

2021 SENATE AGRICULTURE

SB 2342

2021 SENATE STANDING COMMITTEE MINUTES

Agriculture Committee Fort Union Room, State Capitol

SB 2342
2/4/2021

A BILL for an Act relating to healthy soil grant and assessment and education programs and soil conservation

9:00 AM

Chair Luick called the Committee to order at 9:00 AM. Roll call was taken. All committee members were present: Chair Luick, Vice Chair Myrdal, Senators: Klein, Lemm, O. Larsen and Hogan.

Discussion Topics:

- The trees in ND and their value concerning top soil
- Proposed Amendments
- Funding support for this Bill
- Climate change
- Carbon emissions
- Outdoor Heritage Fund
- Water management
- Restoration of the land and protection of the soil
- Education for the producers
- Soil Conservation plans
- An interim study on this Bill

(9:01 AM) Senator Piepkorn District 44 introduced the Bill and presented testimony and Proposed Amendment # 21.0993.03001 # 5416.

(9:07 AM) Dr. Shelly Lenz, owner State Ave Vet Clinic, Dickinson testified in favor and presented testimony # 5352, # 5353, # 5370.

(9:30 AM) Karl H. Rockeman, Director of Water Quality ND Dept. of Environmental Quality testified in favor and presented testimony # 5307.

(9:36 AM) Samuel A. Wagner, Dakota Resource Council testified in favor and provided testimony # 5042.

(9:46) Jim Dotzenrod testified in favor and presented testimony # 5366.

(9:51 AM) Matt Perdue, ND Farmer's Union testified in favor and provided testimony # 5319.

(9:54 AM) Doug Goehring, Agriculture Commissioner testified in opposition and provided testimony # 5399.

(10:19 AM) Roger Batemen, ND Soil Conservation Districts testified in opposition and suggested a Study on this Bill and expressed a desire for the Soil Conservation Districts to be involved concerning this Bill.

(10:37 AM) Emmerly Mehlhoff, ND Farm Bureau testified in opposition and provided testimony # 5403.

(10:41 AM) Barton Schott, Farmer and Chair of State Soil Conservation Commission testified in opposition and provided testimony #5212.

(10:46 AM) Gary Knudson, ND Agriculture Association testified in neutral position.

(10:48 AM) Chair Luick closed the hearing and recessed the committee until 11:00 AM.

(11:00 AM) Chair Luick called the Committee back to order and reopened the hearing.

Discussion followed.

(11:10 AM) Vice Chair Myrdal made the motion for a Do Not Pass on SB 2342.

(11:11 AM) Senator Oley Larsen 2nd the motion

Senators	Vote
Senator Larry Luick	Y
Senator Janne Myrdal	Y
Senator Kathy Hogan	N
Senator Jerry Klein	Y
Senator Oley Larsen	Y
Senator Randy D. Lemm	Y

(11:14 AM) Roll Call vote was taken for a Do Not Pass 5-1-0.

(11:15 AM) Vice Chair Myrdal will carry the Bill

(11:17 AM) Chair Luick closed the hearing on SB 2342.

Additional written testimony:

Philip M. Murphy, ND Soybeans Growers Association in Neutral # 5172.

Brenda Elmer, ND Corn Growers Association in Opposition # 5377.

Sarah Tunge, ND Conservation Districts Employee's Association in Opposition #5393.

11:17 AM end time.

Alice Delzer, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2342: Agriculture Committee (Sen. Luick, Chairman) recommends **DO NOT PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2342 was placed on the Eleventh order on the calendar.



NORTH DAKOTA SENATE

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Senator Merrill Piepkorn

District 44
1321 Third Street North
Fargo, ND 58102-2728

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COMMITTEES:

Finance and Taxation
Energy and Natural Resources

February 4, 2021

Chairman Luick and members of the Senate Agriculture Committee. I'm Senator Merrill Piepkorn from north Fargo's district 44. I'm here today to introduce Senate Bill 2342, what we are calling the Healthy Soils bill. The driving force behind this bill is Dr. Shelley Lenz, and she will be along in a moment to take through a deep dive of the bill. For now, I will tell you that SB 2342 would create a new subsection under North Dakota Century Code 4.1-20 Soil Conservation. The bill adds the principle of soil restoration to soil conservation. Some of this work is going on across the state but in something of a patchwork quilt manner. This bill provides a mechanism to create a statewide infrastructure to connect soil experts, conservation groups, producer groups and individuals championing the principles of soil health. You'll hear the term "Soil Champions" several times during today's discussion of the bill.

