

MINUTES

**North Dakota State Water Commission
Bismarck, North Dakota**

January 25, 1990

The North Dakota State Water Commission held a meeting on January 25, 1990, in the lower level conference room at the State Office Building, Bismarck, North Dakota. Chairman, Lt. Governor Lloyd Omdahl, called the meeting to order at 9:30 a.m., and requested State Engineer and Chief Engineer-Secretary, David Sprynczynatyk, to call the roll and present the agenda.

MEMBERS PRESENT:

Lt. Governor Lloyd Omdahl, Chairman
Sarah Vogel, Commissioner, Department of Agriculture, Bismarck
Joyce Byerly, Member from Watford City
Jacob Gust, Member from West Fargo
Lorry Kramer, Member from Minot
William Lardy, Member from Dickinson
Daniel Narlock, Member from Oslo, MN
Norman Rudel, Member from Fessenden
Jerome Spaeth, Member from Bismarck
David A. Sprynczynatyk, State Engineer and Chief Engineer-Secretary, North Dakota State Water Commission, Bismarck

OTHERS PRESENT:

State Water Commission Staff Members
Approximately 25 people 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.

**CONSIDERATION OF MINUTES
OF DECEMBER 6, 1989 MEETING -
APPROVED**

The minutes of the December 6, 1989 meeting were approved by the following motion:

It was moved by Commissioner Byerly, seconded by Commissioner Rudel, and unanimously carried, that the minutes of the December 6, 1989 meeting be approved as circulated.

**SOUTHWEST PIPELINE PROJECT -
PROJECT UPDATE
(SWC Project No. 1736)**

At the December 6, 1989 meeting, the State Water Commission directed the State Engineer to express its concerns to the Garrison Diversion Conservancy District that the Southwest Pipeline Project remain a high priority when determining the reallocation of federal MR&I Water Supply Program funds for Fiscal Year 1990. The Commission stressed the importance of delivering raw water to Dickinson in 1991 and completion of the project as quickly as possible. Secretary Sprynczynatyk stated the objective of delivering raw water to Dickinson in 1991 can be achieved provided there is sufficient funding for the Southwest Pipeline Project.

**SOUTHWEST PIPELINE PROJECT -
1990 PROJECT CONSTRUCTION
(SWC Project No. 1736)**

Tim Fay, Project Manager for the Southwest Pipeline Project, provided the Commission members with charted information relative to the project construction schedule required for the delivery of raw water to Dickinson in 1991.

Bids for the pump station and surge tanks at Dodge and the pump station and reservoir at Richardton were advertised the first week in January, 1990, and the bids will be opened on February 15, 1990. The estimated price for the Dodge pump station and surge tanks is \$1.3 million; and, the estimated price for the Richardton pump station and reservoir is \$1.95 million. Mr. Fay said construction on these facilities should be able to begin as soon as field conditions permit.

Pipeline segment 2-3C is being prepared for bidding, which is scheduled for construction start before the end of June. The estimated cost of contract 2-3C is \$1,600,000. Mr. Fay said construction of this segment will take place within the industrial and residential areas of Dickinson and will require very careful coordination with the City of Dickinson, the Burlington Northern Railroad and other utilities and interests.

**SOUTHWEST PIPELINE PROJECT -
ELECTRICAL SERVICE
(SWC Project No. 1736)**

Mr. Fay stated the Southwest Pipeline Project is eligible to use federal electricity at preference customer rates. The electricity will be provided in two ways.

At the intake structure, federal power transmission lines are distant, and service is currently provided to the Basin Electric equipment by the distri-

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bution facilities of Oliver-Mercer Electric Cooperative. These facilities are not currently adequate to serve the additional needs of the Southwest Pipeline pumps so the facilities are being upgraded and a substation is being enlarged. The upgrading of the facilities will cost approximately \$194,000.

Electric service for operation will ultimately be transmitted to the intake pumps over Oliver-Mercer's distribution facilities. The cost to do so will include three components: 1) the "base charge" represents the portion of the Coop's physical facilities required to convey the electricity, and is estimated to be \$161,000; 2) the "wheeling charge" is a fee for actually handling the electricity, which will be .014 cents/kwh. The electrical service will remain the property of the Oliver-Mercer REC, thus, there will be no maintenance costs required of the project; and 3) the Southwest Pipeline Project will actually purchase the power from the Western Area Power Administration (WAPA) for a cost of about .01 cents/kwh. As a result, the total cost for power at the intake facility will be about .024 cents/kwh plus an up-front cost of \$161,000.

The situations at the Dodge and Richardton pumping plants are different since Montana-Dakota Utilities Company (MDU) has transmission lines within one mile of each site. These lines are currently used for the conveyance of federal power, and since the Southwest Pipeline Project is authorized to use this power, all that is required is a means of take off from the transmission lines.

At the Dodge and Richardton pumping stations, Mr. Fay said the necessary electrical facilities will be bid and constructed as project features. The Southwest Pipeline Project will enter an agreement with WAPA for the electricity. MDU could assess a wheeling charge as well, but WAPA and MDU have a standing agreement on mutual wheeling services, so it is likely there will no be additional wheeling charges to the project.

Mr. Fay said agreements are currently being negotiated with WAPA for supplying electrical power and with Oliver-Mercer REC for base and wheeling charges. These agreements will be brought before the Commission for approval in the near future. The facilities to tap MDU's transmission lines for service to the Dodge and Richardton pumping plants are in design and will be bid on a schedule compatible with the other construction at those sites.

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**SOUTHWEST PIPELINE PROJECT -
DATA HANDLING TELEMETRY
(SWC Project No. 1736)**

Mr. Fay said the automated control system will not be installed when raw water service to Dickinson begins. This Data Handling Telemetry (DHT) system involves remote sensors in the pipeline facilities linked by radio communication equipment with data processing equipment in the operation and maintenance center. The pipeline can be operated manually on a temporary basis, however, the distances between control points, the complexity of the system, and the cost of operational errors make it highly desirable to install this feature as soon as possible. A preliminary system layout and frequency search was made in 1985, and the work is currently being updated to account for the changes in radio frequency availability, state-of-the-art in the equipment, and final design of the pipeline components.

**SOURIS RIVER FLOOD
CONTROL PROJECT UPDATE
(SWC Project No. 1408)**

Secretary Sprynczynatyk reported at the December 6, 1989 Commission meeting that the Saskatchewan Wildlife Federation filed a lawsuit against the Rafferty Dam project in an attempt to stall the project and change the environmental requirements in Canada. The Judge issued a court ruling that the Minister of Environment in Canada did not use proper procedures in reviewing the project and the Minister must appoint a federal panel prior to January 30, 1990 to again review the project. Secretary Sprynczynatyk said in the event the Minister does not appoint a federal panel, construction on the Rafferty Dam project would be stopped, although construction of the spillway is far enough along so that the dam will be capable of storing water in 1990.

