

**August 2022**

*Co-Sponsored by:*

**MISSOURI RIVER  
JOINT WATER BOARD**

**MISSOURI RIVER  
ADVISORY COUNCIL**

*Prepared by*

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Wade Bachmeier | Chairman, Missouri River Joint Water Board

***It was a pleasure and a surprise to hear common themes coming from the various stakeholder groups. Across the board, there was a unity being voiced which the State of North Dakota needs to hear and take action on.***

***First, it was echoed that the Missouri River is a reliable source of water. Another common theme was the lack of political clout that our state has in Washington, D.C. in terms of changing policy. In addition, many stakeholders commented on the litigious philosophy from lower basin states as well as regulatory and permitting issues with the U.S. Army Corps of Engineers (USACE).***



***Another common theme is the need for North Dakota to have a unified voice in terms of Missouri River use in the state and that we need to be proactive rather than reactive. This comes from the lack of knowledge the general population has regarding the river in our state.***

***Action items include the need to attract more manufacturing and industry that requires a reliable water source; enhancing and completing municipal/rural/irrigation water needs in the state and, the nemesis called aquatic nuisance species (ANS) that threatens the river. Finally, the State of North Dakota needs to realize and be ready to accept the cost of creating infrastructure in order to utilize more river water.***

***In summary, if we don't utilize the river, we will lose to downstream and higher populous states. Use it or lose it.***

Michael Gunsch | Chairman of the North Dakota Missouri River Advisory Council

***The Missouri River Stakeholder meeting was an opportunity of a lifetime! At this point in our history if we do nothing, we will have failed to adequately protect our state's interests in the river. This step was necessary to determine where we are going, as federal and other states' actions will soon escalate to take that which is ours.***

***Experience is a lifetime full of mistakes, hopefully most are not our own! Much of what has occurred since the 1944 Flood Control Act is behind us and we have seen the results or the lack thereof. Given the federal nexus over the river, we need to better understand the players and the rules under which everything is done.***

***We can't change the past but can influence the future! It's past the time to think about what has occurred and to now take definitive action to best serve our future. To do that, we must define what it is we want. Stakeholder attendance indicates a strong interest to collaboratively move things forward. This includes insight and guidance on the future needs and benefits to our state. Therefore, we need not ask how to play the game, but what the rules are! Then, if we are uncomfortable with the rules, seek to change them internally with staff or as necessary via legislative or congressional action.***

Dr. Andrea Travnicek | Director, North Dakota Department of Water Resources

***The North Dakota Department of Water Resource's new mission from our recent strategic planning process is to responsibly manage North Dakota's water needs and risks for the people's benefit.***

**The Missouri River is so important to that cause, that we've included its use as one of our key objectives to help carry out that mission.**

**The Missouri River is North Dakota's most valuable and readily available water resource. It supports a broad spectrum of beneficial uses, such as irrigation, drinking water supplies, industry, recreation, and others. The best way for our state to be successful in protecting our interests in the river is through cooperation with stakeholder groups like the Missouri River Advisory Council, the Missouri River Joint Water Board, and the Educate, Advocate, and Engage Initiative. By working together, and with a unified voice, we will continue to put Missouri River water to beneficial use for North Dakota's citizens and economy for generations to come.**

James Schmidt | North Dakota House of Representatives, District 31

**We're blessed to have the Missouri River's roughly 17 million acre feet of water moving through North Dakota every year. Its value to North Dakotans in water supply, power generation, agriculture, recreation, industry and overall economics is growing and cannot be taken for granted. I believe we need a strong effort, both locally and nationally, to secure our rights to what is ours.**

**The Missouri River Joint Water Board has initiated an Educate, Advocate, and Engage (EAE) program in order to bring awareness and public input into the importance of the Missouri River system in our state. The recent Stakeholder Meeting in Mandan, North Dakota in August 2022 demonstrated the interests of water leaders, and local policy makers, and other users of the river and reservoirs with over 100 attendees coming to that event and participating in discussions of the river. The report on that meeting will yield the thoughts**

**and concerns of the Missouri River system users in our State and will be a first step in a review of possible action items to protect our ability to access and enjoy that resource.**

**It's prudent for the legislature to support this locally driven effort by the Missouri River Joint Water Board and assisted by the Department of Water Resources to pursue national recognition of our needs and willingness to develop infrastructure to use it.**

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## **Background and Purpose**

The Missouri River Stakeholder Meeting was held as a part of the work plan of the 'Educate, Advocate, and Engage' (EAE) program which was initiated in April 2022 by the Missouri River Joint Water Board (MRJWB) of North Dakota.

The EAE program provides interaction with water policy makers, water users, government bodies, and the public regarding issues of the Missouri River system (river and reservoirs) in North Dakota. Program funding and support was provided by the North Dakota Department of Water Resources, the Garrison Diversion Conservancy District, the Southwest Water Authority, and the member counties of the Missouri River Joint Water Board. This broad-based support shows the importance of the cause.

There is undisputedly a lack of understanding in some cases, and misunderstanding in others, among the general public and even a large group of water leaders and policy makers in the state on exactly how important the Missouri River is to our state and how that system is controlled, allocated, and managed. Sometimes the system is managed with our informed input into those actions, but often without our input. Misunderstanding of the Missouri River was clearly exemplified at the ND State Fair in Minot in July 2022. The MRJWB participated in an event at the fair where various water groups in the state were encouraged to ask attendees a basic water question—a question to both gauge the general knowledge of our state's water resources and to inform the public. The question the MRJWB posed was: ***In what state does the Missouri River begin and in what state does it end?*** The most common answers received: North Dakota (begin) and Minnesota (end). The correct answers: Montana (begins) and Missouri (end).

That general misunderstanding of the system in North Dakota is reflected to some degree across our state water managers and policy makers. We expect such leaders to have a basic understanding of the Missouri River but often those folks have a focus only on their own part of the

picture—how does the Missouri River impact, or not impact, their own project or program—not as an understanding of the importance of the system to all of the state: rural and urban, east and west, and drinking or surface water issues.