If we can look at the amendments.....

This is a bill that has broad support among the public and provides a lot of common ground for all of us, as North Dakotans, to stand together on, as we not just protect what we have, but to improve it. Our soil is still our most important resource and we depend on healthy soil to support what I will say is still out most important industry and contribution to the world.

I'll give way to Dr. Shelley Lenz who will further explain the bill and is best equipped to answer your questions about it. And I'll head next door to my Energy and Natural Resources Committee. Thank you

PROPOSED AMENDMENTS TO SENATE BILL NO. 2342

Page 10, line 30, remove ""Society" means the soil and water conservation society."

Page 11, line 1, remove "g."

Page 11, line 3, replace "h." with "g."

Page 11, line 11, replace "i." with "h."

Page 11, line 20, remove "society and the"

Page 11, line 21, after "service" insert "and soil health champions, depending on willingness and availability."

Page 11, line 25, remove "the society and"

Page 11, line 26, after "service" insert "and soil health champions"

Page 12, line 22, replace "Complete" with "Organize existing soil health information and complete"

Page 13, line 3, replace "carbon sequestration" with "soil organic material"

Renumber accordingly

February 3, 2021

Dear Chairman Luick and Senators of the Agricultural Committee;

|

My name is Shelley Lenz, owner of State Ave Vet Clinic in Dickinson and Killdeer Vet Clinic. I also am the Founder and President of the international nonprofit Sustainable Vets International, which focuses on local economic development including food security. I would like to express my full support of this legislation.

I had the joy of running a Statewide campaign last election cycle. I drove my truck from Pembina to Amidon, Fargo to Williston talking with farmers, ranchers, waitresses, small business owners, oil workers, college kids and everything in between.

One unifying theme from my conversations across the state, that is reflected in the broad spectrum of urban and rural, republican and democrat co-sponsors of this bill is the importance of healthy soil. People shared concerns about local food movements, food security, bee populations, carbon sequestration/climate solutions, urban gardening, improved farm/beef production, dangerous algae blooms, access to clean water, healthy foods, and green spaces; hunting, flood/drought issues and economic resilience. All of these things have one thing in common--Healthy Soil.

North Dakota is continuing to lose on average 3-5 tons/acre of soil per year on cultivated lands [1,NDSU]. In addition, North Dakota's soils continue to lose high levels of carbon (or organic debris) instead of actually storing and retaining that carbon that is

Vote Yes on SB 2342

5353



WHY DOES SOIL HEALTH MATTER?



Require Less Fertilizer

The abundant life in healthy soils provides much of the nutritional needs for crops. Fungi and bacteria have co-evolved with plants to provide essential nutrients in exchange for carbon (in the form of sugars).

Protect Water Quality



Healthy soils retain more of the fertilizers applied. This reduces downstream pollution, which can lead to dangerous algae blooms, contaminate drinking water, and other biological disruptions.

HEALTHY SOILS



Hold More Water

Healthy soils act as a sponge, providing reserves of water when precipitation is low and absorbing excess during high precipitation events. Healthy soils improve surface stability during wet periods.¹



Increase Farm Profits

A 2017 study by the National Association of Conservation Districts found that using cover crops and no-till can result in an economic return of over \$100 per acre.²



Result In Better, Healthier Crops

Healthy soils provide a steady supply of nutrients and moisture. Healthy plants are able to photosynthesize more effectively and produce the necessary metabolites that defend them from disease and pests. In short, healthy soils grow healthier plants, which reduce the need for pesticide and fertilizer use.



Increase Carbon Storage

Healthy soils can increase carbon storage by one to three tons per acre per year.³

Vote Yes on SB 2342

ELEMENTS OF SB 2342

- Builds on existing ND Soil Conservation infrastructure
- Coordinates healthy soils principles statewide
- Establishes a statewide network of champions to promote soil health stewardship
- Adds healthy soil education to soil conservation districts
- Provide statewide healthy soil grants and financial incentive programs
- Provides technical assistance to achieve healthy soil goals

FUN FACT:

A 1% increase in soil organic matter on just one acre enables the land to hold an additional 20,000 gallons of water.⁵



DID YOU KNOW?

North Dakota is losing on average 3-5 tons/acre of soil per year on cultivated lands⁴

North Dakota's Healthy Soils Act would create a new subsection under NDCC 4.1-20 Soil Conservation. SB 2342 adds the principle of soil restoration to soil conservation. It creates a statewide infrastructure to connect soil experts, conservation groups, producer groups, and individuals championing the principles of soil health.

