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ROLL NUMBER

DESCRIPTION

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2003 HOUSE AGRICULTURE

HCR 3040

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR 3040 & HCR 3041

House Agriculture Committee

Conference Committee

Hearing Date February 14, 2003

Tape Number	Side A	Side B	Meter #
1	X		22
Committee Clerk Signature <i>Edward D. Ellison</i>			

Minutes:

**REP. POLLERT, VICE-CHAIR** Called the hearing to order. He allowed testimony for HCR 3040 and HCR 3041 as they are similar.

**REP. JOHN WARNER, DIST. 4** Introduced the resolution. He deferred testimony to other people testifying.

**BILL BUTCHER, REPRESENTING FRIENDS OF LAKE SAKAKAWEA**, Testified in support of the resolution. The Friends of Lake Sakakawea, has been in existence for several years now. We represent a considerable number of people, businesses and organizations. We have Chambers of Commerce, businesses, fishing groups, resorts, sailing groups, our membership ranks in the one hundreds. We feel these two concurrent resolutions are very important. It is most important for the Bush administration to understand that they need to exercise their oversight responsibilities with the Corps of Engineers and make sure these representations and promises are met.

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**JILL DENNING GACKLE, GENERAL MANAGER OF BHG INC.** Testified in support of

the resolutions 3040 and 3041. See attached written testimony. She also submitted charts relating to the Garrison Reservoir Elevation Study. See attached copies.

**REP. ONSTAD** Related to the deadlines in her testimony, how past due are they on the original deadline, are there any indications where they are at?

**JILL DENNING GACKLE** There might be some people who can answer this a little bit better. It has been at least thirteen years, that we have been waiting for the master manual. It is a now a political fight between the Missouri and the upper basin states. All we really know, is that nothing has been released. Anything they could release would be better than what we are having right now.

**TERRY FLECK, SALES MANAGER AND CO-OWNER OF PRO-RADIO ALSO A  
FREE LANCE PUBLIC SPEAKER AND WORK FOR THE UNIVERSITY SYSTEMS  
CORPORATE DEVELOPMENT CONTINUED EDUCATION DIVISION** Testified in

support of the resolution. Stated he was here to represent the cabin site owners. He stated he lives in Bismarck but owns a cabin, which used to be on the lake. The lake has moved so far away that he can hardly see it from where it is now. He stated they were meeting with the Corps of engineers, and his request today was support from the committee. He said everyone needs to know where Lake Sakakawea is and what it faces.

**REP. ONSTAD** Asked for enlightenment working with the corps, and some of the concerns of the cabin owners.

**TERRY FLECK** I think we need to understand that in 2004, 2005, and 2006, there are an awful lot of people coming to North Dakota to help us celebrate the Lewis & Clark Expedition,

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we have two major events in our state, and our concern is, what they are going to see, which is a sea of AKOSHA. That will be our responsibility to take care of it, we hope we will get permission to do a control burn, which is not an easy thing to get. We work hard and long hours to keep up that area. We will be stuck at Van Hook, we built a beautiful ramp last year, a break water and it is a gorgeous area, but that ramp is going to be a long way from the water. We will use temporary ramps. The Lake Sakakawea Derby has been cancelled, a tournament that has been held for years and years. They can't hold it this year, because you can't put that many boats in, on a temporary sandbar, with grates and pieces of cement. We are not looking to challenge the Corps, we want the Corps to embrace who we are and what we are faced with, we need their help. If this continues with the drought scenerio, people can easily see very much what Lewis and Clark saw, and that would be just a river. That is what easily could be left if we don't protect that resource.

**TOM ABRAHAMSON, ON BEHALF OF THE NORTH DAKOTA SPORTFISHING**

**CONGRESS** Testified in support of the resolutions. See attached written testimony.

**REP. ONSTAD** When you talk about the lake levels, is there a certain level we have to be at before any water can even get here, is there a point at 18 or 25?

**TODD SANDO, ENGINEER** Answered the question, he stated he was working on the Missouri River since the last drought, and studied the master manual since 1989, the lake is full March 1, at 18 37 1/2, that is the flood control zone, that is when the reservoir captures run off from the plains and the mountain snow pack, then the lake usually comes up within the mid 40's. The people like the lake at different levels, but we like to see the lake full. 18 25 us pretty critical. In June, July, August and early September, that is when it can be really critical if we are

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at 18.25, you can see major fish die out at that level. We will see 18.19 by next month, we are probably at peak lake level for the year. In the winter time when you have ice, you need that much more.