The Missouri River Stakeholder Meeting was an attempt to bring all interested and impacted water managers and policy makers together to start a discussion of the importance of the system to everyone in North Dakota. The focus of the meeting was conducting a '**Strengths, Weaknesses, Opportunities, and Threats**' (SWOT) analysis of the Missouri River with attendees broken into small groups based on interest area.

The SWOT analysis is a well-known tool often used by companies attempting to define, expand, improve and otherwise increase their management structure or business positions. Typically, a private business uses this tool to define and devise ways to increase their sales and marketing of their products.

The MRJWB and Missouri River Advisory Committee (MRAC) saw the opportunity to use the SWOT analysis in a similar fashion: as a way to increase or influence an informed management structure on the river and as a way to better market the 'product'. The product being availability and use of the system for growth, economic opportunity and stability.

The SWOT analysis is also used public entities to determine the needs of their constituents and then assist in developing policies and programs to address those needs. The MRJWB and MRAC intended that the SWOT analysis conducted at the Stakeholder Meeting would identify concerns regarding various aspects of the system and then use that information to further policy discussion and programs for the benefit of our state.

## **Event and Meeting Logistics**

The Stakeholder Meeting was held on August 10, 2022 at the Baymont Inn, in Mandan, North Dakota. The event was sponsored, planned and coordinated jointly by the Missouri River Joint Water Board (MRJWB) and the Missouri River Advisory Committee (NDRAC). Event planning and administrative services were provided by the North Dakota Water Users Association.

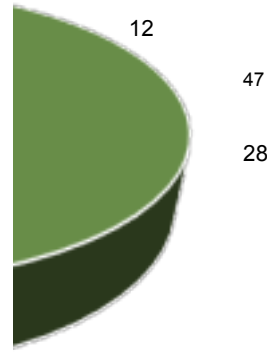
Notice and invites to the conference were made through a series of 'Save the Date' notices in the North Dakota **Water** magazine and also by direct email notification to selected government entities, and community and water leaders within the state, resulting in more than 650 invitees. Additionally, a press release published in the **Bismarck Tribune** in advance of the event. The invite effort yielded an attendance of approximately 105 people.

As important as the results of the meeting are the backgrounds and perspectives of the stakeholders who attended the conference. Attendees can generally be classified as follows:

### **Attendee Category**

**ATTENDEE  
BREAKDOWN:**

**Water Managers 47 Local,  
State, Federal 28 Elected  
Officials 17 All Others 12**



■ Water Managers ■ Local, State, Federal ■ Elected Officials ■ All Others

- **Water Managers:** entities and agencies that manage programs for the use of the Missouri River, including county water resource districts, the Garrison Diversion Conservancy District, the Fort Berthold Rural Water System, the Southwest Water Authority, the Western Area Water Supply Authority, Voices of Lake Oahe, and Friends of Lake Sakakawea
- **Local, State, Federal:** government entities, including the North Dakota Department of Water Resources, the U.S. Army Corps of Engineers, U.S. Geological Survey, and county and municipal staff
- **Elected Officials:** elected officials, candidates for elected office, or representatives from offices of elected officials including the North Dakota Governor’s Office, the Office of U.S. Representative Kelly Armstrong, the Office of U.S. Senator Kevin Kramer, county commissioners, and state legislators
- **All Others:** irrigators, business owners, members of the public, and a number of engineering consultants

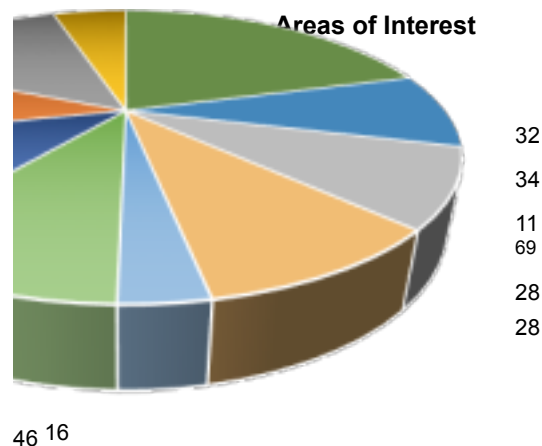
The attendee list shows strong interest and support from all the groups noted; see particularly the large number of area water managers that attended, approximately 45% of all attendees.

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As noted, the meeting was set up in a format to accommodate a SWOT analysis of the system in North Dakota and recognition of the federal nexus in its operation. To facilitate an effective SWOT, attendees were asked to rank issues that they felt most relevant for discussion. Interest shown in those issues are as follows:

**AREAS OF  
INTEREST:**  
**Water Supply 69**  
**Irrigation 28**  
**Recreation 28**  
**Flooding 32**  
**Power Supply 11**  
**Env/ish and Wildlife 34**  
**Economic Opportunity 37**

**Missouri River to  
East ND 33**  
**Regulatory and  
Policy 46**  
  
33  
37





Tribal 16 ■ Water Supply ■ Irrigation ■ Recreation ■ Flooding ■ Power Supply ■ Env/Fish and Wildlife ■  
 Economic Opportunity  
 ■ Missouri River to East ND ■ Regulatory and Policy ■ Tribal

Note that the table and chart accounts for all ranking by registrants and assignments made for those who made partial or no selections.

Of the categories of discussion offered, two categories had the most interest from attendees: water supply and economic opportunity. As was possible, the attendees were assigned to discussion tables based on their ranking of topics. To facilitate discussion, the NDMRAC recruited moderators for each subject area. In the case of water supply and economic opportunity, two moderators and two discussion groups were created to accommodate the strong interest in those topics.

The meeting tone was set by opening remarks from Wade Bachmeier, Chairman of the MRJWB, Michael Gunsch, Chairman of the NDMRAC, Dr. Andrea Travnicek, Director of the North Dakota Department of Water Resources, and Representative James Schmidt, North Dakota House of Representatives, District 31. A summary of their comments is given in the introduction to this report.

