

1999 SENATE NATURAL RESOURCES

SCR 4026

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SCR4026

Senate Natural Resources Committee

Conference Committee

Hearing Date February 11, 1999

Tape Number	Side A	Side B	Meter #
1	x		0-2100
1	x		2150-2225
Committee Clerk Signature <i>Lyla A. Tager</i>			

Minutes:

SENATOR TRAYNOR opened the hearing on SCR4026: A CONCURRENT RESOLUTION URGING CONGRESS TO ENACT THE DAKOTA WATER RESOURCES ACT.

SENATOR T. MATHERN testified in support of SCR4026. (See attached testimony)

DAVID SPRYNCZYNATYK testified in support of SCR4026. Without delivery of Missouri River water throughout all of ND, ND would have times of severe economic drought. The Dakota Water Resources Act is being considered by leaders of ND as well as by the Congress, and it is important that the Legislature take a hard position in support of the Act. The State Water Commission has gone on record by resolution in support of the Dakota Water Resources Act.

SENATOR G. NELSON testified in support of SCR4026, and stated it is important that support of this resolution be bipartisan.

WARREN JAMISON, Manager of Garrison Diversion Conservancy Districts testified in support of SCR4026. (See attached Rationale for the Dakota Water Resources Act) The attached Rationale is a project design that is driven primarily by state leadership. The dilemma is that the federal government has a responsibility for some facilities and they seem to be without a practical way to deal with those existing facilities. This gives a process for addressing that need on their part, and it addresses documented and supported water needs throughout the state, not in a greedy way but in a practical and responsible way. Compared to other states, ND is at the top in terms of the amount of obligation we are willing to pick up and the cost share that we are picking up when the bill is being worked on today. Irrigation is a viable and important part of the future of ND, and will not happen under the federal process. 2% of all the federal money from the Bureau of Reclamation budget has gone to ND, and we are not getting our fair share of the budget. We are competing against 17 western states for this money. Everything west of the Mississippi and Missouri River is considered the Bureau of Reclamation territory.

DANA BOHN, ND Water Coalition testified in support of SCR4026.

MIKE DWYER, ND Water Users testified in support of SCR4026. There needs to be wildlife support for this package and the communication that we use is the ND Chapter of Wildlife Society which represents most of the wildlife groups in ND.

DAVE KOLAND, ND Rural Water Systems Ass'n. testified in support of SCR4026. This bill provides clean, safe drinking water to the people of ND, and could be our only answer to do that.

SENATOR FISCHER closed the hearing on SCR4026.

COMMITTEE ACTION-February 11, 1999-(Tape 1, Side B-Meter# 2150-2225)

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Senate Natural Resources Committee

Bill/Resolution Number Scr 4026

Hearing Date February 11, 1999

SENATOR HEITKAMP moved for a DO PASS, seconded by SENATOR FISCHER. Roll call vote indicated 5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING. SENATOR TRAYNOR volunteered to carry the bill.

Roll Call Vote #: /

Date: 2-11-99

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO.

Senate Natural Resources Committee

Subcommittee on \_\_\_\_\_

or

Conference Committee

Legislative Council Amendment Number ScR 4026

Action Taken Do PASS

Motion Made By Heitkamp Seconded By Fischer

Senators	Yes	No	Senators	Yes	No
Senator John T. Traynor, Chr	✓				
Senator Tom Fischer, Vice Chr	✓				
Senator Randel Christmann	✓				
Senator Layton Freborg					
Senator Joel C. Heitkamp	✓				
Senator Rolland W. Redlin	✓				

Total (Yes) 5 No 0

Absent 1

Floor Assignment Sen. Traynor

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE (410)**  
February 11, 1999 1:59 p.m.

**Module No: SR-28-2607**  
**Carrier: Traynor**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**SCR 4026: Natural Resources Committee (Sen. Traynor, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4026 was placed on the Eleventh order on the calendar.**

1999 HOUSE NATURAL RESOURCES

SCR 4026

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 4026

House Natural Resources Committee

Conference Committee

Hearing Date 3/12/99

Tape Number	Side A	Side B	Meter #
1	x		0.0-12.2
Committee Clerk Signature <i>Robin L. Small</i>			

Minutes: SEN. MATHERN introduces the bill. SEE HANDOUT.

