2025 SENATE AGRICULTURE AND VETERANS AFFAIRS
SB 2210

2025 SENATE STANDING COMMITTEE MINUTES

Agriculture and Veterans Affairs Committee

Fort Union Room, State Capitol

SB 2210 1/24/2025

A BILL for an Act to provide for a legislative management study relating to the management of water based on watershed boundaries.

9:30 a.m. Chairman Luick opened the hearing.

Members present: Chairman Luick, Vice-Chair Myrdal, Senator Marcellais, Senator Weston, Senator Weber, Senator Lemm

Discussion Topics:

- Water management policy structure
- 9:31 a.m. Senator Weber, District 22, introduced SB 2210 and testified in favor.
- 9:34 a.m. Aaron Carranza, Regulatory Division Director, Department of Water Resources, testified in favor and submitted testimony #30714.
- 9:37 a.m. Dan Wogsland, North Dakota Grain Growers Association, testified in favor and submitted testimony #31256.
- 9:38 a.m. Dani Quissell, Water Resource Districts Association, testified in favor.
- 9:38 a.m. Pete Hannebutt, Director of Public Policy, North Dakota Farm Bureau, testified in favor.
- 9:39 a.m. Sam Wagner, Agriculture and Food Field Organizer, testified in favor and submitted testimony #30903.
- 9:42 a.m. Chairman Luick closed the hearing.
- 9:42 a.m. Senator Myrdal moved a Do Pass.
- 9:42 a.m. Senator Marcellais seconded the motion.

Senators	Vote
Senator Larry Luick	Υ
Senator Janne Myrdal	Υ
Senator Randy D. Lemm	Υ
Senator Richard Marcellais	Υ
Senator Mark F. Weber	Υ
Senator Kent Weston	Υ

Motion passed 6-0-0.

Senate Agriculture and Veterans Affairs Committee SB 2210 January 24, 2025 Page 2

Senator Weber will carry the bill.

Additional written testimony:

Jack Dwyer, Executive Secretary, ND Water Resource Districts Association, submitted written testimony in favor #30805.

9:46 a.m. Chairman Luick closed the hearing.

Audrey Oswald, Committee Clerk

REPORT OF STANDING COMMITTEE SB 2210 (25.0572.01000)

Module ID: s_stcomrep_12_006

Carrier: Weber

Agriculture and Veterans Affairs Committee (Sen. Luick, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). SB 2210 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.



Testimony in Support of

SB 2210

Senate Agriculture and Veterans Affairs

January 24, 2025

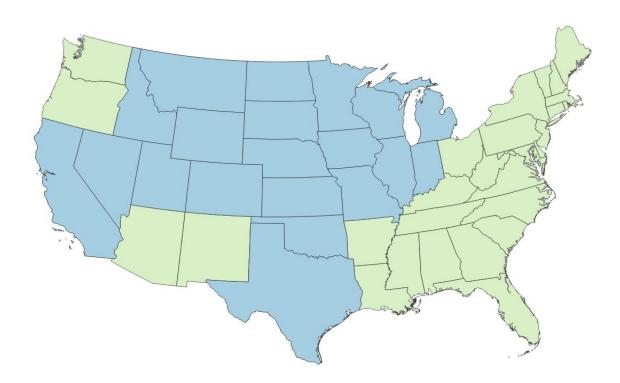
TESTIMONY OF

Aaron Carranza, Division Director, Regulatory Division

Chairman Luick, and members of the Senate Agriculture and Veterans Affairs Committee, I am Aaron Carranza the Regulatory Division Director of the Department of Water Resources. I'm here today to provide testimony in support of Senate Bill 2210.

During the 68th Legislative Session, significant discussion occurred surrounding the appropriate implementation of a watershed management-based approach. This ultimately led to the passage of Senate Bill 2372 and the creation of North Dakota Century Code § 61-16.1-11(8).

During this past interim, the Department of Water Resources recognized the gap in understanding on the use of watershed management in geographically similar states to North Dakota and thus commissioned a study to research current surface water management practices in the 21 states shown below in blue.



The Department's study concluded at the end of December 2024. A summary report with recommendations, along with an appendix of the state-specific regulations, were provided and are available here: https://www.dwr.nd.gov/info edu/reports and publications/

The key recommendations from the report are summarized as follows:

