

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~~
4 ~~States.~~requesting the United States Army Corps of Engineers divest land not needed for the
5 management of the Garrison project area in North Dakota.

6 ~~— **WHEREAS**, the United States Department of the Interior maintains control of land no longer~~
7 ~~needed to further the Pick-Sloan Missouri Basin Project dams; and~~

8 ~~— **WHEREAS**, fairness dictates the United States Department of the Interior develop a~~
9 ~~process to return the excess lands to the citizens of the United States without discrimination or~~
10 ~~the appearance of discrimination; and~~

11 ~~— **WHEREAS**, the prior owners of the land should be the first who are eligible to acquire the~~
12 ~~unused land; and~~

13 ~~— **WHEREAS**, if a prior landowner no longer has interest in owning the land, the United States~~
14 ~~Department of the Interior should make the land available for purchase which may allow the~~
15 ~~federal government to make other necessary land acquisitions;~~

16 — **WHEREAS**, the United States Army Corps of Engineers manages land purchased for the
17 operation of the Garrison project area in North Dakota; and

18 — **WHEREAS**, Congress and the federal courts have established in federal law that the
19 Pick-Sloan project areas must be managed for flood control, river navigation, hydroelectric
20 power, irrigation, water quality and supply, recreation, and fish and wildlife; and

21 — **WHEREAS**, the purchasing criteria used by the United States Army Corps of Engineers to
22 acquire land for the Garrison project area required land be purchased based on a rectangular
23 grid line above the reservoir's high water mark, and the rectangular grid size used for purchase
24 criteria could be smaller in some cases and not interfere with recreation and wildlife uses; and

1 WHEREAS, the United States Army Corps of Engineers should develop a divestment
2 process for the lands by working in cooperation with the North Dakota Board of University and
3 School Lands and the North Dakota Congressional Delegation, if the Garrison project can be
4 managed without tracts of land between the reservoir high water mark and that tract's
5 rectangular grid take line;

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

8 ~~That the Sixty-fifth Legislative Assembly urges the United States Department of the Interior-~~
9 ~~to exercise nondiscrimination in public land management and return the land no longer required~~
10 ~~for the Pick-Sloan Missouri Basin Project dam at Lake Sakakawea to the citizens of the United-~~
11 ~~States; and~~ That the Sixty-fifth Legislative Assembly requests that any land subject to
12 divestment under an agreement between the United States Army Corps of Engineers and the
13 North Dakota Board of University and School Lands include a purchase right for prior owners
14 who own the land the parcels were detached from, their heirs who own the land the parcels
15 were detached from, or successors who own the land the parcels were detached from; and

16 ~~— **BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution-~~
17 ~~to the Secretary of the United States Department of the Interior and to each member of the-~~
18 ~~North Dakota Congressional Delegation.~~

19 **BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution
20 to the Under Secretary of Public Works for the United States Army Corps of Engineers and each
21 member of the North Dakota Congressional Delegation.