REP. DEKREY comments about the litigation that was given to this.

SUPPORT

SEN. G. NELSON states that he has voted for this resolution over twelve times. He would like to move forward with this. Need to reaffirm our support.

REP. GROSZ comments that his area has given up a lot for this project.

REP. BOUCHER talks about network of dams, the Garrison diversion and water needs.

DALE FRANK, ASST. STATE ENGINEER OF THE WATER COMMISSION. SEE HANDOUT.

BILL PFEIFER, ND CHAPTER OF THE WILDLIFE SOCIETY. SEE HANDOUT.

No questions.



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House Natural Resources Committee

Bill/Resolution Number 4026

Hearing Date 3/12/99

The committee did action right away on the bill. REP. DEKREY moved for a DO PASS, seconded by REP. HANSON. The roll call vote was taken with 12 YES, 0 NO, 3 ABSENT. The motion carries. It was then placed on the CONSENT CALENDAR. The CARRIER of the bill is REP. SOLBERG.

Date: 3.12.99  
 Roll Call Vote #: 1

**1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
 BILL/RESOLUTION NO.**

House House Natural Resources Committee

Subcommittee on \_\_\_\_\_  
 or  
 Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken No Pass & Consent Calendar 4026

Motion Made By DeKrey Seconded By Hanson

Representatives	Yes	No	Representatives	Yes	No
Chairman Mick Grosz	✓				
Vice-Chairman Dale Henegar	✓				
Representative David Drovdal	✓				
Representative Pat Galvin	✓				
Representative Duane DeKrey	✓				
Rep. Darrell D. Nottestad	✓				
Representative Jon O. Nelson	✓				
Representative Byron Clark	✓				
Representative Todd Porter					
Representative Jon Martinson	✓				
Representative Lyle Hanson	✓				
Representative Scot Kelsh					
Representative Deb Lundgren					
Representative Sally M. Sandvig	✓				
Representative Dorvan Solberg	✓				

Total (Yes) 12 No 0

Absent 3

Floor Assignment Solberg

If the vote is on an amendment, briefly indicate intent:

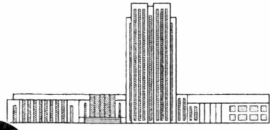
REPORT OF STANDING COMMITTEE (410)  
March 12, 1999 10:44 a.m.

Module No: HR-45-4635  
Carrier: Solberg  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

SCR 4026: Natural Resources Committee (Rep. Grosz, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SCR 4026 was placed on the Tenth order on the calendar.

1999 TESTIMONY  
SCR 4026



Senator Tim Mathern  
District 11  
406 Elmwood  
Fargo, ND 58103-4315

# NORTH DAKOTA SENATE

STATE CAPITOL  
600 EAST BOULEVARD  
BISMARCK, ND 58505-0360



Senate Minority  
Leader

## **Testimony for Senate Concurrent Resolution 4026 Senate Natural Resources Committee Senator Tim Mathern February 11, 1999**

Chairman Traynor and members of the Senate Natural Resources Committee, I am Tim Mathern, Senator from District 11 in Fargo.

I'm here to testify in support of SCR 4026. Our Legislature's support of the Dakota Water Resources Act is very important to the effort that has been undertaken by the Congressional Delegation and the Governor. During the hearings in the 105<sup>th</sup> Congress, particularly in the House of Representatives on September 29, the Chairman of the Subcommittee on Water and Power Resources, Representative Doolittle, commented on the impressive bipartisan support that the bill has garnered. As we visit in Washington with various officials, there is continued amazement at the unity shown in the State for the Garrison Diversion project.

I emphasize this fact to underscore the importance of renewing our support for this water project. It is easy to get discouraged, especially after reading the recent article in the *Fargo Forum*, which reviewed and emphasized the long and sometimes tortured history of the project. We must also recall that much good has been accomplished. The MR&I program, which gave the State a primary role in planning and developing rural water systems, has been a model of success. A large area of some of our most arid regions now have a new lease on the future. People in the service area of the Southwest Pipeline project, as well as others in the Langdon, Walhalla, Neche, Burleigh County and Dickey County areas have affordable, reliable, quality water supplies. This gives them greater license to think more boldly about their future. The value to North Dakota of these successes is often taken for granted, but it should not be. It is one of the true successes associated with the Garrison project.

