

## What's Inside?

Comment period extended  
**Page 2**

Outrage at water fees  
**Page 2**

Chairman's comments  
**Page 3**

2010 Accomplishments  
**Page 4**

### Annual dues statement

It takes funds to work on your behalf. A dues statement is enclosed. Please help us continue our efforts to make a good lake great.

### The new look

A new logo. A new brochure. Check us out on [www.lakesakakawea.com](http://www.lakesakakawea.com) and a bit of a new DVD will be available on the web site, too. Attending the Bismarck or Minot Sport Shows? Stop to see the DVD and to visit with a representative. If you're not getting the E-Newsletter, please let us know at [friends@lakesakakawea.com](mailto:friends@lakesakakawea.com) and we will put you on the list; it's a great way to stay informed.

### About the picture

A committee of the Friends board of directors came together to try to determine how best to address recreation roads during 2011 Legislative Session. A concurrent resolution to study need, economic values and methods to improve access roads statewide is being introduced. The Friends ask the members to encourage their legislators to support the resolution.



## Friends to raise awareness

A committee of the Friends of Lake Sakakawea board decided that the best course for action in the 2011 Legislature is a concurrent resolution supporting a study of recreation roads statewide.

The concurrent resolution asks for a study by the North Dakota Department of Transportation to coordinate with the North Dakota Department of Commerce to complete a study to define the needs, economic values, and methods to improve access roadways to recreation, tourist and historic areas in North Dakota.

Lobbyist Bill Butcher said, "We'd hope to secure immediate funding for recreational road improvements but because roads are already a significant issue in the 2011 session, we decided a resolution may be a better course of action. The study would look at the funding, construction methodology and the needs throughout the state."

The Friends believe that the Special Roads Fund created under NDCC 24-02-37 is inadequate to meet the local and statewide needs to improve access roadways to recreation, tourist and historic areas. The organization will demonstrate that many existing access roadways are in a significant state of disrepair and are in need of improvement, because of limited maintenance, inadequate base materials and surfacing,

narrow widths, and noncompliance with safety standards.

Testimony will show that county and township funding is inadequate and severely stressed due to other priority projects and needs, limiting local governments' ability to make the necessary investment to improve these access roadways. Access roadways to recreational, tourist and historic sites represent a local and statewide value, as well as a substantial opportunity, as improvements will lead to increased use resulting in added value and income to the local and state economies.

Another concern is that the projected population increases in North Dakota, related to the expanding energy industry and overall economic growth, will result in an increasing demand for recreational opportunities.

The Friends propose that the study evaluate alternatives for roadway surfacing, construction methodologies and life cycle costs to determine which are most applicable to the various locations.

A concurrent resolution, once passed, will be considered for study prior to the 2013 session.

Membership will be advised of the progress on the resolution through the E-newsletter. If you are not receiving the E-newsletter, please send your email address to [friends@lakesakakawea.com](mailto:friends@lakesakakawea.com).

# Corps extends public comment period for Draft Lake Sakakawea Surplus Water Report

OMAHA, NEB.– The U.S. Army Corps of Engineers, Omaha District, has extended the public comment period for the Draft Lake Sakakawea Surplus Water Report and Environmental Assessment by an additional 15 days, giving the public an opportunity to provide their input and recommendations through Feb. 1, 2011.

“This report has generated a significant amount of public interest, and our goal is to ensure that the public has enough time to review the report, and provide us with their comments and input, which we will take into consideration as we move forward with developing the final report,” said Larry Janis, project manager.

The draft Lake Sakakawea Surplus Water Report and EA are available for viewing at: [www.nwo.usace.army.mil/html/pd-p/review\\_plans.html](http://www.nwo.usace.army.mil/html/pd-p/review_plans.html) and in hardcopy at libraries in Bismarck, Dickinson, Garrison, Riverdale, Williston, New Town, Beulah and Hazen, N.D. The public may submit comments via comment forms available at libraries where the report is located. They may also provide written comments,

which should be mailed to: U.S. Army Corps of Engineers, Omaha District; CENWO-OD-T; ATTN: Lake Sakakawea Surplus Water Report and EA; 1616 Capitol Avenue; Omaha, NE 68102-4901. Comments can also be emailed to: [garrison-surplusstudy@usace.army.mil](mailto:garrison-surplusstudy@usace.army.mil). All comments must be post-marked or received no later than Feb. 1, 2011.

