

MINUTES

North Dakota State Water Commission
Lisbon, North Dakota

September 28, 1984

The North Dakota State Water Commission held a meeting on September 28, 1984, at Kelsen's Bold Venture Cafe in Lisbon, North Dakota. Acting Chairman, Vernon Fahy, called the meeting to order at 10:00 a.m. and presented the agenda. Roll call was taken, and Acting Chairman Fahy indicated a quorum was not present. (* Indicates that motions were presented for direction to the State Engineer and that the motions will be further considered and voted on at the Commission's next meeting.)

MEMBERS PRESENT:

Garvin Jacobson, Member from Alexander
Ray Hutton, Member from Oslo, Minnesota
Henry Schank, Member from Dickinson
Bernard Vculek, Member from Crete
Vernon Fahy, State Engineer and Secretary, North Dakota
State Water Commission, Bismarck

MEMBERS ABSENT:

Allen I. Olson, Governor-Chairman
Kent Jones, Commissioner, Department of Agriculture, Bismarck
Florenz Bjornson, Member from West Fargo
Alvin Kramer, Member from Minot
Guy Larson, Member from Bismarck

OTHERS PRESENT:

State Water Commission Staff Members
Approximately 5 persons interested in agenda items

The attendance register is on file in the State Water Commission offices (filed with official copy of minutes).

The meeting was recorded to assist in compilation of the minutes.

Mr. Norman Cross, Chairman of the Ransom County Water Resource Board, welcomed the Commission members to Lisbon. He expressed appreciation to the Commission for their assistance in the financing and construction of the Dead Colt Creek Flood Control and Recreation Dam, and said this could be a model project for flood control in the Red River Valley.

CONSIDERATION OF MINUTES
OF SEPTEMBER 10, 1984 MEETING -
CONSIDERED; ACTION DEFERRED

of the lack of a quorum the motion will be re-considered and voted on at the Commission's next meeting.

The minutes of the September 10, 1984 meeting were considered. A motion and second were made to approve the minutes, but because

- * A motion was made by Commissioner Hutton and seconded by Commissioner Schank to approve the minutes of September 10, 1984.

PROGRESS REPORT ON
SOUTHWEST PIPELINE PROJECT
(SWC Project No. 1736)

mission staff on various features of design at 25, 50 and 90 percent design completion stages. This allows the staff to have input into what is taking place, and Mr. Sprynczynatyk indicated that the design for the Southwest Pipeline Project will be completed in the spring of 1985.

Dave Sprynczynatyk reported that a Design Review meeting was held recently with the Engineering Consultants to brief the State Water Com-

Relative to the acquisition of easements for the Project, Mr. Sprynczynatyk stated that acquisition of land for the pumping plants is nearly completed, and that the acquisition of easements for the pipeline began last month and is proceeding on schedule.

Secretary Fahy explained three alternatives that are being considered for financing of the Southwest Pipeline Project: 1) pay-as-you-go with bonding; 2) legislative action; and 3) revision to the Constitution. He stated that the Commission will have to make a decision as to which alternative(s) should be recommended to the Legislature for their consideration.

GARRISON DIVERSION
PROJECT STATUS REPORT
(SWC Project No. 237-2)

Garrison Diversion relationships with the Garrison Diversion Unit Commission. The Commission members were then presented with a briefing on the current status of the project by Gary Helgeson.

Secretary Fahy indicated that Murray Sagsveen, Gary Helgeson and himself have been appointed as a Coordinating Committee to handle

Mr. Helgeson indicated that since the public hearings in Bismarck in October the State Water Commission staff and the Garrison Diversion Conservancy District have been working on the North Dakota Plan for Development of the Garrison Diversion Unit, which was completed and delivered to the Garrison Diversion Unit office this date. Mr. Helgeson said that the Plan basically supports the concept of authority on the Garrison Project and offers a proposal for phased implementation of that project.

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Mr. Helgeson indicated that the next series of public hearings are scheduled for November 16 and 17, 1984 in Fargo, ND.

MISSOURI BASIN
STATES ASSOCIATION
(SWC Project No. 1569)

Secretary Fahy stated that at a recent meeting of the Executive Committee of the Missouri Basin States Association, a motion was adopted stating that the Missouri Basin States Association will not take a position at this time adverse to the authorized and funded projects under the Pick-Sloan Plan.

