

Water District Involvement with Missouri River Issues ... Genesis and a Busy Year of Activity in 2023



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Midway through 2022, the Missouri River Joint Water Board faced a problem likely encountered by other joint water boards in North Dakota: what incentives would convince counties to participate in a joint water board and how could it remain relevant for its members?

Every county in the state has a water board established and required by state statute. Additionally, every county water board may establish or join a joint water board to allow neighboring county water boards to act on issues of common concern with a unified voice.

Before its formation in 2005, the Missouri River Joint Water Board existed as the BOMMM Board (Burleigh, Oliver, Morton, Mercer and McLean counties). BOMMM's focus was limited with emphasis placed on providing input to the state on US Army Corps of Engineers (Corps) operations of the river system; streamlining the federal permitting process for access to the water; and monitoring river sedimentation problems. Local water leaders from BOMMM counties recognized that voices of other counties along the river were missing, and issues they felt important were likely not receiving a forum for discussion. A larger board including all river counties was needed.

According to a July 2005 Bismarck Tribune article, then-BOMMM Chairman Andy Mork of Mandan stated *"that's exactly it – a (joint water) board like this may have more influence over the Army Corps of Engineers and how they manage the river ... The State Water Commission does what it can, and this board could lend its strength."*

Strength in numbers, and strength with a united and informed voice.

Thus, the Missouri River Joint Water Board was formed by North Dakota counties with a physical

border along the Missouri River, Lake Oahe or Lake Sakakawea. Of the 11 eligible counties, nine signed on with the board.

The board specifically did not envision or attempt any "projects." Instead, any member county wanting a project like rip rapping, recreation or water diversion could pursue those on their own. The joint board focused on policy and regulatory issues and being a conduit for local water board concerns to be transmitted in a unified voice to the river policymakers, both state and federal.

But in the absence of actual projects, the board had only a limited role that could be handled piecemeal by member counties without the need for a joint board. There were occasional conflicts in interests of counties along the river and those along the lakes.

In 2022, the issue of relevance took center stage. It was noted that member counties appeared to have a good grasp of river management issues and ongoing policy and regulatory challenges. But it was noted that understanding such issues was not universally shared outside of a few water districts and managers on the board. In particular, there was a general lack of understanding of the history of the Pick Sloan Act (the Flood Control Act of 1944), the Corps' management of the river system and what the state could and should



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reasonably expect from the Corps in such management; specifically, what was promised to the state in return for the land taken and what has actually been delivered?

With the notable exception of the North Dakota Department of Water Resources, that misunderstanding was widespread. Legislative leadership often did not have the history and materials needed to understand the issue and the public at large lacked knowledge of the river issues and their impact on the state.

Thus was born the Educate, Advocate, Engage (EAE) Program. The EAE Program provides a vehicle for the joint board to not only provide such information, but also to influence policy using local and public input. This adds relevance to the joint board. No other water group or governmental agency is as well positioned to undertake such a program. Local water leadership at the grass roots level and individuals with direct involvement and interaction with state and federal river management policy lead and direct EAE Program activities.

Through the EAE Program in 2023, the Missouri River Joint Water Board established itself as a powerful voice on river management issues. Neighboring states (Montana and South Dakota in particular) have noticed

the program's success in raising awareness of the river's importance not only for North Dakota but for the entire Upper Missouri River basin. The EAE Program has made presentations to numerous groups, including the North Dakota Water Users, North Dakota Water Resources Districts Association, Upper Missouri Water Association, North Dakota Department of Water Resources, Southwest Water Authority, various legislative committees, and a long list of civic groups across the state. The program has been featured on radio talk shows and has a regular monthly article in the *North Dakota Water* magazine. Additionally, the EAE Program hosted public meetings in the central and eastern part of the state in the fall of 2023.

This effort will continue aggressively in 2024. With the passage of Senate Bill 2372 by the 68th legislative assembly, which contains a requirement for all water resource districts in the Missouri River basin to become a member of a joint water board, effective communication and outreach tools are important now more than ever.

The EAE Program was started by the Missouri River Joint Water Board as a way for it to stay relevant. But the board now sees that EAE is more than staying relevant, it plays an important role in providing river management history, policy and regulatory development, and addressing future issues that will arise. The joint board has gained recognition as an important voice to our policymakers on the use and management of the river system.

If you or your group would like more information on the EAE Program or would like a presentation on river issues facing the state, please contact us.

*For more information on the program
and to follow Missouri River issues:*

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