Agriculture is one of North Dakota's most important industries. The amount of soil we are losing is not sustainable. The principles of healthy soils connect the dots between healthy soil, healthy air, healthy water, food security, carbon sequestration, and local sustainable economic prosperity.

1 USDA Natural Resources and Conservation Service. 2019. South Dakota. *No-till farming reaches milestone in South Dakota*.

<https://www.nrcs.usda.gov/wps/portal/nrcs/detail/sd/ne/wsroom/releases/?cid=nrcseprd1517222>

2 National Assoc. of Conservation Districts, Soil Health Research, <http://www.nacdn.net.org/soil-health-research>

3 Machmuler, M. et al. Emerging land use practices rapidly increase soil organic matter. *Nature Comm.*, 6:6995 (2015). <https://go.nature.com/2G087FM>

4 <https://www.ndsu.edu/soilhealth/wp-content/uploads/2014/09/reduce-wind-erosion-for-productivity-2014.pdf>

5 NRDC. *Climate-Ready Soil: How Cover Crops Can Make Farms More Resilient to Extreme Weather Risks*.

<https://www.nrdc.org/sites/default/files/climate-ready-soil-appendix.pdf>

Dear Chairman Luick and Senators of the Agricultural Committee;

My name is Shelley Lenz, owner of State Ave Vet Clinic in Dickinson and Killdeer Vet Clinic. I also am the Founder and President of the international nonprofit Sustainable Vets International, which focuses on local economic development including food security. I would like to express my full support of this legislation.

I had the joy of running a Statewide campaign last election cycle. I drove my truck from Pembina to Amidon, Fargo to Williston talking with farmers, ranchers, waitresses, small business owners, oil workers, college kids and everything in between.

One unifying theme from my conversations across the state, that is reflected in the broad spectrum of urban and rural, republican and democrat co-sponsors of this bill is the importance of healthy soil. People shared concerns about local food movements, food security, bee populations, carbon sequestration/climate solutions, urban gardening, improved farm/beef production, dangerous algae blooms, access to clean water, healthy foods, and green spaces; hunting, flood/drought issues and economic resilience. All of these things have one thing in common--Healthy Soil.

North Dakota is continuing to lose on average 3-5 tons/acre of soil per year on cultivated lands [1, NDSU]. In addition, North Dakota's soils continue to lose high levels of carbon (or organic debris) instead of actually storing and retaining that carbon that is critical to plant growth and resiliency. This is unsustainable for one of North Dakota most important industries of Agriculture, costs North Dakota Farmer's hundreds of millions in losses, affects flood/drought damages and is degrading surface waters as evidenced by several lakes around our state closed in 2020 due to algae blooms. That is why it is important to add the language and incentives of soil RESTORATION to the soil conservation chapter of the North Dakota Century Code to encourage and educate our citizens to rebuild this precious North Dakota resource.

In addition, this Bill creates a statewide infrastructure connecting soil experts, conservation groups, producer groups, and local soil health champions who carry decades of local knowledge. A statewide network is not a duplication of existing services, but it is creating a consolidation and improved efficiency with the use of existing local infrastructure.

It might seem daunting to do a complete baseline soil study for North Dakota, but I'm confident that our research facilities in NDSU already have a lot of the data on hand and we just need to make sure we are asking the right questions.

Additionally, a statewide network will help address the significant disparity that exists between soil districts and more equitably provide access to soil health resources, incentives and tools. Soil health programs are place-dependent initiatives requiring active engagement with interested citizens, this community education and engagement is an additional benefit of the efficiencies that are a by-product of this legislation.

Funding for this initiative is in perfect alignment with the Outdoor Heritage Fund with the directive of *“Improving, maintaining and restoring water quality, soil conditions, plant diversity, animal systems, and by supporting other practices of stewardship to enhance farming and ranching.”* Soil health funding can come from many sources as it positively contributes to so many aspects of North Dakota life and livelihoods. In a state that is prone to flooding and drought, healthy soil has proven to stabilize our climate, our rivers, and our wetlands. One percent of organic matter holds 20,000 gallons/acre of water. [2, NRDC]. A 2017 study by the National Association of Conservation Districts found that soil health principles result in an economic return of over \$100/acre [3,NACD]. Soil health practices can increase soil carbon storage by 1 to 3 ton per acre per year [4, Nature Comm.] which can be capitalized on by Federal carbon capture initiatives.