The majority of the meeting time was used in group discussions of the SWOT analysis. Each group of 8-10 attendees, led by a moderator, conducted the SWOT analysis of their assigned topic. Moderators captured the group’s input and determined the most important items of each SWOT element. Moderators presented those important items to the full group at the conclusion of the meeting. Further details of each group discussion follow in the ***Common Themes and Concerns*** section of this report.

## ***Stakeholder Comments and Focus***

As noted, the attendees were placed into one of a number of focus groups, identified as follows:

- Economic Opportunity Group 1
- Economic Opportunity Group 2
- Environmental/Fish and Wildlife Group
- Flooding Group
- Irrigation Group
- Missouri River to Eastern North Dakota Group
- Power Supply Group
- Recreation Group
- Regulatory and Policy Group
- Tribal Group
- Water Supply Group 1
- Water Supply Group 2

Each group was assigned a moderator and with instructions to provide their best individual thoughts on the strengths, weaknesses, opportunities and threats for their respective topic. The specific items raised as part of the discussions were then classified as 'significant items' or items 'also of concern'.

A summary of those discussions for each group follows.

**ECONOMIC OPPORTUNITY GROUP 1**

<b>Moderator:</b>	Mary Massad. North Dakota Water Users Association Board
<b>Panel:</b>	Dennis Reep. Burleigh County Water Resource District Mark Kaffar. Mercer County Water Resource District Casey Voigt. Mercer County Water Resource District Richard Scheid. Mercer County Water Resource District Jay Volk, ND State Water Commission Board

<b>Strengths:</b>	Water Supply. Rank 1 Have the resource under utilized. Part of rank 1 Financial resources through ND RTF-cost share, ND Outdoor Heritage fund and other funding sources. Rank 2. Water Quality Rank 3 Organized water entities. Rank 4 (we saw this as very important). Was difficult to rank. ND has very organized water organizations, especially when compared to surrounding states	<b>Significant Items</b>
	Growth Work with feds, State and locals 'can do attitude' Do have the workforce Recreation Existing water infrastructure	<b>Also of Concern</b>

<b>Weaknesses:</b>	Lack of political clout Lack of federal support Regulatory challenges—interference Time Reactionary/not as proactive as should be Educating	<b>Significant Items</b>
	ANS Access to the Water Permitting and allocations; state and federal Fluctuations in the Lakes and river levels Thinking outside the box	<b>Also of Concern</b>

<b>Opportunities:</b>	Under utilized water Advocate commerce	<b>Significant Items</b>
	All industries Recreation Ag—rural water Irrigation Lake recreation Business and landowner partnerships Farming and Ranching Cost share policy Growth Be louder voice Be our vision Allocations of Non consumptive water rights	<b>Also of Concern</b>

<b>Threats</b>	Downstream States ANS Lack of education Misinformation Lack of awareness Generational awareness.	<b>Significant Items</b>
	Western States Lake and river levels. Stability Conflicting interests State and federal governments Underutilization Environmental sensitivities	<b>Also of Concern</b>

**ECONOMIC OPPORTUNITY GROUP 2**

<b>Moderator:</b>	Jim Neubauer. City of Mandan
<b>Panel:</b>	Harold Gaugler. Southwest Water Authority Bob Leingang. Southwest Water Authority Rick Seifert. Southwest Water Authority Keith Hunke. City of Bismarck Kevin Martin. Houston Engineers Duane Pool. ND Dept. of Water Resources Kenny Rogers. Garrison Conservancy District Garrison

<b>Strengths:</b>	Unused capacity (state) rank 1. Reliability—storage—quality rank 2. Energy access and abundance rank 3.	Significant Items
	State budgets Public Interest (will to do something)	Also of Concern

<b>Weaknesses:</b>	Organization of State wide plan; economic development plan; funding. Rank 1 Regulations — time to enter market. Rank 2 Monetize the resource. Rank 3.	Significant Items
	Location of water relative to use Limited access Restricted use of adjacent lands	Also of Concern

<b>Opportunities:</b>	Willingness to look at alternate financing models (loans, grants, P3). Rank 1 High Value Crops. Ag (Irrigation, green houses). Meat Packing Industry. Rank 2 Tourism. Kayaking, Day Trips, River Themed Accommodations. Rank 3	Significant Items
	Oil Extraction Tax; 20% goes to RTF Secondary Manufacturing to oil field (pipe)	Also of Concern

<b>Threats</b>	Complacency (taking for granted). Rank 1. \$ and time to entry. Rank 2 Lack of workforce; lack of specific skill sets; Rank 3	Significant Items
	NIMBY Regulations Distribution of State funds (geographic) Willingness to look at alternate financing methods.	Also of Concern

**ENVIRONMENTAL/FISH AND WILDLIFE**

<b>Moderator:</b>	Jesse Kist. AE2S
<b>Panel:</b>	Kathy Skarda. Concerned Citizen Bruce Jaeger. Mercer County Water Resource District Jan Lamasters. Mercer County Water Resource District Scott Sterling. US Army Corps of Engineers Scott Peterson. ND Game and Fish Rod Gilmore. Concerned Citizen

<b>Strengths:</b>	Many stakeholders and users Location (accessible and central location) Tourism Draw (fishing, hunting and recreation) Diverse Ecosystem, numerous species	<b>Significant Items</b>
	Reliability	<b>Also of Concern</b>

<b>Weaknesses:</b>	Lack of ANS awareness Lack of comprehensive ANS plan Slow to react to	<b>Significant Items</b>
	Lack of public access for fishing, hunting, and recreating (reservoirs) Instability (variable reservoir levels) Noxious Weeds on Corps Land; lack of funding and resources Inadequate management of existing ANS Water Quality impacts	<b>Also of Concern</b>

