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Governor Burgum Signs Two Bills Requiring Federal Transparency Regarding North Dakota Waters

BISMARCK - North Dakota Governor Burgum recently signed two bills into law that require transparency and communication among federal agencies and other potentially impacted parties that manage natural resources across North Dakota. House Bill (HB) 1077 concerns water storage contracts for federally operated reservoirs, and Senate Bill (SB) 2097 impacts wild and scenic river designations.

HB 1077 enables the state of North Dakota to be fully aware of decisions that affect North Dakotans' access to the state's waters – particularly Missouri River water. The passage of this bill puts the North Dakota Department of Water Resources (DWR) in a better position to manage the state's water resources in the best interest of its citizens and economy.

"The Missouri River system is North Dakota's largest and most reliable source of surface water," said DWR Director, Andrea Travnicek. "Past decisions by the federal government have negatively impacted North Dakota water users' ability to access Missouri River water – a resource the people of our state have a right to put to beneficial use. HB 1077 ensures that when the federal government initiates conversations related to water storage contracts that the DWR be a party to those discussions from the onset."

SB 2097 creates a new section to chapter 61-15 of the North Dakota Century Code codifying a process that provides opportunities for state agencies, local water boards, legislators, county commissions and other stakeholders to have a seat at the table when a political subdivision engages in meetings with federal agencies with the intent of pursuing a federal wild, scenic or recreational river designation in the state under the Federal Wild and Scenic Rivers Act.

The national wild and scenic rivers system was created by Congress in 1968 to preserve certain rivers with outstanding natural, cultural and recreational values in a free-flowing condition for the enjoyment of present and future generations. Currently, 209 rivers throughout 40 states have been designated for preservation. No rivers in North Dakota have a federal wild and scenic river designation.

Protections included in wild and scenic river designations can limit the development of new dams; limit federally funded bank and channel alterations; and limit new oil, gas and mineral development. Once these designations are in place, options for economic development, water supply and flood protection may be impacted.

“SB 2097 is, at its core, a bill that requires transparency from the federal government and a requirement of written support at the local and state levels before a federal designation is placed on our state’s rivers that may have unintended negative consequences,” Travnicek said.

SB 2097 also adds a requirement for a public hearing and requires written support from the Governor and county commission of any county impacted before a river may be designated as a wild, scenic or recreational river under the Wild and Scenic Rivers Act.

HB 1077 was signed on March 15 and SB 2097 was signed on April 12. For more information, please visit www.dwr.nd.gov.

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