

Testimony of Jim Dotzenrod
January 28, 2021
In Opposition of SB 2208

Chairman Luick and members of the Senate Agriculture Committee,

I am sending this testimony to you to provide some of the reasons why I believe SB2208 has some problems and should not pass as it is currently written.

It is hard to know where to start on this fairly large re-write of ND water management law so I will begin by just making some observations about drainage in general. It seems to me that this bill reflects the attitude that drainage and the network of drains, many of them man-made across the state is an unappreciated asset. Next to our transportation system (railroads, highways, etc), drainage, I believe, has provided more economic growth and new wealth to ND agriculture than any other investment we have made. It is the infrastructure of today's production agriculture. The value added processing facilities at Casselton, Wahpeton, Enderlin, and Hankinson would likely not be there without the benefit of a functioning, well maintained system of drains. The early settlers in my county built drain 7 in 1907, drain 8 in 1908, drain 12 in 1912, drain 14 in 1914, and so on with dozens of other drains that provided the opportunity to farm successfully by avoiding catastrophic loss associated with sheet water flooding and chronically saturated soil.

SB2208 appears to be designed and intended to make drains and drainage more difficult, time consuming, and expensive. I don't know how anyone can claim to support ND agriculture and be against responsible drains and drain projects.

This bill sets forth a definition of "maintenance" that is very restrictive and limits expenses paid for by the \$4.00 per acre "maintenance" fee currently allowed in state law to only those that return the drain to its original design and makes no provisions for improvements that could slow the speed and reduce the depth of water in the channel. Current law allows for these improvements and I am puzzled why anyone would want to take that ability away from local water boards. Widening the channel can make the drain safer and less costly to maintain by providing more gradual side slopes on each side of the drain. A widened drain channel can store more water and reduce the potential of downstream flood issues. The restrictive definition of "maintenance" locks in technology and engineering standards that were in place at the time the drain was built as far as the ability to use the currently available \$4.00 per acre is concerned.

What if we did that with our road system? What if we said that a new bridge built to replace an aging inadequate bridge could not exceed the standards and design of the old bridge? We want well maintained roads and we expect new road and bridge construction to incorporate new, higher standards of safety and performance. As a farmer, I pay the \$4.00 per acre on every acre that my family and I farm every year and I am glad to do so - it's cheap insurance and I would not be farming today without those critically important drains and the maintenance and improvements provided to our neighborhood via that relatively small annual fee.

There's more here in this bill that takes us backwards. Why would we repeal 61-16.1-09.1 that allows a local rapid response to save property threatened by debris that has blocked a river or drain channel?

I don't know where this bill came from or who wrote it, but it is certainly no help for all of us who farm in this state and particularly in the East. There appears to be a strong underlying bias against drains, drainage, and improved agriculture running through this bill. If I were there, I would vote NO.