

**Testimony by Justin Johnson
Civil Technician for Richland County Water Resource District**

**To Senate Agriculture Committee
In Opposition to SB 2208**

**North Dakota Legislature
67th Legislative Assembly
Bismarck, North Dakota
January 28, 2021**

Chairman Luick, Vice-Chair Myrdal, and Members of the Committee, I am writing in opposition to SB 2208. As a Civil Technician for the Richland County Water Resource District (RCWRD), I find many issues with this bill that will make it extremely difficult for Water Resource Districts and Board Members to carry out their responsibilities. Only allowing Water Resource Boards to complete repairs to a drain which matches the original design of the drain is unrealistic. Requiring the Districts to take every culvert they replace that does not match the sometimes 100-year-old original designs to the vote of the assessment district will handcuff Boards to a point where very little repair work could be completed in North Dakota's short construction season.

Many of RCWRD's culvert replacements are done because of a structure failure. Failure can include culverts rusting out, erosion around culverts, etc. These types of damages many times cause a road to be closed until the repair is completed. If the District is forced to take the repair project to a vote of the assessment district it will cause these township, county, and state roads to be shut down for an extensive amount of time. These roads are emergency routes, school bus routes, farm to market routes, and regularly travelled roads by residents and the general public.

Districts are required to follow the North Dakota Stream Crossing Standards when replacing culverts through roadways and can not replace a culvert that is smaller than the hydraulic study minimum recommendation. In a case where the minimum recommendation is larger than the original design of the drain, the roadway would be forced to be closed until the District has a passing vote of the assessment district. What if the vote does not pass? Does that mean the township, county, or state road would be permanently closed until a subsequent vote passes? This would cause a lot of uproar around Richland County for sure, and I am guessing around the State as well!

Another issue with SB 2208 are the snagging and clearing changes. Snagging and clearing is very important to our statewide infrastructure. Doing these projects helps protect bridges, roadways, and homes from increased flood damage. Making it more difficult for Districts to fund these projects is a mistake. It is difficult to fund these expensive projects now and if the Districts do not have the resources to do so, snagging and clearing projects will stop. Without snagging and clearing projects, many areas will experience extensive damage to road infrastructure, creating more costs and causing taxpayers more hardships.

The last issue I wish to address is the subsurface water management (tiling) portion of SB 2208. I recommend removing this entire section from SB 2208. HB 1437 was worked on by several parties over multiple months and with many meetings. Four years ago, Ellingson Companies and the Water Resource

Districts were on opposing sides of multiple tile bills. HB 1437 is the combined effort of Water Resource District personnel, Ellingson Companies, and Representative Cindy Schreiber-Beck, all working together, which is how bills and laws should be written. There are many issues with the current subsurface water management (tile) law, and HB 1437 is a combined effort to resolve those issues.

In closing, I respectfully urge you to bring forward a “Do Not Pass” recommendation on SB 2208. Thank you for your time and consideration.

Justin Johnson

Justin Johnson, Civil Technician

Richland County Water Resource District