**DEVILS LAKE FLOOD CONTROL
PROJECT UPDATE
(SWC Project No. 1712)
(SWC Resolution No. 90-1-437)**

At the December 6, 1989 meeting the Commission members were briefed on the Corps of Engineers proposal for completing the Devils Lake Flood Control Outlet Study. The Corps' proposal requested additional information relative to the project and required approximately \$200,000 to complete the feasibility study, of which 50 percent of the feasibility study costs were to be the responsibility of a local project sponsor.

In discussion of the proposal, Secretary Sprynczynatyk stated the Corps was looking at the State Water Commission to either sponsor the project or to assist in identifying a local sponsor. In the event there is not a local sponsor, the project would then be temporarily suspended and a notice to that effect would be issued.

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In discussion of the proposal, the State Water Commission agreed that because of the fiscal situation in North Dakota and the near emergency being created by the declining level of Devils Lake, it could not be the local project sponsor at this time, and that all efforts are being directed to diverting water into Devils Lake. The Commission unanimously passed a motion directing the State Engineer to respond to the Corps of Engineers proposal as follows:

- 1) The State Water Commission is not able to be the local project sponsor for the Devils Lake Outlet Flood Control Study at this time because of the fiscal situation in North Dakota;
- 2) The State Water Commission is currently concentrating its efforts on the diversion of water into Devils Lake to maintain the water level;
- 3) The Commission still believes strongly in the need for flood control to Devils Lake and that the Corps of Engineers should expeditiously complete the feasibility study without local cost share; and
- 4) The Commission accepts the suspension of the study until such time the fiscal situation in North Dakota improves and a local sponsor can be identified.

Secretary Sprynczynatyk indicated a letter was forwarded to the Corps of Engineers relating the State Water Commission's action of December 6, 1989. To date, a response has not been received from the Corps of Engineers.

Secretary Sprynczynatyk said the important issue is the declining level of Devils Lake. In the past three years, the level of Devils Lake has dropped approximately four feet and if the lake level continues to drop another three feet, the fishing which has developed could be destroyed. Representatives from state agencies and the local level have been working to try and stabilize the level of Devils Lake, provide an inlet to divert water into the lake, and enhance the water quality.

At the August 24, 1989 meeting, the State Water Commission went on record requesting the Corps of Engineers to complete the flood control study as quickly as possible; that Senator Burdick seek a directive to the Corps of Engineers for the authority to conduct a reconnaissance level study of the management of Devils Lake addressing water quality, water quantity, recreation and flood control; and, that the study be completed within twelve months. Secretary Sprynczynatyk stated

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to date, the Congressional committee has not acted on the request for the reconnaissance level study of the management of Devils Lake.

Secretary Sprynczynatyk stated the Corps of Engineers has agreed to continue its efforts on the stabilization of Devils Lake under their Planning Authority Program Section 22. In formulating the 1991 budget for the Garrison Diversion project, Secretary Sprynczynatyk indicated \$200,000 has been included for the Devils Lake stabilization, which is a high priority project in the State of North Dakota.

Secretary Sprynczynatyk noted petitions are being circulated in the Devils Lake area affirming the need to bring Missouri River water to stabilize Devils Lake, which is needed to preserve and maintain an adequate quantity and quality of water for migrating waterfowl and maintaining the lake for fishing, hunting and other recreation. The petition requests that an emergency be declared and that federal authority be approved to plan, fund and implement a project to bring water to Devils Lake.

In discussion, it was the consensus of the Commission members that the stabilization of Devils Lake continues to be a high priority project in the State of North Dakota and the need to divert Missouri River to stabilize the lake is essential. The State Water Commission requested the State Engineer and staff to draft a resolution reaffirming its position of the need to bring Missouri River water to stabilize Devils Lake, request that a federal emergency be declared, and that federal authority be approved to plan, fund and implement a project to stabilize Devils Lake.

It was moved by Commissioner Gust and seconded by Commission Rudel that the State Water Commission approve Resolution No. 90-1-437, Support for the Stabilization of Devils Lake.

Commissioners Byerly, Gust, Kramer, Lardy, Narlock, Rudel, Spaeth, Vogel and Chairman Omdahl voted aye. There were no nay votes. The Chairman declared the motion unanimously carried. SEE APPENDIX "A".

Representative Gordon Berg discussed activities the state and local committees and groups have been involved in, and briefed the Commission members on the Canadian fish and biota concerns.

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**RED RIVER DIKES -
PROJECT UPDATE
(SWC Project No. 1638)**

At the December 6, 1989 meeting the Commission members were informed the Corps of Engineers had completed its' on-site study of 21 areas that Minnesota defendants of the Red River Dikes lawsuit had identified in question because of North Dakota's interpretation and judgement on the natural ground issue. Seventeen sites were found to be in compliance with the court order, two sites were above the natural ground level, and the Corps was uncertain on two sites because they could not get onto the land. Secretary Sprynczynatyk said he has discussed the natural ground issue with the Director of Minnesota's Department of Natural Resources and efforts are being discussed to resolve the issue where the Corps of Engineers were unable to get onto the land of two sites in question. Secretary Sprynczynatyk reiterated the fact that the results of the Corps on-site inspection clearly indicates North Dakota's honest, professional and conscientious efforts in determining the allowable dike height stipulated in the agreement.

**RED RIVER DIKES -
CONSIDERATION OF REQUEST
FOR PAYMENT OF DAMAGE
CLAIM BY VICTOR STOLTMAN
(SWC Project No. 1638)**

Secretary Sprynczynatyk briefed the Commission members on a claim filed by a landowner requesting reimbursement of approximately \$1,300 for a fence he claims was damaged during the dike removal process to conform with the federal court order. Staff are investigating the matter and an on-site inspection will be made. Secretary Sprynczynatyk stated in the past the State Water Commission has given the State Engineer authority to act on requests up to \$10,000 and report back to the Commission.

It was the recommendation of the State Engineer if the investigation and inspection indicate the Commission is responsible for fence damages, the State Engineer be authorized to make payment from carryover funds available from the last biennium and advise the Commission of his action at a future meeting.

It was moved by Commissioner Gust, seconded by Commissioner Narlock, and unanimously carried, that the State Engineer be authorized to proceed as recommended and that the State Water Commission be advised of his action at a future meeting.

