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Lance D. Gaebe, Commissioner

## TESTIMONY OF

**Lance D. Gaebe**  
**North Dakota Department of Trust Lands**

**To The Tribal and State Relations Committee**

**February 5, 2014**

Chairman Johnson, and members of the Tribal and State Relations, I am Lance Gaebe. I serve as the Commissioner for the Department of Trust Lands. This department operates under the direction and authority of the Board of University and School Lands (Land Board) comprised of the Governor, Secretary of State, Attorney General, State Treasurer and Superintendent of Public Instruction.

I am here today, to provide the Committee with another update on the status of the Land Board's study of issues associated with federal lands near and around lakes Sakakawea and Oahe. The responsibility to review issues of land management along and near the lakes was assigned to the Land Board in the 2013 Legislature's passage of HB 1338.

You may recall that HB 1338 directs the Board to "... study options to address concerns of landowners adjacent to land adjacent to land under the control of the United States Army Corps of Engineers surrounding Lake Sakakawea and Lake Oahe. The study must include consideration of control of noxious weeds, protecting public access for hunting and fishing, the costs of possible transition of land from the United States Army Corps of Engineers, and the costs associated with maintaining any property that may become a responsibility of the State. The study must also include consideration of the interests of North Dakota Indian tribes."

The Land Board directed me to recruit a qualified contractor to undertake the responsibilities of the study. On November 4, 2013, a request for proposals (RFP) was published to solicit offers for a contractor to conduct a study of issues and concerns relating to U.S. Army Corps of Engineers' Land and provide a report.

The person or firm is to provide the Land Board with a professional evaluation including consideration of control of noxious weeds, protecting public access for hunting and fishing, the costs of possible transition of land from the United States army corps of engineers, and the costs associated with maintaining any property that may become a responsibility of the state. The study must also include consideration of the interests of North Dakota Indian tribes. In particular the contractor is to study the concerns of landowners adjacent to Lake Sakakawea and Lake Oahe.

Proposals were evaluated according to the criteria stated in the solicitation, which included the plan to accomplish the scope of work; experience and qualifications; and cost.

On December 18, 2013 the Land Board selected Eide Bailly LLP to undertake the study, and their effort will be led by Jim Hauge.

Mr. Hauge was not able to attend today, but he has already initiated the following work:

1. He has reviewed testimony from the 2009-2010 legislative interim committee which studied issues on US Army Corps of Engineers land, he has also reviewed all of testimony presented to the 2013 legislative regarding HB1338.
2. Eide Bailly has initiated contacts with South Dakota officials to review the outcome of a land transfer that occurred under authority of Title VI of the Water Resources Development Act of 1999 and the Blunt Reservoir and Pierre Canal Land Conveyance Act of 2006.
3. The firm has prepared a survey that was mailed to 410 producers, organizations, or agencies on January 30, 2014. Responses are requested by February 14, 2014.
4. Local and general public meetings have been arranged at various locations and dates:

March 4, 2014

New Town – 10:00 a.m. – City Hall Auditorium

Garrison - 3:00 p.m. – Garrison City Auditorium

March 6, 2014

Linton - 2:00 p.m. – Linton City Auditorium

March 7, 2014

Beulah – 10:00 a.m. – Beulah Civic Center

March 10, 2014

Fort Yates - 10:00 a.m. – Banquet Room 801 at Prairie Knights Casino & Lodge

June 11, 2014

Bismarck - 2:00 p.m. – Brynhild Haugland Room, State Capitol

These meetings of the public and in particular of the interested individuals and entities as highlighted in HB1338; are arranged to help frame the issues and options, and identify ideas not previously identified.

The final deliverable that Eide Bailly will provide is a review all options related to addressing land management and access issues and provide a summary of each option including pros, cons, possible methods of implementation, and potential cost of implementation.

The contract schedule is as follows:

- Contract start: Approximately January 6, 2014
- Contractor submits first project progress report to the Board Secretary: March 4, 2014
- Contractor submits second project progress report to the Board Secretary: May 1, 2014
- Contractor submits first draft of study options to the Board Secretary: June 30, 2014
- Contractor shall attend and present a summary of the study report at the August 2014 Land Board meeting
- Prior to October 1, 2014, contractor is prepared to present a summary of the study report to a legislative committee

Mr. Chairman and members of the committee, the study assigned to the Board of University and School Lands to review options related to the federal land along the Missouri River reservoirs is being undertaken by a professional firm, which is conscientious in its evaluation. The varied concerns, issues and interests will be assessed and a menu of options for the legislature to consider will be prepared. The final report will be submitted to the Legislative Management Committee by October 1, 2014.