## Background

The draft surplus water report proposes temporarily making up to 257,000 acre-feet of storage (100,000 acre-feet of yield) per year within the Garrison Dam / Lake Sakakawea Project, N.D. available for municipal and industrial water supply use. Temporarily making surplus water available will allow the Omaha District to enter into surplus water agreements for up to 257,000 acre-feet of storage for surplus water to meet regional water needs until a permanent reallocation study can be completed. The draft EA, attached to the report, identifies baseline environmental conditions and analyzes potential impacts from the proposed use of surplus water.

# Proposed water fees spark outrage

By KFJR-TV

City and state officials from around North Dakota are gearing up for a feud with the Army Corps of Engineers 50 years in the making. At the heart of the issue is the new fee the Corps wants to implement for water storage in Lake Sakakawea. The Corps says a 2008 memo from the federal government says it needs to impose easement fees on personal and public entities that draw water from the lake. The fee would be \$20.91 per acre foot of water. The Corps says the fees will be used to pay back the federal government for construction of the Garrison Dam.

City of Minot Public Works Director Alan Walter says the fee represents a pattern of disrespect and abuse the Corps of Engineers has shown the state. “It’s just another slap in the face, really, to all of North Dakota,” says Walter.

Walter is not alone in his frustration. Governor Jack Dalrymple has called the plan an outrage. Dalrymple says the citizens of North Dakota already gave up 550,000 acres of land to create the lake, and to now be charged a fee to access water covering that land is unjust.

Larry Janis, project manager for the Lake Sakakawea Surplus Report, says the Corps is simply following directions. Janis says putting an easement, which is a pipe or other irrigation method to drain water from the lake, initially came without an imposed fee, the Corps of Engineers always reserved the right to charge for water use in the future. The Corps says that time has now come. “Part of the process we were following was a deferment where we would implement an easement but

let people know that once they did receive that easement that there could be a contract in the future,” Janis said.

The argument from local leaders is twofold: Is it fair to force only the citizens of North Dakota to pay for a federal structure that benefits the entire nation? And why wait 50 years to send North Dakota the bill?

Janis acknowledges the fees only apply to water storage in the reservoir, and does not take into account the array of benefits and uses the dam and reservoir provide to states down-

stream. “This only speaks to water supply and not to some of the other project purposes that have some wide reaching benefits from navigation, to hydro generation, to fish and wildlife,” says Janis.

The issue has many moving pieces, a dam constructed with federal money holding back water to form a reservoir that Walter maintains belongs to

North Dakota, and thus the citizens and municipalities drawing from the lake should not be additionally charged for the water.

“According to the state constitution, free flowing water in the Missouri River is property of North Dakota, that isn’t federal water,” says Walter.

The fees and charges are still in their early research and public input phase. Nobody has been charged a water storage fee. However, city and state officials say they are ready to take the matter to court if the Corps of Engineers tries to impose the charge.

See **WHAT OTHERS ARE SAYING** on page 4



limits, and the extent to which the proposal exceeds those limits.

The Corps has some authority to manage the dam but not the kind of authority it asserts here, and I’m confident that a court would recognize such



Wayne Stenehjem, ND attorney general

# Fleck: Public will say 'What's wrong with this picture?'

Good evening. I'm Terry Fleck, chairman of the Friends of Lake Sakakawea, an organization entrusted with safeguarding the interests of a variety of stakeholders, from cities, to chambers, to fishermen and recreational enthusiasts.

