

**2013 HOUSE ENERGY AND NATURAL RESOURCES**

**HB 1349**

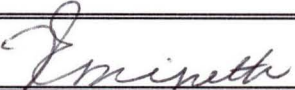
# 2013 HOUSE STANDING COMMITTEE MINUTES

House Energy and Natural Resources

Pioneer Room, State Capital

HB 1349  
January 31, 2013  
18116

Conference Committee



Relating to surface owner protection and reclamation

## Minutes:

7Attachments

Rep. Damaschen: I am here to introduce HB 1349 and I am doing this for a group of landowners. This language is taken from the state Land Dept. Service Use Agreement that already exists.

Todd Sattler: I am an attorney with Baumtark Braatten Law Partners in Bismarck and am here to today in behalf on the Northwest Landowners Association to support HB 1349. This bill has a new section to the Service Use Act and that act is codified at the ND Century Code Chapter 3811-1. (Attachment 1)

Myron Hanson: For the Northwest Landowners Associations; Our organization supports HB 1349 which would extend the surface use requirements currently found in ND State Land leases for state school or trust lands to the private citizens of this state. Rep. Kempenich provided the committee with an amendment. When we looked at this and saw the state requires the top 8 inches to be reserved. Depending on the area there are different zones in the top soil and what we are concerned with this amendment is reserving the A zone and the B zone.

Galen Peterson: I am a farmer from western Bottineau County; this bill gives some owner protections for site construction and site reclamation. It is modeled after the requirements of the State Land Dept. (Attachment 3) I also have a letter from Jay Rice and was asked to pass it out. (Attachment4)

Loken I am a member of the Petroleum Council; we deal with a lot of the spills and cleanups in the Bakken. I am also a professional soil classifier and suggest that an interim committee on a science study on this.

Rep. Damschen: I know the soil classification was done state wide. What is needed in this process?

Loken: The soil surveys that you are referring to are referred to as order soil 2 surveys which go to about 5 acres. There is also an order1 soil survey that goes down to an acre. And they do provide a good generalization of what is on the landscape and does give you a target to shot for.

Dorothy Ventsch: I urge you to support HB 1349 because it gives more consideration to the people that have been living in our area which is Mountrail County. (Personal story)

Mike McEnroe: ND chapter of the Wildlife Society; I am here today to support HB 1349 with one suggested amendment. (Attachment 5)

Kristi Schlosser Carlson: N.D. Farmers Union; Our members have developed a very pacific policy stating that we believe that any standards that are extended to the state should to extend to private landowners. I also do have one amendment to present and have not written it down. (Attachment 6)

Ron Ness: From the N.D. Petroleum Council; I stand in strong opposition of this bill. What we are rewriting is common practice into a state law which will be non-negotiable as the last speaker said she wanted certain grasses in section M page 3. And I am going through this bill because I think there is a misunderstanding.

Rep. Damschen: I think a lot of the things that you mentioned could be fixed with amendments don't you?

Ron Ness: We would disagree.

Lynn Helms: Director of N.D. Dept. of Mineral Resources; you heard much of what I heard in my testimony so I will keep it brief (Attachment 7)

Rep. Anderson: When the farmer requests that the land be spread into a different spot instead of stock piling it is there a record kept for that.

Lynn Helms: Yes if they request that and we permit it then a plat is recorded in the well file.

Rep. Damschen: I wish you would greet a saltwater spill with as much enthusiasm as you did the stock piling of the top soil.

Lynn Helms: That is an important point. What we are proposing to do in 1333 with the funding that is applied there is we will be able to use that fund to go after some of those legacy sites.

Rep.Hunskor: I think you said \$3000.000 have been levied so my question is how much of that has been collected?

Lynn Helms: That was a single \$3000.000 fine. There are other cases where there were multiple companies that fines of \$250,000.000. The new one is to collect about 10% of that.

Rep. Kesier: You said there would be serious conflicts between the rules and the statute. There can be differences but no conflict.

Lynn Helms: Yes we would have to issue emergency rules to get something done to get rid of that rule because it would be in conflict of that rule.

Blu Hulse: From Continual Resources; a member of the N.D. Petroleum Council Rep. Keiser is correct in what he said this is the law and what I would encourage you to look at the law and understand the specifics.

Rep. Porter: We will close the hearing on HB 1349.

# 2013 HOUSE STANDING COMMITTEE MINUTES

## House Energy and Natural Resources

Pioneer Room, State Capital

HB 1349  
February 8, 2013  
18614

Conference Committee

*Minutes*

Relating to surface owner protection and reclamation

**Minutes:**

1-2 Attachment

Rep. Porter: We will open HB 1349.

Rep. Nathe: HB 1349 came out of the subcommittee with no amendments so the bill stands as is. We could not find any common ground on that. There was a hog house amendment that was proposed but agreement to that.

Rep. Porter: The three sheets that were passed out; are these the ones that you had at the subcommittee?

Rep. Nathe: The ones we looked were the Rep. Kempenichs which he with draw. The other one was the amendment for reclamation study that would be used to develop the base line for some information and could possibly be used for legal ruminations and litigation purposes. We have conflicting interest among mineral owners and landowners. Our recommendation is afforded to you with no amendments. The Dept. of Mineral Resources they do have a reclamation process.

Rep. Anderson: I am happy with the way it is but all the times I lived out in the country and dealt with landlords it was always in my best interest to do as much as I could when I deal with other people property to leave it better shape than when I got it. I think that is how we should approach this issue.

Rep. Damschen: I put this bill in with the interest of the landowners and realizing there are some things in here they would not want but I think we got the discussion out there and I will support it.

Rep. Hunsakor: I have an amendment. There has been a hog house which turns this HB 1349 into a study. There hasn't been enough study done with the soil types for reclamation. The purpose of the study is to determine whether our reclamation standard related to oil and gas development can be improved. Let's get the soil back to the best that it can be. I move the amendment to HB 1349.

Rep. Porter: We have a motion from Rep. Hunskor and a second from Rep. Kelsh for the amendment to HB 1349 that would be a hog house amendment as presented.

Rep. Silbernagel: We talked about a lot of different things and as Rep. Hunskor indicated that Lynn and his team are doing a good job of trying to mitigate some of the issues. One of the things that we did talk about is what about agriculture tiling and highway construction and etc. Lynn and his team are committed to talking the saltwater issues are doing something about these issues.

Rep. Schmidt: I think some of this information already exists and I would vote against this amendment.

Rep. Hunskor: I have many acres of land that have been reclaimed and there are problems.