**MISSOURI RIVER UPDATE
(SWC Project No. 1392)**

At the December 6, 1989 meeting the Commission members were informed that the Master Manual for the operations of the Missouri River is being reviewed by the

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Corps of Engineers. Several meetings have been held with the Corps of Engineers and the Missouri Basin Governors' Master Manual Oversight Committee. Secretary Sprynczynatyk noted that the initial draft report is expected to be released for review in April, 1990 and, hopefully, the contemporary needs of the upper basin states will be recognized and reflected in the guidelines of the Missouri River system's operations. If there are significant changes proposed, it will take approximately three years to implement those changes because of the environmental review requirements.

In reviewing the 1990 Annual Operating Plan for the Missouri River System, Secretary Sprynczynatyk stated North Dakota took the position with the Corps of Engineers that the navigation season be delayed at least until June 1, 1990, and that minimum flows be provided during the remainder of the navigation season to help offset the negative impacts to the upper basin states caused by last year's deviation from the Master Manual. It was also recommended that the Corps reduce winter releases next year to the maximum extent possible.

Secretary Sprynczynatyk briefed the Commission members on a recent meeting he attended with representatives of the Corps of Engineers and the Oversight Committee. At that meeting, the Corps was questioned regarding a delayed navigation start and the Corps agreed to review the recommendation. The Corps has since solicited comments on a four-week delay of the start of the navigation season, which Secretary Sprynczynatyk said is encouraging, but North Dakota will persist with its request to delay the start of the navigation season until June 1, 1990.

On January 12, 1990, Colonel Witherspoon, recently assigned as District Engineer for the Omaha Corps of Engineers, met with Governor Sinner and Governor Mickelson to discuss water-related projects and issues of importance to North and South Dakota.

**GARRISON DIVERSION PROJECT -
PROJECT UPDATE
(SWC Project No. 237)**

The Commission members were informed the President's budget will provide zero funds to the Garrison Diversion Project for Fiscal Year 1991. Therefore, considerable effort will be required to obtain a minimum appropriation to keep the project going. Secretary Sprynczynatyk stated Governor Sinner and the Chairman and Manager of the Garrison Diversion Conservancy District met with the Congressional Delegation and leaders of the Administration in Washington, DC on January 23, 1990, to discuss the Garrison appropriation and wetlands in-lieu-of tax payments.

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Secretary Sprynczynatyk discussed activities being undertaken in North Dakota to provide solid evidence of North Dakota's support for the Garrison Diversion project as its top priority water management project.

Secretary Sprynczynatyk stated the Garrison Joint Technical Committee of the United States and Canada recently met in Winnipeg. It appears that a sincere desire exists by all parties to evaluate the Sykeston Canal, the Mid-Dakota Reservoir, and other features of the Garrison Project in a professional and unbiased fashion.

The Inspector General of the Department of the Interior made a review of cost allocations of several Bureau of Reclamation projects last summer and fall, which included the Garrison Project. A report will be filed with the Secretary of the Interior and Congress in February, 1990. Secretary Sprynczynatyk said this matter is of interest because it will review the non-reimbursable costs of the project, which have an impact upon federal participation in operating expenses of the project after the District assumes operational responsibility.

Secretary Sprynczynatyk reported a proposal has been filed with the Bureau of Reclamation for a preliminary evaluation of the possibility of early construction of Glover Reservoir as a stand-alone facility using the waters from the James River to expand the Oakes Test Area into the other irrigation areas in Dickey and Sargent Counties.

**GARRISON DIVERSION PROJECT -
MR&I WATER SUPPLY PROGRAM UPDATE
(SWC Project No. 237-3)**

Jeffrey Mattern, MR&I Water Supply Program Coordinator, reported 38 projects have received MR&I funding approval from the State Water Commission and Garrison Diversion Conservancy District, of which 25 are in the feasibility study phase, 8 in the design and construction phase, and 5 in the completion phase.

Due to federal budget reductions, Fiscal Year 1990 MR&I Water Supply Program funding has been reduced to \$1.94 million. The State Water Commission and the Garrison Diversion Conservancy District previously approved \$823,436 for the McLean-Sheridan Water Supply Project (Coleharbor Alternative), MR&I Needs Assessment, Northwest Area Water Supply Study and five feasibility studies. Mr. Mattern stated this leaves a balance of \$1,116,564 available for allocation from the Fiscal Year 1990 federal funds. In addition, there is approxi-

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mately \$308,000 of excess funds available from projects that have been completed, bringing the total amount available for allocation to \$1,424,564.

Mr. Mattern stated high priority projects to be considered to receive funding are Creel Domestic Utilities Water Supply, Grandin Water Supply, Langdon Rural Water Project Phase II, McLean-Sheridan Water Supply Project (Denhoff Alternative), North Valley Improvements, and the Southwest Pipeline Project.

Secretary Sprynczynatyk explained that the current MR&I priority point system allows 12 discretionary points to be added by the State Water Commission, and it has been agreed that a portion of these discretionary points should be added for economic development. A draft point system for economic development was distributed for the Commission's consideration at its next meeting.

Secretary Sprynczynatyk stated the Commission may want to give consideration to allow an additional two discretionary points for projects that are currently underway. This would give priority to complete a project rather than have many projects under construction at the same time.

**GARRISON DIVERSION PROJECT -
CONTINUED DISCUSSION
RELATIVE TO FEDERAL AND LOCAL
COST SHARING FORMULA FOR MR&I
WATER SUPPLY PROGRAM FUNDS
(SWC Project No. 237-3)**

At the December 6, 1989 meeting Commissioner Narlock, speaking on behalf of Clark Cronquist, Agassiz Rural Water Users, discussed the federal and local cost sharing policy for water supply projects requesting MR&I

Water Supply Program funds. The formula currently used is 75 percent federal and 25 percent local. It was suggested the cost sharing policy be changed to 50 percent federal and 50 percent local. The Commission members did not act on the proposal at the December 6, 1989 meeting.

In discussion of the proposal to change the MR&I Water Supply Program cost sharing formula, Commissioner Narlock said the needs of an area should be considered when prioritizing a project for MR&I funds, and stressed the importance of establishing guidelines and a policy for the expenditure of MR&I funds if more federal funds become available in the future.

Chairman Omdahl stated it is obvious federal MR&I funds will not be sufficient to meet the requests for funding assistance from this program. He said it

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may be necessary to increase the local cost share and consider alternate sources of funding. Chairman Omdahl requested the State Engineer and staff develop information and recommendations on MR&I Water Supply Program cost share funding options and alternate sources of funding for consideration at the Commission's next meeting. The State Engineer was also directed to discuss with the Garrison Diversion Conservancy District the proposal to change the federal-local cost sharing formula for MR&I Water Supply Program funds.

Secretary Sprynczynatyk stated the staff is currently developing information on various options and sources of financing water supply projects. Secretary Sprynczynatyk reported on a meeting held with representatives of the North Dakota Municipal Bond Bank to discuss the possibility of utilizing future federal and state funds.