I'd like to begin by apologizing to Gov. Dalrymple, our congressional delegation, my friends at the Corps, our friends of North Dakota and the members of the Friends of Lake Sakakawea. As a rule when I share my comments, I practice being nice. It's a personal and professional belief, but not tonight.

Tonight it's about the Flood Control act of 1944 – six dams and eight authorized purposes. In 1944 four of the eight authorized purposes were front and center: flood control, navigation, irrigation and hydroelectric power. Flood control, though, was the focus.

The dams have done the job when it comes to flood control. On Oct. 7, 2009 at the Corps' Annual Operating Plan meeting, the Corps reported that the Flood Damage Prevention Index stood at \$37.9 billion dollars. And with all of the water in 2010 it will be over 40 billion saved by the federal government through flood control.

In addition our government sells electricity to its people. The Garrison project last year generated \$35.8 million. Since 1967, the Garrison project generated more than \$901 million from electricity. And the six dams since 1967 generated 3 billion, 777.5 million in cash to the federal government.

But, wait, as part of the Flood Control Act, our government came to the Upper Basin and confiscated – oh, I mean compensated – the landowners for the land needed for this worthy project. And in many cases the government bought the mineral rights, as well, long before any of these good people would understand the value of those minerals. Unfortunately, I was unable to get the amounts paid to the federal government for rental and royalty payments for federal oil and gas leases collected from the Garrison project.

Now understand the Flood Damage Prevention Index will grow in savings to the people in the basin and the federal government as we move forward. The electricity is being sold in today's dollars and I don't have to explain to anyone here the value of gas and oil revenue in today's dollars.

Now you stand before us and you want to charge us for our own water. On June 11, 1953, President Dwight D. Eisenhower came to North Dakota to do his address at the closing ceremonies at the Garrison Dam. I wondered, what could a president have said on that day to make us feel good about what had happened to the Indian and Non-Indian people who lived on the Missouri River who gave so much and lost their way of life.



Terry Fleck

I'll share five paragraphs from President Eisenhower's speech that day.

"Now, possibly it would be appropriate for me to express here a bit of my own philosophy as to the kind of partnership that would develop these great works. As I said, I believe that the federal government has a major role to play.

"But we must not forget that our founding fathers found and believed it was necessary that in diffusing and dispersing power – the control over our lives in this country – it wasn't enough to disperse it and diffuse it functionally in the executive branch, the legislative branch and the judicial. They felt it also necessary to diffuse it geographically.

"In other words, the state has not only a tradition but a very necessary function to perform in our country, if we are to be assured of remaining the kind of people under the kind of governmental system that we now enjoy and which has brought us to this point.

"And so I believe that in a great work, a great development such as this, the state has a very distinct function and it must be performed. Else too much power will be concentrated in Washington and all people will have to look to that far off place to say, 'What may I do and what may I not do,' whether you be an industrialist in the city or a farmer tilling the soil.

"And in the same way the community, the municipality has a function. And finally there is always a place in our country for private enterprise. Indeed, when that function disappears then we will be under some other alien form of government and one that we would not recognize now.

"I wonder if you would allow me to read an observation from one of the greatest presidents our country has produced – Abraham Lincoln. He said once, 'The legitimate object of the government is to do for a community of people whatever they need to have done but cannot do at all or cannot do so well. In all that the people can do individually do so for themselves, government ought not to interfere.'

You can paint this picture however you want but when you frame and finally hang it on the wall for all the people in this country to see, they will see it for what it is.

And I believe in my heart, given a jury of my peers, they would look at this picture and say, "What's wrong with this picture?"

So I would thank you tonight. I don't believe President Eisenhower could have envisioned what's happening here this evening. I don't believe this was his vision. Let me be clear: We are mad as hell and we're not going to take it anymore.

This is our water ... our water.

- Worked closely with federal and state political leaders, state agencies and Corps of Engineers through public meetings, working committees and one-on-one contracts to give you a voice.

