



**North Dakota Grain Growers Association  
Testimony in Favor of HB 1400  
House Energy and Natural Resources Committee  
January 23, 2025**

Chairman Porter, Members of the House Energy and Natural Resources Committee, for the record my name is Dan Wogsland representing the North Dakota Grain Growers Association. I appear before you today in support of HB 1400.

HB 1400 offers important improvements to the state's handling of conservation easements and environmental impact mitigation.

We support HB 1400 for several key reasons:

First, the bill's provisions regarding conservation easements and leaseholds provide crucial oversight and flexibility. By giving the Agriculture Commissioner authority to purchase and terminate easements as necessary, it ensures that agricultural lands are managed with appropriate consideration for both conservations needs and agricultural productivity. The requirement that the Commissioner must terminate easements when they are no longer necessary is particularly important, as it prevents perpetual restrictions on agricultural land use when circumstances change.

Second, the amendments to the environmental impact mitigation fund create a more structured and transparent process for managing environmental impacts from energy development. The prioritized order for mitigation efforts—starting with immediately impacted areas and moving outward to the county, region, and state levels—ensures that local agricultural communities most affected by development receive primary consideration.

Third, the limitation of easements and leaseholds to the operational life of energy facilities provides important protections for agricultural interests. This prevents permanent encumbrances on agricultural land and ensures that mitigation requirements align with actual facility impacts.

The bill's requirement for the Commissioner to notify the Public Service Commission of mitigation efforts before permit issuance adds an important layer of coordination and oversight. This helps ensure that agricultural interests are properly considered in the energy development process.

We particularly appreciate that all mitigation payments must be made to the Commissioner for deposit into the environmental impact mitigation fund. This centralized approach helps ensure consistent application of mitigation requirements and proper oversight of funds.

The biennial reporting requirement to the legislative management enhances transparency and accountability in the use of mitigation funds, which is essential for maintaining public trust and ensuring proper management of resources affecting agricultural lands.

In conclusion, HB 1400 represents a balanced approach to managing conservation easements and environmental impact mitigation while protecting agricultural interests. The NDGGA urges a "do pass" recommendation on this bill.