

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

3020

2001 HOUSE NATURAL RESOURCES

HCR 3020

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR 3020

House Natural Resources Committee

Conference Committee

Hearing Date February 8, 2001

Tape Number	Side A	Side B	Meter #
I		X	543 to 1566
Committee Clerk Signature <i>[Handwritten Signature]</i>			

Minutes:

Chairman Earl Rennerfeldt, Vice Chair Jon O. Nelson, Rep. Brekke, Rep. DeKrey, Rep. Droydal, Rep. Galvin, Rep. Keiser, Rep. Klein, Rep. Nottestad, Rep. Porter, Rep. Weiler, Rep. Hanson, Rep. Kelsh, Rep. Solberg, Rep. Winrich.

Chairman Rennerfeldt: I will open the hearing on HCR 3020.

Rep. Jim Kasper - District 46: HCR 3020 is a resolution to encourage private ownership and development around Lake Sakakawea. I am interested in this issue because my home is Beulah. I can't say I was born day, but I was raised in Beulah. I grew up when the lake was still the Missouri River. My grandpa homesteaded north of Beulah. I remember before the dam was built, how beautiful the river bottom was. Then all of a sudden the beautiful lake shore and the rivers and the trees disappeared. The Federal government made a promise to us back in those days that for return in giving up the most beautiful land in the state, the Federal government said they

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House Natural Resources Committee

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would provide stable water, development and access to the lake, and they would provide resources of the water throughout our state. Fifty years later, and they still have not done that. We have had excuses along the years about why they have or haven't and I am not here to say that. This resolution is here to say that we as a state want the Federal policy changed, what we want is use of some of our land back which we should have had over the last 40-50 years. What this simply says is that we have a lake shore that can't be utilized because the Corps of Engineers has a policy that keeps the public away. We have about 1800 miles of lake shore around Lake Sakakawea and I can't recall more than a handful of private owners right around the lake. I happen to have one of those around Beulah. My dad carried a little of the homestead and I bought the rest of it. So we have some private property right next to the lake. There is all this other land around the lake we can't develop because the Corps come in there and they put their restrictions on this land. This resolution is urging them to change their management decision and style and have them open the land up for private development. I want to suggest an amendment to the HCR 3020. The second line on the first page where I say "access to" I would like the committee to consider including after the word to "private ownership of". Looking at the resolution that we do allow private ownership, not only private access and private development. That is a proposal that I would ask the committee to consider. On page 2, there would be two changes that I would like you to consider, again on line 2 after the word "access to" you would add the same phrase "and private ownership of" and on line 3 after the and I would like the committee to consider adding the following phrase "to develop a Lake Sakakawea management policy that establishes a stable lake level". That is the other real problem. The water level can vary from 20 to 25 feet as you heard Mr. Hall testify earlier. So even if you had private access to, private ownership of, and private development on that lake shore and management style, lower

the lake level 25 feet you could have a private development out there that is a half mile away from the water. So one needs to work together with the other. I would encourage consideration of those amendments and ask favorable consideration of this resolution.

Chairman Rennerfeldt: Could you write out the amendments?

Kasper: I will write them out, it just came to me. I will be happy to provide them.

Chairman Rennerfeldt: Any questions from the committee. Anyone else care to speak in favor of HCR 3020? Anyone care to speak in opposition to HCR 3020?

Thomas Disselhorst - Attorney representing the Three Affiliated Tribes: (see written testimony).

Vice Chair Nelson: How much shore line is in dispute as far as the tribe and the Corps at this point?

Disselhorst: Part of the reason for return of the lake shore to the Tribe comes out of a 1986 report from the Joint Tribal Advisory Committee, that the Dept. Of Interior started in 1985. That committee suggested that the one of the ways that the Tribes could be compensated would be to return as much of the lake shore that was considered excess by the Army Corps. Of Engineers. That is mostly the littoral lands along the lake shore. The Corps did a study at that time and determined that there were about 5000 excess acres and return those to the Tribe. The Tribe since that time has been in numerous consultation with the Corps. And the Corps. Has acknowledged that there are potentially additional excess lands that are not needed to maintain the flood pool. Much of those lands are in question. The Tribe believes that as much as 35, 000 acres of shoreline are available as excess for return. That is on Lake Sakakawea, I don't know about Lake Oahe. I think it is 19,000 acres in Standing Rock for your information. Those are part of the lands being discussed in the 1995 regulations that the Corps had proposed. The Tribes were promised by the Corps that some of those lands would be returned to the Tribes. The Tribes are

still in discussion with the Corps. There is actually litigation pending against the Corps concerning those lands, because they insisted that they had total discretion to return what lands they thought were excess. The Tribes contended that part of the 1994 act that repealed the original transfer done in 1992 the Compensation Act that Chairman Hall referred to, part of that act says that the Secretary of the Interior should identify excess lands and the Tribes believe that is a mandatory should, that requires the Dept. Of Interior to determine what lands are excess. That case is still pending, and the reason it is pending so long is that both the Tribe and the Corps is trying to work out a potential solution. That solution would have necessarily involved the state should it have come to any type of fruition, but it has not, so we are still waiting the outcome of the District court decision.