<b>Opportunities:</b>	Continued economic development (tourism, etc.) Increased stakeholder coordination/partnership Increased funding for ANS awareness/prevention Better reporting and mitigation of water quality impacts	<b>Significant Items</b>
	Improved partnership (state/federal) and hatcheries	<b>Also of Concern</b>

<b>Threats</b>	ANS/invasive Environmental Pollution/dev/pressure Outside water needs	<b>Significant Items</b>
	Aging infrastructure in tribes Commercial/Industrial development Loss of funding Negligence and Ignorance	<b>Also of Concern</b>

**FLOODING**

<b>Moderator:</b>	Bruce Engelhardt. Morton County Water Resource District
<b>Panel:</b>	Lee Greuel. ND Dept. Of Water Resources Cory Drevecky. ND Dept. of Water Resources Raymond Morrell. Morton County Commissioner Nathan Boehm. Morton County Commissioner Bill Robinson. Lower Heart Water Resource District Todd Lindquist. US Army Corps of Engineers Joel Galloway. USGS Andy Zachmeier, Morton County Commissioner Amber Kimball. Dakota Waters Resort

<b>Strengths:</b>	Storage Capacity Dam Safety Program fed Increased Response Time	<b>Significant Items</b>
		<b>Also of Concern</b>

<b>Weaknesses:</b>	Data/Modeling Lack of knowledge of the system Memory loss	<b>Significant Items</b>
		<b>Also of Concern</b>

<b>Opportunities:</b>	Data sharing and coordination One stop for information Get more young people involved Sediment management Public Outreach and education (in state and downstream)	<b>Significant Items</b>
		<b>Also of Concern</b>

<b>Threats</b>	Changes to Master Manual to store more water for use, reducing flood storage Delta Formation Ice Jams Loss of institutional knowledge Competing interests	<b>Significant Items</b>
		<b>Also of Concern</b>

**IRRIGATION**

<b>Moderator:</b>	Kip Kovar. Garrison Diversion Conservancy District	
<b>Panel:</b>	Steve Best. ND Dept. of Water Resources Jerald Bergman. NDSU-Williston Research Extension Center Loren DeWitz. ND Irrigation Association Jackie Buckley. Morton County Commissioner Lee Husfloen. Oliver County Commissioner Daryl Nitschke. Office of Congressman Kelly Armstrong Herb Grenz, Emmons County Landowner and Irrigator	
<b>Strengths:</b>	Abundant supply and water quality (great) Creates Economic stability for ND We can grow high value crops	<b>Significant Items</b>
	State regs are favorable w/irrigation Varity development Irrigation efficiency	<b>Also of Concern</b>
<b>Weaknesses:</b>	Unpredictable water level Lack of 3 phase power Cost of first lift USACOE Permits	<b>Significant Items</b>
	Only short term loans Every project is unique and different Lack of marketing and food processing	<b>Also of Concern</b>
<b>Opportunities:</b>	Undeveloped acres (200K) Possible of low interest loans/ long term loans; SWC only grants small portions of project McCluskey Canal.	<b>Significant Items</b>
	Produce 20% of the hydro power—access for first lift	<b>Also of Concern</b>
<b>Threats</b>	ANS, Fed Regs, Mandates, Waters of the US	
	Management for ESA Other states and litigation Drop of Lake Audubon	<b>Significant Items</b>
	Fluctuating Water Levels (River Res levels)	<b>Also of Concern</b>

**MISSOURI RIVER EAST**

<b>Moderator:</b>	Duane DeKrey, Garrison Diversion Conservancy District
<b>Panel:</b>	Merri Morridian, Garrison Diversion Conservancy District Greg Lange, Missouri River Joint Water Board Steve Metzger Garrison Diversion Conservancy District Allan Walter Garrison Diversion Conservancy District Bill Ongstad Garrison Diversion Conservancy District John Paczkowski ND Dept. of Water Resources Glenn Geffre, Emmons County Water Resource District

<b>Strengths:</b>	Reliable Source	Significant Items
	Enough support to start Partnership Need for water (beneficial use)	Also of Concern

<b>Weaknesses:</b>	Lack of vision/apathy	Significant Items
	Apathy due to abundant water for now Lack of consensus on utilization Cost Regulations— Federal and State	Also of Concern

<b>Opportunities:</b>	Economic expansion; value added processing/ city growth / stabilization	Significant Items
	Collaboration/Education	Also of Concern

<b>Threats</b>	Litigation—lengthy	Significant Items
	Laws/Bureaucracy	Also of Concern



**POWER SUPPLY**

<b>Moderator:</b>	Clay Carufel, North Dakota Depart. of Water Resources	
<b>Panel:</b>	Joel Toso, Barr Engineering Company Representative Bill Tveit, District 33 Christopher Silbernagel, US Army Corps of Engineers Duane Urlacher, Stark County Water Resource District Doug Anderson, Northwest Rural Water District	
<b>Strengths:</b>	Reinitiate grid from a black start w/Hydroelectric Point of generation is in our own State. Hydropower is very cheap to produce — more attractive? Corps Staff are North Dakotans; understand what locals are dealing with; can speak with people above them.	<b>Significant Items</b>
	Startup of Plant is very quick compared to other types of plants Relationship with Corps is good. Power Grid is already up.	<b>Also of Concern</b>
<b>Weaknesses:</b>	Don't have the proper infrastructure to use the power (transmission lines) Lack of representation; small population. Lot of demands on the system; different uses	<b>Significant Items</b>
	Cost is high to establish new electrical connections. Subsidize this? No more hydropower to get. Limited ability to send water through dam. Education of hydropower in the State; how does it all happen?	<b>Also of Concern</b>
<b>Opportunities:</b>	Increased power transmission capabilities More power generation infrastructure: run of the river generators Identify industries that need a lot of power and relocate them to northwest ND because it has gas, water, power.	<b>Significant Items</b>
	Could the dam supply all of ND power needs? Increase irrigation and industrial demands for power. Could add generators to Garrison Incentivize industries that haven't traditionally been here with low power costs. Incentivize having more water go through the dam State of North Dakota-Canadian partnership. Supply power in Canada.	<b>Also of Concern</b>
<b>Threats:</b>	A Federal agency rather than the state, determines how much hydroelectric energy is produced. Downstream demands from other states ANS can foul power generation facilities	<b>Significant Items</b>
	Where do we draw the line on sending water downstream? Can't keep power industries in the State. Regulation of system.	<b>Also of Concern</b>

