  
Cross Ranch State Park (**State**)  
Double Ditch State Historic Site (**State**)  
Fort Clark State Historic Site (**State**)  
North Dakota State Railroad Museum (private)  
Bismarck-Mandan Convention and Visitors Bureau Visitors Center (private)  
Former Governor's Mansion (**State**)  
North Dakota Veteran's Cemetery (**State**)

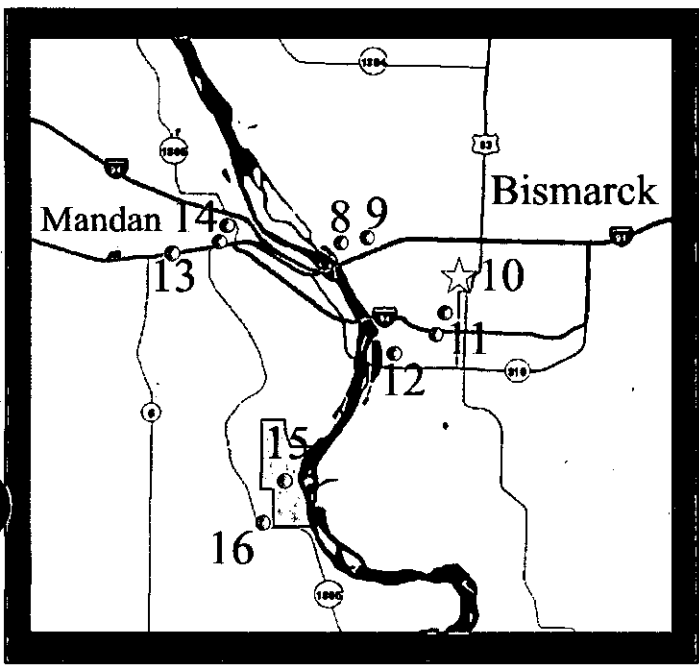
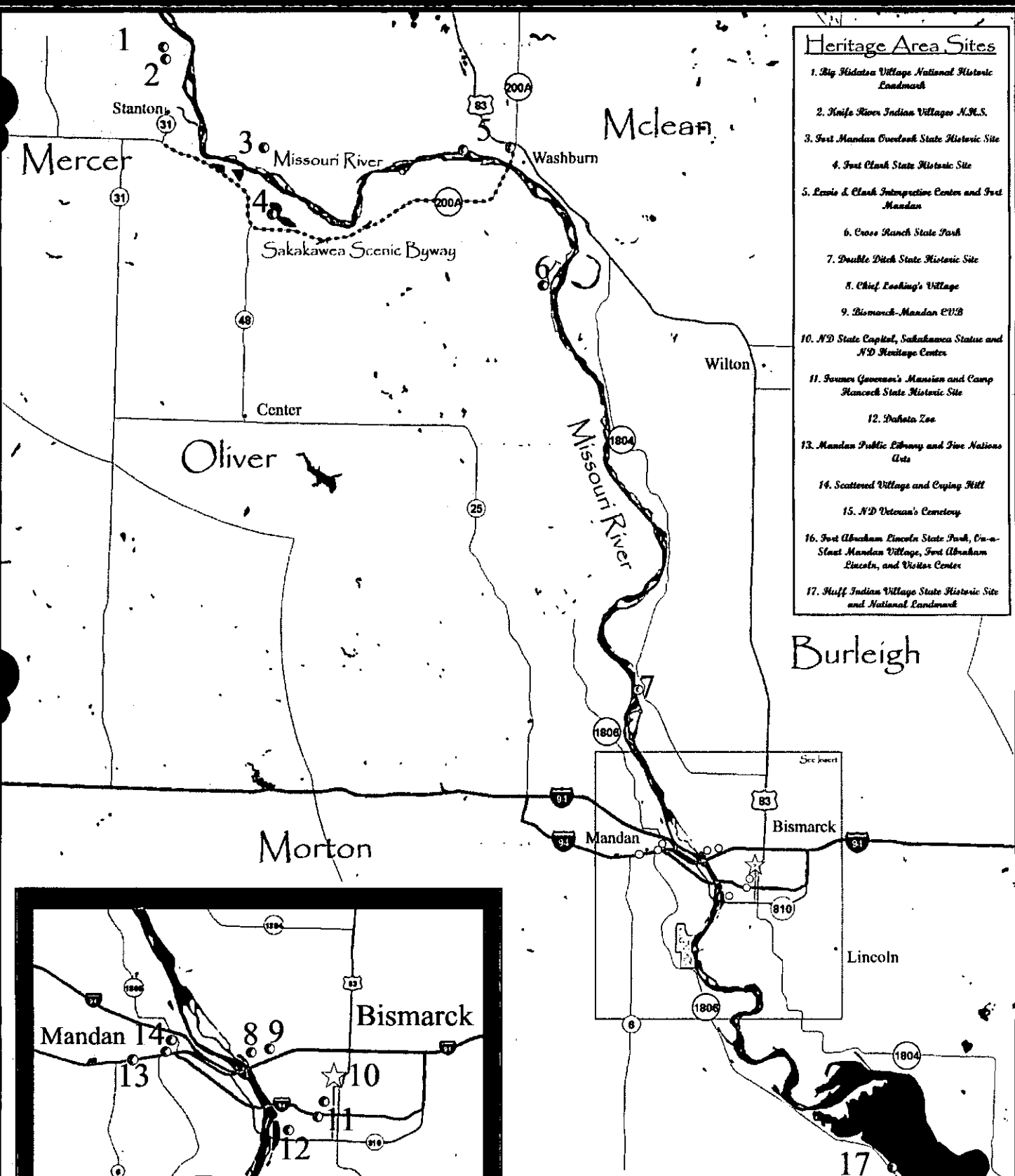
As you can see from the above list, of fifteen of the most important sites in the area, eleven of them are state-owned. If they were to be removed from the maps and brochures and advertising promoting visits to the area, where would visitors go to learn more about the stories?