The time for this legislation is now. The new federal administration has made its commitment to natural climate solutions known and will be looking to agricultural practices like investments in soil health to be making a significant contribution to carbon capture, clean air and water as part of a larger system of solutions for climate and environmental restoration.

I am proud to say that North Dakota has one of the best extension services in the union--coupled with our soil district leaders and local soil health champions--we can help lead the union in moving soil health practices in Federal soil carbon capture initiatives efficiently, equitably, and accurately.

This bill will assist North Dakota farmers, ranchers, gardeners, city planners, and landowners to improve the health of their soils, their water, and their local economy. It provides the opportunity to connect the dots of healthy soil to healthy water to healthy food to healthy economy and beyond.

Thank you for your consideration. I urge you to support this legislation. I will be testifying in person and will be available to answer you questions you may have. Please feel to contact me at (701)690-7339 or drshelleylenz@gmail.com

Sincerely,
Shelley J. Lenz, DVM, Ph.D.

¹<https://www.ndsu.edu/soilhealth/wp-content/uploads/2014/09/reduce-wind-erosion-for-productivity-2014.pdf>

²<https://www.nrdc.org/experts/lara-bryant/organic-matter-can-improve-your-soils-water-holding-capacity>

³<https://www.nacdnet.org/newsroom/case-studies-show-big-economic-benefits-soil-health-practices/>

⁴Machmuler, M. et al. Emerging land use practices rapidly increase soil organic matter. Nature Comm., 6:6995 (2015). <https://go.nature.com/2G087FM>

TESTIMONY OF

Karl Rockeman, Director of Water Quality

Good morning Chairman Luick and members of the Senate Agriculture Committee. My name is Karl Rockeman, and I am the Director of the Division of Water Quality within the North Dakota Department of Environmental Quality. The Division of Water Quality protects and monitors our water resources to ensure the quality of surface and groundwater for the public's use. I am here to testify in support of SB2342 and to offer some amendments.

Need for More Emphasis on Soil Health

The need to promote practices to improve soil health is as great as ever. I don't need to tell this committee about the importance of agriculture in our state, or the effect soil productivity has on economic activity. I will include an often-repeated quote that "... we owe our existence to a six-inch layer of topsoil and the fact it rains." Unfortunately, NDSU soil scientists have shown that we continue to lose topsoil at an alarming rate. Also, soil health will be an important factor in our state's carbon equation as we look at a carbon limited future. A statewide coordinated and sustained effort including research, education and technical support is needed to change the path we are on

DEQ's Current Role in Soil Health

What happens on the soil affects our water resources, and the Water Quality Division has been involved in promoting soil health practices for many years. Our Nonpoint Source Pollution Program currently has cooperative agreements with 18 soil conservation districts to support educational programs or provide technical and financial assistance to ag producers implementing soil conservation practices that improve water quality and soil health. These practices include no-till, cover cropping, and grazing management. For example, in the last ten years, the Nonpoint Source Program has used federal Section 319 grant dollars and state and local match to implement these practices on over 64,000 acres in North Dakota, in addition to several statewide and local information and education programs.

The DEQ has also partnered with NDSU extension to develop a soil and water conservation leadership academy for Soil Conservation District board members and staff. This includes various topics such as board roles and responsibilities, hydrology, project management, effective meetings, marketing, and many other skills. This training has been provided to 19 different sessions since 2018, with two more planned this spring.

Other considerations

We'd ask this committee to consider how best to implement the grant and education programs included in Section 12 to keep the administrative overhead low, including using existing

programs that may have processes already in place and to leverage additional federal funding where available.

Also worth consideration is whether a private organization, the Soil and Water Conservation Society, should be noted directly or if it would be better leaving the responsibilities for administering the programs to a governmental entity who would then collaborate with all NGO's advocating for soil health.

Specific Amendments

Page 10; line 13 – add Non-governmental entities (NGO's) (i.e. commodity groups, ND Grazing Coalition, ND Stockman's Association etc.) as "Eligible entity"

Page 10, line 30. Page 11 line 20 & line 25 Page 12, line 10 Remove references to Soil and Water Conservation Society

Page 11; Line 18 – Non-governmental entities and qualified private crop consultants should be added as technical assistance providers

Page 12; Line 1 –add training for local technical assistance providers to clarify that "Training the Trainer" is also eligible.

Mr. Chairman and committee members, this concludes my testimony. I ask for your support for SB2342 with the requested amendments. I would be happy to answer any questions.