**RECREATION**

<b>Moderator:</b>	Terry Fleck. Friends of Lake Sakakawea	
<b>Panel:</b>	Jerry Herman. ND Sport Fishing Congress David Platz. Voices of Lake Oahe Daryl DuKart. Dunn County Commissioner Nathan Busche. US Army Corps of Engineers Craig Argabright. Wolf Creek West Subdivision of Coleharbor Mike Jensen. ND Department of Commerce, Tourism Division Roger Smith. Burleigh County Water Resource District Andy Zachmeier, Morton County Commissioner Amber Kimball. Dakota Waters Resort	
<b>Strengths:</b>	The River Stakeholder Group/ Fish and Wildlife Quality of Life; History, Culture, Aesthetics	Significant Items
		Also of Concern
<b>Weaknesses:</b>	Infrastructure: a. water levels, b. road/ramps, c. facilitate recreational diversity, d. lodging Advocate for Recreation Lodging	Significant Items
		Also of Concern
<b>Opportunities:</b>	Federal, State, County partnerships . a. Grant dollars (legacy fund) (outdoor heritage) EAE We could communicate endless opportunity.	Significant Items
		Also of Concern
<b>Threats</b>	ANS, Fed Regs, Mandates, Waters of the US Management for ESA Other states and litigation Drop of Lake Audubon	Significant Items
	Fluctuating Water Levels (River Res levels)	Also of Concern

**REGULATORY AND POLICY**

<b>Moderator:</b>	Michael Gunsch. ND Missouri River Advisory Council
<b>Panel:</b>	<p>Nikki Winter. Concerned citizen</p> <p>Larry Kassian. South Central Regional Water District</p> <p>Julie Prescott. ND Dept. of Water Resources</p> <p>Abby Ebach. ND Dept. of Water Resources</p> <p>Ryan Norrell. Governor Burgum's Office</p> <p>Toni Erhardt. US Army Corps of Engineers, Bismarck Regulatory Office</p> <p>Joshua Gormley. US Army Corps of Engineers, Riverdale Office</p> <p>Chris Marlow. US Senator Kevin Cramer</p>

<b>Strengths:</b>	<p>Access to Delegation/Representatives/Agencies</p> <p>Current Funding availability (resources)</p> <p>Unified priorities</p> <p>Institutional knowledge</p>	<b>Significant Items</b>
		<b>Also of Concern</b>

<b>Weaknesses:</b>	<p>Generational changes (staffing DWC turnover)</p> <p>Needing to find alliances (MRRIC), communications</p> <p>Surplus water agreement</p> <p>Complexity of projects</p> <p>DWC Staffing (Needs FTE's)</p>	<b>Significant Items</b>
		<b>Also of Concern</b>

<b>Opportunities:</b>	<p>Building relationships</p> <p>Positioning Planning; EAE Program, stakeholders</p> <p>Bring decision making to the local level</p> <p>Early and often communications</p> <p>Understanding the process. Educating the applicants/consultants</p> <p>Connections to WRDA/appropriations</p> <p>Revise NDCC</p> <p>Consideration and preparing for a Missouri River compact</p>	<b>Significant Items</b>
		<b>Also of Concern</b>

<b>Threats</b>	<p>Federal overreach (unfunded mandates)</p> <p>Litigation (judges)</p> <p>New NDCC, new people; legislative makeup</p> <p>Funding Risks; (oil revenue fluctuations), inflation— process, concerns</p> <p>Missouri River Compact (states rights)</p> <p>Endanger Species Act</p> <p>NEPA, schedule/concerns. Disclosure process— early on information required</p>	<b>Significant Items</b>
		<b>Also of Concern</b>

TRIBAL

<b>Moderator:</b>	Doug Mund. Bartlett and West Engineers
<b>Panel:</b>	Pat Fridgen ND Dept. of Water Resources Dawson Holle. District 31 House Candidate Joseph Silveria. Fort Berthold Rural Water Pem Hall, Three Affiliated Tribes Dallas Fox-Osborne , Three Affiliated Tribes John Reiten. Governor Burgum's Office Jack Flectcher Bartlett and West Engineers

<b>Strengths:</b>	Tribal rights to the water sovernity irrigable acres for use proximity to the river	<div style="border: 1px solid black; padding: 2px; width: fit-content; margin: 0 auto;">Significant Items</div>
		<div style="border: 1px solid black; padding: 2px; width: fit-content; margin: 0 auto;">Also of Concern</div>

<b>Weaknesses:</b>	Non-quantification of water rights Minimal irrigation; lack of existing infrastructure USACE control Lack of funding to develop irrigation Power costs for irrigation Housing development (lack of infrastructure)	<div style="border: 1px solid black; padding: 2px; width: fit-content; margin: 0 auto;">Significant Items</div>
		<div style="border: 1px solid black; padding: 2px; width: fit-content; margin: 0 auto;">Also of Concern</div>

<b>Opportunities:</b>	Irrigation Economic Development. Industry, Ag Processing, Housing. Recreation Partnering to Achieve Goals Livestock Tourism	<div style="border: 1px solid black; padding: 2px; width: fit-content; margin: 0 auto;">Significant Items</div>
		<div style="border: 1px solid black; padding: 2px; width: fit-content; margin: 0 auto;">Also of Concern</div>

<b>Threats</b>	Other States Needs for Water USACE Control/Management ANS (Zebra Mussels) Contamination Drought	<div style="border: 1px solid black; padding: 2px; width: fit-content; margin: 0 auto;">Significant Items</div>
		<div style="border: 1px solid black; padding: 2px; width: fit-content; margin: 0 auto;">Also of Concern</div>