Rep. Porter: We will do a voice vote on this motion carries. The amendment that we adopted "the shall study" is a directive and has to be completed. We have a motion from Rep. Hunskor for a do pass as amended and a second from Rep. Kelsh.

Rep. Nathe: I will resist the motion for a couple of things. I am not comfortable with this I don't think this is a serious issue. Motion carries Rep. Hunskor carrier

Yes 7 No 6 Absent 0 Carrier Rep. Hunskor

February 11, 2013

2/11/13  
C. J. R.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1349

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study of reclamation standards.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. LEGISLATIVE MANAGEMENT STUDY - OIL AND GAS RECLAMATION STANDARDS.**

1. During the 2013-2014 interim, the legislative management shall study whether reclamation standards related to oil and gas development can be improved to ensure the successful reclamation of agricultural lands in this state, and to ensure that productivity of these agricultural lands following reclamation is as near as possible to the land's productivity before being used for oil and gas production. The study may include consideration of:
  - a. Whether performance standards found in North Dakota Administrative Code chapter 69-05.2 and used by the North Dakota public service commission for reclamation of surface coal-mined lands should be utilized by the North Dakota industrial commission for reclamation of lands used for oil and gas development.
  - b. Whether additional and more detailed reclamation standards should be included in state law and administrative rule, what standards should be included, and in what manner such standards should be included.
  - c. Input from representatives from the department of mineral resources, the school of natural resource sciences' department of soil science at North Dakota state university, the department of trust lands, the public service commission, the state department of health, landowner groups, and professional soil classifiers regulated by the state board of registration for professional soil classifiers.
2. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fourth legislative assembly."

Renumber accordingly

Date: 2-8-2013  
Roll Call Vote #: 1

**2013 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1349**

House Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken:  Do Pass  Do Not Pass  Amended  Adopt Amendment  
 Rerefer to Appropriations  Reconsider

Motion Made By Rep Hunskor Seconded By Rep Kelsh

Representatives	Yes	No	Representatives	Yes	No
Chairman Todd Porter			Rep. Bob Hunskor		
Vice Chairman Chuck Damschen			Rep. Scot Kelsh		
Rep. Jim Schmidt			Rep. Corey Mock		
Rep. Glen Froseth					
Rep. Curt Hofstad					
Rep. Dick Anderson					
Rep. Peter Silbernagel					
Rep. Mike Nathe					
Rep. Roger Brabandt					
Rep. George Keiser					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent: *voice vote carried  
to move the amendment that would be a long House  
amendment.*



Date: 2-8-2013  
 Roll Call Vote #: 2

**2013 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. HB 1349**

House Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken:  Do Pass  Do Not Pass  Amended  Adopt Amendment  
 Rerefer to Appropriations  Reconsider

Motion Made By Rep Hunskor Seconded By Rep Kelsh

Representatives	Yes	No	Representatives	Yes	No
Chairman Todd Porter		✓	Rep. Bob Hunskor	✓	
Vice Chairman Chuck Damschen	✓		Rep. Scot Kelsh	✓	✓
Rep. Jim Schmidt		✓	Rep. Corey Mock	✓	
Rep. Glen Froseth	✓				
Rep. Curt Hofstad	✓				
Rep. Dick Anderson	✓				
Rep. Peter Silbernagel		✓			
Rep. Mike Nathe		✓			
Rep. Roger Brabandt		✓			
Rep. George Keiser		✓			

Total (Yes) 7 No 6

Absent 0

Floor Assignment Rep Hunskor

If the vote is on an amendment, briefly indicate intent:  
for a do pass as amended

**REPORT OF STANDING COMMITTEE**

**HB 1349: Energy and Natural Resources Committee (Rep. Porter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1349 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study of reclamation standards.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. LEGISLATIVE MANAGEMENT STUDY - OIL AND GAS RECLAMATION STANDARDS.**

1. During the 2013-2014 interim, the legislative management shall study whether reclamation standards related to oil and gas development can be improved to ensure the successful reclamation of agricultural lands in this state, and to ensure that productivity of these agricultural lands following reclamation is as near as possible to the land's productivity before being used for oil and gas production. The study may include consideration of:
  - a. Whether performance standards found in North Dakota Administrative Code chapter 69-05.2 and used by the North Dakota public service commission for reclamation of surface coal-mined lands should be utilized by the North Dakota industrial commission for reclamation of lands used for oil and gas development.
  - b. Whether additional and more detailed reclamation standards should be included in state law and administrative rule, what standards should be included, and in what manner such standards should be included.
  - c. Input from representatives from the department of mineral resources, the school of natural resource sciences' department of soil science at North Dakota state university, the department of trust lands, the public service commission, the state department of health, landowner groups, and professional soil classifiers regulated by the state board of registration for professional soil classifiers.
2. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fourth legislative assembly."

Renumber accordingly

**2013 TESTIMONY**

**HB 1349**

1

**Testimony in Support of  
HOUSE BILL NO. 1349**

**House Energy and Natural Resources Committee – January 31, 2013**

Chairman Porter, Energy and Natural Resources Committee members, my name is Todd Sattler. I am an attorney with Baumstark Braaten Law Partners in Bismarck and I am here today as a lobbyist on behalf of the Northwest Land Owners Association to support House Bill 1349, which adds a new section to the Surface Use Act, codified at North Dakota Century Code chapter 38-11.1. I will speak on behalf of the bill for a few minutes and then some other folks will testify in favor of the bill.

As many of you know the Northwest Landowners Association is a network of farmers and ranchers whose purpose is to inform, support, and promote the property rights of landowners in North Dakota. The Association has approximately 350 members across the state.

A problem with the existing Surface Use Act, and the reason for this bill, is that the current Act only allows the surface owner to receive *money* if an agreement with the operator cannot be reached. It does not allow the surface owner to obtain and enforce *land use protections*. The purpose of this bill is to ensure that the surface of land, after it is used to extract oil, is still able to be used by future generations and enjoyed as it had before there was a well. And to allow the surface owner the ability to make that happen.

And so, we get to the question: What are the requirements? What must the operator do to ensure that the land can be preserved for future generations? The Northwest Land Owners have decided that a good place to start is the requirements imposed by the State Land Board. Article IX of the North Dakota Constitution created the Board of University and School Lands, more commonly referred to as the State Land Board. The Board manages the mineral acres and surface of state owned trust lands located in Sections 16 and 36 of every township. When an oil company requires use of the surface of state land to locate an oil well, the Land Board requires the oil company to enter into a surface use agreement. And that agreement contains several requirements, designed to ensure that, after the oil is recovered, and well reclaimed, the land will be returned in good shape for future generations.