Testimony of Dakota Resource Council
Sam Wagner Lobbyist #1034

Chairman Luick and members of the committee,

My name is Sam Wagner and I am testifying today in favor of SB2342 on behalf of the Dakota Resource Council. DRC has more than 650 members statewide and was founded in the 1970s to promote sustainable use of North Dakota's natural resources and family-owned and operated agriculture.

What does SB2342 actually do? Simply put, this bill would like to accomplish the following:

- **Build on existing ND Soil Conservation infrastructure**
- **Modernize the Century Code**
- **Coordinate healthy soils principles statewide and properly fund them**
- **Establish a statewide network of champions to promote soil health stewardship**
- **Add healthy soil education to soil conservation districts**
- **Provide statewide healthy soil grants and financial incentive programs**
- **Provide Technical assistance to achieve Healthy Soil goals**

Topsoil Issues

North Dakota's agricultural industries have many difficult challenges looming on the horizon as we start this new decade but few are as urgent as soil health. North Dakota is losing on average 3-5 tons/acre per year on cultivated lands. Through new information gained over the last decade and better understanding through our research we have come to the conclusion that there is more to saving our topsoil than we previously believed. Due to these discoveries it is time that we modernize our century code to recognize the aspects of soil health to include soil restoration. North Dakota has some of the best and most fertile soil in the United States and possibly the world. If we can sustain and build this resource we can continue to lead the nation and the world in agricultural production.

The current soil conditions that we have are unsustainable for North Dakota's agricultural production in the long term and the short term. North Dakota's soils continue to lose high levels of carbon. Farmer's have lost hundreds of millions of dollars due to flooding and droughts in the past few years alone. North Dakota waters have suffered, 12 North Dakota lakes were under advisory 2020 due to blue green algae blooms, and 2 were under warnings. Blue Green Algae Blooms can be caused by excess nutrients from fertilizers and animal manure. By using healthy soil practices we can lower the amounts of nitrogen and phosphorus from fertilizers and do better at preventing over

application saving money for both the farmer and the state. The farmer has less overhead costs in fertilizer and chemicals for weed management. The state would see better flood mitigation and less clean up from over application of fertilizer.

Modernize the North Dakota Century Code:

I'd like to read you a passage from the ND Soil Conservation Districts History.

“Since 1997, the North Dakota State University Extension Service has assisted the director with the administrative duties of the committee within the limits of legislative appropriation to deliver information and services to the districts (S. L. 1997, Ch. 50)”

Note the words “within the limits of the legislative appropriation to deliver information and services to the districts” With this bill we want to expand the limits and language to ensure that our extension office has the proper definitions needed to pursue modern healthy soils practices. This is not just the old way of thinking that ensured protection against erosion, topsoil loss, or leaching. In many cases we’re still using language from the 50s and 60 and even in some cases the Great Depression Era when we think about soil health. SB2342 would create a new subsection under North Dakota Century Code, 4.1-20 Soil Conservation. This bill adds the principle of soil restoration to the already written language for soil conservation. This is a very important addition because soil restoration works on building back our top soil. Simply conserving what we have will not be enough and restoration has the added effect of sequestering carbon. By forming new soil we can increase the amount of carbon that our soils absorb and lock it away in the ground naturally. Carbon sequestration by introducing plants and animals naturally to restore the soil is cheap, effective, and has the added benefit of making our land more productive for both farming and ranching.

Reorganizing our Existing Structures

SB2342 organizes statewide infrastructure to give access to knowledge and resources to connect soil experts, conservation groups, producer groups, and individuals championing the principles of soil health to create a statewide network that gives . By strengthening existing programs and giving future state and federal financial incentives that can be more readily accessed and promoted, this bill will assist North Dakota farmers, ranchers, gardeners, city planners and landowners, helping them improve the health of their soils, water, and local economy.

This bill will reorganize our existing facilities and this bill doesn’t mandate new taxes but can give the soil districts the authority to collect levies if they wish to seek more funding for their programs or start new projects in their jurisdiction. We also are not trying to

force anyone to buy into projects that they don't want to start. However what this bill does will also centralize our already existing research from universities and our extension offices the ability to create a statewide network to collaborate on soil health issues. This bill also appropriates money in the form of a healthy soil grant that would help North Dakota farmers, ranchers, and entrepreneurs find solutions and practices that would be promoted throughout the state.