**WATER SUPPLY GROUP 1**

<b>Moderator:</b>	Tami Madsen. Western Area Water Supply Authority
<b>Panel:</b>	Kathleen Jones. Burleigh County Commissioner Eric Volk. ND Rural Water Systems Association Philip Markwed. South Central Regional Water District Jeffrey Mattern. ND Depart. Of Water Resources Charlie Vein. Retired Consulting Engineer Richard Keller. Emmons County Water Resource District

<b>Strengths:</b>	High water quality Affordable to treat Storage Lake Sak	Significant Items
	Reliable Quantity RTF	Also of Concern

<b>Weaknesses:</b>	Costly to transport to outlying areas No 100 year projection of water use (quantity) Generational education/loss of institutional knowledge	Significant Items
	Lack of knowledge (public knowledge/education) Access (USCOE) Lack of Infrastructure	Also of Concern

<b>Opportunities:</b>	Industrial uses Value added agricultures Partnering with state proactively (compact?) Opp to grow population w/appropriate use/allocations	Significant Items
	Public private partnerships	Also of Concern

<b>Threats:</b>	Interpretation of Acts/Legislation Lower fed representation; 2 senators, 1 representative Downstream states and others making claims Access (USCOE)—test flows, releases, intakes, etc.— comment period	Significant Items
	Low population No united voice. Missouri river operations plan; priority for domestic Water supply act of 1958/ can charge for storage of water supply (cost to store water) Barriers of entry to industry— location of industry/river Migration of industry/people from other areas No compact (?) would be problematic either way. ANS	Also of Concern

**[Empty Box]**

[Empty Box]	[Empty Box]
[Empty Box]	[Empty Box]

[Empty Box]	[Empty Box]	Strengths:
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Reliable/sustainable

Location/allocation Significant Items I Funding-RTF

Value added approach Also of Concern I

Weaknesses: Under educated population in water

Water supply undervalued Significant Items I Zero unified voice

Low population/representation

Continental divide

Interest from other states Also of Concern I Location of needs

Funding sustainability

Opportunities: Allocation to ND

Public/Private Partnerships Significant Items I Economic Development; seeking federal funding

Building relationships

Having a unified voice Also of Concern I Educate Advocate and Engage

Threats: Interest from other States

ANS Significant Items I Zero Unified Voice

Regulations Also of Concern I Drought

## Common Themes and Concerns

Although each group had different focuses, there emerged some common themes and concerns across all the groups. Those common themes and concerns generally revolved around the following:

ABUNDANCE OF THE	RESOURCE ORGANIZED STATE ASSOCIATIONS	STRONG STATE SUPPORT	COMMENTARY ACCESS TO	POLICY MAKERS INSTITUTION AL
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**ABUNDANCE OF THE RESOURCE:** This item was raised and discussed in some form by ten of the twelve groups. The river system was described as ‘abundant’ in addition to having high quality water that is affordable to treat. It was also noted that there are unused reservoir storage capacities. The river is favorably located across the center of the state. The river could also supply an abundance of power generation.

**ORGANIZED STATE ASSOCIATIONS:** This item was raised and discussed in some form by five of the twelve groups. North Dakota appears to have strong opportunity for grassroot involvement in many aspects of water policy and management, much more so than is perceived in neighboring states. That organization allows the ability for the creation of a unified voice in water management issues and a retention of institutional knowledge.

**STRONG STATE SUPPORT:** This item was raised and discussed in some form by eight of the twelve groups. Much of the state support was attributed to favorable state funding programs; however, one group (Irrigation) noted that state funding was actually a weakness from their viewpoint. It was noted that state regulations (presumably those administered by the NDDWR) are favorable for water users. The dam safety program (federal with state oversight), a good irrigation support system, and efficient permitting processes administered by the state were all specifically called out.

**ACCESS TO POLICY MAKERS:** This item was raised and discussed in some form by five of the twelve groups. ‘Policy maker’ was defined differently by different groups, but included: the U.S. Army Corps of Engineers (Corps) and other federal entities; the North Dakota Department of Water Resources; state legislative leadership; and the congressional delegation.

**INSTITUTIONAL KNOWLEDGE:** This item was raised and discussed in some form by four of the twelve groups. Institutional knowledge is noted as being held not only by the federal and state regulatory agencies but also by water managers in general. It was noted that there are many stakeholders within the state that contribute to such institutional knowledge. ‘Institutional knowledge’ was noted as a weakness by some groups; that discussion follows below.

**LACK POLITICAL CLOUT:** This item was raised and discussed in some form by four of the twelve groups. The groups appeared to fully recognize the fact that North Dakota’s low state population results in a low level of influence in the U.S. government, especially as compared to the higher populated states downstream. The perception is that lack of political clout results in river management policies and practices by the federal government that are not advantageous to North Dakota but rather favor competing third-party interests. This

LACK OF INFRASTRUCTU

NEEDS APATHY OBSTACLES  
TO USAGE

COMMENTARY  
LOSS OF HUMAN  
RESOURCES

POLITICAL CLOUT

issue is also related to a concern under ‘threats’ that discusses future third-party demands on the system which may impact the State of North Dakota’s use of Missouri River water.

**INFRASTRUCTURE NEEDS:** This item was raised and discussed in some form by eight of the twelve groups. Most groups defined infrastructure as facilities for accessing or conveying water, but that definition was used to also define power generated by the system. It was noted that the system requires complex, unique, and costly projects in order for a high level of use to be achieved. Infrastructure was also used to define adequate facilities for recreational and tourism needs, particularly a lack of lodging for those purposes, and lack of adequate system access.

**APATHY:** This item was raised and discussed in some form by eight of the twelve groups. In some instances, apathy was identified due to a lack of knowledge, but in other instances it was attributed to a lack of caring. Apathy was considered to be an issue for both the public at large and the policy makers of the state. Some comments were offered that North Dakotans are reactive, rather than proactive, when it comes to Missouri River issues.

