

January 27, 2021

Senate Agriculture Chairman Luick,

Good morning Chairman Luick and members of the Senate Agriculture Committee. For the Record I am Levi Otis, Registered Lobbyist 370 for Ellingson Water Management. A family-owned water management contractor that operates here in North Dakota, employs about 70 North Dakotans across the state, and another sum around the United States.

It appears the intent Senate Bill 2208 good, one that I could get behind. However, knowing I am never the smartest guy in the room, I rely on a team of people to help me learn what are in these bills and the consequences of their passing.

Upon review, we have determined that this bill really is not great for our company, but more importantly the family farms we serve and the constituency of North Dakota. I want committee members to understand that many of the ditches we currently have were built many years ago with approved votes. These were built many years before our wet seasons started. Not being able to execute minor improvements on these without a vote of all assessed landowners would be a detriment to the watershed.

SB2208 creates additional permitting requirements for drainage water management projects of less than 80 acres which are not required under current law and would not be required under other proposed legislation coming out of the house.

In Section 1 of SB2208, it appears that it wants to change the law to require surface drain and subsurface drain tile permits to be appealed to the state engineer for an administrative hearing conducted by the office of Administrative hearings. Current law allows appeals to the district court for a review of water board record. Administrative Hearing appeals just costs landowners, waterboards and taxpayers more money. The current process is much more inline and consistent with other states. There is some confusion though, because Sec. .39, p.32, lines 24-28 retains existing language regarding appeals to district court for permit application denials.

Earlier this summer, I was offered an opportunity to present for an hour and a half in front of the water board association annual conference. I am proud of that presentation, because I showed what we are doing in places like Iowa and Southern

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Minnesota that have great infrastructure that has been built over the years. We need assessment drains before we can do anything else including Drain Tile Projects, Saturated buffers, Wetland Banks, Denitrifying wetlands, More CRP acres adjacent to these big ditches that are needed to convey water.

With assessment drains, everyone pays their fair share, gives a little land and gets to improve their good ground, increasing production, thus paying more property tax without having to raise them.

I'll stand for any questions.

Levi

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