**LEE KLAPPRODT, BISMARCK** Testified in support of the resolutions. Stated he was involved in salmon fishery and developing that on Lake Sakakawea over the last twenty years. He stated he is very concerned about the circumstances we are faced with this year, and equally concerned about the Corps Master Manual and their lack of action in improving a revised Master Manual which represents the contemporary needs of the people who live throughout the entire Missouri River Basin. I hope the legislature sees fit to send both of these resolutions to the federal administration and the US Corps of Engineers. It is important that we demonstrate that there is statewide support for improved management, for a new master manual and corps investment in the recreational facilities that are going to be so critical during the Lewis & Clark Bicentennial. We will probably see hundreds of thousands of people coming through North Dakota during the Bicentennial and it would be just a shame if those people don't have reasonable facilities to use while they are here, whether they are campers or staying in motels. I think the Corps, being this is their reservoir and they manage all of the land around the reservoir, they have a huge responsibility making sure that both Lakes Sakakawea and Lake Oahe and the Missouri River, are dressed to show for all of these visitors.

**TODD SANDO, ASSISTANT STATE ENGINEER** Testified in support of the resolutions. Gave a background on the Master Manual. See attached testimony.

**REP. POLLERT** Asked if there was any effect to the southwest pipeline?

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**TODD SANDO** Yes, we share an intake with the coal gasification plant. That intake level is below the permanent pole, which is actually 17.75. The way the 1960 Master Manual was read, they could fluctuate the reservoir from 18.50 down to 17.75. They could fluctuate the reservoir up to 80 feet.

**REP. POLLERT** Asked if Mr. Sando had a position on HCR 3041.

**TODD SANDO** Stated he didn't have a position on that resolution.

**TERRY FLECK** Commented again, stating he would like to invite committee members and any of their constituents to come to the meeting on Tuesday regarding the lake.

**BILL BUTCHER** Commented again stating HCR 3041 is similiar to HCR 3040 except it is addressed to the Corps of Engineers and has to do with lake development recreation. 3041 addresses representations which were made by the Corps of Engineers to Senator Dorgan and to the people of North Dakota, that they will be supportive and do certain things that are itemized in HCR 3041 to support and provide for the Lewis & Clark Centennial celebration. Our concern is those matters are not being addressed, and those promises are not being fulfilled. We are going to have hundreds of thousands of people here in the next three or four years who will have certain expectations and we want those expectations to be met.

**REP. ONSTAD** As the lake level drops, basically, for every foot that lake drops, how much loss is that to the state of North Dakota?

**BILL BUTCHER** There are probably people here who can address that better than I. I have been sailing on that lake for 30 something years, and I can tell you, the figure 18.25 was mentioned, when it gets below that, businesses close.

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**TODD SANDO** Came forward to answer Rep. Onstad's question, stating they are in the middle of several lawsuits on the Missouri River since they haven't been able to get the plan in place, so we are conducting economical analysis of the regional impacts and state impacts, it really doesn't properly address what the impacts are from Lake Sakakawea are. We are working through NDSU on an economic analysis to look at what the impacts are if the lake continues to drop. Right now the Corps, in their Master Manual says, that recreation is worth is about 85 million per year, to the nation's economy. When you start looking at regional impacts and see how that money turns over, it is even a much larger number.

**BILL BUTCHER** Returned to comment. I don't want to leave the impression that this whole economic impact is strictly to communities and businesses that are on the lake, this whole thing, the water level on Lake Sakakawea, it impacts the business communities in Bismarck, Minot and Williston, and Dickinson.

With no further testimony, the hearing was closed on both resolutions.

#### **COMMITTEE ACTION ON HCR 3040**

Committee members decided to amend the resolution on Page 2, Line 20, replace " Missouri River Division" with "northwest division".

**REP. BOE** Made a motion to adopt the amendment as suggested.

**REP. KINGSBURY** Second the motion. Motion carried by voice vote.

**REP. MUELLER** Made a motion for a **DO PASS AS AMENDED AND BE PLACED ON THE CONSENT CALENDAR.**

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**REP. KREIDT** Second the motion. **MOTION CARRIED**

**9 YES      0 NO      4 ABSENT**

**REP. POLLERT** Was given the floor assignment.

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