

Introduced by

Representatives Steiner, Delzer, Froseth, Hatlestad, Heller, Kreidt, Laning, Rohr, Schmidt,
Onstad

Senators Lyson, Unruh

1 A concurrent resolution urging Congress and the United States Army Corps of Engineers to
2 ~~address access issues on Lake Sakakawea and Lake Oahe or to return to the state of North~~
3 ~~Dakota land controlled by the United States Army Corps of Engineers which is not necessary to~~
4 ~~flood control.~~
5 ~~— **WHEREAS**, the well-being of the residents of North Dakota and economy of this state are~~
6 ~~dependent on agriculture, commerce, and access to recreational opportunities, all of which are~~
7 ~~enhanced by Lake Sakakawea and Lake Oahe; and~~
8 ~~— **WHEREAS**, the United States, through the United States Army Corps of Engineers, has~~
9 ~~acquired certain lands around the Missouri River water system, including Lake Sakakawea and~~
10 ~~Lake Oahe and the Corps does not need some of the land for authorized purposes, for example~~
11 ~~flood control; and~~
12 ~~— **WHEREAS**, the United States Army of Corps of Engineers does not have the resources to~~
13 ~~provide reasonable access, including access for the mobility impaired at recreation and wildlife~~
14 ~~management areas, for use of Lake Sakakawea and Lake Oahe and the Corps does not have~~
15 ~~the resources to manage the unneeded property; and~~
16 ~~— **WHEREAS**, in South Dakota, certain land that is not necessary for flood control by the~~
17 ~~United States Army Corps of Engineers has been returned to the state and is managed by the~~
18 ~~state; and~~
19 ~~— **WHEREAS**, the state of North Dakota has the resources to provide greater use and access;~~
20 ~~and~~
21 ~~— **WHEREAS**, state parks that border land managed by the United States Army Corps of~~
22 ~~Engineers should be given special consideration for the return of the unneeded property,~~
23 ~~especially as to the purchase price; and~~

1 ~~— **WHEREAS**, Congress should hold at least six public hearings at times and places as~~
2 ~~designated by the Governor before December 31, 2013, for the purpose of negotiating for areas~~
3 ~~of the lake that may have useable shoreline, dock access, or useable water access; and~~

4 ~~— **WHEREAS**, Congress should consider legislation by 2014 to allow shoreline areas of~~
5 ~~established developments that benefit the state's economy to be returned to this state through~~
6 ~~negotiations between the Governor and the United States Army Corps of Engineers; and~~

7 ~~— **WHEREAS**, the Legislative Assembly supports the funding of the negotiation process and~~
8 ~~the funding of any lawsuit necessary for the return of land from the United States Army Corps of~~
9 ~~Engineers to this state; ensure that access to Lake Sakakawea and Lake Oahe for agriculture,~~
10 ~~commerce, energy and water development, and recreation is not inhibited by unreasonable~~
11 ~~regulations and to address proper funding for all project purposes and weed control on Lake~~
12 ~~Sakakawea and Lake Oahe.~~

13 ~~**WHEREAS**, North Dakota has sacrificed hundreds of thousands of acres of production farm~~
14 ~~and ranch land for the development of the Lake Sakakawea and Lake Oahe project areas; and~~

15 ~~**WHEREAS**, Congress and the United States Army Corps of Engineers have legal and~~
16 ~~historical obligations to the state of North Dakota under the Flood Control Act of 1944 [Pub. L.~~
17 ~~78-534; 58 Stat. 887; 16 U.S.C. 460d et seq.; 33 U.S.C. 701 et seq.] to ensure proper funding is~~
18 ~~provided for all project purposes, and public access to the project areas of Lake Sakakawea~~
19 ~~and Lake Oahe; and~~

20 ~~**WHEREAS**, the United States Army Corps of Engineers has a federal legal obligation to~~
21 ~~adequately budget noxious weed control on all project lands pursuant to the Carlson-Foley Act~~
22 ~~of 1968 [Pub. L. 90-583; 82 Stat. 1146; 43 U.S.C. 1241 et seq.] and the Federal Noxious Weed~~
23 ~~Act of 1974 [Pub. L. 93-629; 88 Stat. 2148; 7 U.S.C. 2801 et seq.], and adequate funding to~~
24 ~~fulfill these duties has not been budgeted for by the United States Army Corps of Engineers nor~~
25 ~~provided by Congress; and~~

26 ~~**WHEREAS**, the North Dakota Legislative Assembly requests that the United States Army~~
27 ~~Corps of Engineers include as agenda items the topics of lake, dock, and shoreline access as~~
28 ~~well as weed control when it holds public hearings in North Dakota to discuss lake management~~
29 ~~issues;~~

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

1 That the Sixty-third Legislative Assembly urges Congress and the United States Army
2 Corps of Engineers to ~~address access issues on Lake Sakakawea and Lake Oahe or to return~~
3 ~~to the state of North Dakota land controlled by the United States Army Corps of Engineers~~
4 ~~which is not necessary to flood control~~ ensure that access to Lake Sakakawea and Lake Oahe
5 for agriculture, commerce, energy and water development, and recreation is not inhibited by
6 unreasonable regulations and to address proper funding for all project purposes and weed
7 control on Lake Sakakawea and Lake Oahe; and

8 **BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution
9 to the commanding general of the United States Army Corps of Engineers and each member of
10 the North Dakota Congressional Delegation.