In conclusion we'd like to thank you for taking the time to hear our testimony. I stand for Questions

Testimony on SB2342, Soil Health

February 4, 2021

Jim Dotzenrod, 701-640-3926, jimdotz@rrt.net

Good morning Mr. Chairman and members of the Senate Agriculture Committee.

When I was first asked about this bill my reaction was that there is no downside to bringing up the subject of soil health, what can be done to promote soil health and give this subject more attention. This bill does that and will hopefully result in getting the many stakeholders together to discuss soil health and find ways to accomplish more across the state.

The bill can be viewed as two separate halves. The first 9 pages take existing law and add the terms "restoration, and soil health" to current sections that deal with "soil conservation". My reading of these changes to existing law seem to be acceptable and not a problem for most individuals who use or refer to these sections.

The pages that follow after page nine create a new chapter and assign some new responsibilities to the state such as setting up a special fund in the Office of the ND State Treasurer, and bringing the ND Agriculture Commissioner in to this subject in a variety of new ways. I have gone through these new sections and have many questions on how this will work in terms of clear lines of responsibility, who is in charge and accountable for the money that may be needed to get the work done. It is my understanding that there are amendments coming that may clear up some of my questions, so I look forward to seeing those.

It is my hope that this bill on soil health will result in getting more done by helping identify the problem, elevating this subject to a higher priority within the legislature, potentially leading to higher state funding, increasing awareness and communication across state agencies, and bringing stakeholders together to see if this bill can be used as a vehicle to advance the cause of soil health across the state.

Sincerely,

Jim Dotzenrod



Contact:
Matt Perdue, Lobbyist
mperdue@ndfu.org | 701.641.3303

**Testimony of
Matt Perdue
North Dakota Farmers Union
Before the
Senate Agriculture Committee
February 4, 2021**

Mr. Chairman and members of the committee,


Thank you for the opportunity to testify on Senate Bill No. 2342. My name is Matt Perdue, and I am testifying on behalf of North Dakota Farmers Union's (NDFU) members.

NDFU supports SB 2342, and specifically, sections 1-11 of the bill. We believe these sections align statute with the important role that soil conservation districts play in promoting soil health through voluntary practices and programs.

Over the last few years, there has been an increased focus on reducing carbon emissions and increasing carbon sequestration. The 2018 Farm Bill included a combined 10 references to "weather volatility," "carbon," and "climate." Major corporations like Cargill, McDonald's, General Mills and others have also pledged to reduce carbon emissions in their supply chain. Put simply, new policies and market forces increasingly rely on farmers and ranchers to play a central role in climate initiatives. Our locally led soil conservation districts are on the front lines and critical to farmers' and ranchers' ability to adapt.

While growing concerns about climate change represent a challenge for some industries, they can represent a major opportunity for farmers and ranchers. Practices that sequester carbon also improve soil health and the productivity of agricultural lands. North Dakota's farmers and ranchers have already deployed soil health practices like no-till, cover crops and rotational grazing, because of the farm- and ranch-level benefits they provide. With appropriate compensation, producers can continue to implement practices that improve soil health and provide offsets for other industries.

Sections 1-11 of SB 2342 recognize the critical assistance soil conservation districts provide in deploying soil health practices. The new language supports a continued focus on soil health. Because of the soil conservation districts, farmers and ranchers can rely on trusted neighbors to voluntarily improve soil health in a way that best suits their operation. Our members greatly prefer this voluntary partnership over blanket mandates.





NDFU recognizes that, as farmers and ranchers adapt to new realities, we are asking more of our soil conservation districts. We support adequately funding our soil conservation districts to address these challenges. We also recognize there are some stakeholder concerns with certain provisions of this bill. We stand ready to support collaborative discussions that ensure the needs of farmers, ranchers and conservation districts are met.

Thank you for your consideration. I will stand for any questions.



COMMISSIONER
DOUG GOEHRING



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NORTH DAKOTA
DEPARTMENT OF AGRICULTURE
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Testimony of Doug Goehring
Agriculture Commissioner
Senate Bill 2342
Senate Agriculture Committee
February 4, 2021

Chairman Luick and members of the Senate Agriculture Committee, I am Agriculture Commissioner Doug Goehring and I am here with opposition testimony on Senate Bill 2342.

I am a bit confused by the bill as it appears to duplicate programs that are available through NRCS and soil conservation districts. Other organizations can and have applied for monies from the Outdoor Heritage Fund to provide resources for cell grazing, range management, and habitat restoration. The bill requires the agriculture commissioner to establish a grant program and establish a healthy soil assessment and education program. This seems like it is making us into a clearing house for soil health. I am not opposed to that concept if there are resources attached to it. However, the new special fund that would be established by SB 2342 is authority only with no resources tied to it. This would make the requirements in the bill unfunded mandates.

