



**North Dakota Grain Growers Association
Testimony regarding SB 2118
Senate Energy and Natural Resources Committee
January 16, 2025**

Chairman Patton, Members of the Senate Energy and Natural Resources Committee, for the record my name is Dean Knell; I am a family farmer from Hazen, North Dakota as well as being Vice President of the North Dakota Grain Growers Association. I appear before you today to express concerns regarding SB 2118 and to support an alternative amendment to the legislation.

Overview of N.D.C.C. 24-03-08

N.D.C.C. 24-03-08 ensures that culverts and bridges are properly designed to prevent flooding and minimize the negative impact of undersized stream crossings. When a stream crossing is too small, the Department of Water Resources (DWR) determines the appropriate design flow to meet North Dakota's Stream Crossing Standards. The law mandates that the road authority installs a crossing that meets the required capacity, ensuring the free and effective flow of water.

About S.B. 2118

S.B. 2118 is part of the "Red Tape Reduction Initiative" and aims to shift the responsibility of calculating design flows from the DWR to other entities, leaving the DWR with a review and oversight role. While the initiative's intent to streamline processes is appreciated, there are significant concerns about the unintended consequences of this bill.

Concerns with S.B. 2118

1. Increased Complexity for the DWR

- Rather than reducing the workload, S.B. 2118 adds unnecessary complexity. The DWR would be tasked with determining whether a party is "aggrieved," which is a subjective process that could lead to delays and administrative challenges.

2. Grandfathering Existing Stream Crossings

- By changing the language from "has been or will be constructed" to "is newly constructed or reconstructed," the bill allows outdated and undersized stream crossings to remain in place indefinitely. This creates a loophole that undermines the original intent of N.D.C.C. 24-03-08, increasing the risk of flooding and related damage.

3. Elimination of Enforcement

- S.B. 2118 removes the requirement for road authorities to adhere to the DWR's design flow determinations. Without enforcement, compliance becomes optional, rendering the process ineffective and compromising the integrity of our water management systems.

4. Negative Impact on Water Management

- The proposed changes reduce the ability to manage water effectively through roads and ditches, leading to potential long-term consequences for infrastructure and property owners in flood-prone areas.

Alternative Proposal

To address these concerns while still reducing the burden on the DWR, NDGGA would support the following alternative:

- **Shift Responsibility to Local Water Boards**

- Requests for stream crossing determinations could be handled by local water boards, which have a better understanding of local conditions and can process requests more efficiently, often within weeks instead of months.
- Aggrieved parties would retain the right to appeal water board decisions to the DWR, preserving oversight and accountability.

- **Benefits of this Approach**

- Reduces the workload on the DWR, aligning with the goals of the "Red Tape Reduction Initiative."
- Empowers local entities to take timely and effective action.
- Maintains robust enforcement and ensures that stream crossings comply with established standards.

Conclusion

While the goals of S.B. 2118 are admirable, the current version of the bill poses significant risks to water management and infrastructure safety. NDGGA would urge the Committee to consider the alternative proposal, which balances the need for streamlined processes with the importance of maintaining effective water management standards.

Thank you for your time and consideration. I am happy to answer any questions.