

February 9, 2023

Chairman Thomas, and Members of the House Ag Committee,

I am writing to you in support of House bill 1239.

Last session, Agribusinesses, Farm groups, Commodity groups and Water organizations all came together to write a fantastic bill on tile-drainage permitting. The only thing better would have been to remove the requirement of permitting all together.

I support the reinstatement of the sunset clause because it simply makes sense. If we are going to have water boards managing water on watersheds, then we need to assist giving them the tools to succeed. For years people called the water board questioning if someone had a permit and didn't know the answer because the project was "under 80 acres". Now, we don't get calls from water boards because they know what is permitted and what is under 80 acres. Communication is key.

House Bill 1239 reinstates a portion of code that sunset on January 1, 2023. NDCC : 61-32-03.2. Smaller subsurface water management systems - Notification and conditions - Penalty. Expired under S.L. 2021, ch. 490, § 4. The section that is being reinstated address subsurface water management systems under 80 acres and includes: Notification of board of the water resource district and information required. Requirements related to the installation. Method to include in assessment drain if not previously. Oversight of subsurface water management system by the board of water resource. Penalty of infraction if a violation of the section. Section only applies if the system is on agricultural land. Section does not apply if water discharges into a body of water completely encompassed by land owned by the person that owns the land drained by the system. All information provided to the board of a water resource district under the section is an exempt record under section 44-04-18 Thank you for your favorable consideration of this bill.

Sincerely,

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