- 1. Implement Ongoing Tracking Across the Key States: Continue to track developments in watershed management across the Key States in order to facilitate future discussions or identify new trends.
- **2. Follow up with Key States' State Agencies Directly:** NDDWR may choose to follow up directly with the relevant state agencies to gather more precise and up-to-date information on specific areas of interest. The following states, in particular, have been identified for follow-up: Utah, Nebraska, Minnesota, Iowa, and Wyoming.
- 3. Support Cross-Political Boundary Water Management: NDDWR may consider working with the legislature and water stakeholders to further study Joint WRDs and evaluate the potential for them to serve in an advisory capacity over the political-boundary based WRDs or to assist in broader water management planning. States identified with cross-jurisdictional regulations are Montana, Colorado, Idaho, Utah, Nevada, and Nebraska.
- **4. Incentivize Research into Surface Water Data Collection and Mapping Efforts:** North Dakota may choose to provide grant funding to Joint WRDs or other watershed-based political subdivisions in order for them to research and model the unique hydrology of their watershed.
- 5. Further Research Appeal and Dispute Resolution Pathways: NDDWR may consider working with the North Dakota's legislature, and water stakeholders to consider doing a further review of North Dakota's administrative remedies to identify efficiencies and assure effective management for surface water. States identified with unique administrative remedies are Montana, Colorado, Idaho, Utah, Nevada, and Nebraska.

The Department recognizes that this is an important topic in responsible water resource management and supports this initiative using this recently completed report as a starting point.

Thank you for the opportunity to testify, and I'm happy to answer any questions.



Senate Agriculture and Veterans Affairs Committee Hearing for S.B. 2210 January 24, 2025

Testimony of Jack Dwyer on behalf of the ND Water Resource Districts Association

Chairman Luick and members of the committee, my name is Jack Dwyer, and I serve as the Executive Secretary of the North Dakota Water Resource Districts Association (NDWRDA).

We have often discussed the advantages of water management using political boundaries versus managing water based on watershed boundaries. This topic is challenging as there are many factors to consider. And while water is wet, this topic is a dry one. NDWRDA's Long Term Goals and Resolutions has language on this issue, specifically relating to improvements that could be made to enhance water management within a watershed using our existing system, which recognized political boundaries.

NDWRDA Resolution No. 88 supports eliminating the mandate for a water resource district to participate on joint basin water resource districts, to remove serving as an arbiter between two individual water resources districts, and to create a dispute resolution process between two or more water resources districts.

NDWRDA Resolution No. 89 supports defining water resource districts' ability to assess for project costs across water resource district boundaries in accordance with benefits.

NDWRDA believes a legislative management study would be the appropriate venue to discuss these potential improvements and to weigh the pros and cons of moving to water management based on watershed boundaries.

As such, NDWRDA supports S.B. 2210 and encourages your review and approval of this bill.

Testimony SB2210

Sam Wagner
Ag and Food Field Organizer
Dakota Resource Council
1902 E Divide Ave
Bismarck ND 58501
Testimony in Support for SB2210

To the Senate Ag and Veterans Committee,

Mr Chairman,

We would like to start this out by saying that we support the idea of watershed districts being created rather than relying on political boundaries that make no sense when it comes to water. We would like to pose some questions for the study to consider. We would also like to ensure that any study that is being done be given transparency to the public including remote meetings for members of the public to observe the committee meetings. We were not afforded that opportunity for the Model Zoning Task Force.

Watershed Districts:

What do these districts look like?

What happens if they cross state and international boundaries?

• Elections or Appointments of officials

Do we need to appoint or elect?

If there is a mechanism to vote on water projects, could it be possible to implement this system to elect board members to the respective districts?

How would that vote go if the district isn't subject to a political subdivision and who certifies the election?

If appointed, who would appoint? County or State?

Would there be any requirement for the person elected to the board to be a resident within the district or county they are being appointed to?

Can the public initiate a recall on their representative for misconduct?

Reimbursement Issues

Board members would need to be paid for their services and reimbursed for their travel expenses.

What entity would foot the bill?

Is it the respective county, state, or will the watershed district have a budget of its own put forth by the counties?

Thank you for your Consideration and we urge a DO PASS



North Dakota Grain Growers Association Testimony in Favor of SB 2210 Senate Agriculture and Veterans Affairs Committee January 24, 2025

Chairman Luick, Members of the Senate Agriculture and Veterans Affairs Committee, for the record my name is Dan Wogsland representing the North Dakota Grain Growers Association. I appear today in support of SB 2210.

Senate Bill 2210 promotes a more holistic and efficient approach to water management in North Dakota. By studying the feasibility of managing water resources based on watershed boundaries rather than political subdivisions, this bill acknowledges the interconnectedness of water systems and encourages a more comprehensive strategy for their protection and utilization.

Here's why this is beneficial:

Natural Alignment: Watersheds represent natural boundaries for water flow and management. Managing water based on these boundaries promotes a more natural and effective approach, considering the interconnectedness of water resources within a specific geographic area.

Improved Coordination: Adopting a watershed-based management model can enhance coordination and collaboration among stakeholders within a watershed. This could lead to more efficient water allocation, improved water quality, and better flood control measures.

