

**1/30/2025**

House Agriculture Committee  
North Dakota Legislative Assembly  
600 E Boulevard Ave  
Bismarck, ND 58505

Subject: Opposition to House Bill No. 1544 – Negative Impacts on Landowners

Chairman Beltz and members of the House Agriculture Committee,

I am writing to express my strong opposition to House Bill No. 1544, as it imposes significant burdens on landowners seeking to manage drainage on their property. While I understand the need for responsible water management, and have worked hard with this committee and many of its members over the last 10 years to make sure we have it right; this bill introduces unnecessary regulatory hurdles, increased costs, and an unfair shift in control over landowners' rights, making it impractical for many farmers and ranchers, and reintroduces red-tape that we removed years ago.

Key Concerns:

**1. Excessive Bureaucratic Delays**

- The bill requires landowners to notify all downstream landowners and wait 60 days before proceeding with a drainage project. This creates significant delays in critical drainage efforts, especially during urgent situations like excessive rainfall or soil saturation. In North Dakota, we have a tremendously short growing season, 60 days does not work.
- Increased state and local oversight may lead to inconsistent application of rules, further delaying necessary drainage improvements.

**2. Unfair Burden on Landowners**

- The requirement to send certified mail notifications to all affected downstream landowners increases costs to the Watershed, the landowner and ultimately the taxpayer.
- The bill also mandates erosion control measures at all outlets, placing an additional financial strain on landowners with no clear funding support. The process the way it is allowing water sheds to apply conditions such as "erosion control" is already working the way it should. Blanket regulations DO NOT WORK.

**3. Loss of Property Rights & Increased Legal Risks**

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- Downstream landowners effectively gain veto power over an upstream landowner's drainage project simply by filing an objection, even if no direct harm is proven. This unfairly limits the ability of farmers to manage water on their own land. If you read Homestead Deed, draining water is specifically written into it.
- Many downstream landowners hesitate to sign off on upstream drainage projects because they fear it will waive their right to compensation if damage occurs later. This creates a hostile and uncertain environment for landowners attempting to follow the legal process.
- In the past when this was part of the drainage law, most downstream landowners would say "I don't care if you do the project, but I am not signing anything in case I am damaged later". Water boards then did not feel they could approve the projects.
- The bill provides no clear definition of what constitutes "adverse effects" on downstream lands, making permit approvals subjective and unpredictable.

#### 4. Negative Impact on Agriculture and Rural Development

- Farmers and ranchers rely on efficient drainage to prevent soil degradation, saline buildup, and crop loss. The restrictions in HB 1544 will make it harder to implement necessary water management solutions, reducing agricultural productivity. I used to wonder if the state wanted to get into the Crop Insurance business for not allowing farmers to manage water on their property. We have since corrected many of those issues.
- Overregulation of drainage discourages landowners from investing in improvements, slowing economic growth in rural communities. If projects don't get done, on wet years, much of the land is put into Prevent Plant. Taxpayers paying Farmers not to farm, when they could have planted if they were allowed to tile.
- The bill disrupts landowners' ability to adapt to changing environmental conditions, which is crucial for sustainable farming and conservation efforts.

#### Conclusion

House Bill No. 1544 places an undue burden on landowners, making obtaining drainage permits more expensive and complicated, and unfairly shifts control over

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private land use to downstream property owners. These restrictions will harm North Dakota's agricultural economy and undermine the rights of landowners to manage water on their own property.

I think there are ideas within the Ag Groups, Agribusinesses and Landowners on how to fix some of these downstream issues, but this bill does not do it.

For these reasons, I strongly urge you to vote against HB 1544 and instead work toward solutions that balance responsible drainage management with practical, fair, and landowner-friendly policies.

Let's not go backwards in North Dakota Agriculture.

Thank you for your time and consideration.

Sincerely,  
Levi Otis

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