**OBSTACLES TO USAGE:** This item was raised and discussed in some form by eleven of the twelve groups. To some extent this issue relates to the lack of infrastructure, but also includes a perception that policy and regulation issues hinder our access and use of the system. One obstacle noted was inadequate power grid facilities and limited ability to generate more power from the Garrison Dam. Limited accessibility to the system due to federal permitting requirements and processing was also identified as an obstacle. The continuing litigation from third-parties when North Dakota attempts to transfer water to eastern North Dakota was also noted as an obstacle. The high cost of power was identified as an obstacle to irrigation development. Lack of shoreside lodging was noted as an obstacle for recreation and tourism. The often talked about ‘**water storage fee**’ program by the Corps was noted as an obstacle to water usage. The threat of lowering Lake Audubon was noted as an obstacle for irrigation in the McClusky Canal area.

**LOSS OF HUMAN RESOURCES:** This item was raised and discussed in some form by four of the twelve groups. This was generally defined as understaffing at key regulatory entities, primarily the North Dakota Department of Water Resources. Such understaffing results in errors, delays, and inefficiencies in the management of the system. Loss of institutional knowledge regarding policies and practices which impact water policy was also identified.

**Recreation and Tourism:** This item was raised and discussed in some form by five of the twelve groups. The issues of recreation and tourism were defined as separate but connected activities; recreation being activities that people engage in and tourism being the means and methods bringing people to the area to engage in such activities. Both lake- and river-based recreation was discussed, with specifics of how those increased opportunities would impact local and state economies and overall quality of life. Programs encouraging use of the system for kayaking, day trips, and river themed accommodations were discussed. The tribal group noted that increased recreational opportunities and tourism would be of high importance to them.



## COMMENTARY

## RIVER

## SEEK FEDERAL

**Irrigation Development:** This item was raised and discussed in some form by six of the twelve groups. Some discussion was had regarding use of power generated by the system to offset high power costs usually associated with lifting river water to fields, known as ‘first lift power’. Encouraging the development of high value crops, greenhouse projects, and processing facilities was discussed. It was noted that nearly 200,000 acres of irrigation could feasibly be developed using river water, with some of those acres along the McClusky Canal. Discussion was had on the possible creation of a low interest loan or grant program to assist in the development of such acres.

**Enhanced Life Quality:** This item was raised and discussed in some form by seven of the twelve groups. This issue spans a number of other categories such as economic development, water supply, irrigation, and recreation and tourism. The issue was specifically discussed in terms of pursuing programs and policies to allow cost efficient and policy efficient access to the system. Having such access then encourages and improves the ability of other opportunities to occur, even encouraging people to locate, work, and raise their families in North Dakota.

**River Compact:** This item was raised and discussed in some form by four of the twelve groups. There is concern that out-of-state and third-party interests may claim or use such amounts of Missouri River water that North Dakota will not have access to our share of water in the future. There are ongoing studies by the U.S. Bureau of Reclamation to bring Missouri River water to the Colorado Basin, and by the Corps to bring Missouri River water west to recharge the Ogallala Aquifer. Both projects would create huge demands on the system. Entering into a basin water compact to assure future rights to the water was discussed.

**Seek Federal Involvement:** This item was raised and discussed in some form by five of the twelve groups. Discussion on this issue generally revolved around the encouraging the federal government to recognize the unique position North Dakota has due to the creation of the Oahe and Garrison dams. It was noted that the initial promises of the Pick-Sloan Act have not been provided. Discussion was held on if more ‘damages’ from the U.S. government are due to North Dakota based on the impact of the dams. Discussion was also provided on the federal funding programs available to water projects and how those funding programs might be better leveraged or utilized.

**Third-Party Claims:** This item was raised and discussed in some form by eight of the twelve groups. While generally the discussion of this issue by the various groups related to claims on ‘water’ there was also discussion of a claim on ‘power’. It was noted that power generated by the system is in demand by downstream states and other third parties as much as the water in the system. The need for power to be available for North Dakota is just as important as the need for water. This issue is also related to the categories of economic development, water supply, recreation, regulations and policy. A concern exists, with low population and therefore low political influence, that North Dakota will face large threats in the future in establishing and holding a claim on system water to meet North Dakota needs.

## THIRD PARTY

### BURDENS

### RESOURCES ENVIRONMENT CHALLENGES

### CLAIMS ANS REGULATORY COMMENTARY NEEDED

**ANS:** This item was raised and discussed in some form by eight of the twelve groups. While aquatic nuisance species (ANS) can be any organism that disrupts the ecological stability of a water body, it is most associated with zebra mussels, a small clam-like species which can rapidly infest and clog intakes, pipelines, and power generation facilities in the river. ANS is seen as a significant concern to all users of the river that rely on infrastructure to withdraw water. Additionally, ANS is an environmental concern in that zebra mussels contain pollutants that can be dangerous for humans, animals, and birds to ingest. The discussion centered on the need for more public awareness and a more aggressive public policy to safeguard the system from ANS.

**Regulatory Burden:** This item was raised and discussed in some form by ten of the twelve groups. Generally, the groups focused on federal government regulations, rather than state government regulations. One particular regulatory burden noted by several groups was the water supply storage fee proposed by the Corps. Regulations that inhibit access to the water, including permitting issues, were top of mind for participants. The ongoing and changing Waters of the U.S. (WOTUS) rule was also discussed. Several groups noted a need for more state, rather than federal, control and management of the river system in North Dakota. A concern was voiced that future changes, if any, to the Corps' Master Manual may impact North Dakota's ability to use system water.

