

**DATE:** March 23, 2021

**TO:** Chairman Headland and members of the House Finance and Taxation Committee of the ND Legislature

**FROM:** Fort Berthold POWER (Protectors of Water and Earth Rights). Delvin Rabbithead Sr., president

Thank you for considering our written testimony regarding SB 2319. Fort Berthold POWER is a voluntary, citizen-active group. We testify and/or file written comments on proposed federal, state, and tribal regulations which impacts our environment and the health of families and communities within the Fort Berthold Indian Reservation boundaries. Fort Berthold POWER is an affiliate or chapter of Dakota Resource Council.

Tribal members of the Three Affiliated Tribes rely on federal regulations to protect our air, the health of tribal families and residents of Fort Berthold, and our environment - whether through the BIA, EPA, BLM, USFS, or other federal agencies. There are no other existing regulatory protections of our air quality and our health within the Fort Berthold boundaries. Prior to 2017, both BLM and EPA proposed stronger regulatory air protections to benefit human health regarding leaky well site equipment, flaring, venting and to reduce the climate-changing greenhouse gases. The Biden Administration plans to renew and strengthen these health-protecting regulations.

Regarding SB 2319:

- Fort Berthold POWER formally objects to the State of North Dakota's efforts to undermine President Biden's Executive Order 14008 by asking TAT Chairman Fox to facilitate an exemption that would allow new drilling of non-trust federal lands near Fort Berthold boundaries.
- Weakening the health and environmental protections of Executive Order 14008 because the negotiated ND-TAT tax agreements since 2008 failed to include the oil & gas extracted through wells "straddling" the Fort Berthold boundaries, is not a beneficial solution.
- Further, during Senator Kannianen introduction of SB 2319 during the last House Taxation and Finance Committee hearing, he verbally describes this bill as targeting lands formerly reserved for MHA tribal member vision quests and targeting Mandaree and/or Twin Buttes lands where the Tribe's new herd of bighorn sheep are located. Clearly, through SB 2319, our culturally significant sites remain in the crosshairs of the oil & gas industry. Additionally, the cultural uses of the bighorn sheep, as recently described by a TAT tribal council member in statewide news articles, will have less protection because the natural habitat of the bighorn sheep will be under threat from the potential adverse impacts of oil and gas extraction.
- Regarding SB 2319, Fort Berthold POWER supports an adequate and timely payment for any trust minerals extracted from inside the Fort Berthold boundaries. Presenting a new and significant pre-condition to be met in advance, before the rightful payment of royalties to the TAT Tribal Council, is equivalent to strong-arming your neighbor.

Further, Fort Berthold POWER supports more sustainable energy systems through wind, solar, and other means that are less harmful to human health and less damaging to the last of our pre-treaty lands within the Fort Berthold boundaries. Our ancestors occupied these lands before the US government and State of North Dakota were even formed: we have an obligation to protect our lands for future generations. Therefore, Fort Berthold POWER urges a do-not-pass on SB 2319. Thank you.

Fort Berthold POWER Officers: President Delvin Rabbithead Sr., Vice-President Jolletta Bird Bear, and Treasurer Lisa DeVille.