Secretary Sprynczynatyk provided background information relative to the federal authority for the MR&I Water Supply Program. He said the authority to change the cost sharing formula would have to be approved by the State Water Commission and the Garrison Diversion Conservancy District through a joint powers agreement.

**GARRISON DIVERSION PROJECT -
NORTHWEST AREA WATER SUPPLY
STUDY REQUEST FOR ADDITIONAL
MR&I FUNDS FOR FINAL COSTS
OF INTEGRATED STUDY
(SWC Project No. 237-4)**

At the December 6, 1989 meeting the State Water Commission approved the allocation of federal MR&I Water Supply Program funds in the amount of \$22,936 for the report costs of the Northwest Area Water Supply

Integrated Study. The State Water Commission also approved the allocation of \$7,646 from the State Water Commission Contract Fund for the study. These actions were based upon an estimate of non-Indian associated costs of \$30,582.

Secretary Sprynczynatyk stated the total estimated cost was \$53,856, with \$23,274 of that necessary to complete the integration study of the Fort Berthold Indian Reservation. The Three Affiliated Tribes were contacted to request assistance in sharing that portion of the report costs. They responded that the total study should be funded using 75 percent MR&I funds and the remaining balance divided equally between the Three Affiliated Tribes, Garrison Diversion Conservancy District, State Water Commission and the City of Minot. Seventy-five percent federal funding would be \$40,392, with the remaining balance to be shared equally between the four parties, in the amount of \$3,366. Secretary Sprynczynatyk said

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this would require an additional \$17,456 of federal MR&I program funds. Following completion of the integration study, a bill could be developed for introduction by the Congressional Delegation for federal authorization for the project.

Secretary Sprynczynatyk stated the specific reasons noted by the Three Affiliated Tribes for their proposal for funding are: 1) the Tribes have expended their Indian MR&I planning funds; 2) the State has a larger MR&I funding program; 3) the study is fully eligible for both the on- and off-reservation components for state MR&I consideration; and 4) the Tribes obtained 100 percent funding for the new water storage tank in New Town saving several hundred thousand dollars of funding from the state MR&I program.

It was the recommendation of the State Engineer that additional federal MR&I program funds in the amount of \$17,456 be approved for the final costs of the Northwest Area Water Supply Integrated Study.

It was moved by Commissioner Byerly and seconded by Commissioner Kramer that the State Water Commission approve additional federal MR&I Water Supply Program funds in the amount of \$17,456 for the final costs of the Northwest Area Water Supply Integrated Study. This motion is contingent upon the availability of funds.

In discussion of the motion, Commissioner Lardy reiterated concerns previously expressed relating to encouraging another section of our state to work toward completing an expensive project leaving other projects throughout the state partially completed. He said "let's complete the projects we have underway, and once completed, work toward other projects." Commissioner Lardy expressed concern regarding the impacts of approaching Congress to request additional funds for a significant project.

Commissioner Byerly reiterated her previous comments that the preliminary studies are a vital part of a project and must be completed before a project can proceed. We have to be optimistic that the state's financial situation will improve. Commissioner Byerly said "the State Water Commission has control over the project, but it is essential that this study be completed with the state's financial assistance."

Commissioners Byerly, Gust, Kramer, Narlock, Rudel, Spaeth, Vogel and Chairman Omdahl

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voted aye. Commissioner Lardy voted nay.
Recorded vote was 8 ayes; 1 nay. The Chairman
declared the motion carried.

**GARRISON DIVERSION PROJECT -
CONSIDERATION OF REQUEST
FOR FEDERAL MR&I WATER
SUPPLY PROGRAM FUNDS FOR
SOUTHWEST PIPELINE PROJECT
(SWC Project No. 1736)**

The State Water Commission has established a high priority for the delivery of water to Dickinson in 1991. If this objective is to be accomplished, Secretary Sprynczynatyk said it is necessary to begin construction

on the Richardton pump station and reservoir, the Dodge pump station, Contract 2-3C, and provide electrical service for the two pumping plants. These contracts require more than one construction season to complete, including ordering time for equipment. The additional funding required now is \$2,133,064.

Secretary Sprynczynatyk also explained that the telemetry control system has a rather long completion requirement, but it is anticipated the pipeline could operate for a short period of time without a completed control system. The telemetry control system and other items for 1991 construction are estimated at \$2.5 million.

It was the recommendation of the State Engineer that the State Water Commission approve 1990 federal MR&I Water Supply Program funds in the amount of \$1,087,064 for the Southwest Pipeline Project, contingent upon the availability of funds.

Chairman Omdahl indicated Governor Sinner has requested that the State Water Commission defer action on the requests for funding at this time unless the Commission, in its judgement, considers the request critical or an emergency situation.

Chairman Omdahl reiterated that the State Water Commission has established a high priority for raw water delivery to Dickinson in 1991. The Chairman expressed concern that deferring action at this time on the request for additional federal and state funds for construction of the Southwest Pipeline Project will jeopardize the 1991 delivery schedule and could cause long-term damage to the project.

It was moved by Commissioner Narlock and seconded by Commissioner Lardy that the State Water Commission approve 1990 federal MR&I Water Supply Program funds in the amount of \$1,087,064 for the Southwest

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Pipeline Project. This motion is contingent upon the availability of funds.

Commissioners Byerly, Gust, Kramer, Lardy, Narlock, Rudel, Spaeth, Vogel and Chairman Omdahl voted aye. There were no nay votes. The Chairman declared the motion unanimously carried.

**SOUTHWEST PIPELINE PROJECT -
CONSIDERATION OF REQUEST
FOR ADDITIONAL FUNDS FROM
THE STATE WATER COMMISSION
CONTRACT FUND FOR THE
SOUTHWEST PIPELINE PROJECT
(SWC Project No. 1736)**

Secretary Sprynczynatyk stated that following the December 5, 1989 special election, he met with Governor Sinner to discuss the disbursement of the Contract Fund during the current biennium. Governor Sinner expressed the need to make an ef-

fort to protect money for critical services and hold, until revenues improve, the State Water Commission grants. Secretary Sprynczynatyk said it was agreed several priorities for funds from the Contract Fund exist and there would be a need to obligate and utilize a portion of the Contract Fund at this time.

Secretary Sprynczynatyk stated in order to remain on schedule for delivery of raw water to Dickinson in 1991, which the Commission has established as a high priority, \$1,046,000 will be required to be allocated from the Contract Fund at this time.

It was the recommendation of the State Engineer that the State Water Commission approve the allocation of \$1,046,000 from the State Water Commission Contract Fund for the Southwest Pipeline Project, contingent upon the availability of funds.

It was moved by Commissioner Lardy and seconded by Commissioner Rudel that the State Water Commission approve the allocation of \$1,046,000 from the State Water Commission Contract Fund for the Southwest Pipeline Project. This motion is contingent upon the availability of funds.

