

Fifty-fifth Legislative Assembly, State of North Dakota, begun in the Capitol in the City of Bismarck, on Monday, the sixth day of January, one thousand nine hundred and ninety-seven

SENATE CONCURRENT RESOLUTION NO. 4033
(Senators Tomac, Freborg)
(Representatives Grosz, Mahoney)

A concurrent resolution urging the Congress of the United States and the United States Army Corps of Engineers to assume responsibility for Missouri River bank erosion downstream from all Pick-Sloan Project dams, including the Garrison Dam to Oahe Reservoir reach in North Dakota, and to continue a program of annually appropriating funds for the maintenance and construction of bank protection projects.

WHEREAS, the Flood Control Act of 1944, as amended, assured benefits to all 10 states within the Missouri River basin under a control and management program that came to be commonly known as the Pick-Sloan Project; and

WHEREAS, the Congress has directed the United States Army Corps of Engineers to build, operate, and maintain all the features of the Pick-Sloan Project; and

WHEREAS, the Pick-Sloan Project provides major flood control benefits, recreational benefits, water supply benefits, hydropower benefits, and navigational benefits for states lying below Sioux City, Iowa, through construction of large reservoirs in states lying above that point, and by channelizing the Missouri River from Sioux City, Iowa, to St. Louis, Missouri, at federal expense; and

WHEREAS, the Pick-Sloan Project reservoirs have been in place for many years, thus providing the downstream states in the Missouri River Basin all of the benefits promised in the Pick-Sloan Project; and

WHEREAS, construction of facilities under the Pick-Sloan Project has, to date, resulted in \$10.6 billion of flood protection to downstream interests and has allowed those downstream interests to develop the original floodplain of the Missouri River for industrial, municipal, and agricultural uses; and

WHEREAS, the United States Army Corps of Engineers has stabilized and continues to maintain the entire channel of the Missouri River from Sioux City, Iowa, to St. Louis, Missouri, all at federal expense; and

WHEREAS, under the Pick-Sloan Project, North Dakota has sacrificed over 550,000 acres of land, which has meant the permanent loss of 2,641 jobs, \$45 million of annual personal income, and \$131 million of annual gross business volume; and

WHEREAS, almost two-thirds of the inexpensive hydroelectric power generated by Garrison Dam in North Dakota, which was built pursuant to the Pick-Sloan Project, is used in states other than North Dakota; and

WHEREAS, the United States Army Corps of Engineers stated in its final report to Congress dated December 1981 concerning the Missouri River streambank erosion that "bank erosion in this reach results in a permanent net loss of high value lands. This process, unless halted, would eventually transform the present river into a wide area of sandbars and channels, occupying an increasing proportion of the valley width between the bluffs"; and

WHEREAS, the lands adjacent to the Missouri River have been and will continue to be seriously eroded and permanently lost to the local landowners and the state of North Dakota because of reservoir management that releases highly fluctuating amounts of clear water capable of eroding and transporting large amounts of soil; and

WHEREAS, soil eroded from the banks of the Missouri River is being deposited as a delta in the headwaters of the Oahe Reservoir and Lake Sakakawea thereby causing the water table to rise

under the adjacent land, and is increasing the frequency and severity of ice jam hazards and has, according to recent United States Army Corps of Engineers' pronouncements, endangered 6,000 acres of land containing 150 homes, industrial development, and valuable farmland around Lake Oahe; and in the headwaters area of Lake Sakakawea, the delta is endangering the Buford-Trenton irrigation district, the water intake for the city of Williston, and many acres of valuable farmland; and

WHEREAS, a similar bank erosion problem exists for a 58-mile reach on the South Dakota-Nebraska border downstream from the Gavins Point Dam and also between the Fort Peck Dam in Montana and Lake Sakakawea; and

WHEREAS, destructive bank erosion continues when high winter water releases for power generation occur; and

WHEREAS, Section 33 of the Water Resource Development Act of 1988 amended the Flood Control Act of 1944 and directed the Secretary of the Army to undertake measures that the Secretary of the Army determines are needed to alleviate bank erosion and related problems associated with reservoir releases along the Missouri River between the Fort Peck Dam in Montana and a point 58 miles downstream of the Gavins Point Dam on the South Dakota-Nebraska border; and

WHEREAS, at the request of Congress, a 1988 General Accounting Office study agreed that since the closure of the Garrison Dam accretion no longer occurs and a net loss of land results and the study also identified one option of funding bank stabilization projects as allocating these costs, whether economically justifiable or not, to Pick-Sloan Project purposes; and

WHEREAS, Congress appropriated \$1.5 million in fiscal year 1992 and \$1.5 million in fiscal year 1993 for the purpose of protecting the banks of the Missouri River; and

WHEREAS, the United States Army Corps of Engineers has used these funds for maintenance of existing bank protection projects, and the corps insists that new protection projects may not be constructed unless a site-specific benefit-cost ratio greater than one exists which is contrary to the language and intent of Section 33 of the Water Resource Development Act of 1988 and contrary to the funding criteria of many other projects the United States Army Corps of Engineers has found necessary to complete the Pick-Sloan Project;

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

That the Fifty-fifth Legislative Assembly urges the Congress of the United States to continue the responsibility for the protection of lands endangered below all Pick-Sloan Project dams by the operation of the Pick-Sloan Project; and

BE IT FURTHER RESOLVED, that the Congress of the United States is urged to continue a program of annually appropriating funds to repair existing bank protection projects now in danger of failure and to begin to construct bank protection projects in the most critical locations; and

BE IT FURTHER RESOLVED, that the United States Army Corps of Engineers, in evaluating each erosion site, disregard site-specific benefit-cost studies as stated in the Government Accounting Office study as was the intent of Section 33 of the Water Resource Development Act of 1988 and that if benefit-cost studies are made, that the benefits are project-wide and include the delta problems and the enhancement of hydropower and water release capabilities; and

BE IT FURTHER RESOLVED, that the members of the North Dakota Congressional Delegation are urged to work diligently with the senators and congressmen of the states of Montana, South Dakota, and Nebraska to secure appropriations of these necessary funds; and

BE IT FURTHER RESOLVED, that funding for this project not be a normal federal water project appropriation, but rather be charged to the construction and maintenance of the Pick-Sloan Project; and

BE IT FURTHER RESOLVED, that the United States Army Corps of Engineers be urged to initiate a program to construct bank protection structures along the Missouri River between Fort Peck

and a point 58 miles downstream of Gavins Point Dam, as directed by Section 33 of the Water Resource Development Act of 1988; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the Secretary of the Army; Secretary of the Interior; District Engineer, Omaha District, United States Army Corps of Engineers; the Governor; each member of the North Dakota State Water Commission; and each member of the North Dakota, South Dakota, Nebraska, and Montana Congressional Delegations.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

Filed in this office this _____ day of _____, 1997,
at _____ o'clock _____ M.

Secretary of State