Much remains to be done. The critical needs of many rural areas in the state remain unmet as well as on our Indian reservations. Of course, the Red River Valley faces serious limitations and hardship if a reliable supply of quality water is not made available to them soon. The urgency for passage of the Dakota Water Resources Act is greater than ever before. The Act will provide a way to build on a huge federal investment, while addressing the documented serious water shortages for the Red River Valley.

The opportunity for success is perhaps as great as it has ever been. The obstacles are formidable, but the political leadership of the State has worked hard to put together the best plan for success that we can. I urge passage of this resolution. Thank you

# RATIONALE FOR THE DAKOTA WATER RESOURCES ACT

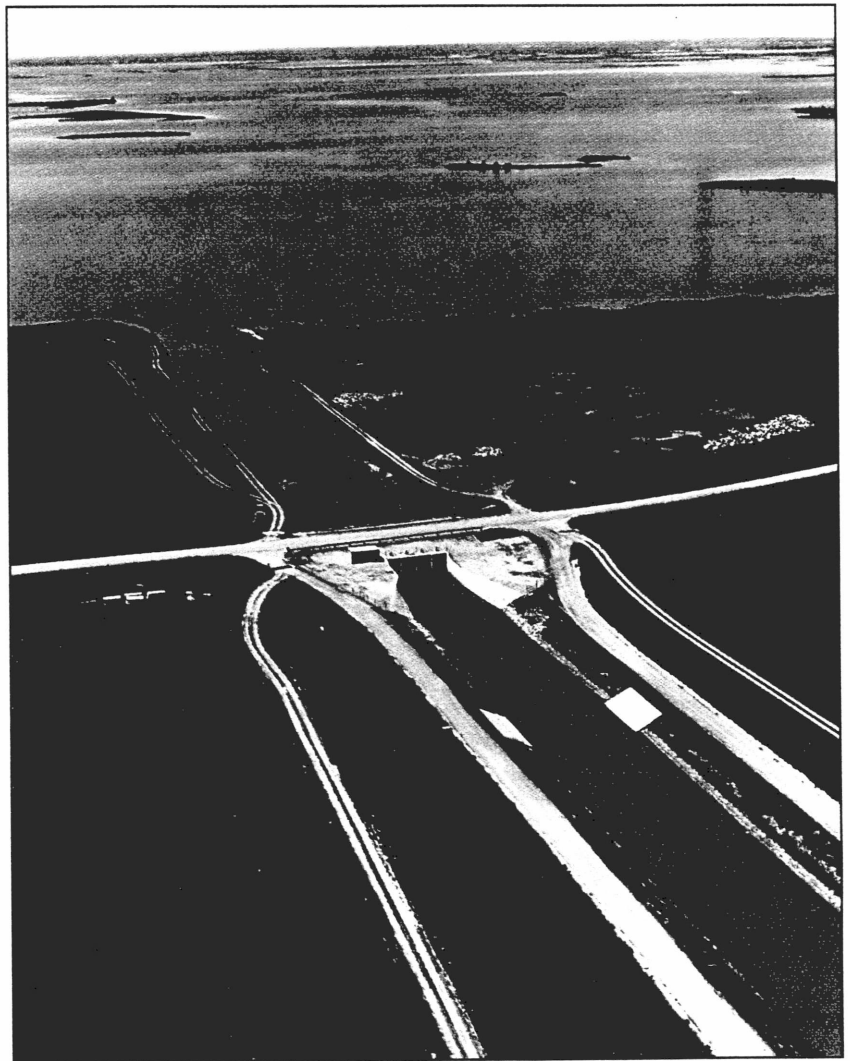
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*IF WE DO NOTHING*, North Dakota's critical water shortages will continue to plague its citizens. The 120 miles of canal and large pumping plants already in place will provide little benefit to the State and return none of the investment to the federal treasury. Rural communities with their rich heritage of high values and an outstanding work ethic will continue to be faced with limited options for survival.