The Board of Directors of the Northern Plains Heritage Foundation includes representatives of the Fort Abraham Lincoln Foundation, Lewis and Clark Fort Mandan Foundation, the Farmers Union, the Stockmen's Association, the Bismarck-Mandan Chamber of Commerce, and the Burleigh County Commission, among others. It's mission is a completely noble one – to encourage through incentives the preservation of our heritage, the development of our tourism infrastructure, and the teaching of our children about those who came before them.

The great thing about heritage tourism is that it gives us the economic justification to do the things we want to do anyway. While I don't know what this bill does, I know that it does nothing positive. On behalf of the members and supporters of the Fort Abraham Lincoln Foundation and the Tourism Alliance Partnership, and, on behalf of our great-grandchildren, who will want both a healthy tourism economy and knowledge of their heritage, I urge you to give this bill a do-not-pass. Thank you.

# Heritage Area Sites

1. Big Hidatsa Village National Historic Landmark
2. Knife River Indian Villages N.H.S.
3. Fort Mandan Overlook State Historic Site
4. Fort Clark State Historic Site
5. Lewis & Clark Interpretive Center and Fort Mandan
6. Cross Ranch State Park
7. Double Ditch State Historic Site
8. Chief Looking's Village
9. Bismarck-Mandan EVB
10. ND State Capitol, Sakakawea Statue and ND Heritage Center
11. former Governor's Mansion and Camp Hancock State Historic Site
12. Dakota Zoo
13. Mandan Public Library and Five Nations Arts
14. Scattered Village and Coping Hill
15. ND Veterans' Cemetery
16. Fort Abraham Lincoln State Park, On-a-Slant Mandan Village, Fort Abraham Lincoln, and Visitor Center
17. Huff Indian Village State Historic Site and National Landmark