Commissioners Byerly, Gust, Kramer, Lardy, Narlock, Rudel, Spaeth, Vogel and Chairman Omdahl voted aye. There were no nay votes. The Chairman declared the motion unanimously carried.

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**GARRISON DIVERSION PROJECT -
CONSIDERATION OF REQUEST FOR
MR&I WATER SUPPLY PROGRAM
FUNDS FOR DESIGN PHASE OF
CREEL DOMESTIC UTILITIES
WATER SUPPLY PROJECT
(SWC Project No. 237-5)**

Creel Domestic Utilities Water Supply Project. The Commission took this action in view of the referral election and the reduction in federal MR&I funds.

At the December 6, 1989 meeting the State Water Commission deferred action on a request for federal MR&I Water Supply Program funds in the amount of \$337,500, and for a 50 percent grant of \$56,250 for the non-federal design costs for the

Secretary Sprynczynatyk stated the Creel Domestic Utilities Project may be constructed in four components, allowing funding in one or more fiscal years. A review of the project indicates it is consistent with the federal MR&I program requirements. The estimated design cost is \$450,000, with 75 percent funding being \$337,500. The project sponsor is considering various options for funding the 25 percent non-federal requirement.

Secretary Sprynczynatyk indicated there is a need for water in the area and the project is a high-ranking project. He also indicated the project will enhance economic development in the area. He said it is the intent to begin the design phase in February and be completed by the end of the federal fiscal year. This would allow the project to be ready for construction, if federal funds become available or if other methods of financing are available.

It was the recommendation of the State Engineer that the State Water Commission approve federal MR&I Water Supply Program funds in the amount of \$337,500 for the design costs of the Creel Domestic Utilities Water Supply Project, contingent upon the availability of funds. The Garrison Diversion Conservancy District has approved the recommendation for federal MR&I Water Supply Program funds for this project.

**It was moved by Commissioner Lardy
and seconded by Commissioner Narlock
that the State Water Commission approve
the allocation of federal MR&I Water
Supply Program funds in the amount of
\$337,500 (75% of \$450,000) for the design
costs of the Creel Domestic Utilities
Water Supply Project. This motion is
contingent upon the availability of funds.**

In discussion of the motion, Chairman Omdahl reiterated the recommendation of Governor Sinner to defer action on all projects except those projects which, in

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the Commission's judgement, is considered a critical or emergency situation. Chairman Omdahl said he is not opposed to any of the projects or expenditures of funding for the project, but in order to manage the state's fiscal situation, the Governor has recommended deferral at this time.

Secretary Sprynczynatyk indicated there is a need for water in the area and completion of the design phase would allow the project to be ready for construction should funding become available in the future. Secretary Sprynczynatyk explained the request for funding, which is before the Commission, is for federal MR&I Water Supply Program funds which do not go through the state budget. He explained that the federal funds go directly from the Federal Government to the Garrison Conservancy District, and if the State Water Commission and the Garrison Diversion Conservancy District approve funding for a project, those funds are then disbursed from the Conservancy District's account to the project.

Representative Gordon Berg provided background information relative to the Creel Domestic Utilities Water Supply Project and urged the Commission's favorable action at this time on the request for 75 percent funding from the federal MR&I Water Supply Program.

It was moved by Commissioner Lardy and seconded by Commissioner Gust that the State Water Commission table the original motion until the Commission's next meeting.

Garland Hoistad, Ramsey County Water Resource Board, discussed the petition being circulated in the Devils Lake area to bring Missouri River water into Devils Lake, and made reference to the resolution passed by the State Water Commission at this meeting supporting its position that stabilization of Devils Lake is a high priority in the State of North Dakota. Mr. Hoistad urged the Commission's favorable action on federal funding for the design phase of the Creel Domestic Water Supply Project. Completion of the design phase would place this project in priority for future MR&I funds that may become available.

It was moved by Commissioner Byerly and seconded by Commissioner Lardy to call for the question. Chairman Omdahl asked those in favor of calling the question indicate by saying aye. There were no nay votes. The Chairman declared the vote unanimous.

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Chairman Omdahl indicated the question on the tabling motion is a procedural motion. The Chairman called for a voice vote, which signified both ayes and nays. The Chairman called for a vote by show of hands. Six Commission members voted in favor of tabling the original motion until the next meeting; three Commission members voted in opposition to tabling the original motion until the next meeting.

The Chairman declared the original motion tabled until the next meeting.

The Commission recessed for lunch at 12:10 p.m. Chairman Omdahl called the meeting back to order at 1:20 p.m. Commissioner Vogel was absent.

**GARRISON DIVERSION PROJECT -
CONTINUED DISCUSSION OF
REQUEST FOR FEDERAL MR&I
WATER SUPPLY PROGRAM FUNDS
FOR DESIGN PHASE OF CREEL
DOMESTIC UTILITIES WATER
SUPPLY PROJECT
(SWC Project No. 237-5)**

It was moved by Chairman Omdahl and seconded by Commissioner Lardy that the State Water Commission reconsider the action taken to table the motion to approve federal MR&I Water Supply Program funds in the amount of \$337,500 for the design costs of the Creel Domestic Utilities Water Supply Project, contingent upon the availability of funds.

The Chairman called for a voice vote on the motion and declared the motion carried.

Chairman Omdahl stated the funds requested for the design phase of the Creel Domestic Utilities Water Supply Project are from the federal MR&I Water Supply Program, which are outside the State's budget. The Chairman stated it is important that the design phase for this project proceed and requested the Commission reconsider its previous action to table the original motion until the next meeting.

January 25, 1990

Commissioner Byerly stated she is going to vote against the motion because it appears the Commission is undecided in its decision.

Commissioner Lardy expressed opposition that this is another significant project the Commission should not become involved in at this time.

The Chairman called for a roll call vote on the original motion that the State Water Commission approve federal MR&I Water Supply Program funds in the amount of \$337,500 for the design costs of the Creel Domestic Utilities Water Supply Project, contingent upon the availability of funds.

Commissioners Gust, Narlock, Rudel, Spaeth and Chairman Omdahl voted aye. Commissioners Byerly, Kramer and Lardy voted nay. The recorded vote was 5 ayes; 3 nays. The Chairman declared the motion carried.

**GARRISON DIVERSION PROJECT -
NORTH DAKOTA WATER AND
WILDLIFE COOPERATIVE EFFORT
PROGRESS REPORT
(SWC Project No. 1841)**

At the August 24, 1989 meeting the State Water Commission supported a proposal to participate with the Garrison Diversion Conservancy District and the North Dakota Game and Fish Department in a water and wildlife development cooperative effort, utilizing the North Dakota Water Users Association to provide coordination services on water and wetland resource issues. The State Water Commission approved funds from the Contract Fund in the amount of \$10,000 for the Water and Wildlife Development Cooperative Effort, and requested progress reports be provided by the Executive Vice President of the North Dakota Water Users Association.