We've attached the State Land Board's required surface use agreement to the materials we've distributed today. Most of the protections are contained after the first three pages of the agreement where you see the diagram and the Soil Reservation and Reclamation Specifications.

These specifications have been required by the Land Board for many years. These requirements do not cause hardship for the oil companies. They are simple, practical requirements, in place for decades, to make sure the value and use of state lands is preserved for future generations.

We believe that the protections required by the State Land Board for state trust lands should be available also to the private landowners in our state. Private surface owners should, at the very least, enjoy the same protections that the Land Board has, for many years, demanded for state trust lands. And so, with this bill, the Northwest Land Owners have simply taken the specifications from the State Land Board's surface use agreement and placed them in this bill.

A review of the State Land Board's requirements, and, now, the requirements contained in this bill, are simple, practical, and do not result in a heavy burden for operators. Specifically, the bill would require operators to do the following:

- Reserve the top 8 inches of soil before constructing a well pad or road.
- Stockpile reserved soil and seed it to native grass.
- Upon abandonment of a well site, salvage the stockpiled soil and use it to re-create the natural terrain that existed before oil development.
- Construct, maintain and remove well sites and roads in a manner that allows adequate drainage and natural flow of water.
- Furnish a survey map showing dimensions and acreage of the well site and roads.
- Obtain the surface owner's consent to store equipment.
- Control noxious weeds on the well site.
- Maintain access to livestock water.
- Avoid unstable areas for construction of the well site and roads.
- Paint structures so that they blend in with the surrounding area.
- Immediately report spills and fires to the surface owner.
- Within 180 days remove equipment and debris and make sure all other reclamation requirements are satisfied.

We recognize that the North Dakota Industrial Commission Oil and Gas Division Rules provide for some of these protections. The problem with the rules is twofold. First, they often are too general and do not contain the specific requirements found in the State Land Board agreements and this legislation. Second, and most important, the Oil and Gas Division has great latitude in how they enforce their own general rules, which often results in landowners not receiving the protections they need: the protections provided in this bill. With this bill, we are simply giving the landowners – the persons who have the greatest interest in what happens to their land – the ability to enforce requirements that the State Land Board already enforces in their agreements.

I've included some amendments to the original language of the bill. The first would eliminate the language on page 2, lines ~~13~~<sup>11</sup> through 27. Those are requirements that are not contained in the Land Board agreements. The second amendment would simply place the words "the operator shall" in front of the requirements that start on page 2, line 28 and through to the end of the bill on page 3, in order to maintain consistency in the bill. Thus, rather than provide that those requirements would be part of any agreement, the requirements would apply regardless of whether there is an agreement, as is the case with the other land use requirements contained in this bill.

In conclusion I would urge a **DO PASS** recommendation for **HB 1349 with the Proposed Amendments**. I will be happy to answer any questions.

**OIL AND GAS LEASE  
SURFACE DAMAGE AGREEMENT**

(date)

(name/address)

Re: Surface Damage Agreement covering:  
**(county) County**  
Township (#) North, Range (#) West  
 Section (#): (#)  
 Damage Caused By: (fill-in)  
 Oil & Gas Lease #: (fill-in)

**{Option #1: Oil Well Site and Associated Access Road}**

The undersigned, on behalf of the Board of University and School Lands (the Board), and (company name) (the Company), hereby agree that the surface damage payments shall be (amount of damage payment spelled out) Dollars, \$(amount of damage payment), pursuant to the provisions of N.D.C.C. Chapter 38-11.1, to be paid by the Company. The Company is authorized to enter and utilize approximately (# of acres) acres of land located within the (quarter quarter section) of Section (#), Township (#) North, Range (#) West, (County) County, North Dakota, to construct, operate, maintain, and remove a well site approximately (# feet) feet from the (north/south) line and (# feet) feet from the (east/west) line of this section called the (name of well) oil well and an access road approximately (# of rods) rods in length to the well site.

**{Option #2: Access Road in Unitized Field or Pipeline}**

The undersigned, on behalf of the Board of University and School Lands (the Board), and (company name) (the Company), hereby agree that the surface damage payments shall be (amount of damage payment spelled out), \$(amount of damage payment), pursuant to the provisions of N.D.C.C. Chapter 38-11.1, to be paid by the Company. The Company is authorized to enter and utilize approximately (# of rods) rods and/or (# of acres) acres of land located within the (quarter quarter section) of Section (#), Township (#) North, Range (#) West, (County) County, North Dakota, to construct, operate, maintain, and remove a (diameter and type of pipeline) (type, ie. access road or pipeline) serving the (name of well) oil well as described and illustrated in Exhibit "(appropriate exhibit)", which is attached to and made a part of this surface damage agreement.



The Company agrees that it shall:

1. Require its surveyor and construction or reclamation contractor(s) to contact the State Land Department Surface Management Division at 1-701-328-2800 prior to routing, site construction or reclamation;
2. **(only for a well pad and its associated access road - renumber if this is taken out)** Furnish a survey plat showing the dimensions and acreage necessary for the **(type, ie. well pad, access road)** (which will be referred to as Exhibit "A") if one has not already been provided.
3. Not stack or store equipment on the site without written consent from the Board of University and School Lands;
4. Control noxious weeds on the **(type, ie. well pad, access road, pipeline)** and associated facilities;
5. Maintain existing natural water drainage and surface lessee's access to existing sources of livestock water;
6. Avoid unstable areas, areas of excessive cut and fill, stream channels, drainage ways, and wooded areas in construction of the **(type, ie. well pad, access road, pipeline)**, and associated facilities;
7. Reserve and stockpile not less than the top eight (8) inches of soil on the entire **(type, ie. well pad, access road, pipeline)**, including both cut and fill areas, for use in reclamation as shown on Exhibits "**(appropriate exhibits)**";
8. Control erosion and repair any damage caused by erosion;
9. Paint all buildings, tank structures, and fixtures associated with the **(type, ie. well pad, access road, pipeline)** in earth tone colors;
10. **(only for a well pad and its associated access road - renumber if this is taken out)** Weather permitting, within 180 days of abandonment of the well, dispose of all surface contaminated soil, remove equipment and debris, remove the above ground power source(s) and pipeline(s), recontour the access road, well site and any associated facilities to conform with the original terrain, bury all rocks and evenly respread the reserved soil and reseed with a mixture of native grasses as specified in Exhibit "**(appropriate exhibit)**". After seeding, the entire disturbed area shall be fenced to exclude livestock. Reclamation shall not be deemed completed until erosion is controlled, the surface is revegetated with a mixture of native grasses, and written approval is received from the State Land Department;
11. Immediately report all spills and fires to the State Land Department, Surface Management Division at 1-701-328-2800;
12. The attached Exhibits "**(appropriate exhibits)**" are made a part of this agreement and the Company agrees to be bound by the terms in the exhibits;
13. This Agreement shall be binding on the heirs, successors, and assigns of the parties hereto, until released by the Board.