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## Heritage Area Sites

1. Big Hidatsa Village National Historic  
Landmark

2. Knife River Indian Villages N.H.S.

8. Chief Looking's Village

9. Bismarck-Mandan CVB

12. Dakota Zoo

13. Mandan Public Library and Five Nations  
Units

14. Scattered Village and Coyote Hill

Burleigh

See Inset

Bismarck

Lincoln

McLean

Washburn

Wilton

Center

Oliver

Morton

Bismarck

Mandan 14

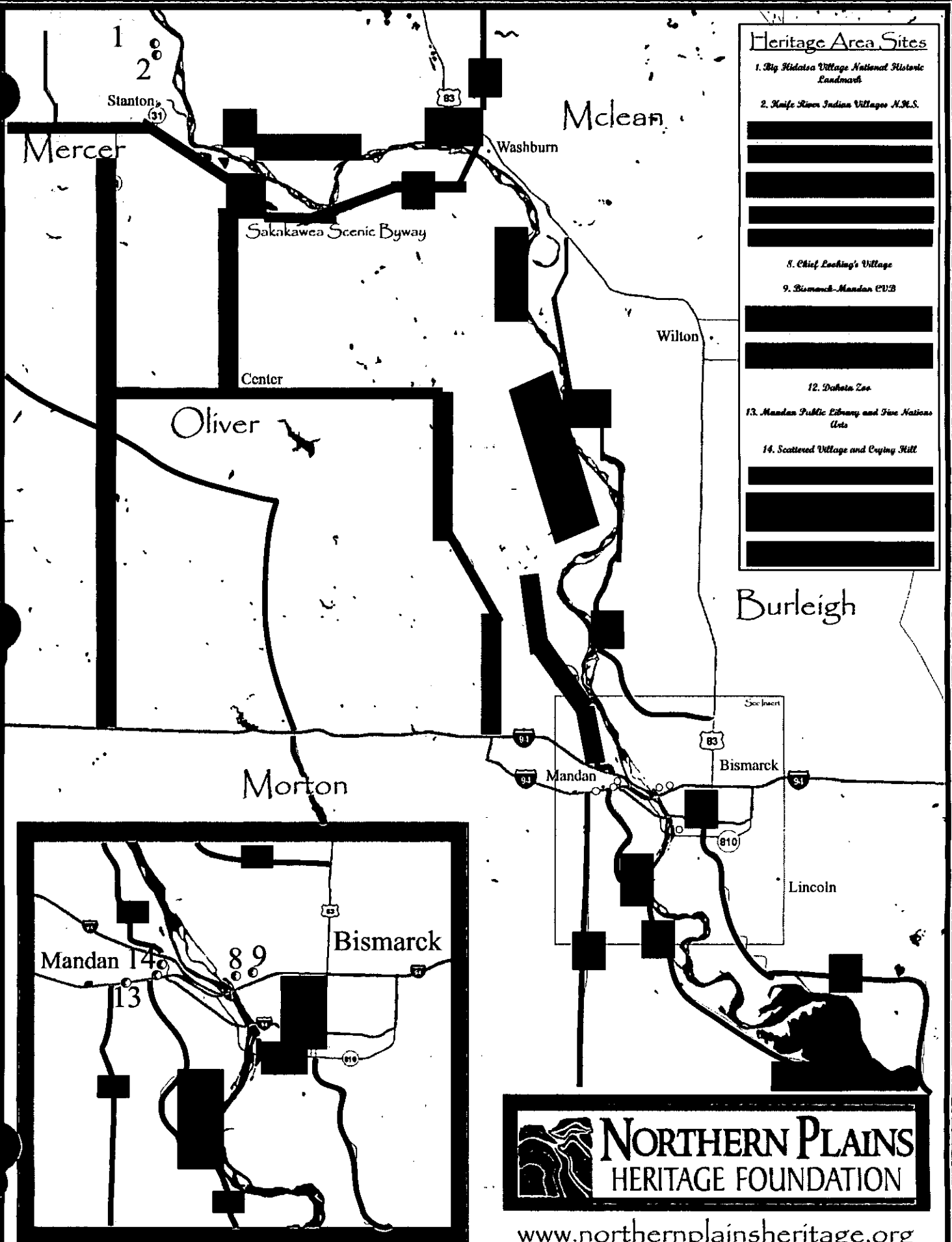
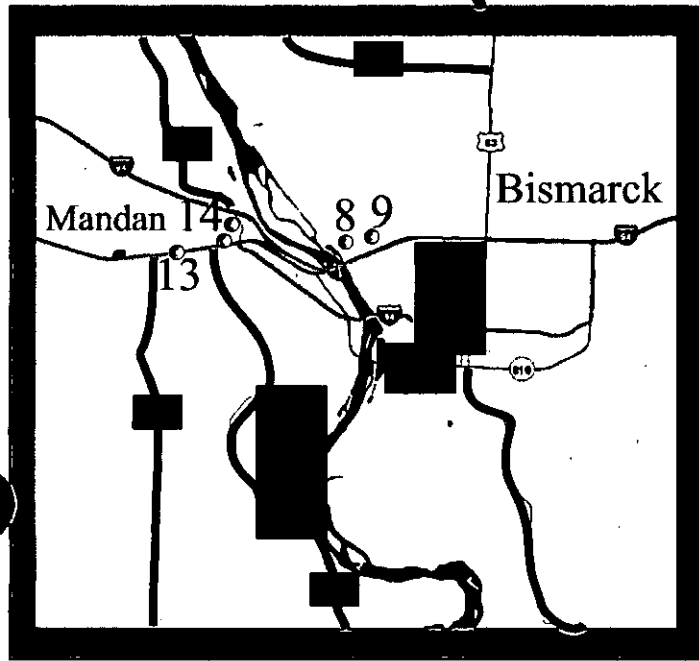
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NORTHERN PLAINS  
HERITAGE FOUNDATION