Michael Dwyer, Executive Vice President of the North Dakota Water Users Association, gave a report on the progress of the North Dakota Water and Wildlife Cooperative Effort. The report included identifying the primary areas of work, miscellaneous efforts and targeted future efforts. The report is attached hereto as APPENDIX "B".

January 25, 1990

**1989-1991 CONTRACT FUND AND
CONSIDERATION OF DISBURSEMENT
OF FUNDS FOR PROJECTS
(SWC Project No. 1)**

Secretary Sprynczynatyk stated that in his discussion with Governor Sinner following the December 5, 1989 special election relative to the disbursement of the Contract Fund during the current biennium, the Governor felt efforts must be made to protect money for critical services and hold, until the revenues improve, the State Water Commission grants. It was agreed several priorities for the Contract Fund exist and that there would be a need to obligate and utilize a portion of the Contract Fund at this time.

Secretary Sprynczynatyk presented the following proposal for utilizing approximately 50 percent of the Contract Fund appropriation, and holding in reserve, approximately \$3.1 million until the end of the biennium:

Southwest Pipeline Project	\$1,046,000
Sheyenne River Flood Control Project	500,000
Biota Transfer Studies	51,900
Hydrologic Data Collection	430,000
MR&I Water Supply Program	130,000
General Projects (Traditional Contract Fund)	150,000
	<u>\$2,307,900</u>

Secretary Sprynczynatyk provided a briefing on each project in the proposal for disbursement of the Contract Fund. Because of Governor Sinner's request to defer action on funding requests at this time, unless the Commission considered a critical or emergency situation, it was the recommendation of the State Engineer that further action be deferred on the projects and programs in the proposal. Secretary Sprynczynatyk referred to the previous action taken by the Commission approving funds from the Contract Fund in the amount of \$1,046,000 for the Southwest Pipeline Project.

It was moved by Commissioner Gust, seconded by Commissioner Lardy, and unanimously carried, that the State Water Commission defer action on the proposal for further disbursement of the Contract Fund at this time as recommended by the State Engineer.

January 25, 1990

**DISCUSSION RELATIVE TO
STATE WATER COMMISSION
CONTRACT FUND POLICY
(SWC Project No. 1)**

or maintenance of projects. Flood control retention dams, drainage projects, and snagging and clearing projects are examples of the type of project typically funded from the general projects account. Secretary Sprynczynatyk said the State Water Commission and the State Engineer have approved approximately \$45,000 of projects since July 1, 1989, which will leave approximately \$105,000 to be allocated by the Commission on future projects for the remainder of the biennium, if the recommended Contract Fund allocation is approved at some time.

Requests for funding are expected to continue. Secretary Sprynczynatyk said the remaining \$105,000 allocation for general projects will not provide funding for any large projects and only limited funding for a few small projects. He also noted there are two spring runoff periods in the next biennium which need to be considered when discussing disbursement of funds from the Contract Fund.

Secretary Sprynczynatyk said it is anticipated that the State Water Commission will be involved in several small projects in 1990 and 1991, but not on a cash outlay basis. There are several projects that need repairs or modifications. Agreements will be entered into on several projects where the overall costs will be shared by two or more entities. The State Water Commission's share will be engineering and staff time for design, survey work, or actual construction by staff in the construction section. The State Water Commission can construct projects that do not exceed \$25,000. Projects with construction costs above this amount must be bid.

It was the recommendation of the State Engineer that funding requests continue to be processed and determinations made whether the project is eligible for state cost share funding. The Commission could then consider a request for cost share funding when the requirements have been met and the funding availability has been determined. In the meantime, project sponsors would be informed of eligibility but lack of funds.

**CONTINUED CONSIDERATION OF
REQUEST FROM RAMSEY COUNTY
WATER RESOURCE DISTRICT FOR
COST SHARING IN HAMMER-
SULLIVAN DRAIN NO. 1, PHASE II
(SWC Project No. 1832)**

At the December 6, 1989 meeting the State Water Commission deferred action on the request for cost sharing participation in the construction of Hammer-Sullivan Drain No. 1, Phase II.

January 25, 1990

Robert Garske, Chairman of the Ramsey County Water Resource Board, stated the Board did not wish to withdraw its request for cost participation and requested it remain on the priority list for future funding.

Secretary Sprynczynatyk referred to a January 15, 1990 letter from the Ramsey County Water Resource Board, in which the project is further explained and the Board requests the State Water Commission give the project a priority status for funding of approximately \$50,000, which would allow them to proceed with the project and then be reimbursed for the work that is done when funds become available.

Secretary Sprynczynatyk reviewed the status of the Contract Fund for the biennium. It was the recommendation of the State Engineer that because of the significant cutbacks from the Contract Fund and the uncertainty of the availability of funds at this time, this request for funding from the Contract Fund remain in deferred status.

In discussion, it was suggested that the status of the Contract Fund be reviewed after the 1990 spring runoff period, and if sufficient funds are available at that time, a portion of the request for cost sharing in the construction of the Hammer-Sullivan Drain No. 1, Phase II be considered.

It was moved by Commissioner Spaeth and seconded by Commissioner Narlock that the State Water Commission approve cost sharing from the Contract Fund in the amount of \$25,000 for the construction of Hammer-Sullivan Drain No. 1, Phase II Project. This motion is contingent upon the availability of funds and the status of the Contract Fund following the 1990 spring runoff period.

Commissioner Spaeth voted aye. Commissioners Byerly, Gust, Kramer, Lardy, Narlock, Rudel and Chairman Omdahl voted nay. Recorded vote was 1 aye; 7 nays. The Chairman declared the motion failed.

**CONSIDERATION OF AGENCY
FINANCIAL STATEMENT**

the Program Budget Expenditures and the Programs/Projects Authorized, dated December 31, 1989.

Matt Emerson, Assistant Secretary for the State Water Commission presented and discussed

January 25, 1990

**GRAND FORKS RIVERSIDE
PARK DAM AWARD OF
EXCELLENCE
(SWC Project No. 520-2)**

excellence in the use of concrete. The award identifies the State Water Commission as the architect and structural engineers.

Secretary Sprynczynatyk reported the Grand Forks Riverside Park Dam was presented an award from the North Dakota Ready Mix and Concrete Association for

**DISCUSSION RELATIVE TO
MEMORANDUM OF AGREEMENT
ON SECTION 404 REGULATORY
PRACTICES**

and the Environmental Protection Agency regarding Section 404 guidelines of the Clean Water Act. The states were not aware of the content of the Memorandum of Agreement and, therefore, there was not an opportunity for comment. Because of the concerns raised by the states, the Administration has delayed implementation of the Agreement until the latter part of January. Secretary Sprynczynatyk indicated Governor Sinner will be contacting the Congressional Delegation and the Assistant Secretary of the Corps of Engineers to convey North Dakota's concerns.

