

# Corps: States Can Help Improve Flood Forecasting

BY DALE WETZEL  
Associated Press

BISMARCK, N.D. — Montana Gov. Brian Schweitzer had early warnings that last summer's Missouri River flooding would be severe. As he read accounts of downstream flooding in North Dakota, Schweitzer was getting state agency reports that a large snow melt in western Montana's Rocky Mountains — a major source of Missouri water — had barely started.

Todd Sando, North Dakota's chief state engineer, had similar worries about the potential torrent of melting snow and the shrinking room for storing the water in the Missouri's reservoirs.

The information Schweitzer and Sando were relying on was collected by state agencies and was not readily available to others.

On Wednesday, a group of officials from eight Missouri River states endorsed providing more comprehensive water data that the U.S. Army Corps of Engineers can use to improve its flooding forecasts.

Last summer, heavy rains and snowfall contributed to a historic Missouri River flood that swamped portions of several river cities, broke through levees, overran an interstate highway and caused hundreds of millions of dollars' worth of damage from Montana to Missouri.

North Dakota Gov. Jack Dalrymple said the magnitude of last summer's Missouri flooding was too great for improved water data collection to make much difference.

However, having better information about water runoff can help the Missouri's network of dams handle flooding and would give property owners more time to react to flood conditions, Dalrymple said.

"Days do matter in these things. The amount of time that you have to release more water does decrease ... the flood crest, and that, of course, is the goal," Dalrymple said.

For example, North Dakota's Water Commission has about 30 water measuring stations in the Missouri's drainage basin, while the corps has about a half-dozen.

Representatives from the eight states met Wednesday at Bismarck State College in Bismarck, N.D., to discuss flood management strategy. Dalrymple and South Dakota Gov. Dennis Daugaard attended in person, while Schweitzer took part by phone.

The group included officials from Montana, North Dakota, South Dakota, Iowa, Nebraska, Kansas, Missouri and Wyoming.

Brig. Gen. John McMahon, the top military commander of the U.S. Army Corps of Engineers division that includes the Missouri River, said state agencies, Indian tribes and colleges could help to improve the corps' ability to gather water data that could be used for flood predictions.

McMahon and Doug Kluck, regional climate services director for the National Oceanic and Atmospheric Administration, said the network would be useful for gathering information about frost depth and soil moisture content as well as the water content of snow.

"It not only helps flood prediction and knowledge, but it also helps the other side of the equation. When things dry out, we never know how dry it's really getting," Kluck said. "Everybody needs that kind of information."

McMahon said that by year's end, the corps hopes to have more than \$600 million in repairs to levees, dams and other Missouri River public works completed. The repairs are only for damage the agency knows about, and more problems could crop up as work continues, McMahon said.

McMahon said state and federal officials should also push for widening the river's flood channel, including longer levee setbacks from the river and buyouts for farm land within the Missouri's flood plain.

"From my perspective, what we should be about is investing in these repairs in smarter ways, so that we're doing things that make long-term sense, instead of just repairing as was," McMahon said.

Dalrymple suggested establishing limited, experimental initiatives to carry out that goal, saying it would be too difficult to push for at once along the Missouri's entire length.

North Dakotans have become used to property buyouts as a response to flooding, and property owners may respond favorably if they believe they're being fairly compensated, the governor said.

"People do come around, and are willing to participate in buyout programs. It is not politically impossible. It is somewhat expensive," Dalrymple said. "This is, in my opinion, not something to be feared."

## S.D. Open Meeting Commision Changes Rules

SIoux FALLS (AP) — The South Dakota Open Meetings Commission is upholding a reprimand for the Sioux Falls City Council, but will change meeting rules for the future.

The state Open Meetings Commission reprimanded the council in March for violating the open meetings law by voting behind closed doors to fire a city clerk. A city council member blamed City Attorney David Pfeifle for giving bad legal advice. Pfeifle said he used an Attorney General opinion from 1990 that said not to name an employee, or give specifics, about the issue and that it was recommended by the commission.

KELO-TV reports that the open meetings commission is no longer recommending this opinion.

From now on, the city council will have to name an employee and the action being taken against the employee.

## S.D. Circuit Court Judge Retiring In July

MITCHELL (AP) — A South Dakota circuit judge serving Davison, Aurora and Hanson counties is leaving the bench.

The *Daily Republic* reports that 58-year-old 1st Circuit Judge Sean O'Brien will retire July 1. O'Brien was appointed by then-Gov. Mike Rounds in June 2007 to fill a vacancy resulting from the death of Judge Lee Anderson.

Officials with South Dakota's Unified Judicial System are screening applicants to succeed O'Brien and conducting background checks. The group eventually will recommend at least two applicants to Gov. Dennis Daugaard, who will appoint a successor to fill out O'Brien's term, which ends in 2014. There is no deadline for Daugaard to appoint someone.

## Woman Gets 8 Years For Stealing From Subway

SIoux FALLS (AP) — A Sioux Falls woman has been sentenced to eight years in prison for stealing more than \$50,000 from the Subway restaurant where she worked.

KELO-TV reports that Tesha Thompson also was ordered to repay the money she took.

Thompson's attorney sought a lighter sentence but the judge declined, citing Thompson's criminal record. She pleaded guilty in 2003 to selling cocaine to undercover police officers while her son was in the home.

## Minimum-Security Prison To Open In Rapid City

RAPID CITY (AP) — A \$5.6 million permanent minimum-security prison is opening in Rapid City, after more than eight years of planning and construction and a legal battle that ended up before the South Dakota Supreme Court.

Officials on Tuesday dedicated the Black Hills Correctional Transition Center, built to house inmates who are being transitioned back into society. It can house more than 400 inmates, which is four times as many as the city's temporary minimum-security facility could hold.

