

Testimony
SB 2364 - Department of Water Resources
Senate Energy and Natural Resources Committee
Senator Dale Patten, Committee Chair
February 3, 2023

Chairman Patten, and members of the Senate Energy and Natural Resources Committee – I am Patrick Fridgen, the Planning and Education Division Director for the Department of Water Resources (DWR). I am here today to provide neutral testimony related to Senate Bill 2364. As manager of the DWR’s Cost-Share Program, we thought it would be helpful for the Committee to receive background regarding easement ownership as it pertains to the many projects receiving cost-share assistance from our agency.

As you know, DWR serves as the State of North Dakota’s primary mechanism for providing state cost-share assistance to a broad spectrum of water development project sponsors. The DWR Cost-Share Program is meant to do just that – share costs, with local sponsors, who are responsible for owning, maintaining, and managing their projects. It is not uncommon for project sponsors to acquire permanent easements to advance flood protection or water supply infrastructure. What would be uncommon is for the sponsor to have the ability to assign easement ownership to the state – as proposed in SB 2364.

North Dakota’s Water Commission is the decision-making body when it comes to approval or denial of Cost-Share Program funding through the DWR. And through the Commission’s review of projects, they consider the overall merits of projects within the confines of their policy and law. But in the end, those decisions are to commit the state as a financial supporter only.

Again, Mr. Chairman, and members of the Senate Energy and Natural Resources Committee, our intent for appearing before you today is merely to provide

background regarding how easement ownership has traditionally been handled by our many cost-share partners to date, as well as the DWR and Water Commission's role in the advancement of projects through the Cost-Share Program. With that, I will try to answer any questions that you or other committee members might have.