STATE LAND DEPARTMENT

\_\_\_\_\_  
Gary D. Preszler, Commissioner  
of University and School Lands

\_\_\_\_\_  
Date



(COMPANY NAME)



\_\_\_\_\_  
Signature on behalf of (Company Name)

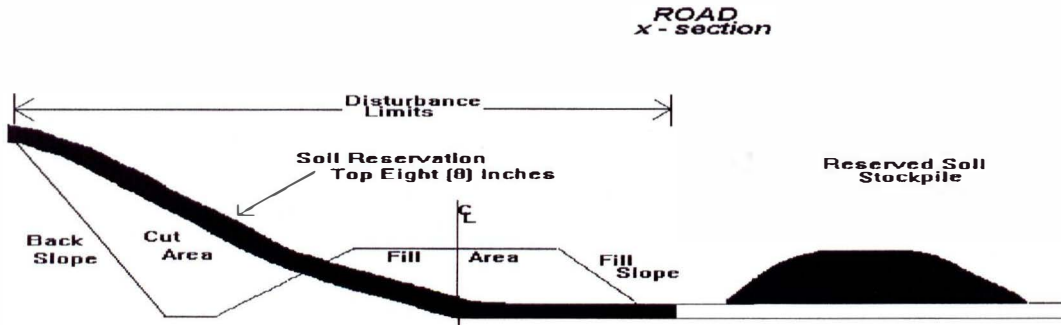
\_\_\_\_\_  
Date

\_\_\_\_\_  
Title



ND BOARD OF UNIVERSITY AND SCHOOL LANDS  
State Land Department

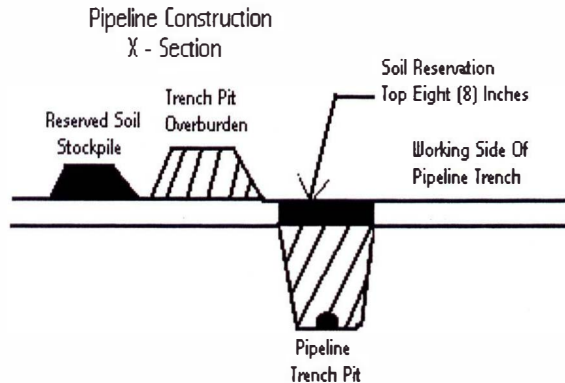
SOIL RESERVATION AND RECLAMATION SPECIFICATIONS  
Required Method for Roads



1. **Contact:** The Company shall require their contractor(s) to contact the North Dakota State Land Department, Surface Management Division, 1707 N 9th St., Bismarck, ND, 58501, 701-328-2800, two (2) weeks prior to road construction or reclamation, or if they have any questions.
2. **Soil Reservation:** Prior to construction or maintenance of the herein authorized road, the top eight (8) inches of soil shall be reserved from all areas to be disturbed including road bed, fillslope and backslope areas, as shown above, and all other areas subject to topsoil and subsoil mixing. The reserved soil shall be stockpiled and seeded to the native perennial grass seed mixture shown in **Exhibit "(appropriate exhibit)"** such that wind and water erosion are minimized. Following soil reservation, cut and fill operations can proceed. If the road will be permanent, all or a portion of the reserved soil shall be respread as needed to stabilize cut or fill areas and ditches.
3. **Drainage:** The road shall be constructed, maintained, and removed in a manner which provides drainage adequate to maintain the existing natural flow. Structures including but not limited to cross drains, culverts, dikes, and ditches, shall be installed where necessary to maintain the natural flow and to stabilize erosion. If an erosion problem develops, the necessary actions shall be taken to correct it and any erosion damage shall be repaired.
4. **Reclamation:** Any road abandonment plans shall be subject to written approval of the State Land Department, prior to implementation. Upon abandonment of the herein authorized road, the reserved soil shall be salvaged from the road ditches, backslopes and fill slopes; gravel or scoria shall be removed; the roadbed shall be completely obliterated and recontoured to conform to the adjacent natural terrain; and the reserved soil shall be evenly respread on the disturbed areas.
5. **Revegetation:** All disturbed soil surfaces resulting from construction, maintenance, or reclamation of the herein authorized road, shall be revegetated with a mixture of **native** perennial grasses listed in **Exhibit "(appropriate exhibit)"** sufficient to prevent accelerated erosion and restore, as closely as possible, the original long-term productivity. The use of any other seed mixtures shall be subject to the prior written approval of the State Land Department. Reclamation shall not be deemed completed until erosion is controlled, the surface is revegetated with a mixture of native grasses, and written approval is issued by the State Land Department.

ND BOARD OF UNIVERSITY AND SCHOOL LANDS  
State Land Department

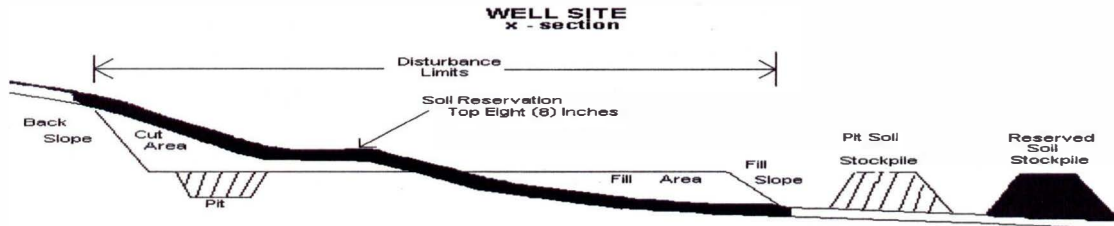
SOIL RESERVATION AND RECLAMATION SPECIFICATIONS  
Required Method for Pipelines