Secretary Sprynczynatyk briefed the Commission members on a Memorandum of Agreement entered into on November 14, 1989 between the Corps of Engineers

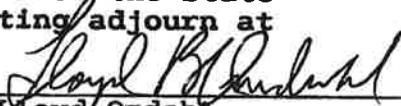
**GARRISON DIVERSION PROJECT -
CONSIDERATION OF REQUEST
FROM AGASSIZ WATER USERS, INC.
TO APPROVE DESIGN AND
CONSTRUCTION PHASE
(SWC Project No. 237-12)**


Secretary Sprynczynatyk said this request would allow them to begin working on the project using funds from other sources, and in the event federal MR&I Water Supply Program funds become available, it allow them to be reimbursed for the work completed if the requirements of the federal MR&I program are met. The Commission took no action on the request at this meeting.

Secretary Sprynczynatyk briefed the Commission members on a request from the Agassiz Rural Water Users, Inc. to consider approval to proceed with the design and construction phase of their rural water project.

It was moved by Commissioner Narlock, seconded by Commissioner Gust, and unanimously carried, that the State Water Commission meeting adjourn at 2:20 p.m.

SEAL


Lloyd Omdahl
Lt. Governor and Chairman


David A. Sprynczynatyk
State Engineer and
Chief Engineer-Secretary

January 25, 1990

NORTH DAKOTA STATE WATER COMMISSION

REGISTER

ATTENDANCE AT State Water Commission Meeting
 DATE January 25, 1990 PLACE Bismarck, ND
 PROJECT NO. _____

Your Name	Your Address	Who do you Represent? (Or Occupation)
Tim Fay	Bismarck	SWC Staff
Bruce McCollom	Bismarck	BW/BEC Engineers
Asp. Undersahl	HEBRON	WEST RIVER JOINT BD
Robert T. Brodeur	Fargo	S/E Cass Water Dist
Gordon Berg	Ats Devils Lake	Dist. 15 State Rep.
Jim Robinson	1600 E Interstate Ave. Bismarck, ND	Law and Const. Reg. Council
Fletcher Poling	Bismarck	Basin Electric Power Cooperative
Bob Gauske	Devils Lake	Ramsay County
John Olson	Devils Lake	Olson-Kaufman
Garland Hoistad	Churchs Ferry, ND	Ramsay Co WRD
Scott Peterson	Bismarck	ND Game + Fish Dept.
Steve Pusc	BISMARCK	SWC Staff
CHARLES VEIN	GRAND FORKS	KBM INC.
Arlin Hanson	Sherwood	St Rep.
Gene Krenz	Bismarck	SWC

NORTH DAKOTA STATE WATER COMMISSION
REGISTER

ATTENDANCE AT _____

DATE _____ PLACE _____

PROJECT NO. _____

Your Name	Your Address	Who do you Represent? (Or Occupation)
Mike Faith	PO# D Ft. Yates, ND.	Standing Rock Sioux Tribe
JEFFREY MATTERW	BISMARCK	NDSWC
Dale FRINK		
Bruce Pier	Dickinson	City of Dickinson
Randall Singer	Bismarck	Amoco Oil Company

RESOLUTION NO. 90-1-437

SUPPORT FOR THE STABILIZATION OF DEVILS LAKE

WHEREAS, Devils Lake is the largest natural body of water in North Dakota; and

WHEREAS, Devils Lake is an important lake for waterfowl, fish and other wildlife; and

WHEREAS, Devils Lake has developed into a tremendous attraction for tourists, boaters, fishermen, hunters and other recreationists; and

WHEREAS, the resulting economic development has become important to the immediate area near Devils Lake, as well as the State of North Dakota as a whole; and

WHEREAS, because of the extended drought of recent years, the elevation of Devils Lake has declined to a dangerously low level; and

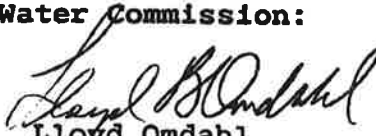
WHEREAS, the only viable source of water to stabilize Devils Lake is the Missouri River, and the delivery system for the water is the Garrison Diversion Project.

NOW, THEREFORE, BE IT RESOLVED that the North Dakota State Water Commission meeting this 25th day of January, 1990, in Bismarck, North Dakota, does hereby affirm the need to bring Missouri River water to Devils Lake in order to stabilize Devils Lake and maintain an adequate quantity and quality of water for fishing, hunting, and other recreation; and


BE IT FURTHER RESOLVED that Senator Quentin Burdick, Senator Kent Conrad, and Congressman Byron Dorgan are requested to seek a Presidential declaration of emergency; and, that the United States Army Corps of Engineers or the United States Bureau of Reclamation be given authority to plan, fund and implement the project to bring Missouri River water to Devils Lake.

For the North Dakota State Water Commission:

SEAL


Lloyd Omdahl
Lt. Governor-Chairman

ATTEST:


David A. Sprynczynatyk
State Engineer and
Chief Engineer-Secretary

January 25, 1990

REPORT
WETLANDS COORDINATION

Introduction

This is the first report for the wetlands coordination effort initiated by the State Water Commission, the Game and Fish Department, and the Garrison Diversion Conservancy District. This report covers the period of time from July 1, 1989 through December 31, 1990. This report will identify primary areas of work, miscellaneous efforts, and targeted future efforts. Attached to this report as Exhibit 1 is a two page document setting forth the purpose, long term goals, and short term goals of the North Dakota Water and Wildlife Cooperative Effort. Attached as Exhibit 2 is a copy of the itemized statement of time each day spent on wetlands coordination activities.

A. Primary Areas of Work

Governor's Wetlands Management Committee. Efforts for the Governor's Wetlands Management Committee has included preparation of agendas, material for meetings, and letters to federal and state officials concerning recommendations of the committee. Meetings with Lieutenant Governor and the representatives of the Governor's office have been required to accomplish this task. The Governor's Wetlands Management Committee has developed several recommendations with unanimous support concerning Federal Waterbank, Conservation Reserve Program, Swampbuster, and Refuge Revenue Sharing.