Secretary Fahy stated that at a recent meeting of the Executive Committee of the Missouri Basin States Association, a motion was adopted

CONTINUED CONSIDERATION OF
PROPOSED RESOLUTION RELATIVE
TO UNITED STATES/CANADIAN
DRAINAGE RECIPROCITY

At the Commission's September 10, 1984 meeting, the draft resolution presented by Mr. William L. Guy on July 23, 1984 relating to United States/Canadian drainage reciprocity was further discussed. The Commission directed the State Engineer and staff to prepare an alternate resolution that would make specific reference to drainage in Canada rather than to Canadian hydropower.

At the Commission's September 10, 1984 meeting, the draft resolution presented by Mr. William L. Guy on July 23, 1984 relating to United States/Canadian drainage reciprocity

Secretary Fahy stated that after discussions with the Committee appointed to review this matter, he took the approach of drafting a letter to the Secretary of the Department of Energy requesting that further discussions with Manitoba concerning the Limestone Contract be suspended pending a comprehensive study of the impacts of that agreement upon the economy of this State and its ability to continue development of its natural resources.

In discussing the proposed letter, the Commission members were in agreement that this is a proper approach as a substitute to the original resolution.

- * A motion was made by Commissioner Jacobson and seconded by Commissioner Vculek that the proposed letter as offered by Secretary Fahy be approved. (Copy of letter attached hereto as APPENDIX "A")

CONTINUED DISCUSSION OF
PROPOSED RESOLUTION RELATIVE
TO DOWNSTREAM STATES

At the Commission's September 10, 1984 meeting, the draft resolution presented by Mr. William L. Guy on July 23, 1984 requesting the North Dakota Congressional Delegation to prepare legislation which would levy federal downstream navigation fees and flood protection taxes to raise the federal funds to complete upstream Pick-Sloan irrigation such as the Garrison Diversion Irrigation Project in North Dakota was further discussed. The Commission directed the State Engineer and staff to prepare an alternative resolution that would make specific reference to those organizations who have not supported the downstream states, such as the Missouri Conservation Commission, and others.

At the Commission's September 10, 1984 meeting, the draft resolution presented by Mr. William L. Guy on July 23, 1984 requesting the North Dakota Congressional Delegation to prepare legislation which would levy federal downstream navigation fees and flood protection taxes to raise the federal funds to complete upstream Pick-Sloan irrigation such as the Garrison Diversion Irrigation Project in North Dakota was further discussed.

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Secretary Fahy indicated that after discussions with the Committee appointed to review this matter, he has drafted a letter to the Missouri Conservation Commission in Jefferson City, Missouri, incorporating the Commission's suggestions.

In discussing the draft letter, it was agreed by the Commission members that the draft letter be approved as a substitute to the original resolution.

- * A motion was made by Commissioner Hutton and seconded by Commissioner Vculek that the proposed letter as offered by the State Engineer be approved. (Copy of letter attached hereto as APPENDIX "B")

Secretary Fahy indicated that both of Mr. Guy's resolutions were adopted with modifications by the Legislative Overview Committee and he would inform Mr. Guy of the State Water Commission's specific approach taken in response to the resolutions.

FURTHER DISCUSSIONS RELATIVE
TO DRAINAGE PROBLEMS IN
GRAND FORKS AND WALSH COUNTIES
(SWC Project Nos. 1105 & 1252)


At the Commission's September 10, 1984 meeting, Commissioner Hutton briefed the members on problems involving the Soo Line Railroad in Grand Forks and Walsh Counties.

The legal staff of the State Water Commission was directed to prepare a letter to both the Grand Forks and Walsh Counties Water Resource Boards, with a carbon copy to the Minnesota Department of Natural Resources, relative to an injunction against further building by the Soo Line Railroad from Fordville to Oslo, Minnesota, and from Oslo east.


Commissioner Hutton updated the Commission members on this matter and commended the legal staff. Meetings have been scheduled with all concerned parties.

There being no further business to come before the Commission at this time, the meeting adjourned at 12:00 noon.

The Commission members participated in the dedication ceremonies for the Dead Colt Creek Flood Control and Recreation Dam.


Allen I. Olson
Governor-Chairman

ATTEST:


Vernon Fahy
State Engineer and Secretary

September 28, 1984

NORTH DAKOTA STATE WATER COMMISSION

REGISTER

ATTENDANCE AT State Water Commission Meeting

DATE September 28, 1984 PLACE Lisbon, N.Dak.