[www.northernplainsheritage.org](http://www.northernplainsheritage.org)



# North Dakota

## Tourism Alliance Partnership

Attachment #9  
SB 2204

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(701) 355-4458  
FAX (701) 223-4645

### 2010/2011 MEMBERS

Basin Electric  
Power Cooperative

Bismarck-Mandan CVB

Buffalo City Tourism

Days Inn - Grand Dakota Lodge

Destination Marketing  
Association of North Dakota

Devils Lake CVB

Dickinson CVB

Fargo-Moorhead CVB

Fort Abraham  
Lincoln Foundation

Grand Forks CVB

International Peace Garden

Lewis & Clark Fort  
Mandan Foundation

Minot CVB

Municipal Airport Authority  
of the City of Fargo

ND Tourism Division (ex-officio)

Newman Outdoor Advertising

Norsk Hostfest Association

Odney Communications Group

Select Inn of Bismarck

Spirit Lake Casino and Resort

State Historical Society of  
North Dakota Foundation

Theodore Roosevelt  
Medora Foundation

Three Affiliated Tribes  
Tourism Dept.

Mountain  
Band of Chippewa Indians

Williston CVB

Woodland Resort, Inc.

### Testimony of Dana Bohn Tourism Alliance Partnership Executive Director SB 2204

Mr. Chairman and members of the committee, my name is Dana Bohn and I am representing the North Dakota Tourism Alliance Partnership (TAP). TAP is a coalition of tourism-related organizations including Convention and Visitors Bureaus (CVBs), state attractions, businesses and other stakeholders in the viable and growing tourism sector of North Dakota's economy. I am here today in opposition of SB 2204 and urge a do-not pass on the bill.

The Northern Plains National Heritage Area was designated by Congress and signed into law by the President on March 30, 2009. The law named the nonprofit Northern Plains Heritage Foundation as the entity to cooperate with the National Park Service on directing the investment of federal matching funds to heritage tourism sites and events in the area.

The law describes the National Heritage Area as a "core area of resources" in five counties on both sides of the Missouri River. The best-known and most visited resources are the state Heritage Center, Fort Abraham Lincoln State Park, the Lewis and Clark Interpretive Center and Fort Mandan, and the Knife River Indian Villages National Historic Site. Other important State Historic Sites are Double Ditch and Huff Indian Villages. All of those but Knife River and Fort Mandan are state-owned sites.



Currently, no private land is included in the Area, and none can be without the written application of the landowner. All public land is presumed to be part of the Area unless it opts-out. If a site is opted-out, there is no provision for re-admission.

The designation of the National Heritage Area has no regulatory effect. All it really does is provide an annual matching grant program, lasting 15 years, to improve, sustain and market the attractions and events of this region. Currently the amount of federal money allocated is \$150,000 to \$300,000 per year.

SB 2204 prevents state agencies from receiving matching grants from the Northern Plains Heritage Foundation and directs four state agencies to stop helping to shape the National Heritage Area. It sends a message of hostility to federal-state-private partnerships in heritage tourism and economic development, and leaves visitors to our area with incomplete information about where they can learn more about the heritage that lured them here.

SB 2204 may intend to do even more, but it's unclear. The reference to "state lands" is vague and could be interpreted to mean more than state-owned lands.

The bill does not eliminate the National Heritage Area, but just hampers its ability to help build our heritage tourism sector.

Mr. Chairman and members of the committee, thank you for the opportunity to appear before you today in opposition of SB 2204. I would be happy to answer any questions.