**Needed Resources:** This item was raised and discussed in some form by six of the twelve groups. 'Needed resources' refers to a perceived lack of either funding, human resources, or infrastructure to more fully access and use water from the river. Policy or operations of the reservoirs may result in additional needed resources. As an example, the possible lowering of Lake Audubon would create a lack of water to the irrigators along the McClusky Canal. A gradual loss of institutional knowledge of the river and a lack of adequate staffing at various state departments, particularly the North Dakota Department of Water Resources, was viewed as a 'needed resource' issue. Several groups noted that greater access and use of water is hindered by lack of large infrastructure projects to gather and convey such water to users. It was noted that the Red River Valley Water Supply Project addresses the human consumptive needs of the eastern part of North Dakota, but no project appears to be in a planning stage for large irrigation or industrial needs.

**Environmental Challenges:** This item was raised and discussed in some form by seven of the twelve groups. The groups identified a variety of environmental challenges that may impact the use of the system. Besides ANS (already discussed), drought, excessive rainfall events, climate change, pollution, riverbed and lake sedimentation and delta formation were all identified as environmental challenges. Future interpretations or new additions to existing environmental laws such as the National Environmental Protection Act (NEPA) and the Endangered Species Act (ESA) were discussed relative to how such possible changes may impact the use of the system.

# **SUMMARY OF DISCUSSIONS AND NEXT STEPS**

## **Summary of Discussions**

Key take aways from the SWOT exercise of the Stakeholder Meeting are as follows:

- 1. Significant Interest in the Missouri River** There is significant interest from water managers, regulatory entities and policy makers within North Dakota relative to the management and use of the waters of the Missouri River. As noted previously in this report, the Stakeholder Meeting attracted interest from more than 100 people.

Of attendees, the largest single group was comprised of water managers, who represented both consumptive uses such as drinking water, irrigation, or industrial use; and managers who represented non-consumptive uses such as recreation, flood control, and power generation.

Additionally, the managers represented a geographic spread across our state, with attendees from systems or projects from the west, the central, and the east of the state, and represented concerns of both rural and urban North Dakota.

There were significant attendees from the regulatory entities of the system, including the North Dakota Department of Water Resources, the Corps, and the U.S. Geological Survey. Those attendees provided their input into the SWOT process with their own unique perspective of programs and policies to provide management and operation of the river. Those attendees also had the opportunity to learn and hear firsthand concerns from other stakeholders.

Perhaps most significant was the attendance of public officials, which included elected or appointed representatives from the North Dakota congressional delegation, the Governor's Office, the state legislative body, a number of county commissions, and municipalities. Attendance from this group showed the importance that policy leadership puts on Missouri River issues.

- 2. Appreciation and Acknowledgment of the Resource** An overriding theme from discussions was that there was a knowledge and appreciation of the value of the river to North Dakota. That theme was expressed in various terms including: 'good quality', 'abundant supply', 'affordable to treat', and 'sufficient reservoir storage levels'. There were discussions on issues of accessibility and cost of infrastructure to use the resource, but the overall sentiment was that the river is a valuable resource to North Dakota.

- 3. Apathy and Lack of Political Clout** While agreement was generally reached on the value of the system, there also was a generally accepted opinion that North Dakota has too high a degree of apathy in how the system is managed and operated. There is a feeling

that the flows of the river are so abundant that our needs can and always will be met regardless of other demands or other circumstances. Reversal of that feeling is an issue of education to a broader base of users. Apathy was also expressed relative to a perspective that the North Dakota Department of Water Resources needs more professional staff in order to better manage and protect North Dakota's rights to the river. A lack of political clout due to North Dakota's low population and resultant low federal representation puts the state at a disadvantage relative to downstream or out-of-basin states who may infringe on North Dakota's ability to use Missouri River water.

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- 4. Greater Use Possibilities** All groups reached consensus during their discussions that a greater use of the river should be pursued. Some of those uses involved promotion of value-added crops and irrigation development, promotion of industries which need a large water supply, increased drinking water supply (particularly in the eastern part of the state), recreational and tourism development, and power supply increases. There was a general agreement that the State of North Dakota has sufficient funding programs in place to accommodate many of these items, except for concerns raised that more state funding programs and policies are needed to promote irrigation development. There was discussion on possibilities and strategies to shape federal policies and obtain more federal dollars for North Dakota to also pursue such added use possibilities.
- 5. Burdensome Regulatory Issues** As previously noted, a common theme raised by a number of groups focused on burdensome regulatory requirements, primarily imposed by the federal government. Many of the issues related to permission needed to gain access to water, both for consumptive and non consumptive use. The regulatory concerns relative to the state were much less expressed, and then only as a concern that the state may lack manpower to issue new water permits in a timely manner.
- 6. Threat of Depletion of the River** Significant concerns were raised by most of the groups about potential depletion of Missouri River water by downstream states or other out of state interests. Most attendees recognized that the flows of the river are at a level that meet the current needs of the state, and likely the needs of other states of the upper basin. However, as the drought in the west continues, and more public discussions appear of possible large water transfers from the system, the issue of future depletion of the water becomes more concerning. This is also coupled with the issue of climate change as a driver of drought in the southwest. The concept of a Missouri River compact with all the basin states was raised.
- 7. ANS and Environmental Issues** ANS and other environmental concerns were raised by many of the groups. It was noted that ANS can pose a large and costly problem if not proactively addressed and acted upon. The threat is not only financial, but also a public welfare and the fish and wildlife threat. Other environmental issues identified include delta formation and sediment deposits in the river and reservoirs, both of which will impact the ability of existing infrastructure to service water withdrawals, generate power, and provide access to recreational facilities. The groups believed that a more proactive approach needs to be developed by the state to combat this issue.

### Next Steps

This report will be distributed to all attendees of the Stakeholder Meeting who provided email

addresses as well as any others who request a copy. Additionally, a summary of this report was included as an article in the October North Dakota Water Magazine.

Results of this effort have been shared at the Interim Water Topics Committee meeting and with selected water groups. As possible, discussion of this report will be made at selected water conferences in the coming months and next year.

Ultimately the MRJWB, in conjunction with the North Dakota Department of Water Resources and the Missouri River Advisory Council, will start more discussions on possible action items to accommodate some of the concerns identified in the report. Some discussions with federal agencies or entities or the congressional delegation may also be considered.