- Worked in partnership with the Corps of Engineers and North Dakota Game & Fish to identify lake access points for stakeholders to use year-long. We helped the Corps of Engineers reach area media with information on ice fishing and year-round access points.

- Monitored runoff and storage situations to assure that the Corps of Engineers adhered to the mandates in the Master Manual concerning curtailing the navigation system and adjusting releases.

- Had two board members at the table in the Missouri River Recovery and Implementation Committee. Terry Fleck, Friends of Lake Sakakawea chairman, and David Johnson spent countless hours participating in the efforts of the MRRIC. The MRRIC is in charge of mitigating losses of aquatic and terrestrial habitat, ensuring the recovering of the federally listed species under the Endangered Species Act and involved in restoration of the ecosystem to prevent further declines among other native species.


- Participated in the Missouri River Authorized Purposes Study and working hard to educate North Dakotans about the importance of participating.

- Shared the story of the Friends of Lake Sakakawea at two in-state sport shows through literature, a DVD and conversation.

- Served as a voice at numerous public meetings by working with others to find solutions. The Friends are regularly in contact with the North Dakota Game & Fish, Corps of Engineers, U.S. Fish & Wildlife, Garrison Conservancy District, Missouri River Joint Water Board, local chambers and county organizations,

# What did we accomplish?

## in 2010



water boards and weed boards.

- Kept our membership up to date on lake related issues through emails and newsletters. We are vigilant in monitoring ever changing developments and working for you year-round to give you first-hand information on the lake the Missouri River Basin system.

- Continue to share the message of our efforts and concerns about the lake with area media. The Friends have earned a reputation of an organization that is accessible, committed and dedicated to the causes of the lake.

- Raised public awareness statewide about the economic impact of our superb fishery and the serious impact low lake levels can have on the fishery and associated industries. We fight hard to share the story and raise concern.

- Supported and developed partnerships between concessionaires, local businesses and federal agencies and concerned citizens.

- Continue to support responsible use of the lake and surrounding lands by All Terrain Vehicles and warn of the dangers of Aquatic Nuisance Species. The Friends administered a grant to educate the public about the prevention and eradication of ANS, with the cooperation of the Voices of Oahe and the Devils Lake Chamber of Commerce.

- Participated in the discussion about a proposed water surplus study of Lake Sakakawea.

## What others are saying

“As development in North Dakota continues, Missouri River water becomes an important component to the growth of the state and the nation. Just as important is the ability to access Missouri River water in a timely manner in order to meet the immediate water supply needs of the people of North Dakota. Using U.S. Army Corps of Engineers’ easements to block North Dakota’s access to its own rightful water supplies is not only an improper use of the intended purpose of these easements, but is also an unconscionable and unjust attempt to achieve monetary gain where none is justified.”

Jack Dalrymple, ND governor

“The Corps’ assumption is that all requests for easements for Lake Sakakawea need to use stored water. This is entirely wrong. The natural flows are nowhere near being fully appropriated. Due to the availability of natural flows, water storage agreements are not needed. The Corps of Engineers must recognize that any easement requests currently before them do not require

the Corps to operate the system to provide the water, and do not require storage contracts. So the policy does not apply, and will never apply when the water used is within the natural flows.”

Todd Sando, ND state engineer & engineer-secretary  
ND State Water Commission

“If the concern is shortage of water from the system, then that is a completely different logic. We can understand the average person on the street being concerned when there are numerous reports stating that oil well fracking takes nearly a million gallons and that hundreds if not thousands of such wells are envisioned in our State in the near future. But the Corps should be able to put such language and numbers in a proper perspective, even if the average person on the street cannot. Even at a million gallon allocated per oil well for fracking needs that is only 3 acre feet of water per well. And even at a 1000 such wells, that is only approximately 3,000 acre feet. That amounts to 3,000 acre feet out of a Lake that has a capacity to hold nearly 25 million acre feet of water. Three thousand out of potentially 25 million; it is a single penny out of an \$8,000 bill.”

Ken Royce, Missouri River Joint Water Resource Board