

NEWS RELEASE | FOR IMMEDIATE RELEASE | June 27, 2022

## DWR Seeking Public Input on Administrative Code Updates

BISMARCK, N.D. – The North Dakota Department of Water Resources (DWR) is seeking public input on proposed changes to N.D. Administrative Code (N.D.A.C.) Title 89.

The changes are being made, in part, due to the passage of House Bill (HB) 1353 during the 2021 legislative session. HB 1353 created the DWR from what were formerly the State Water Commission and Office of the State Engineer. HB 1353 also changed agency leadership from the State Engineer to a Director of the DWR, who is appointed by the Governor. As a result, the DWR name change needs to be addressed in Administrative Code.

Additionally, DWR is currently updating N.D. dam safety policies, which are being reflected in the proposed N.D.A.C. changes. Since 1998, federal guidelines for hazard classification of dams, articulated by a Federal Emergency Management Agency (FEMA) publication, has identified any loss of life in the event of dam failure as a high hazard dam. The new policies and proposed N.D.A.C. updates enable North Dakota to join the majority of U.S. states in using the FEMA guidance for hazard classification.

North Dakota's current definition of a "high hazard dam" requires the potential loss of more than "a few" lives in the event of dam failure. The proposed definition of a high hazard dam is a dam "with high hazard potential where failure or mis-operation will probably cause loss of human life." A "medium hazard dam" would be redefined where "failure or mis-operation results in no probable loss of human life but can cause economic loss, disruption of lifeline facilities, or can impact other concerns."

A copy of the proposed rules can be obtained by calling 701-328-4940, online at [www.dwr.nd.gov](http://www.dwr.nd.gov) or writing to DWR at 900 East Boulevard Avenue, Bismarck ND 58505.

DWR will hold a public hearing to receive public comments at 9:30 a.m. on August 11, 2022, at 900 East Boulevard Avenue, Bismarck ND 58505. Written or oral comments on the proposed rules sent to the above address or via email to [cevoniuk@nd.gov](mailto:cevoniuk@nd.gov) with the subject "Administrative Code Comments," received by 5 p.m. August 22, 2022, will be fully considered.

For more information, visit the DWR's website at [www.dwr.nd.gov](http://www.dwr.nd.gov).

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**For More Information Contact:**

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