

**Testimony**  
**SB 2097—Department of Water Resources**  
**House Energy and Natural Resources**  
**Representative Todd Porter, Chairman**  
**March 3, 2023**

Chairman Porter, and members of the House and Energy Natural Resources Committee, I am Andrea Travnicek, the Director of the Department of Water Resources. I am here today to provide testimony in support of SB 2097.

The National Wild and Scenic Rivers System was created by Congress in 1968, to preserve certain rivers with outstanding natural, cultural, and recreational values in a free-flowing condition for the enjoyment of present and future generations. To qualify, a river or river segment must be in a free-flowing condition and must be deemed to have one or more “outstandingly remarkable” scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values.

Since 2019, Congress has designated a total of 192 rivers into the National System, and the Secretary of the Interior has designated another 17 at the requests of governors, for a total of 209 rivers, which includes 12,700 miles of rivers throughout 40 states. Federal agencies, such as the U.S. Forest Service, the Bureau of Land Management, the National Park Service and the U.S. Fish and Wildlife Service, identify rivers eligible for the National System while conducting their comprehensive land management planning processes, which has resulted in over 100 more rivers authorized for study.

Often, protections included in the designations can limit the development of new dams, limit federally funded bank and channel alterations, and also limit new oil, gas, and mineral development. Once these designations are in place, options for economic development, water supply, and flood protection may be impacted.

Currently, the State of North Dakota has no federal wild and scenic river designations. In the 1970s, there was a movement for the Little Missouri River to be

designated as a federal wild and scenic river. Instead, the 44<sup>th</sup> Legislative Assembly (1975) developed the Little Missouri State Scenic River Act (Chapter 61-29) that left the management of the river in the state's control and developed a commission that could advise local or other units of government to afford the protection adequate to maintain the scenic, historic, and recreational qualities of the Little Missouri River and its tributary streams. This commission meets once a year to receive updates and reports from local entities and state agencies.

This bill proposes to create a new section to chapter 61-15 of the North Dakota Century Code codifying a process that provides opportunities for state agencies, local water boards, legislators, county commissions, and other stakeholders that may be impacted by a potential designation to have a seat at the table to express support or concerns before a Governor or federal agency designates a federal wild and scenic river in the State. It additionally adds a requirement for a public hearing and a requirement that the governor and the county commission of any county impacted to express written support before a river may be designated as a wild, scenic, or recreational river under the Wild and Scenic Rivers Act.

Federal priorities may change over time, and federal designations have a real impact on state and local water management decisions. In fact, the Bureau of Land Management's most recent Draft North Dakota Resource Management Plan and Environmental Impact Statement includes alternatives to designate 3 eligible wild and scenic rivers within the state. SB 2097 allows the state and local stakeholders to be an active participant in these discussions alongside the federal government. By having a process in place that includes local and state input, North Dakota will be in a better position to manage our water resources in the best interest of our citizens and economy.

Thank you for the opportunity to comment, and I would be happy to answer any questions you might have.