

NORTH DAKOTA LEGISLATIVE COUNCIL

Tentative Agenda

**AGRICULTURE AND NATURAL RESOURCES COMMITTEE**

Tuesday, June 6, 2006  
Roughrider Room, State Capitol  
Bismarck, North Dakota

9:00 a.m. Call to order  
Roll call  
Consideration of the minutes of the January 12, 2006, meeting

**RAILROAD FUEL SURCHARGES STUDY**

9:05 a.m. Distribution by the Legislative Council staff of information relating to the federal Surface Transportation Board's May 11, 2006, public hearing on the proceeding entitled *Rail Fuel Surcharges*, STB Ex Parte No. 661

9:10 a.m. Presentation by Ms. Kimberly Vachal, Advanced Research Fellow, Upper Great Plains Transportation Institute, North Dakota State University, Fargo, concerning railroad fuel surcharges and other railroad transportation issues, including railroad shipping rates and the Upper Great Plains Transportation Institute's recent survey concerning transportation issues in North Dakota

9:30 a.m. Committee discussion and comments by other interested persons in attendance concerning the study

**ENERGY-INTENSIVE ECONOMIC DEVELOPMENT STUDY**

9:45 a.m. Review by Mr. John W. Dwyer, President, Lignite Energy Council, of the lignite resource, production and conversion facilities, and summary of future projects

10:00 a.m. Presentation by Mr. Jim Lepinski, Headwaters, Inc., South Jordan, Utah, on behalf of the North American Coal Corporation, Falkirk Mining Company, Great River Energy, and Headwaters, Inc., concerning the coal-to-liquids facility at Underwood

10:15 a.m. Presentation by Ms. Bonnie Turner, Director, Government and Community Affairs, Westmoreland Coal Company, Colorado Springs, Colorado, concerning the FutureGen Proposal and the Lignite Vision 21 Gascoyne Project

10:30 a.m. Presentation by Mr. Rick Lancaster, Vice President, Generation, Great River Energy, Elk River, Minnesota, concerning Great River Energy's resource plans, including the Spiritwood Industrial Park, Blue Flint Ethanol Project, coal-to-liquids project, and base load issues

10:45 a.m. Presentation by Mr. Rich Voss, Great Northern Power Development, concerning the Lignite Vision 21 South Heart Project

11:00 a.m. Presentation by Mr. Mike Eggl, Vice President, Government Relations, Basin Electric Power Cooperative, concerning Basin Electric Power Cooperative's resource plans, including electric generation and Great Plains issues

11:15 a.m. Presentation by Mr. David Sogard, Vice President, Legal and Governmental Affairs, Minnkota Power Cooperative, Grand Forks, concerning Minnkota Power Cooperative's resource plans, including the Young III Station

11:30 a.m. Presentation by Mr. Dean Peterson, Manager, Government and Public Affairs for North Dakota Operations, North American Coal Corporation, concerning potential tax or other state incentives for coal-to-liquids projects

- 11:45 a.m. Presentation by Mr. Dwyer concerning industrywide tax and other incentives
- 12:00 noon Luncheon recess
- 1:00 p.m. Presentation by a representative of the North Dakota Corn Growers Association concerning the development of new ethanol projects in the state and the impact this development will have on corn producers
- 1:15 p.m. Presentation by Mr. Jared Hagert, Vice President, North Dakota Soybean Growers Association, Emerado, concerning the development of new ethanol projects in the state and the impact this development will have on soybean producers
- 1:30 p.m. Committee discussion and comments by other interested persons in attendance concerning the study

### **ENDANGERED SPECIES ACT AND NOXIOUS WEEDS**

- 1:45 p.m. Presentation by Mr. Ken Eraas, Noxious Weeds Specialist, Department of Agriculture, concerning notifications and requests for assistance by individuals who believe local weed boards have not eradicated or controlled noxious weeds satisfactorily
- 2:00 p.m. Presentation by Mr. Jim Gray, Pesticide Registration Coordinator, Department of Agriculture, concerning the future of North Dakota's endangered species protection program and the regulation of pesticides
- 2:30 p.m. Comments by Mr. Brian Kramer, Public Policy Director, North Dakota Farm Bureau, concerning the future of North Dakota's endangered species protection program and the regulation of pesticides
- 2:45 p.m. Comments by Mr. Woody Barth, North Dakota Farmers Union, Solen, concerning the future of North Dakota's endangered species protection program and the regulation of pesticides
- 3:00 p.m. Comments by Mr. Dan Wogsland, Executive Director, North Dakota Grain Growers Association, concerning the future of North Dakota's endangered species protection program and the regulation of pesticides
- 3:15 p.m. Comments by Mr. Doug Kuruc, Vice President, North Dakota Agricultural Association, Mooreton, concerning the future of North Dakota's endangered species protection program and the regulation of pesticides
- 3:30 p.m. Committee discussion and comments by other interested persons in attendance concerning the study

### **MOUNTAIN LION ASSESSMENT REPORT**

- 3:45 p.m. Presentation by Mr. Randy Kreil, Chief, Wildlife Division, and Ms. Dorothy Fecske, Furbearer Biologist, Wildlife Division, Game and Fish Department, of a report regarding the department's findings on its assessment of the status of mountain lions in North Dakota

### **RESERVED WATER RIGHTS STUDY**

- 4:15 p.m. Presentation by the Legislative Council staff of a bill draft to authorize the Governor to negotiate reserved water rights of the United States and federally recognized Indian tribes
- 4:20 p.m. Presentation by Mr. Bob Shaver, Division Director, Water Appropriation Division, and Mr. Jon Patch, State Water Commission, concerning:
- Whether current water users, including the Turtle Mountain Band of Chippewa Indians, are fully utilizing their permits to use water from the Shell Valley Aquifer

- A review of the current water permits for the Shell Valley Aquifer by permit date, water user, and permitted amount
- Comments concerning a bill draft to authorize the Governor to negotiate reserved water rights of the United States and federally recognized Indian tribes

4:45 p.m. Committee discussion and comments by other interested persons in attendance concerning the process to negotiate and quantify reserved water rights

4:55 p.m. Committee discussion and staff directives

5:00 p.m. Adjourn

**NOTE:** The committee may take a 10- to 15-minute coffee break in the morning and a 10- to 15-minute coffee break in the afternoon.

#### **Committee Members**

Representatives Chet Pollert (Chairman), LeRoy G. Bernstein, Michael D. Brandenburg, Tom Brusegaard, Chuck Damschen, Rod Froelich, Lyle Hanson, Craig Headland, Scot Kelsh, Keith Kempenich, Joyce Kingsbury, Matthew M. Klein, Jon O. Nelson, Eugene Nicholas, Mike Norland, Dorvan Solberg, Gerald Uglem

Senators Bill L. Bowman, Joel C. Heitkamp, Stanley W. Lyson, David O'Connell, Herb Urlacher