B. Refuge Revenue Sharing. A major focus during the time period of this report has been resolving the Refuge Revenue Sharing Fund issue. As a follow-up to our trip to Washington, DC in 1989, a nationwide effort to generate support for S 1150 was developed. This nationwide effort also supported increasing annual appropriations to make 100% entitlement payments. Regular communications with congressional delegations and staff, correspondence to statewide and national groups, and preparation of supportive material were the primary tasks in this regard. Unfortunately, we were not successful in incorporating S 1150 into S 804 (the Mitchell Bill), nor were we successful in increasing the appropriation for the Refuge Revenue Sharing Fund. A new effort is being initiated for this next congressional session.

C. Mid-Dakota Reservoir. The timing of the Mid-Dakota Reservoir has several steps. The primary focus at this time is bringing Mid-Dakota to the attention and approval of the Canadians. After a visit with Manitoba officials in Winnipeg, Mid-Dakota was included for consultations, which is a very pleasant achievement. After several meetings, the Game and Fish Department agreed to prepare a wildlife report comparing the benefits of Mid-Dakota with the Skyston Canal, which will provide additional support for the Mid-Dakota proposal. Mid-Dakota will not be a primary issue at the national and congressional level during this year.

D. Farm Groups. A major effort involved an effort to propose a cooperative policy to North Dakota's major farm group. With the valued assistance of Charon Johnson, several meetings were held with Farm Bureau, Farmers Union, and Stockmen to present and explain the proposed policy. The proposed policy is attached as Exhibit 3. This effort met with limited success, although the educational value of the efforts cannot be under estimated.

E. Miscellaneous Efforts. The coordination tasks included a variety of miscellaneous items, including presentation of North Dakota's no net loss concept at a Ducks Unlimited National Symposium, appearance before interim legislative committees, preparation of articles for statewide and national magazines and journals, preparation of materials to explain the achievements of the cooperative effort, and related tasks.

F. Future Efforts. The document attached as Exhibit 1 sets forth a list of long term and short term goals. Of current priority are Garrison Diversion appropriations, Refuge Revenue Sharing, revising the North Dakota/FWS agreements, preparation of a wetland handbook, meeting with County Commissioners and local governments, and continuing the efforts of the Donut Club and the Governor's Wetlands Management Committee.

Let me know if there are any questions concerning this report.

January 23, 1990

North Dakota Water and Wildlife Cooperative Effort

I. Purpose

To facilitate cooperation between water, agriculture, and wildlife interests to accommodate mutual objectives.

II. Long Term Goals

- A. To facilitate water development and water management.
- B. To provide benefits to farmers and ranchers from wetlands, and to resolve conflicts between landowner and conservation objectives.
- C. Protect wetlands in a manner which achieves a no net loss of wetlands.

III. Short Term Goals

- A. Implement the No Net Loss of Wetlands Program.
- B. Modify the GDU to construct the Mid-Dakota Reservoir in place of the Skyston Canal, and thereby facilitate the distribution of water in North Dakota for necessary beneficial uses.
- C. Continue the Governor's Wetlands Management Committee as a forum to develop consensus and work together to accomplish mutual objectives.
- D. Resolve specific water and wetlands related projects, including:
 1. Refuge Revenue Sharing
 2. Compensation Programs for Farmers
 3. Kraft Slough
 4. Wells and Bottineau Management Projects
 5. Rush Lake
 6. Others
- E. Develop a favorable attitude in North Dakota towards water and wetlands cooperative effort.
- F. Continue existing and develop new programs to provide farmers and ranchers with an opportunity for economic incentive for wetlands.
- G. Take advantage of the opportunity to establish wetlands as an economic base for North Dakota.
- H. Achieve adjustments in Swampbuster which provides flexibility without diminishing the purpose and implementation of Swampbuster.

IV. Plan of Implementation - Garrison Diversion

Emerson Murry is primarily in charge of this, with the assistance of the State Water Commission, the Governor's Office, the Water Users, the Conservation organizations, and others.

1. Emerson and delegation will be traveling to Washington, D.C. to meet with John Sayre, Dennis Underwood, and our delegation concerning the IG Report and Garrison funding.
2. Governor Sinner will be in Washington, D.C. on February 25-27, and perhaps on February 28 we could utilize him to meet with Secretary Lujan, Peter Berle, George Miller, and others concerning Garrison and other issues.

3. At the appropriate time, the significance and the importance of Garrison funding must be escalated through state organizations, mayors of major communities, M,R,&I cities, and others. This will be even more important than last year to get high priority action from our delegation.
4. Mid-Dakota Reservoir. The first step in Mid-Dakota Reservoir is to address Mid-Dakota in the consultative process with Canada. At the appropriate time it will be necessary to initiate a Washington, D.C. effort concerning Mid-Dakota.

V. Plan of Implementation - Refuge Revenue Sharing

1. Lloyd Omdahl and a delegation will be meeting in Washington, D.C. with John Turner of the Fish and Wildlife Service, Administrator Keith Bjerke of the ASCS, Wilson Scaling, Chief, SCS, Congressman Conte, Studs, Senators Mitchell and Byrds (or staffs), our own delegation, and others concerning the Refuge Revenue Sharing issue, Garrison, and Swampbuster penalties. Larry Jahn, Wildlife Management Institute and other conservation organizations will also be included.
2. This issue can be included in Governor Sinner's meetings in February.
3. This issue must be kept on the front burner through follow-up efforts, including:
 - A. Regular letters to appropriate persons and decisions makers.
 - B. Telephone calls to the same people.
 - C. Continued reminding of the many good things that have been accomplished, the sincere and earnest desire to continue these accomplishments, but the inability to do so without resolution of the issue.
4. List of Key Congressional People

VI. Plan of Implementation - Swampbuster Penalty

1. Adjustment of the Swampbuster Penalty is appropriate to consider as part of the 1990 Farm Bill process. A meeting with ASCS Administrator Keith Bjerke during Lloyd Omdahl's first trip to Washington will initiate this process.

Proposed Policy

We believe that land ownership is a fundamental principle of our democracy, and that efforts to preserve and enhance wildlife resources which fail to recognize and respect the concerns of landowners can lead to antagonism, strained relations, hostility, and litigation.

While protection of wetlands has become a national priority, we believe that efforts to protect, regulate, or preserve wetlands can only be successful by working with and cooperating with landowners, farmers and ranchers.

We believe a cooperative approach to wetland issues is much preferred and can provide mutual benefits, both to North Dakota's farmers and ranchers and to those interests who seek to protect and preserve wetlands.

Therefore:

1. We support the cooperative efforts on wetland and related land issues and will work with water, wildlife and other agriculture groups to achieve benefits, both economic and otherwise, on these issues for farmers and ranchers.
2. We believe wetland protection programs should emphasize alternative economic incentives to farmers and ranchers.
3. All efforts and programs must rely upon voluntary and willing participants.
4. We believe that cooperative efforts on wetland issues should emphasize management and flexibility.

We encourage continued cooperative efforts as this approach is the best means of providing benefits for all parties.