Increased Efficiency: Watershed-based management can streamline decision-making processes by focusing on the specific needs and challenges of a particular watershed, rather than relying on separate and potentially conflicting policies based on political boundaries.

Sustainable Practices: By promoting a more integrated and comprehensive approach to water management, this bill can help to ensure the long-term sustainability of North Dakota's water resources for future generations.

The study mandated by Senate Bill 2210 provides a valuable opportunity to gather information, explore best practices, and analyze the potential benefits and challenges of implementing watershed-based management in North Dakota. This thorough assessment will ultimately contribute to informed decision-making and help to ensure that North Dakota's water resources are managed responsibly and sustainably for the benefit of all.

Therefore, Chairman Luick, Members of the Senate Agriculture and Veterans Affairs Committee, the North Dakota Grain Growers Association respectively requests your Do Pass recommendation on SB 2210 and would urge the full Senate to concur.

2025 HOUSE ENERGY AND NATURAL RESOURCES
SB 2210

2025 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee

Coteau AB Room, State Capitol

SB 2210 3/6/2025

Relating to the management of water based on watershed boundaries.

9:30 a.m. Chairman Porter called the meeting to order.

Members Present: Chairman Porter, Vice Chairman Anderson, Vice Chair Novak, Representatives: Dockter, Hagert, Headland, Heinert, Johnson, Marschall, Olson, Ruby, Conmy, Foss

Discussion Topics:

- Farm drainage
- Water management systems
- County line operations
- Benefit study

9:31 a.m. Senator Mark Weber, North Dakota Senator for District 22, introduced the bill.

9:35 a.m. Dani Quissell, ND Water Resource Districts Association, testified in favor and submitted testimony. #39024

9:37 a.m. Aaron Carranza, Division Director, Department of Water Resources, testified in favor and submitted testimony. #38919

9:41 a.m. Dan Wogsland, Lobbyist, ND Grain growers Association, testified in favor and submitted testimony. #39066

Additional written testimony:

Mark Staples, The Nature Conservancy, submitted testimony in favor. #38800

9:41 a.m. Chairman Porter closed the hearing.

Leah Kuball. Committee Clerk



The Nature Conservancy in North Dakota Cross Ranch Preserve 1401 River Road Center, ND 58530

612-331-0700 northdakota@tnc.org nature.org/northdakota

Hearing on SB 2210 House Energy and Natural Resources Committee March 6, 2025

Testimony of Mark Staples, registered lobbyist for The Nature Conservancy in North Dakota

Chair Porter and members of the House Energy and Natural Resources Committee:

The Nature Conservancy has been working to help people and nature thrive for more than 70 years, including on-the-ground conservation in North Dakota since 1971. We work alongside private landowners, state and federal agencies, and nonprofit partners to restore and improve management of lands and waters.

The Nature Conservancy supports SB 2210 and appreciates the bill sponsor's interest in improving the efficiency and effectiveness of water management in North Dakota.

Water flows beyond political boundaries and management decisions should, too. Each of our neighboring states has adopted a system of water management that makes use of watershed boundaries rather than political lines. This affords them the ability to coordinate throughout their unique geography, make planning decisions that support local needs and long-term management goals, and best provide a high benefit-to-cost to for management actions given interconnectivity within watersheds, where upstream actions may benefit downstream areas and vice versa.

We urge the committee support this study on watershed-based management and give a Do Pass recommendation on SB 2210.

SB 2210



Testimony in Support of

SB 2210

House Energy and Natural Resources

March 6, 2025

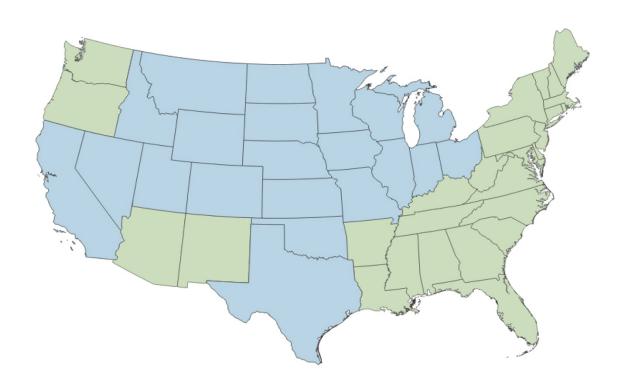
TESTIMONY OF

Aaron Carranza, Division Director, Regulatory Division

Chairman Porter, and members of the House Energy and Natural Resources Committee, I am Aaron Carranza, Regulatory Division Director of the Department of Water Resources. I'm here today to provide testimony in support of Senate Bill 2210.

During the 68th Legislative Session, significant discussion occurred surrounding the appropriate implementation of a watershed management-based approach in North Dakota. This ultimately led to the passage of Senate Bill 2372 and the creation of North Dakota Century Code §§ 61-16.1-11(8) and 61-16.1-15.1.