PROJECT NO. _____

Your Name	Your Address	Who do you Represent? (Or Occupation)
<u>Wally Holgren</u>	<u>Bismarck</u>	<u>Hon. Olson</u>
<u>W.A. Hendrickson</u>	<u>Fargo</u>	<u>Garrison</u>
<u>DR. Brethling</u>	<u>WF</u>	<u>Ransom</u>



GOVERNOR ALLEN I. OLSON
CHAIRMAN

VERNON FAHY
SECRETARY & STATE ENGINEER

September 28, 1984

Mr. Donald P. Hodel, Secretary
Department of Energy
Forrestal Building, Room 7A257
1000 Independence Avenue, S.W.
Washington, D. C. 20585

Dear Secretary Hodel:

In recent weeks the State Water Commission has become aware of the discussions which the Western Area Power Administration has held with Manitoba officials concerning the Limestone Project. As we understand this proposal it could result in a contract which would allow Manitoba hydropower to be sold in North Dakota at or below the present cost of power produced from coal conversion facilities.

It would appear that such an arrangement could be highly detrimental to the interests of the citizens of our state because of its adverse impact upon coal and water development, two areas which are basic to our economic stability. The Limestone Project contract, if finalized, would drastically curtail coal development in the state which accounts for a large portion of our employment base.

You know from your prior distinguished service in the Department of the Interior that Manitoba's objection to the Garrison Diversion Project is predicated on an assumption that the project would contribute to unemployment in that Province and that its economy would be adversely affected. No assumption needs to be made concerning the impact of the Limestone contract on this state - the end result appears to be obvious.

The point must also be made that energy development in this nation to reduce our dependence on foreign governments is a goal not served by the proposed contract with Manitoba.

Mr. Donald P. Hodel
September 28, 1984
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The State Water Commission respectfully requests that further discussions with Manitoba concerning the Limestone contract be suspended pending a comprehensive study of the impacts of that agreement upon the economy of this state and its ability to continue development of its natural resources.

Sincerely,

North Dakota State Water Commission



GOVERNOR ALLEN I. OLSON
CHAIRMAN

VERNON FAHY
SECRETARY & STATE ENGINEER

September 28, 1984

Mr. Larry Gale, Director
Missouri Conservation Commission
Department of Conservation
P. O. Box 180
Jefferson City, Missouri 65102

Dear Mr. Gale:

The North Dakota State Water Commission has been given copies of a newspaper article in which your Commission is described as being opposed to the development of the Garrison Diversion Project in this State. According to the story, your opposition is based on the assumption that your residents would have 178,000 fewer ducks to kill if the project proceeds.

Galen Buterbaugh, Regional Director, Fish and Wildlife Service, Denver, has stated for the record of the Garrison Diversion Unit Commission that the present mitigation plan results in no losses to wildlife due to the project construction as planned. This is fact, not an assumption.

People of this state also appreciate the recreational aspects of society but they are particularly interested in a future that provides economic stability as well. Impoundments in this state which contribute millions of dollars of benefits in Missouri through flood damage reduction adversely effect our economy to the extent of \$131 million annually. This is no small sacrifice for a state with fewer than 700,000 people.

Your state benefits tremendously at our expense in many ways. The Federal Government builds, operates and maintains a navigation works at no cost to you and you have access to disproportionately large shares of low cost hydroelectric generation. You have been able to develop large areas of the Missouri floodplain because of protection provided by impoundments in the upper basin states.

The State of Missouri was actively involved in the formulation of the 1944 Flood Control Act which was, and is, an agreement among the 10 Missouri Basin states providing for permanent floods to be created on millions of acres of upstream lands to protect the lower states from periodic devastation caused by overbank flows. Upper states were to receive

Mr. Larry Gale, Director
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water for development in return for their sacrifice of land for flood control reservoirs. You have received your benefits and now, according to the news story, you are opposed to the upstream development which was a part of the original agreement.

Perhaps you are unaware of the value of the benefits accruing as a result of the upstream impoundments and would desire to join with us in a request to our respective Congressional delegations to cause a study to be undertaken which would place a value on navigation, power generation, recreation, floodplain development and flood control benefits which accrue free of charge to residents of downstream states as a result of upstream investments. Such a study would be of immeasurable assistance in re-establishing the upstream-downstream rapport that was so evident during the years in which the plan to provide downstream protection and upstream development was formulated. The study would also display the fact that upstream irrigation development must be repaid to the federal treasury through user fees and hydroelectric revenues and that additional upstream land must be provided to meet wildlife mitigation requirements.

If the Congressional delegations favor such a study it is possible that the Missouri Basin States Association could be designated as the coordinating group since all basin states have representation in that Association.

Sincerely,

North Dakota State Water Commission