Chairman Rennerfeldt: Are there any further questions of the committee? Anyone else care to speak in opposition to HCR 3020. If not I will close the hearing on HCR 3020.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR 3020

House Natural Resources Committee

Conference Committee

Hearing Date February 9, 2001

Tape Number	Side A	Side B	Meter #
1	x		1300 to 1843
Committee Clerk Signature <i>[Signature]</i>			

Minutes:

Chairman Earl Rennerfeldt, Vice Chair Jon O. Nelson, Rep. Brekke, Rep. DeKrey, Rep. Droydal, Rep. Calvin, Rep. Klein, Rep. Nottestad, Rep. Weiler, Rep. Hanson, Rep. Kelsh, Rep. Solberg, Rep. Winrich.

Chairman Rennerfeldt: We have HCR 3020.

Vice Chair Nelson: From the testimony yesterday, Mr. Disselhorst asked for these amendments to include the tribe on page 1, line 2 and page 2, line 3 the same thing. These amendments do exactly that. So I would move the amendments.

Rep. Kelsh: I second.

Chairman Rennerfeldt: I have a motion on the amendments, all in favor signify by saying Aye. Opposed? Amendments carry.

Rep. Nottestad: I move a Do Pass as Amended.

Rep. DeKrey: Where does this come from and what is it doing?

Vice Chair Nelson: This was asked for by the attorney for the Three Affiliated Tribes yesterday. We talked about the private act, that the tribe is also part of that contract to return land to the tribe. So this adds that language. This is exactly what they wanted.

Rep. Brekke: I second.

Rep. Weiler: Does this also include the amendment that Mike Dwyer wanted.

Chairman Rennerfeldt: It is his amendment.

Rep. Weiler: So it is both.

Chairman Rennerfeldt: Rep. Kasper, he's comfortable with these amendments.

Vice Chair Nelson: This talked about stabilizing the lake.

Chairman Rennerfeldt: We have a Do Pass as Amended. Any further discussion?

Rep. Winrich: I guess I don't understand why this calls for stabilization of the lake?

Chairman Rennerfeldt: The stabilization came from the tribes. They want the Corps of Engineers to maintain a stable lake level which they have not done in the past.

Rep. Droydal: Testimony established that in order to have development, you must have a stable lake level. Right now it is fluctuating so much that boat ramps are inaccessible sometimes and sometimes they are underwater. In order to develop the lake you have to have a controllable variance.

Chairman Rennerfeldt: Any further discussion? We will call the roll on a Do Pass as Amended on HCR 3020.

MOTION FOR A DO PASS AS AMENDED

YES 13 NO 0

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House Natural Resources Committee
Bill/Resolution Number HCR 3020
Hearing Date February 9, 2001

2 ABSENT AND NOT VOTING

CARRIED BY REP. KELSH

Date: 2/9/01
 Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HR 3020

House Natural Resources Committee

Subcommittee on _____
 or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS AS AMENDED

Motion Made By Rep. Nottestad Seconded By Rep. Brekke

Consent Calendar

Representatives	Yes	No	Representatives	Yes	No
Earl Rennerfeldt - Chairman	✓		Lyle Hanson	✓	
Jon O. Nelson - Vice Chairman	✓		Scot Kelsh	✓	
Curtis E. Brekke	✓		Lonnie B. Winrich	✓	
Duane DeKrey	✓		Dorvan Solberg	✓	
David Drovdal	✓				
Pat Galvin	✓				
George Keiser					
Frank Klein	✓				
Darrell D. Nottestad	✓				
Todd Porter					
Dave Weiler	✓				

Total (Yes) 13 No 0

Absent 2

Floor Assignment Rep. Kelsh

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

REPORT OF STANDING COMMITTEE

HCR 3020: Natural Resources Committee (Rep. Rennerfeldt, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3020 was placed on the Sixth order on the calendar.

Page 1, line 2, after "to" insert ", private ownership of," and after "Sakakawea" insert ", including the return of lakeshore lands that are contiguous to current tribal-owned land to the Three Affiliated Tribes and development and implementation of a water level policy that establishes and assures that Lake Sakakawea will have a stable water level"

Page 2, line 2, after the second "to" insert ", private ownership of,"

Page 2, line 3, after "Sakakawea" insert ", including the return of lakeshore lands that are contiguous to current tribal-owned land to the Three Affiliated Tribes and development and implementation of a water level policy that establishes and assures that Lake Sakakawea will have a stable water level"

Renumber accordingly

2001 SENATE NATURAL RESOURCES

HCR 3020

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR 3020

Senate Natural Resources Committee

Conference Committee

Hearing Date 3-15-01

Tape Number	Side A	Side B	Meter #
1	X		12.7 - 15.6
1	X		43.0 - end
Committee Clerk Signature <i>Jamie Garner</i>			

Minutes:

SENATOR TOLLEFSON opened the hearing on HCR 3020.

REPRESENTATIVE JAMES KASPER of District 46 cosponsor of HCR 3020 introduced the RESOLUTION URGING THE CORPS OF ENGINEERS TO PROMOTE PRIVATE ACCESS TO, PROVIDE OWNERSHIP IF, AND PRIVATE DEVELOPMENT ON LANDS IT OWNS AND MANAGES AROUND LAKE SAKAKAWEA. He stated the resolution is about the Garrison Dam and the most beautiful land in the state being initiated to build the dam. The federal government had made several promises with the building of the dam and they have not been fulfilled. Some of them are the use of the water behind the dam for recreation and the use of the lake shore for private use. The policy of the Corps of Engineers is very restrictive and does not allow use. The resolution would ask congress to return that land back to private ownership including the tribes. The development of the shore line would be a great economic development