1. **Contact:** The Company shall require their contractor(s) to contact the North Dakota State Land Department, Surface Management Division, 1707 N 9th St., Bismarck, ND, 58501, 701-328-2800, two (2) weeks prior to pipeline construction or reclamation, or if they have any questions.
2. **Soil Reservation:** Prior to construction or maintenance of the herein authorized pipeline, the top eight (8) inches of soil shall be reserved from all areas to be disturbed including fillslope and backslope areas and all other areas subject to topsoil and subsoil mixing. The reserved soil shall be stockpiled until pipeline installation and overburden backfill is completed, then evenly respread over the areas from which it was reserved.
3. **Drainage:** The pipeline shall be constructed, maintained, and removed in a manner which provides drainage adequate to maintain the existing natural flow. Structures including but not limited to cross drains, culverts, dikes, and ditches, shall be installed where necessary to assure proper natural flow and to stabilize erosion. If an erosion problem develops, the necessary actions shall be taken to correct it and any erosion damage shall be repaired.
4. **Reclamation:** Any pipeline abandonment plans shall be subject to written approval of the State Land Department, prior to implementation.
5. **Revegetation:** All disturbed soil surfaces resulting from construction, maintenance, or reclamation of the herein authorized pipeline, shall be revegetated with a mixture of native perennial grasses listed in Exhibit "(appropriate exhibit)" sufficient to prevent accelerated erosion and restore, as closely as possible, the original long-term productivity. The use of any other seed mixtures shall be subject to the prior written approval of the State Land Department. Reclamation shall not be deemed completed until erosion is controlled, the surface is revegetated with a mixture of native grasses, and written approval is issued by the State Land Department.

ND BOARD OF UNIVERSITY AND SCHOOL LANDS  
State Land Department

SOIL RESERVATION AND RECLAMATION SPECIFICATIONS  
Required Method for Well Sites



1. **Contact:** The Company shall require their contractor(s) to contact the North Dakota State Land Department, Surface Management Division, 1707 N 9th St., Bismarck, ND, 58501, 701-328-2800, two (2) weeks prior to well site construction or reclamation, or if they have any questions.
2. **Soil Reservation:** Prior to construction or maintenance of the herein authorized well site, the top eight (8) inches of soil shall be reserved from all areas to be disturbed, including well site, fillslope and backslope areas, as shown above, and all other areas subject to topsoil and subsoil mixing. The reserved soil shall be stockpiled and seeded to the native perennial grass seed mixture shown in **Exhibit "(appropriate exhibit)"** such that wind and water erosion are minimized. Following soil reservation, cut and fill operations can proceed. If the well site will be permanent, then all or a portion of the reserved soil shall be respread as needed to stabilize cut or fill areas of the well site.
3. **Drainage:** The well site shall be constructed, maintained, and removed in a manner which provides drainage adequate to maintain the existing natural flow. Structures including but not limited to cross drains, culverts, dikes, and ditches, shall be installed where necessary to maintain the natural flow and to stabilize erosion. If an erosion problem develops, the necessary actions shall be taken to correct it and any erosion damage shall be repaired.
4. **Reclamation:** Any well site abandonment plans shall be subject to written approval of the State Land Department, prior to implementation. Upon abandonment of the herein authorized well site, the reserved soil shall be salvaged from the well site, backslopes and fill slopes; gravel or scoria shall be removed; the well site shall be completely obliterated and recontoured to conform to the adjacent natural terrain; and the reserved soil shall be evenly respread on the disturbed areas.
5. **Revegetation:** All disturbed soil surfaces resulting from construction, maintenance, or reclamation of the herein authorized well site, shall be revegetated with a mixture of native perennial grasses listed in **Exhibit "(appropriate exhibit)"** sufficient to prevent accelerated erosion and restore, as closely as possible, the original long-term productivity. The use of any other seed mixtures shall be subject to the prior written approval of the State Land Department. Reclamation shall not be deemed completed until erosion is controlled, the surface is revegetated with a mixture of native grasses, and written approval is issued by the State Land Department.

State Land Department

Native Grass Seeding Specifications

<u>Species</u>	<u>lbs.</u> <u>PLS*/acre</u>	<u>% of</u> <u>Mixture</u>
Western wheatgrass	8	42%
Slender wheatgrass	5	26%
Green needlegrass	4	21%
Side-oats grama	<u>2</u>	<u>11%</u>
	19	100%

\*PLS - Pure Live Seed (based on 50 PLS/sq. feet)

1. The seed bed should be firmly packed (footprints left in the soil should be less than 1/2 inch deep).
2. An early spring seeding (before May 24th) is preferred. A dormant fall seeding (after October 20th) is acceptable.
3. A cover crop of oats at 10 lbs. PLS/acre must be seeded on the disturbed area.
4. A drill designed specifically for native grass seeding will give the best seeding results. The seed should be planted at a depth of 1/2 to 1 inch. Precaution must be taken not to plant the seed too deeply in the soil or poor germination will result.
5. On areas where equipment cannot be used, broadcast seed and rake or drag to cover seed. Where seed is broadcast, double the seeding rate.
6. Use only North Dakota certified seed.

Mr. Chairman, members of the committee:

Myron Hanson for the Northwest Landowners:

Our organization supports HB 1349 which would extend the surface use requirements currently found in North Dakota State Land leases for state school or trust lands to the private citizens of this state.

We have found it extremely difficult to get development companies to provide any of these same safeguards to North Dakota farmers and ranchers.

Requiring a comparable top soil reservation where the soil is actually stockpile and seeded to grass instead of being spread or allow to grow over with noxious weeds is critical to the eventual reclamation efforts of these sites. We have witnessed these types of these situations and this along with other considerations would represent an improved level of protection for our land.

We feel that this is simply a matter of equitable treatment for this states farmers and ranchers.

For this reason we urge a do pass recommendation for the committee.

Testimony in support of HB1349

Mr. Chairman and members of the committee,

I am Galen Peterson, farmer, from western Bottineau County.

This bill gives some basic surface owner protections for site construction and site reclamation. It is modeled after the requirements of the State Land Department.

A few of the improvements over what the Oil and Gas Rulebook as stated in 43-02-03-19. SITE CONSTRUCTION requirements are:

Improved soil reservation requirements

Erosion control

Providing and maintaining natural drainage

A survey plat is provided showing acreage to be used

And the requirement to immediately report all spills and fires to the surface owner.

While it is true that the surface owner can negotiate some of these items, most often an agreement can not be reached and the only option left for the landowner is to sue in district court to get a damage award. The district court cannot require that the oil company reserve soil or provide a survey plat. The court can only award damages.

Also, this bill gives the landowner the right to make sure reclamation is done so that the land will produce as it did before. Currently according to the Oil and Gas Rulebook 43-02-03-34.1. RECLAMATION OF SURFACE, the surfaceowner is notified of the reclamation plan but has no say as to if the reclamation is satisfactory.

There isn't any state agency except for the courts, that is there for the surface owner's interest, so this bill is a step to provide some protection.





Presented for support of HB1349

This is an email which I received from Greg Johnson from Stanley ND and am presenting it with his permission. The pictures of canola stands in the slide presentation were sent with this email.

