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January 14, 2014

Re: North Dakota Professional Soil Classifier Testimony

To Whom It May Concern:

Hello, my name is Kevin Magstadt, I am a North Dakota licensed Professional Engineer with Wenck Associates. Wenck is an Engineering and Environmental Services firm, with three offices in North Dakota, that assist cities, counties, state agencies and private industry with a variety of civil and environmental engineering services. We believe it is critical that our technical expertise is commensurate with the needs of our clients. For that reason we hire Professional Soil Classifiers to meet the environmental needs of our clients.

Our experience indicates that the law for requiring Professional Soil Classifiers is not a hindrance nor does it create a delay in approvals. We think the law is working as intended; to protect the health, safety, and welfare of the public. Professional Soil Classifiers have the expertise that civil and environmental engineers do not. You would not ask a bridge engineer to design an HVAC system so why does a civil engineer believe they can determine the soil profiles of a landfill site?

Professional Soil Classifiers are acutely trained to determine how the soil resources of our state can support smart, sustainable development. Other states have similar requirements. The State of Minnesota licenses soil and wetland scientists and have similar requirements to North Dakota for surveying soils and wetlands. Since 1985 the farming community has had to comply with the Farm Security Act that developed the Swampbuster to prohibit impact to wetlands without proper mitigation.

Without the Professional Soil Classifier law, out of state developers can come to North Dakota and fill these wetlands that our farmers have protected for years. These wetlands improve water quality and create wildlife habitat. Repealing the Professional Soil Classifier law is bad policy. Just because new developers to our state do not like to protect North Dakotas natural resources, is no reason to change the law.

Our clients at Wenck, are willing to be good stewards of the land and have the qualified individuals to assess our natural resources and follow the law to ensure that growing development in our state is sustainable and keeps the quality of life you and I love about living in this great state.

Sincerely,

Kevin J. Magstadt, PE
Principal/Regional Manager