During this past interim, the Department of Water Resources recognized the gap in understanding on the use of watershed management in geographically similar states to North Dakota and thus commissioned a study to research current surface water management practices in the 21 states shown below in blue.



The Department's study concluded at the end of December 2024. A summary report with recommendations, along with an appendix of the state-specific regulations, were provided and are available here: https://www.dwr.nd.gov/info edu/reports and publications/

The key recommendations from the report are summarized as follows:

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The Department recognizes that SB 2210 proposes to continue investigation on this important topic in responsible water resource management and supports this initiative, recommending use of the Department's recently completed report as a starting point.

Thank you for the opportunity to testify, and I'm happy to answer any questions.

North Dakota Water Resource Districts Association

JACK P. DWYER, EXECUTIVE SECRETARY 701-730-5469 (c) • jack@ndwaterlaw.com

P.O. Box 2254 • Bismarck, North Dakota 58502 701-223-4615 (o) • staff@ndwater.net

SB 2210 Dani Quissell House Energy and Natural Resources Committee March 6, 2025

Chairman Porter and members of the House Energy and Natural Resources Committee, thank you for the opportunity to testify in support SB 2210. I'm Dani Quissell representing the ND Water Resource Districts Association.

The concept of managing water on a watershed basis has been the topic of discussion for a few sessions now. We appreciate the opportunity to study this idea further as SB 2210 contemplates. This study would give an opportunity to deep dive into issues such as:

- How a new structure would interact with existing management structures.
- How funding for this management would occur.
- How existing assessment districts would be incorporated into a new management model.
- How jurisdictional boundaries will be established.
- How representation on watershed boards will be apportioned.

There are likely other questions that will arise as the committee studies this topic as well. Water resource districts appreciate the ability to be at the table for this important discussion.

Thank you for the opportunity to testify. I am happy to stand for any questions.



North Dakota Grain Growers Association Testimony in Favor of SB 2210 House Energy and Natural Resources Committee March 6, 2025

Chairman Porter, Members of the House Energy and Natural Resources Committee, for the record my name is Dan Wogsland representing the North Dakota Grain Growers Association. I appear today in support of SB 2210.

Senate Bill 2210 promotes a more holistic and efficient approach to water management in North Dakota. By studying the feasibility of managing water resources based on watershed boundaries rather than political subdivisions, this bill acknowledges the interconnectedness of water systems and encourages a more comprehensive strategy for their protection and utilization.

Here's why this is beneficial:

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Sustainable Practices: By promoting a more integrated and comprehensive approach to water management, this bill can help to ensure the long-term sustainability of North Dakota's water resources for future generations.

The study mandated by Senate Bill 2210 provides a valuable opportunity to gather information, explore best practices, and analyze the potential benefits and challenges of implementing watershed-based management in North Dakota. This thorough assessment will ultimately contribute to informed decision-making and help to ensure that North Dakota's water resources are managed responsibly and sustainably for the benefit of all.

Therefore, Chairman Porter, Members of the House Energy and Natural Resources Committee, the North Dakota Grain Growers Association respectively requests your Do Pass recommendation on SB 2210 and would urge the full House to concur.

2025 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee

Coteau AB Room, State Capitol

SB 2210 4/10/2025

Relating to the management of water based on watershed boundaries.

10:46 a.m. Chairman Porter called the hearing to order.

Members Present: Chairman Porter, Vice Chairman Anderson, Vice Chair Novak, Representatives: Dockter, Hagert, Headland, Johnson, Marschall, Olson, Ruby, Conmy, Foss

Member Absent: Representative Heinert

Discussion Topics:

Committee action

10:47 a.m. Representative Hagert moved a Do Pass.

10:47 a.m. Representative Headland seconded the motion.

Representatives	Vote
Representative Todd Porter	Υ
Representative Dick Anderson	Υ
Representative Anna Novak	Υ
Representative Liz Conmy	Υ
Representative Jason Dockter	Υ
Representative Austin Foss	Υ
Representative Jared c. Hagert	Υ
Representative Craig Headland	Υ
Representative Pat D. Heinert	AB
Representative Jorin Johnson	Υ
Representative Andrew Marschall	Υ
Representative Jeremy L. Olson	Υ
Representative Matthew Ruby	Υ

Motion carried: 12-0-1

Bill Carrier: Representative Hagert

10:49 a.m. Chairman Porter closed the hearing.

Leah Kuball, Committee Clerk

REPORT OF STANDING COMMITTEE SB 2210 (25.0572.01000)

Module ID: h_stcomrep_59_002

Carrier: Hagert

Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT OR EXCUSED AND NOT VOTING). SB 2210 was placed on the Fourteenth order on the calendar.