

Statement of Representative Kelly Armstrong

House Natural Resources Subcommittee on Water, Oceans, and Wildlife

May 12, 2022

Thank you, Chair Huffman, and Ranking Member Bentz, for holding this legislative hearing. I appreciate the opportunity to provide this statement for the record in favor of my bill, H.R. 3081.

For the entirety of North Dakota's history, our communities have relied on a readily accessible water supply. Despite the numerous federal policies that have shaped our economy and landscape, the Flood Control Act of 1944 (Flood Control Act) weighs particularly heavy on North Dakota's history and continues to mold our state today.

Prior to damming and mitigation measures, annual flooding was common in the Missouri River Basin, with major flooding events occurring routinely in the late nineteenth and early twentieth centuries. However, multiple major floods in 1943 prompted Congress to direct its attention to the Missouri River and its tributaries. This body subsequently passed the Flood Control Act which authorized numerous activities in the Missouri River Basin including flood control, hydropower, and irrigation. With the implementation of these authorized activities, the flow of the river was fundamentally changed, displacing communities and farming operations. As a means of compensation, the State of North Dakota would have access to special power rates, known as project use power (PUP) rates, that would offset land losses and subsequent increased irrigation costs.

Since 1944, Congress has repeatedly revisited federal involvement in the Missouri River Basin, most recently in 2000 through the Dakota Water Resources Act (DWRA). This legislation, which allowed for certain irrigation developments to be eligible for PUP rates, was designed to be the fulfillment of the promises made to North Dakotans in the decades that followed the Flood Control Act. However, the Department of the Interior's interpretation of the statutory changes made through the DWRA continue to prevent irrigators from receiving PUP rates, denying North Dakotans the anticipated compensation dating from 1944.

My bill, H.R. 3081, provides the needed clarification to the DWRA to help fulfill a promise made decades ago and allow irrigators to receive the economic benefits associated with PUP rates. This bill has substantial local support from numerous organizations including the North Dakota Soybean Growers Association, the North Dakota Corn Growers Association, the Northern Plains Potato Growers Association, the North Dakota Farmers Union, the North Dakota Farm Bureau, the North Dakota Ethanol Producers Association, the North Dakota Department of Water Resources, the Garrison Diversion Conservancy District, the North Dakota Water Users Association, and the North Dakota Association of Rural Electric Cooperatives.

H.R. 3081 simply offers a commonsense solution to a matter of technical interpretation by the Department of the Interior. I encourage the Natural Resources Committee to expediently move this legislation through the committee process and to the full House of Representatives for a vote.

Thank you