*THE* federal government has provided plans for water supply development dating back to 1944, but has yet to complete any of them despite three Congressional authorizations and a series of continuing appropriations. A partnership with the State political leadership and the responsible State entities is the logical solution.

*WE* have worked extensively to incorporate a broad range of interests across the State, including the ND Wildlife Society, the ND Wildlife Federation, the Bureau of Reclamation and the Indian tribes of North Dakota. Legislation on a variety of water projects with similar problems has been reviewed extensively, and the best ideas from each incorporated into the proposal. The essential elements of the historic promise of the Missouri Program have been critically evaluated in light of current political reality. Ideas for improvement continue to be sought and evaluated to make the proposal more effective and to facilitate its acceptance by Congress.

*THE* overall cost of the Garrison project, when compared to the estimated cost of the project authorized in 1986, is essentially unchanged. Equally as important, the cost of meeting the needs addressed in the 1986 legislation is considerably reduced. In short, the proposal is cost effective, a major plus for the wildlife resources of the State and fiscally responsible. The State has agreed to cost share to its maximum ability on the rural water systems program and to reimburse, with interest, those costs assigned to municipal service for the more populated Red River Valley.



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**GARRISON**  
D I V E R S I O N

# DAKOTA WATER RESOURCES ACT OF 1998

The Dakota Water Resources Act (DWRA) of 1998 further amends the Garrison Diversion Reformulation Act of 1986.

DWRA outlines a program to meet the water needs of North Dakota including irrigation, Municipal, Rural and Industrial (MR&I), fish and wildlife, recreation, flood control, augmented stream flows, and ground water recharge.

A summary of key components of the legislation is as follows:

## SECTION 1 *Dakota Water Resources Act of 1998*

Establishes the purpose of the project and adds wildlife enhancement, stream flow augmentation and ground water recharge to the 1986 Reformation Act. It provides that the project will be a joint effort between the Secretary of Interior and State of North Dakota and that there will be a financial return to the federal government on the existing facilities and full reimbursement of the cost assigned to the Red River Valley municipal water supply facilities. It assures compliance with the 1909 Boundary Waters Treaty. It provides for State responsibility for design, construction, operation and maintenance of the features constructed.

## SECTION 2 *Wildlife Mitigation and Enhancement*

Authorizes specific recreation and fish and wildlife enhancement facilities and determines responsibility for mitigation and enhancement facilities costs. It states that the Kraft Slough program includes land exchange authority, and the de-authorized Lonetree Dam and Reservoir is permanently designated as wildlife conservation area.

## SECTION 3 *Integration*

States that Garrison Diversion will continue to be part of the Pick-Sloan Missouri Basin Program authorized in 1944.

## SECTION 4 *Construction Phase Interest Rate Determined*

Language determines the interest rate for authorized features of the project during construction. Language is included to prevent interest from accruing until a particular project feature is completed.

## SECTION 5 *Irrigation*

The 1998 DWRA further reduces the irrigation acreage to 70,000 acres, none of which will be located in the Hudson Bay or Devils Lake Basins. It guarantees irrigation authorized in the bill is eligible to receive project pumping power, continues Indian irrigation, and defines a process by which future irrigation is to be developed.

## SECTION 6 *Power*

Authorizes Pick-Sloan preference power for MR&I systems and irrigation development. It also freezes current sub-allocation costs associated with Pick-Sloan Missouri Basin Program.

## SECTION 7 *State Municipal, Rural and Industrial Grant Program*

Language authorizes continued development of MR&I water systems in cooperation with the State of North Dakota, retains a 25 percent non-federal cost share, gives State credit for non-federal contributions exceeding the 25 percent level and authorizes a water conservation program with incentives. It also authorizes continued development of MR&I water systems on the State's four Indian Reservations.

## SECTION 8 *Red River Valley Features*

Authorizes a decision-making process to determine the best method(s) to meet Red River Valley water supply needs. It identifies this feature as a reimbursable project feature, and provides that the State will repay costs, with interest, for the capacity used to deliver water to municipal and industrial users.