Inmates are to move in by the end of the month.

In 2010, a landowner near the prison site said the state violated the law by failing to hold required public hearings before buying the land. Both a circuit judge and state Supreme Court justices disagreed, and last year state lawmakers finalized funding for the project.

# Lawsuit Challenges Neb. Pipeline Review Law

BY JOSH FUNK  
AP Business Writer

OMAHA, Neb. — Opponents of a proposed pipeline designed to carry crude oil from Canada under the Great Plains filed a lawsuit Wednesday challenging Nebraska's new oil pipeline review law.

The lawsuit was filed directly with the state Supreme Court. In it, several Nebraska landowners along TransCanada's proposed pipeline route claim the law establishing the review process is unconstitutional because it doesn't allow for judicial review and doesn't spell out what criteria should be considered when a proposed pipeline is being evaluated.

The Nebraska Attorney General's office declined to comment

on the lawsuit Wednesday because it had not received a copy of it.

The lawsuit also objects to putting the Nebraska Department of Environmental Quality in charge of reviewing the pipeline project instead of the state's Public Service Commission, an independently elected group that regulates utilities.

The landowners who filed the lawsuit say they're concerned about the provisions of the law that could allow a pipeline company to use eminent domain to obtain land for a project.

"I believe very strongly in our rights as Nebraska citizens. All of us take it extremely personally when we are threatened with eminent domain," landowner Suz Luebbe said in a statement.

The lawsuit also argues that

the bill is unconstitutional special legislation because it can only be applied to TransCanada's Keystone XL project.

TransCanada's proposed Keystone XL pipeline is designed to carry oil from Canada across Montana, South Dakota, Nebraska, Kansas, Oklahoma and Texas. TransCanada also has proposed connecting it to the Bakken oil field in Montana and North Dakota.

Environmental groups have opposed the project because of concerns that the pipeline could foul underground and surface water supplies, increase air pollution around refineries and harm wildlife.

TransCanada's original application for a federal permit to build the pipeline was rejected in January by President Barack

Obama after congressional Republicans imposed a deadline for approval that didn't allow enough time to address questions about the route through Nebraska.

Since then, TransCanada has split the project into two pieces. The company hopes to quickly get approval for the southern section of the pipeline between Oklahoma and the Gulf Coast. And TransCanada has proposed a new route through Nebraska that avoids the environmentally sensitive Sandhills region.

Nebraska officials held public hearings on the new proposed pipeline route earlier this month. The state's review process for the new route is expected to be completed in late summer or fall.

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# Regulator: ND Oil Production Could Double

BY JAMES MACPHERSON  
Associated Press

BISMARCK, N.D. — North Dakota could double its oil production by 2015 to more than 1 million barrels daily, putting it on par with Texas "if everything goes our way," the state's top oil regulator told industry and government officials Wednesday.

Lynn Helms, director of the state Department of Mineral Resources, said the increase from about 575,000 barrels at present would depend on a strong global economy, steady oil prices and a favorable federal regulatory climate.

North Dakota has gone from the nation's ninth-biggest oil producer in 2006 to No. 2 this year, trailing only Texas, which produced about 1.1 million barrels daily in February, the most recent month for which there are figures.

The jump in production in North Dakota and the resulting economic activity likely would push the state's population to more than 1 million residents, Helms told an audience of several hundred at the Williston Basin Petroleum Conference and Expo in Bismarck.

The U.S. Census Bureau's most recent count shows North Dakota's population at a record 683,932, an increase of more than 11,300 in the past year and eclipsing the state's previous population record set in 1930.

"A population of a million. That is a cool number," Helms said. "It would be a wonderful state to live in."

Helms' best-case-scenario forecast is unusual in that most state and industry officials typically have balked at predicting long-term growth in the state's oil patch.

Gov. Jack Dalrymple earlier Wednesday told conference-goers that he would not speculate on how big North Dakota's oil boom might become.

"I'm done guessing," Dalrymple said. "I've been so wrong in the past."

Ron Ness, president of the North Dakota Petroleum Council, would not comment on Helms' forecast to The Associated Press.

"That's not my deal," said Ness, whose group represents several hundred companies working in North Dakota.

But billionaire Oklahoma oilman Harold Hamm told the AP that Helms' prediction was probably accurate, if not a little low.

"We've been saying for two years that North Dakota could be at 1.2 million barrels a day by 2015," said Hamm, chairman and chief executive officer of Continental Resources Inc., an independent

oil and gas company based in Oklahoma City.

Continental, which has been drilling in North Dakota for more than two decades, was one of the first to tap the rich Bakken and underlying Three Forks formations in the state.

Both formations that lie two miles beneath the surface rely on horizontal drilling and hydraulic fracturing, a process where water, grit and chemicals are pumped underground at high pressure to fracture oil-bearing rock and promote oil flows.

The technique is credited with driving North Dakota's oil rush but it's also been blamed for endangering water quality in some other states.

Helms and other officials at the conference worry that federal rules being drafted on hydraulic fractur-

ing would lengthen permit approval times, or worse.

Tom Richmond, the administrator of the Montana Oil and Gas Conservation Board, said hydraulic fracturing is key to developing the Bakken formation in that state.

"Banning hydraulic fracturing in the Bakken is about the same as banning drilling in the Bakken," Richmond said.

Jack Gerard, president and CEO of the Washington, D.C.-based American Petroleum Institute, called North Dakota an energy juggernaut that serves as a shining example for the nation.

Girard told North Dakota officials that he has talked with their contemporaries in Texas about North Dakota's explosive growth.

"I called Texas and told them you're on your way and they need to be mindful," Gerard said.

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