



**Eric Volk, Executive Director**

**ND Rural Water Systems Association**

**In Opposition of Senate Bill 2251**

**House Energy & Natural Resources Committee**

**March 17, 2023**

Chairman Porter and members of the House Energy & Natural Resources Committee, my name is Eric Volk. I am the executive director of the North Dakota Rural Water Systems Association (NDRWSA). Our vision is to ensure all of North Dakota has access to affordable, ample, and quality water. NDRWSA is committed to completing and maintaining North Dakota's water infrastructure for economic growth and quality of life. Today, I am submitting testimony in opposition of Senate Bill 2251 which seeks to limit governmental entities and political subdivisions of the state, like Rural Water Districts, the ability to conduct limited, preliminary studies (e.g., pipeline alignment justification and a cultural resources survey) without initially going through landowner negotiations and/or initiating litigation to obtain a court order.

Rural/Regional Water development began in North Dakota in the late 60's and early 70's. Today, there are over 41,000 miles of Rural Water lines in every county of the state. Systems provide water to 266 of the state's 355 incorporated cities and have over 71,000 connections statewide. In total, they serve approximately 300,000 residents with affordable, ample, and quality water. Interacting with landowners is an essential process of Rural Water development. The Rural Water Industry fully understands the importance of the rights of the landowner and try to balance those with project timing and keeping costs affordable for the end users.

*Section 32-15-06. Entry for making surveys*, allows consultants in the planning phases of a project the ability to determine the correct route a pipeline. This gives further direction on what easements will be needed for construction. This section also allows for the completion of state and federal cultural resources requirements. These requirements normally require a walk of the purposed route. Those walks are time and weather sensitive. Finalizing the route, collecting signed easements, completing the cultural

resources survey, keeping the project timing on schedule, and providing service at affordable levels is a delicate balancing act.

Below are two project scenarios. The first scenario illustrates how a project is normally completed and the second scenario (collection of 100% of easements) shows how this bill would adversely affect the completion of the same project.

**Current Approach:**

Obtain preconstruction funding	April 2023
Start Preliminary Engineering Report (PER)	April 2023
Complete PER	May 2023
Begin cultural resources walk	May 2023
Begin collecting easements	May 2023
Walk complete	June 2023
Report for walk complete	July 2023
State Historic Preservation Office (SHPO) concurrence	September 2023
ND Dept. of Environmental Quality (DEQ) 30-days in paper	October 2023
Bid project	November 2023
Obtain 95% of the easements	November 2023
Collect remaining 5% of the easements	April 2024
Begin construction May 2024	May 2024

**100% Easement Approach:**

Obtain preconstruction funding	April 2023
Start PER	April 2023
Start pipeline routing	April 2023
Complete PER	May 2023
Draft easements	May 2023
Mail easements	June 2023
Obtain 95% of easements	November 2023
All easements secured	April 2024
Begin cultural resources walk	May 2024
Walk complete	June 2024
Report for walk complete	July 2024
Receive SHPO concurrence	September 2024
ND DEQ 30-days in paper	October 2024
Bid project	November 2024
Begin construction	May 2025

Thank you for giving me the opportunity to provide testimony on behalf of the members of the NDRWSA. Eric Volk, [ericvolk@ndrw.org](mailto:ericvolk@ndrw.org).