

Senate Bill 2097

Presented by: Randy Christmann, Chair
Public Service Commission

Before: House Energy and Natural Resources Committee
Honorable Todd Porter, Chair

Date: March 3, 2023

TESTIMONY

Mr. Chair and committee members, I am Randy Christmann, Chair of the Public Service Commission, and I wanted to take this opportunity to share with you some additional information about this subject and about challenges fossil fuels industries and our Coal Reclamation Division are facing with federal agencies.

The Bureau of Land Management (BLM) is currently proposing to designate three river segments eligible for inclusion in the National Wild and Scenic Rivers System in North Dakota. These three river segments are identified in BLM's draft Resource Management Plan and draft Environmental Impact Statement. The three river segments involve 8.1 miles along the Little Missouri River in Dunn County, 3.4 miles along the upper reach of the Missouri River in McKenzie and Williams Counties and 0.1 miles along the Yellowstone River. It is not entirely clear how this designation might adversely affect future mineral development, pipeline corridors and agricultural interests such as irrigation. Scenic designation might create restrictions on oil and gas development, and the one in Dunn County might create further restrictions to power plants in Mercer County. These

are just some of the reasons why the Commission is requesting to be notified when these designations are being considered.

As an example of the problems federal meddling can cause, a challenge we are currently dealing with involves federal coal leases. Over the past decade, surface coal mining companies in North Dakota have had an extremely difficult time obtaining approval to mine federal coal. Leasing federal coal is a time consuming and expensive process that can take a decade or more, and even after a federal coal lease has been secured, the Secretary of the U.S. Department of Interior must also approve the mine plan before mineral removal can begin. The Interior Department is currently delaying mine plan approval on several tracts of federal coal in North Dakota and it is not clear if approval will ever be granted. Some of these mineral tracts are only partially owned by the federal government, so their obstinance will rob the private co-owners of their ability to monetize their assets while the land all around them is being mined. Adjacent mineral owners are also robbed as the mining operation cannot physically mine right up to the edge of the land containing federally owned minerals. The checkerboard nature of federal coal in North Dakota is resulting in increased costs to mine coal, increased utility costs for our citizens, and increased surface disturbance as mines expand operations to replace bypassed federal coal.

As you can see, the federal government's war against fossil fuel industries is being waged on multiple fronts and they have a history of using their powers capriciously. This makes it imperative that the Commission is aware of National Wild and Scenic Rivers designation proposals as soon as possible. Mr. Chair, this concludes my testimony. I will be happy to answer any questions.