James,

Please review the attached files which pretty well depict the situation around the Van Berkom Well in 14-157-93. I noticed that a good aerial shot of this showed up on the AgriData web site. This site is used by Farm Credit Service bank appraisals and other documentation which involve acreage determination, soil types etc. Note that the acreage measurement of the total damaged area is 7.21 acres. This is much in excess of the 4.6 acres that is spelled out in the easement. The total damage is indeterminate as there may be crop yield reduction for as long as the topsoil that was scraped away and used to grade the well site is rebuilt. We are looking at additional 2.61 acres. Second issue here is that the top soil was not "stockpiled and stabilized" as per ND law. I'm missing 7.21 acres of top soil.

Thanks again  
Greg Johnson



Mr. Chairmen and members of the Committee,

My name is Jay M. Rice from north central North Dakota. I am 30 years old and have resided in the state since I was born. My family came from Norway in search of new opportunities in farming in the late 1800's. I am a 4<sup>th</sup> generation of the Rice Family. We have farmed in the north central area as long as my family has been here.

I attended college after high school for an electrical degree at NDSCS. Thoughts of moving out of state for new opportunities were always present, but my love for my home, family, and the farm lead me back to home to farm with my 2 older brothers, mom, and dad. I got a job with an electrical company in Mohall and have been doing farming and electrical work for 8 years now. I work very hard with very only occasional breaks in the winter for leisure. I was taught that if you work hard it will pay off in both financial gain and satisfaction of life.

After I bought my house a couple years after I got back from college. The oil activity had picked up tremendously. My house and home is in the middle of the Renville oil field in Renville Township, Bottineau County. I have dealt with it all the noise of the rigs and pumping units, the non-stop traffic, and bad hydrogen sulfide smells all the time. These are the things I put up with and tolerate because I have no control over them. Other issues need to be addressed at this point and time.

Farmland and infrastructure gets thrown to the wayside in the name of progress and is affecting me in ways that I cannot even comprehend. The voices of the small guys go with the wind and business in the name of progress continues no matter the cost to the people and land. Farmland is left forever sterile where well sites and production batteries have once stood. The state signs off on these sites and we are left with the dead ground that produces no profit for us. The oil companies have made their money and are gone. The agricultural community and the generations after us are left to deal with the problem. Protection from the state rarely comes if ever.

The state assumes it is doing a good enough job and does not want to upset the oil companies, because they will not drill if there are too many expenses involved. I have never seen a farmer call it quits because the operating expenses are getting too expensive. We keep farming because it is what we love and there is a profit in it. Point being, there is a profit to be made in the oil business. When one company will not do it 10 more are right behind them willing to make a go of it to make a profit for investors. The oil in the ground is not going anywhere and will be there in the near future. House Bill 1349 relating to surface owner protection and reclamation will help us to protect the land and continue to grow the agricultural economy. The state must tackle a better role in protecting its agricultural assets. When the oil is gone the agricultural community will be here. When I involuntarily give my land at 100% production for oil purposes and I want it back in the same condition.

As a journeyman electrician we have set rules to abide by set by the North Dakota State Electrical Board. These rules are set to protect personal life and property. NO exceptions are made. The rules are followed and every job is up to code. The oil industry needs to be this way in North Dakota. Many times I have seen one company get leniency for production purposes. With rules being bent all the time problems only get worse. The policing power of the industrial commission and mineral resources board must be

stronger and encompass all of the states interests affected by oil and gas production. Not just promoting getting oil out of the ground as fast as we can.

All of the bills presented by the NWLA deserve merit and need to be put into deep consideration for the good of the state. The state of North Dakota I grew up in taught me a conservative nature. The same needs to be done with the oil and gas industry. Valuable assets and rights of the state and individuals need to be put first. The oil will be in the ground today, tomorrow and years down the road. I want my way of life to continue to provide for my family and the next generations to come. We need your help in protecting the interests of the people and the state. Thank you for your time.

Signed,

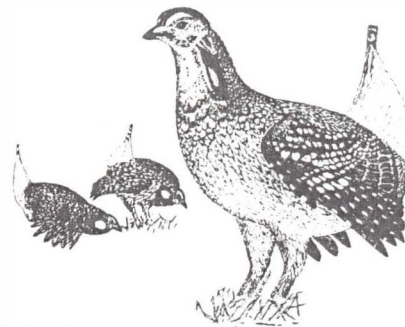
Jay M. Rice



*North Dakota Chapter*

**THE WILDLIFE SOCIETY**

P.O. BOX 1442 • BISMARCK, ND 58502



**TESTIMONY OF MICHAEL R. McENROE  
NORTH DAKOTA CHAPTER, THE WILDLIFE SOCIETY  
HOUSE BILL 1349  
ENERGY AND NATURAL RESOURCES COMMITTEE  
JANUARY 31, 2013**

**Chairman Porter and members of Committee:**

**My name is Mike McEnroe and I am representing the North Dakota Chapter of The Wildlife Society, a professional organization representing over 350 wildlife biologists, land managers, law enforcement officers, university professors and researchers in the natural resource field. I am here today to support House Bill 1349, with one suggested amendment.**

**The North Dakota Game and Fish Department has worked hard on producing a set of Recommended Management Practices (RMPs) to use with oil companies in planning for oil and gas development on private land. At present the RMPs are voluntary on both the landowner and the industry. In addition, the Department has developed Geographic Information System (GIS) maps that show important habitats for mule deer, pronghorn, bighorn sheep, elk, sage grouse, golden eagles and least terns and piping plovers. The Chapter suggests that these RMPs and the GIS maps, where appropriate, be provided by the energy company to the land owner for consideration in the terms of the agreement called for in Section 1, paragraph 7 (j). The RMPs would remain voluntary for the company and the landowner, but the information and the guidelines would be made available for both parties to use in reaching the agreement.**

**Thank you and I will answer any questions the Committee may have.**

Proposed Amendment - House Bill No. 1349

Section 1. Reclamation: Paragraph 7. (j) add; provide the surface owner the Recommended Management Practices, developed by the North Dakota Game and Fish Department and the North Dakota Petroleum Council, and a copy of the critical wildlife habitat maps developed by the North Dakota Game and Fish Department, appropriate for the well site, and discuss measures to reduce impacts to fish, wildlife, and habitat.

