

**Testimony by Duane DeKrey, General Manager
Garrison Diversion Conservancy District
Senate Energy and Natural Resources Committee
Senate Bill 2379
Bismarck, North Dakota – February 13, 2025**

Chairman Patten, members of the committee, I appreciate the opportunity to testify in opposition to Senate Bill (SB) 2379. My name is Duane DeKrey, General Manager of the Garrison Diversion Conservancy District (Garrison Diversion). While SB 2379 is a well-intended piece of legislation, I worry it will have unintentional impacts on implementing public infrastructure projects like the Red River Valley Water Supply Project (RRVWSP). State law already provides significant protection to landowners regarding surveys and requires surveys for public use projects be done with the least injury to property. If approved, SB 2379 would make public infrastructure projects more time consuming and put an additional cost burden on the already limited state and local resources.

Currently, if a governmental entity considers private property as a location for a public use, the governmental entity is allowed limited access in order to identify whether that property is actually suited for the public use being considered. When multiple project alignments or properties are being considered for a public use, it is necessary to conduct parcel examinations which may quickly eliminate the property as a location without much additional time and effort.

SB 2379 seeks to stop public entities from conducting even preliminary evaluations without obtaining written consent from every landowner potentially impacted and/or obtaining a court order. SB 2379 should be rejected for three reasons:

1. First and foremost, these preliminary surveys are important for project planning. The governmental intrusion is minimal, and these surveys will not take away private property rights or cause damage to property.

2. The requirement to obtain written consent in SB 2379 will result in project delays. Allowing preliminary access enables the governmental entity to make the best decision on a route or parcel. While landowners have private property rights to safeguard their interests and are entitled to notice, negotiation, and due process if any interests are to be taken, requiring a landowner signature for survey access would unduly delay projects. These delays become especially impactful when dealing with absentee landowners where even initial contact can be time consuming and expensive.

3. Court processes take time and are expensive. Demanding a government entity to seek a court order if written landowner approval isn't obtained before accessing properties will require significant expenditures of public funds and add months of delay to work through the court system. In large pipeline construction projects, there can be hundreds of parcels impacted. If the design stage requires court orders before parcels can be accessed as candidates for a public use, the court systems and judicial resources will be unduly clogged.

Communication with the public is a high priority for Garrison Diversion and, as a matter of routine, notifies landowners when surveyors will be on their properties and advises what types of surveys will be conducted. While we have experienced project opposition from time-to-time regarding this initial access, we have not had complaints or concerns raised by landowners after the survey observation was conducted. In addition, oftentimes these initial surveys provide valuable information greatly reducing the number

of landowners impacted in the future by quickly eliminating an alignment or route. In short, there is little disruption of the land, and we do our best to stay in close communication with the landowner regarding any need to access their property.

I urge you to reject SB 2379 as landowners are currently adequately protected.

Thank you for your consideration.