Chairman Luick, members of the Senate Agriculture Committee, thank you and I will stand for any questions.



Senate Agriculture Committee – SB 2342
Emmery Mehlhoff, NDFB Public Policy Liaison
February 4, 2021

Chairman Luick and members of the committee,

My name is Emmery Mehlhoff and I represent North Dakota Farm Bureau. NDFB is opposed to SB 2342 as written.

Soil health is essential for producers and their operations. NDFB believes the producer is the best steward of their land and soil health and testing is a tool for the producer to maximize the productivity of their operation. In recent years, there have been many innovations in achieving soil health and maximum productivity and our producers are innovators and take advantage of these tools.

While we support maximizing soil health, NDFB has some concerns with the language in SB 2342 which is why we stand in opposition today.

Section 1, Line 13

The bill adds the words “restoration” and “restore” which are vague and undefined.

Section 2, Subsection 8, Lines 14-18 and Section 12, Subsection 1, Lines 14-20. - Definition of Soil Health

NDFB is concerned the definition for “soil health” is vague. Including the words “enhance, increase, and improve” does not provide districts with a qualitative definition and does not establish an objective baseline of healthy soil.

The definition is also not consistent with the NRCS definition. The most recent NRCS definition is “Soil Health, also referred to as soil quality, is defined as the continued capacity of soil to function as a vital living ecosystem that sustains plants, animals, and humans.” NDFB does not believe either definition should be put into Century Code.

Section 4, Lines 7-8 - Soil Conservation District Supervisor Training

Century Code does not mandate specific training requirements for District Supervisors, and we believe the training details should be left up to the districts.

Section 6, Subsection 1, Line 22 - Addition to Powers

This section of Code pertains to soil erosion research. With the passage of this bill, it would add “soil health” to the type of research conducted by the soil conservation districts. Soil erosion continues to be a problem and soil conservation districts are equipped to research and discuss the issue. Soil Health remains very difficult to codify, as the standards will vary markedly throughout the state.

Fargo

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Section 6, Line 8 - Flooding

Flooding is an issue for the water board and county. Soil may play a factor in flooding, but it is beyond the responsibility of the soil conservation boards to monitor.

Section 12, Line 29 –The Creation of the Healthy Soil Grant Fund

NDFB is concerned with the ambiguity of the language under the grant portion of the bill. Soil health varies dramatically across the state and health factors vary.

In conclusion, NDFB believes education and technologies which maximize soil health and productivity are the most efficient when sought out and implemented by the producer rather than attempting to legislate soil health.

I would stand for any questions.

Fargo

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Bismarck

4900 Ottawa St. | PO Box 2793, Bismarck, ND 58502-2793
Phone: 701-224-0330 | 1-800-932-8869

Chairman Luick and Members of the Senate Agriculture Committee,

For the record, my name is Barton Schott and I farm near Kulm, North Dakota. I also serve as Chair of the State Soil Conservation Committee, but I am here today to testify on my own behalf, as a farmer and taxpayer, in opposition to Senate Bill 2342.

I know first-hand the importance of soil health, and I work hard to maintain the productivity of the land I farm. Actions that promote soil conservation and soil health, like many of those described in this bill, are very important for the future of North Dakota agriculture. However, I believe that existing programs and organizations are better equipped to promote soil health than the programs created by this bill.

North Dakota's Soil Conservation Districts (SCDs) provide voluntary programs including soil testing, erosion control, cover crop assistance, demonstration plots, field days, and youth education. These programs are directly targeted toward improving soil health, water quality, and long-term agricultural productivity. SCDs partner with other agricultural and conservation groups to maximize the impact of every dollar they have. Although this bill looks to have positive intentions, it seems to ignore the work already being done by SCD supervisors and employees across the state.

If our goal is to promote soil health statewide, I believe the best way to do so is by investing in Soil Conservation Districts and helping them to expand their voluntary, locally-led soil health programs, rather than creating an entirely new section of state law.

Thank you for your hard work in support of North Dakota agriculture, and for listening to my testimony. I am happy to stand for any questions now, and if any questions come up later please feel free to contact me.