House Energy and Natural Resources  
North Dakota Farmers Union  
Written Testimony on House Bills 1333, 1348, 1349, 1352, 1355, 1407  
January 31, 2013

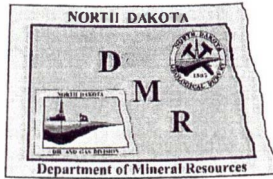
Mr. Chairman and Members of the Committee, my name is Kristi Schlosser Carlson, and I represent the 40,000 members of the North Dakota Farmers Union and the Policy and Action developed democratically by our grassroots membership. In that policy, we establish our foundational belief that family farmers and ranchers are stewards of the land. We strive for a balance among protecting the due process of landowners; producing food, fiber, and fuel; valuing natural resources; and meeting energy needs.

We recognize that balance is a difficult one to strike. Many of the bills the committee hears today appear to attempt to plug holes in current processes and an attempt to find that balance. Generally, we support many of these efforts, and encourage a comprehensive response that strives for consistency across regulatory agencies. For example, HB 1333 appears to begin a conversation about unclear jurisdiction, and we encourage ongoing discussion on those issues. We will also continue to educate our members about those processes and engaging companies in ways to address concerns.

Our policy speaks specifically to assuring landowners the same standards in energy development leases and easements that are extended to state lands, such as those in HB 1349. It also directly addresses certain process protections that should be included in these contracts, such as those in HB 1407, part 1. And it specifically enumerates that 1,320 feet is the appropriate distance between homes and wells, supporting HB 1348. We do not believe that enumerating protections and standards in statute or rule interferes with the negotiation process in a "willing seller – willing buyer" relationship. In fact, the process protections in part 1 of HB 1407 are similar to those in N.D.C.C. 17-04-06 regarding wind energy and property rights. Similarly, HB 1355 regarding the definition of "commencement of drilling operations" clarifies statute and prevents unwarranted litigation. It would be difficult to imagine that a landowner would believe that, among the more commonly negotiated terms (location, compensation, construction, etc.), he/she should have to define this term. Therefore, such a definition would be a reasonable statutory protection, and not one that would jeopardize meaningful negotiation of a contract. Additionally, in HB 1348, the negotiation process remains in place – a homeowner can waive that requirement or the commission can grant an exception.

In the spirit of balancing landowner protections and that opportunity to negotiate terms, the committee might consider adding language found in other statutes, such as "unless otherwise agreed by the parties," in HB 1349's specified details of certain reclamation processes, like the type of grass seeded or the depth of the topsoil. The committee can do this, but still protect the landowners by requiring that broader standards be met.

Finally, NDFU supports using the North Dakota mediation service in these processes: it's been an accepted and welcome process by all parties.



**House Bill 1349**  
**Relating to Surface Owner Protection**

**House Energy and Natural Resources**  
 January 31, 2013

Testimony of Lynn D. Helms, Director

This bill places the North Dakota Department of Trust Lands surface damage agreement boiler plate language into statute. Chapter 38-11.1 is enforced by district court so all disagreements over these statutory reclamation requirements will now have to be litigated:

**38-11.1-09. REJECTION - LEGAL ACTION - FEES AND COSTS.** If the person seeking compensation rejects the offer of the mineral developer, that person may bring an action for compensation in the court of proper jurisdiction. If the amount of compensation awarded by the court is greater than that which had been offered by the mineral developer, the court shall award the person seeking compensation reasonable attorney's fees, any costs assessed by the court, and interest on the amount of the final compensation awarded by the court from the day drilling is commenced. The rate of interest awarded must be the prime rate charged by the Bank of North Dakota on the date of the judgment.

Conflicts with

**38-08-04. JURISDICTION OF COMMISSION.** The commission has continuing jurisdiction and authority over all persons and property, public and private, necessary to enforce effectively the provisions of this chapter. The commission has authority, and it is its duty, to make such investigations as it deems proper to determine whether waste exists or is imminent or whether other facts exist which justify action by the commission. The commission has the authority:

2. To regulate:

a. The drilling, producing, and plugging of wells, the restoration of drilling and production sites, and all other operations for the production of oil or gas.

**38-08-04.8. RECOVERY FOR COSTS OF PLUGGING.** If the commission, its agents, employees, or contractors plugs or replugs a well or reclaims a well site under the provisions of sections 38-08-04.4, 38-08-04.5, 38-08-04.7, 38-08-04.8, 38-08-04.9, and 38-08-04.10, the state has a cause of action for all reasonable expenses incurred in the plugging, replugging, or reclamation against the operator of the well at the time the well is required to be plugged and abandoned or any or all persons who own a working interest in the well at the time the well is required to be plugged and abandoned as a result of the ownership of a lease or mineral interest in the property on which the well is located. The term "working interest owner" does not mean a royalty owner or an overriding royalty interest owner. The commission shall seek reimbursement for all reasonable



expenses incurred in plugging any well or reclaiming any well site through an action instituted by the attorney general. The liability of any working interest owner under this section shall be limited to that proportion of the reasonable expenses incurred by the commission that the interest of any such working interest owner bears to the entire working interest in the well. Any money collected in a suit under this section must be deposited in the state abandoned oil and gas well plugging and site reclamation fund. Any suit brought by the commission for reimbursement under this section may be brought in the district court for Burleigh County, the county in which the plugged well or reclaimed well site is located or the county in which any defendant resides.

**38-08-04.9. CONFISCATION OF EQUIPMENT AND SALABLE OIL TO COVER**

**PLUGGING COSTS.** When the commission intends to exercise or has exercised its right to plug a well or reclaim a well site, the commission, as compensation for its costs, may confiscate any production-related equipment and salable oil at the well site. The equipment subject to confiscation is limited to that owned by the well's operator, former operator, or working interest owner. If the commission exercises its authority under this section and there is salable oil at the well, that oil must be confiscated. The commission shall pay the mineral owners the royalty interest in the oil confiscated. In determining the mineral owners and their royalty interests, the commission may rely upon the most recent division order it is able to obtain. If one is unavailable or the commission finds the order unreliable, the commission may rely upon any other source of information the commission deems reasonable to determine and pay mineral owners. A confiscation must be by an order of the commission after notice and hearing. A confiscation order transfers title to the commission.

Page 1 lines 7-14 (one size fits all) conflicts with

**43-02-03-19. SITE CONSTRUCTION.** In the construction of a drill site, access road, and all associated facilities, the topsoil shall be removed, stockpiled, and stabilized or otherwise reserved for use when the area is reclaimed. "Topsoil" means the suitable plant growth material on the surface; however, in no event shall this be deemed to be more than the top eight inches [20.32 centimeters] of soil. Soil stabilization additives and materials to be used onsite, access roads, or associated facilities must have approval from the director before application.

