

Senate Bill 2097

Presented by: Jonathan Emmer
Public Service Commission

Before: House Energy and Natural Resources Committee
The Honorable Todd Porter, Chairman

Date: March 3, 2023

TESTIMONY

Good morning, Chairman Porter and members of the House Energy and Natural Resources Committee. For the record, my name is Jonathan Emmer, and I am here to testify on behalf of the North Dakota Public Service Commission.

We stand in support of SB 2097, which adds a larger scope of entities notified when a wild and scenic river designation is being contemplated in the state. However, we offer an amendment adding the Public Service Commission to the agencies that a political subdivision must notify before engaging in meetings with the federal agencies.

The Public Service Commission's Reclamation Division administers the State's surface coal mining program and evaluates surface mining permit applications and revision applications that add land to a current permit. It is important that we are aware of areas under study for wild and scenic designation early in the permitting process and planning stages for our Abandoned Mine Lands (AML) projects. North Dakota Century Code 38-14.1-07(1) prohibits coal mining on any lands within the boundaries of units of the North Dakota state park system, the national park system, the national wildlife refuge systems, the national system of trails, the national wilderness preservation system, the national wild and scenic rivers system, including study rivers designated under section 5(a) of the Wild and Scenic Rivers Act [Pub. L. 90-542; 82 Stat. 906; 16

U.S.C. 1271 et seq.], and national recreation areas designated by Act of the Congress of the United States.

The Public Service Commission's Public Utilities Division also administers the State's siting rules and laws. While evaluating the impacts of sited facilities, the Commission evaluates a number of factors and directs developers to exclude or avoid certain locations from development. The areas include designated or registered national or state wild, scenic or recreational rivers.

Accordingly, the Public Service Commission requests that SB 2097 be amended to include the Public Service Commission to the list of entities to be notified before a political subdivision engages in meetings with federal agencies to have any waterbody in the state designated as a wild, scenic, or recreational river under the Wild and Scenic Rivers Act.

Thank you for the opportunity to provide this testimony. I am available to stand for questions.

PROPOSED AMENDMENTS TO FIRST ENGROSSED SENATE BILL NO. 2097

Page 1, after line 14, insert:

e. The Public Service Commission;

Page 1, line 15, replace "e" with "f"

Page 1, line 16, replace "f" with "g"

Page 1, line 17, replace "g" with "h"

Page 1, line 18, replace "h" with "i"

Page 1, line 19, replace "i" with "j"

Page 1, line 20, replace "j" with "k"

Re-number accordingly