## SECTION 9 *Oakes Test Area*

Authorizes the Secretary of Interior to negotiate a mutually acceptable agreement for the transfer of the Oakes Test Area facilities to the State of North Dakota, and if no agreement is reached, the Secretary of Interior is authorized to dispose of the facilities.

## SECTION 10 *Appropriations*

Authorizes the appropriations as follows:

- \$200 million to complete facilities to meet Red River Valley water supply needs
- \$300 million for State MR&I grant program
- \$200 million for Indian MR&I program
- \$6.5 million for recreation projects, including a wetlands interpretive center
- \$25 million for the Natural Resources Trust
- \$40 million for demolition and construction of new Four Bears Bridge across Lake Sakakawea

## SECTION 11 *Natural Resources Trust*

Authorizes an additional \$25 million for the Natural Resources Trust (formerly ND Wetlands Trust), \$15 million of which is subject to completion and operation of the Red River Valley water supply project. It also authorizes an account for operation, maintenance and replacement of fish and wildlife mitigation and enhancement, and expands the scope of the trust program.

**GARRISON**  
**D I V E R S I O N**

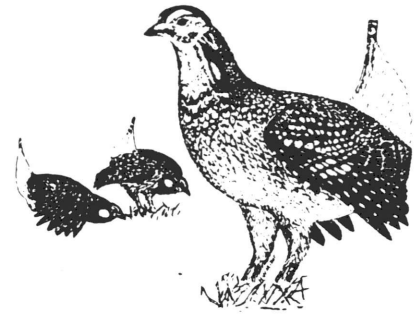
Garrison Diversion Conservancy District P.O. Box 140 Carrington, N.D. 58421  
(701) 652-3194 Fax (701) 652-3195 E-mail: gdcd@daktel.com or www.garrisondiv.org



*North Dakota Chapter*

## **THE WILDLIFE SOCIETY**

P.O. BOX 1442 • BISMARCK, ND 58502



**TESTIMONY OF BILL PFEIFER  
NORTH DAKOTA CHAPTER OF THE WILDLIFE SOCIETY  
PRESENTED TO THE HOUSE NATURAL RESOURCES COMMITTEE  
ON SCR 4026, MARCH 12, 1999**

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

My name is Bill Pfeifer; I'm speaking on behalf of the North Dakota Chapter of The Wildlife Society.

The Chapter of The Wildlife Society supports the Dakota Water Resources Act as proposed to be introduced into the United States' Congress.

The Chapter has enjoyed an excellent working relationship with the State's Congressional delegation, the Governor's office and more recently with the leaders of the North Dakota Legislature on developing the language for the Dakota Water Resources Act. As a result of our input, we believe the proposed project is much more environmentally acceptable to Congress and to the taxpayers of the United States. The proposed Dakota Water Resources Act with its commitment to funding operation and maintenance costs for the mitigation areas associated with project development, and the expansion of the funding and the scope of the Wetland Trust, will both provide long-term benefits to North Dakota's natural resources and the citizens who enjoy these resources.

The Chapter has appreciated the opportunity to work with the State's leaders on fashioning the Dakota Water Resources Act and looks forward to continue working on this important project in the future. The Dakota Water Resources Act clearly demonstrates that North Dakota's agricultural, water and conservation interests can cooperatively work together to address complex issues and devise long-term solutions that meet the needs of the State's people.

Thank you for the opportunity to support the Dakota Water Resources Act.





# North Dakota State Water Commission

900 EAST BOULEVARD • BISMARCK, ND 58505-0850 • 701-328-2750 • TDD 701-328-2750 • FAX 701-328-3696

## RESOLUTION NO. 97-12-477

### In Support of the Dakota Water Resources Act of 1997

**WHEREAS**, the Garrison Diversion Project was reformulated in 1986 and there have been significant changes in the state since; and

**WHEREAS**, the state still has tremendous water resource needs, including MR&I water supply, economic development, irrigation, tribal, and fish and wildlife; and

**WHEREAS**, the Dakota Water Resources Act of 1997 would provide funds for MR&I water supply projects in North Dakota, South Dakota and Minnesota including the Southwest Pipeline Project, the Northwest Area Water Supply Project, and others, and would provide a water supply for the Red River Valley; and