Barton Schott
Kulm, ND
701-647-2272
bartonschott1@gmail.com

Testimony on 2342 Phil Murphy for ND Soybean Growers Association

When researching this bill it became apparent that it has some promise and some problems. It is hard to put anything ahead of soil health in order of importance when discussing Agriculture, although clean water comes to mind and they do go hand in hand. We like the intent of the bill. Some problems include a lack of communication with Soil Conservation Districts and their governing board, as well as the Agriculture Department at least from what I have been able to gather in conversations with them. In short, good intent but problematic implementation is how we see this for now and it puts us in a neutral position at this time.



**Testimony of Brenda Elmer
On behalf of the North Dakota Corn Growers Association
February 4, 2021
In Opposition of SB 2342**

Chairman Luick and members of the Senate Agriculture Committee,

My name is Brenda Elmer and I am the Executive Director of the North Dakota Corn Growers Association. On behalf of our state's corn growers, I express our opposition of SB 2342.

Soil health is something our growers take seriously and spend much effort, time and investment to maintain and to improve as stewards of their land. However, we don't believe that this bill and the programs it creates will have a positive impact and is likely unnecessary.

We fail to see what this solution is solving, and are leery of an initiative that doesn't appear to partner with existing stakeholders and soil health framework already in place.

Education and demonstration of best practices is preferred over more government programs. Farmers should determine what production system is best for them in their situation, not government.

We ask for your "do not pass" vote on this legislation.

Thank you for your time and consideration. I welcome any questions.

Testimony of Ms. Sarah Tunge,
North Dakota Conservation Districts Employee's Association
Senate Agriculture Committee
February 4, 2020

I write to you today on behalf of the North Dakota Conservation District Employees Association (NDCDEA) to provide testimony in opposition of Senate Bill 2342.

The NDCDEA represents employees from the 54 Soil Conservation Districts (SCDs) in the state. Our mission is to promote professionalism among SCD employees, to provide assistance for coordinating the efforts of the SCD Supervisors, employees, NDASCD, NDSU-SSCC and USDA Agencies in achieving their conservation goals and provide a means of communication for employees to effectively exchange information and ideas resulting in better coordination and effectiveness of district programs on a local, state, regional, and national level. We also work to provide the opportunity and the tools necessary for developing and maintaining an adequate education program to promote SCD employee development.

Soil Conservation Districts are founded on the values of conservation, soil health education and promotion; there has been much work done in our state to keep our soils productive and healthy and this continues to be a priority focus for districts across the state. This bill brings attention to that need, and we appreciate that. However, we believe that this bill would create an unnecessary duplication of effort that would be counterproductive in the long term.

Today, the SCD's conservation delivery system reaches into virtually every community with technical and financial assistance that is targeted to local resource concerns. SCDs play a crucial role in ensuring locally-led producer-driven stewardship of all land and natural resources in the state. Cooperating with partners ranging from other government organizations to non-profit conservation organizations to locally led workgroups, SCDs provide programs and services that address many aspects of conservation. In addition to education and outreach, SCDs are putting conservation on the ground in the form of cover crops, grassland planting, tanks, pipelines, soil testing and other practices. On a daily basis, employees are providing technical assistance to all residents in the county and helping them improve their operational goals through conservation.

The work being done at the local level by SCDs includes many of the tasks listed in this bill. Rather than creating a new healthy soil grant program, we believe increased support for the locally led, voluntary soil conservation programs already managed by SCDs is a more feasible option. An increase in funds allocated to the SSCC District Assistance Program, currently under consideration as part of Senate Bill 2020, would provide additional resources to improve soil health without changes to the Century Code or additional state programs. The District Assistance Program also already contains mechanisms for targeted allocation and accountability through the District Activity Reporting Tool (DART).

District Assistance Program funds allow SCDs to hire dedicated professionals who directly address soil health issues through soil testing, education, demonstrations, cost-share programs, and general technical assistance. These activities benefit all North Dakotans, and we believe that additional funds toward soil health would be best allocated toward these programs.

Today, the SCDs conservation delivery system reaches into virtually every community with technical and financial assistance that is targeted to local resource concerns. We encourage the Committee to

remember that SCDs play a crucial role in ensuring locally-led producer-driven stewardship of all land and natural resources in the state. We respectfully oppose SB2342 and encourage consideration for increased funding and support for the State Soil Conservation Committee and the District Assistance Program. This provides a cohesive mechanism for the continued delivery of critical conservation programs and most importantly, provide for the continued availability of the conservation education and practices that ensure clean water, healthy soils, and other vital benefits on which the public relies each day.

Thank you for your time and consideration.