

INTERIM AGRICULTURE COMMITTEE

**April 15, 2014
Roughrider Room**

**North Dakota Department of Transportation
Bob Fode, Director of Project Development Office**

Mr. Chairman and members of the committee, I'm Bob Fode, Director of the Office of Project Development, for the North Dakota Department of Transportation (NDDOT).

Thank you for the opportunity to provide testimony today regarding the proposed bill draft relative to Professional Soil Classifiers.

In order to meet NDDOT's mission, we build and maintain roads across the state. During that process, we review road projects to determine possible environmental impacts. In this case, specifically to wetlands under the jurisdiction, ownership or easement of the following agencies:

- United States Army Corps of Engineers (USACE.)
 - Federal Highway Administration policy relative to Presidential Executive Order 11990.
 - United States Fish and Wildlife Service.
- The NDDOT is required to delineate wetlands that may be impacted by transportation projects to avoid, minimize or compensate for wetland impacts, as required by these laws or policies. Wetland delineations require a three parameter approach through the determination of predominance of hydrophytic plants, hydrology and hydric soils. The determination of hydric soils is relative to the professional soil classifiers bill draft before you today.

NDDOT interprets this bill draft to require a professional soil classifier for all wetland delineations since wetland delineations require the interpretation of hydric soils.

Section 29-43-36-24:

NDDOT would like to discuss a couple areas in the current bill draft under Section 29-43-36-24 starting on page 20.

- Under Number 1 and 2 all of the exemptions, except for one, have been removed from the bill.
 - Only the exemption for an employee or a subordinate of a professional soil classifier remains.
- Number 4 on page 21 of this section was removed.
 - This paragraph allowed NDDOT employees to complete the needed hydric soils delineations for the purposes of wetland delineations.

- We understand this committee will be considering additional exemptions. Therefore NDDOT requests that an exemption for state employees be placed in Section 29 of this bill allowing state employees, trained in wetland delineations but not soil classifiers, to complete wetland delineations for NDDOT projects including potential mitigation sites.
- NDDOT employees, conducting wetland delineations, have received wetland delineation training according to United States Army Corps of Engineers procedures outlined in their Wetland Delineation Manual and the Great Plains Regional Supplement. The employees have received training specific to wetland hydrology, hydrophytic plant identification and indicators of hydric soils through a 38 hour Army Corps of Engineers Wetland Delineation Training session.

We are asking for the exemption so that NDDOT staff will be able to complete delineations. Without the exemption it will take longer to deliver a project, and the new bill draft is putting in an extra requirement that the Federal Government does not require.

NDDOT urges you to consider the exemption for Department employees.

This concludes my testimony. Thank you for considering our request.