When necessary to prevent pollution of the land surface and freshwaters, the director may require the drill site to be sloped and diked.

Well sites and associated facilities shall not be located in, or hazardously near, bodies of water, nor shall they block natural drainages. Sites and associated facilities shall be designed to divert surface drainage from entering the site.

Well sites and associated facilities or appropriate parts thereof shall be fenced if required by the director.

Within six months after the completion of a well, the portion of the well site not used for well operations shall be reclaimed, unless waived by the director. Well sites and all associated facilities shall be stabilized to prevent erosion.

**43-02-03-34. METHOD OF PLUGGING.** All wells shall be plugged in a manner which will confine permanently all oil, gas, and water in the separate strata originally containing them. This operation shall be accomplished by the use of mud-laden fluid, cement, and plugs, used singly or in combination as may be approved by the director. All casing strings shall be cut off at least three feet [91.44 centimeters] below the final surface contour, and a cap shall be welded thereon. Core or stratigraphic test holes drilled to or below sands containing freshwater shall be plugged in accordance with the applicable provisions recited above. After plugging, the site must be reclaimed pursuant to section 43-02-03-19.

Page 2 line 3, page 1 lines 20-24, and page 3 lines 9-17 conflicts with  
**43-02-03-34.1. RECLAMATION OF SURFACE.**

1. Within a reasonable time, but not more than one year, after a well is plugged, or if a permit expires, has been canceled or revoked, the well site, access road, and other associated facilities constructed for the well shall be reclaimed as closely as practicable to original condition. Prior to site reclamation, the operator or the operator's agent shall file a sundry notice (form 4) with the director and obtain approval of a reclamation plan. The operator or operator's agent shall provide a copy of the proposed reclamation plan to the surface owner at least ten days prior to commencing the work unless waived by the surface owner. Verbal approval to reclaim the site may be given. The notice shall include:

- a. The name and address of the reclamation contractor;
- b. The name and address of the surface owner and the date when a copy of the proposed reclamation plan was provided to the surface owner;
- c. A description of the proposed work, including topsoil redistribution and reclamation plans for the access road and other associated facilities; and
- d. Reseeding plans, if applicable.

The commission will mail a copy of the approved notice to the surface owner. All equipment, waste, and debris shall be removed from the site. Flow lines shall be purged in a manner approved by the director. Flow lines shall be removed if buried less than three feet [91.44 centimeters] below final contour.

2. Gravel or other surfacing material shall be removed, stabilized soil shall be remediated, and the well site, access road, and other associated facilities constructed for the well shall be reshaped as near as is practicable to original contour.
3. The stockpiled topsoil shall be evenly distributed over the disturbed area and, where applicable, the area revegetated with native species or according to the reasonable specifications of the appropriate government land manager or surface owner.
4. Within thirty days after completing any reclamation, the operator shall file a sundry notice with the director reporting the work performed.
5. The director, with the consent of the appropriate government land manager or surface owner, may waive the requirement of reclamation of the site and access road after a well is plugged.



Page 2 line 30 conflicts with

**43-02-03-49. OIL PRODUCTION EQUIPMENT, DIKES, AND SEALS.** Storage of oil in underground or partially buried tanks or containers is prohibited. Surface oil tanks and production equipment must be devoid of leaks and in good condition. Unused tanks and production equipment must be removed from the site or placed into service, within a reasonable time period, not to exceed one year.

Mr. Chairman and members of House Energy and Natural Resources the inflexibility and jurisdictional conflicts in this bill lead the North Dakota Industrial Commission to urge a do not pass for House Bill 1349.

PROPOSED AMENDMENT TO HOUSE BILL 1349

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an ACT to provide for a legislative council study; and to provide an expiration date.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. RECLAMATION STUDY - LEGISLATIVE COUNCIL STUDY.**

1. During the 2013-14 interim, the legislative council shall study whether reclamation standards related to oil and gas development can be improved to ensure the successful reclamation of agricultural lands in the state, and to ensure that productivity of these agricultural lands following reclamation is as near as possible to productivity prior to use for oil and gas production. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fourth legislative assembly. The study may include consideration of:
  - a. Whether performance standards found in North Dakota Administrative Code chapter 69-05.2 and used by the North Dakota Public Service Commission for reclamation of mined lands should be utilized by the North Dakota Industrial Commission for reclamation of lands used for oil and gas development.
  - b. Whether additional and more detailed reclamation standards should be included in the North Dakota Century Code and the North Dakota Administrative Code, what standards should be included, and in what manner such standards should be included.
  - c. Whether any of the studied or proposed reclamation standards can be included in N.D.C.C. ch. 38-11.1, thereby allowing private surface owners a cause of action to enforce certain standards when bringing legal actions under N.D.C.C. ch. 38-11.1.
  - d. Input from representatives from the Department of Soil Science at North Dakota State University, the North Dakota Department of Trust Lands, the North Dakota Public Service Commission, the North Dakota Department of Health, landowner groups, and soil classifiers, as that term is defined by and referenced in N.D.C.C. ch. 43-36.

**SECTION 2. EXPIRATION DATE.** Section 1 of this Act is effective through December 31, 2014, and after that date is ineffective."

- This establishes the goal, but does not set the specifics.
- Reason Does not support.

**PROPOSED AMENDMENTS TO HOUSE BILL NO. 1349**

Page 2, remove lines ~~13~~<sup>11</sup> through 27

Page 2, line 28, before "Furnish" insert "Operator shall" and correct the capitalization

Page 2, line 30, before "Obtain" insert "Operator shall" and correct the capitalization

Page 2, line 31, before "Control" insert "Operator shall" and correct the capitalization

Page 3, line 1, before "Maintain" insert "Operator shall" and correct the capitalization

Page 3, line 3, before "Avoid" insert "Operator shall" and correct the capitalization

Page 3, line 6, before "Paint" insert "Operator shall" and correct the capitalization

Page 3, line 8, before "Immediately" insert "Operator shall" and correct the capitalization

Page 3, line 9, before "Weather" insert "Operator shall" and correct the capitalization

Renumber accordingly

# 2

13.0358.01001  
Title.

Prepared by the Legislative Council staff for  
Representative Kempenich  
January 31, 2013

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1349

Page 1, line 7, remove "top eight inches"

Page 1, line 8, replace "[20.32 centimeters] of soil" with "topsoil and suitable subsoil"

Page 1, line 11, remove "eight"

Page 1, line 12, replace "inches [20.32 centimeters] of soil" with "topsoil and suitable subsoil"

Renumber accordingly

Amendment:  
→ Recommend a study for well  
site reclamation.

Kempenich -  
Withdrawn