**WHEREAS**, the Dakota Water Resources Act of 1997 would provide for agricultural economic development and would provide for further protection of the wetlands and natural resources of the state; and

**WHEREAS**, the Dakota Water Resources Act of 1997 would continue to protect and preserve the hydropower component of the Pick-Sloan Missouri Basin Program; and

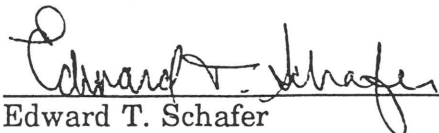
**WHEREAS**, the Dakota Water Resources Act of 1997 would provide for the completion of the Garrison Diversion water supply facilities in an environmentally sound and economically feasible manner; and


**WHEREAS**, the Dakota Water Resources Act of 1997 would offset the significant sacrifice that has been made in North Dakota and South Dakota for the Pick-Sloan Missouri Basin Program.

**NOW, THEREFORE, BE IT RESOLVED** that the North Dakota State Water Commission, its Chairman, Edward T. Schafer, and State Engineer, David A. Sprynczynatyk, at a meeting held on December 1, 1997, in Dickinson, North Dakota, do hereby express their strong support of the proposed amendments to the Garrison Diversion Project contained in S. 1515 and H.R. 3012 and also known as the Dakota Water Resources Act of 1997; and

**BE IT FURTHER RESOLVED** that the passage of these bills in Congress be accomplished as quickly as possible in order to address the water needs of the state in a timely manner.

FOR THE NORTH DAKOTA STATE WATER COMMISSION:

  
\_\_\_\_\_  
Edward T. Schafer  
Governor-Chairman

  
\_\_\_\_\_  
David A. Sprynczynatyk  
State Engineer, and  
Chief Engineer-Secretary

SEAL



# NORTH DAKOTA SENATE

STATE CAPITOL  
600 EAST BOULEVARD  
BISMARCK, ND 58505-0360

Senator Tim Mathern  
District 11  
406 Elmwood  
Fargo, ND 58103-4315



Senate Minority  
Leader

Testimony for Senate Concurrent Resolution 4026  
House Natural Resources Committee  
Senator Tim Mathern  
March 12, 1999 - 9:00 a.m.

Chairman Grosz and members of the House Natural Resources Committee, I am Tim Mathern, Senator from District 11 in Fargo.

I'm here to testify in support of SCR 4026. Our Legislature's support of the Dakota Water Resources Act is very important to the effort that has been undertaken by the Congressional Delegation, the Governor, and our legislative leadership. During the hearings in the 105th Congress, particularly in the House of Representatives on September 29, the Chairman of the Subcommittee on Water and Power Resources, Representative Doolittle, commented on the impressive bipartisan support that the bill has garnered. As we visit in Washington with various officials, there is continued amazement at the unity shown in the State for the Garrison Diversion project.

I emphasize this fact to underscore the importance of renewing our support for this water project. It is easy to get discouraged, especially after reading the recent article in the *Fargo Forum*, which reviewed and emphasized the long difficult history of the project. We must also recall that much good has been accomplished. The MR&I program, which gave the State a primary role in planning and developing rural water systems, has been a model of success. A large area of some of our most arid regions now have a new lease on the future. People in the service area of the Southwest Pipeline project, as well as others in the Langdon, Walhalla, Neche, Burleigh County and Dickey County areas have affordable, reliable, quality water supplies. This gives them greater license to think more boldly about their future. The value to North Dakota of these successes is often taken for granted, but it should not be. It is part of a successes associated with the Garrison project.

Much remains to be done. The critical needs of many rural areas and Indian reservations. Of course, the Red River Valley faces serious limitations and hardship if a reliable supply of quality water is not made available to them soon. The urgency for passage of the Dakota Water Resources Act is greater than ever before. The Act will provide a way to build on a huge federal investment, while addressing the documented serious water shortages for the Red River Valley.

The opportunity for success is perhaps as great as it has ever been. The obstacles are formidable, but the political leadership of the State worked hard to put together the best plan for success that we can. I urge passage of this resolution. Thank you.