

HOUSE CONCURRENT RESOLUTION NO. 3019

Introduced by

Representatives Jones, Brandenburg, Kasper, Maragos, Monson, Steiner, Zubke

Senators Bowman, Kannianen, Rust

1 A concurrent resolution ~~directing the United States Department of the Interior to exercise~~
2 ~~nondiscrimination in public land management and return the land no longer required for the~~
3 ~~Pick-Sloan Missouri Basin Project dam at Lake Sakakawea to the citizens of the United States.~~
4 requesting the Army Corps of Engineers exercise nondiscrimination in public land management
5 and develop, in cooperation with the North Dakota Board of University and School Lands, a
6 process consistent with this resolution to allow prior owners, their heirs, and their successors to
7 repurchase eligible land within the Pick-Sloan Missouri Basin project.
8 ~~— WHEREAS, the United States Department of the Interior maintains control of land no~~
9 ~~longer needed to further the Pick-Sloan Missouri Basin Project dams; and~~
10 ~~— WHEREAS, fairness dictates the United States Department of the Interior develop a~~
11 ~~process to return the excess lands to the citizens of the United States without discrimination or~~
12 ~~the appearance of discrimination; and~~
13 ~~— WHEREAS, the prior owners of the land should be the first who are eligible to acquire the~~
14 ~~unused land; and~~
15 ~~— WHEREAS, if a prior landowner no longer has interest in owning the land, the United~~
16 ~~States Department of the Interior should make the land available for purchase which may~~
17 ~~allow the federal government to make other necessary land acquisitions;~~
18 — WHEREAS, the Army Corps of Engineers maintains control of excess land purchased or
19 condemned for the Pick-Sloan Missouri Basin project but which is located above the ordinary
20 high-water mark of the Missouri River, was not needed for the original intent of that project, and
21 is not needed for flood control; and
22 — WHEREAS, the Army Corps of Engineers has transferred a portion of the excess land to
23 the Department of the Interior to manage in trust for the Three Affiliated Tribes of the Fort
24 Berthold Reservation; and

1 WHEREAS, fairness dictates the Army Corps of Engineers, in cooperation with the North
2 Dakota Board of University and School Lands, should make the remainder of the excess land
3 available to United States citizens through a process that will allow prior owners, and their heirs
4 and successors, of excess land that is not being used by the state for public benefit to
5 repurchase their eligible land without discrimination or the appearance of discrimination; and

6 WHEREAS, the process should include a designation by the Army Corps of Engineers or
7 Department of the Interior of the eligible land as disposable for land management purposes;
8 and

9 WHEREAS, the process should provide an opportunity for a prior owner of eligible land, or
10 the prior owner's heir or successor, to make a case to the North Dakota Board of University and
11 School Lands that the prior owner, heir, or successor has just cause to repurchase the prior
12 owner's eligible land and doing so will not conflict with the state's interest; and

13 WHEREAS, if the North Dakota Board of University and School Lands finds the prior owner,
14 heir, or successor has just cause to repurchase the prior owner's eligible land and doing so will
15 not conflict with the state's interests, the prior owner, heir, or successor must be allowed to
16 repurchase the eligible land at market value plus survey and transfer costs;

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

19 ~~— That the Sixty-fifth Legislative Assembly urges the United States Department of the Interior~~
20 ~~to exercise nondiscrimination in public land management and return the land no longer required~~
21 ~~for the Pick-Sloan Missouri Basin Project dam at Lake Sakakawea to the citizens of the United~~
22 ~~States; and~~

23 ~~— BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this~~
24 ~~resolution to the Secretary of the United States Department of the Interior and to each~~
25 ~~member of the North Dakota Congressional Delegation.~~

26 That the Sixty-fifth Legislative Assembly requests the Army Corps of Engineers to exercise
27 nondiscrimination in public land management and develop, in cooperation with the North
28 Dakota Board of University and School Lands, a process consistent with this resolution to allow
29 prior owners, their heirs, and their successors to repurchase eligible land within the Pick-Sloan
30 Missouri Basin project; and

1 **BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution
2 to the Secretary of the United States Department of the Interior, the Commanding General and
3 Chief of Engineers of the Army Corps of Engineers, and to each member of the North Dakota
4 Congressional Delegation.