

**North Dakota State Water Commission Testimony
Relative To House Bill 1088**

Presented To The House Energy and Natural Resources Committee

January 14, 2021

Good afternoon Chairman Porter, and members of the House Energy and Natural Resources Committee, I am Jared Huibregtse, a Water Resources Planner – representing the State Water Commission. I am here today to offer testimony in support of House Bill 1088.

During the 2019 assembly, the Legislature passed Senate Bill 2139, which among other things, added an eighth member to the State Water Commission. This new member is to represent the Little Missouri, Upper Heart, and Upper Cannonball River basins.

There are two areas in Century Code where the Water Commission's membership is referenced. They include 61-02-01.3, and 61-02-04. After the passage of Senate Bill 2139, adding the new Water Commission member, the necessary change was made to 61-02-04, but not to 61-02-01.3. This is one of the reasons for House Bill 1088.

The other purpose of House Bill 1088 is to repeal 61-02-01.5 related to North Dakota Outdoor Heritage Fund Grants, and its effect on local cost-share. Currently, this section of Century Code reads:

“For projects involving the repair of an existing flood control or recreation structure, the state water commission may not deduct North Dakota outdoor heritage fund monies provided from the cost of the project before determining the local cost-share. The state water commission shall

include those provided moneys as part of the local cost-share, however, the local entity may not receive funds in excess of the total project cost.”

The way this current language reads, it creates the potential for the state to incur the entire financial burden of local projects that receive both Outdoor Heritage Fund grants, and Water Commission cost-share. Not only is this an unusual circumstance where local sponsors may contribute minimally to the overall project costs, but it also creates little incentive for local project sponsors to scrutinize costs and identify least cost alternatives.

Attached to this testimony is a table that shows the estimated funding partner contributions for several projects that have accessed Outdoor Heritage Fund grants and Water Commission cost-share. As you can see, the existing language in Century Code creates the situation for which we are concerned. As such, we are respectfully requesting the repeal of North Dakota Century Code Section 61-02-01.5.

Mr. Chairman, members of the committee, this concludes my testimony, and I will be happy to answer questions that you might have.

SWC Cost-Share Projects That Also Received NDIC Outdoor Heritage Fund Grants									
Project	Sponsor	Original Total Cost (\$)	OHF Grant (\$)	SWC Cost-Share (\$)	Other Funding Reported By Sponsor (\$)	Estimated Local Share (\$)	Estimated Local Share %		
Warwick Dam Repair Project	Eddy Co. WRD	272,152	55,000	110,150	27,500 USFWS + 40,000 NDGF	39,502	15		
LaMoire County Memorial Park Streambank Restoration	LaMoire Co. Soil Conservation	966,946	695,424	91,042	65,000 DOH/EPA 319 funds	115,480	12		
Stump Lake Park Bank Stabilization	Nelson Co. WRD	630,550	472,912	115,436		42,202	7		
Big Coulee Dam	Joint Bisbee Dam Operations Committee	1,454,644	426,148	1,090,983		(62,487)	(4)		
Schlenker Dam, Kulm-Degeley Dam, Schlecht-Thom Dam	LaMoire Co. WRD	180,000	135,000	15,000		30,000	17		
Kathryn Dam Repurposing Project	Barnes Co. WRD	1,010,000	159,505	754,875	50,000 USFWS + 15,000 NDGF	30,620	3		
Painted Woods Lake Flood Damage Reduction and Habitat Enhancement, Ph. 1	McLean Co. WRD	636,500	211,732	284,768	20,000 GDCC + 120,000 NDGF	0	0		
Karey Dam Rehabilitation	Hettinger Co. WRD	1,295,100	253,770	971,325	15,000 NDGF	55,005	4		
Bouret Dam Rehabilitation	Benson Co. WRD	789,000	115,750	591,750	50,000 USFWS	31,500	4		
Silver Lake Dam Improvements	Sargent Co. WRD	273,000	41,577	161,918		69,505	25		