

TRIBAL AND STATE RELATIONS COMMITTEE

March 26, 2012

Carol Davis, Turtle Mountain Chippewa

The people of the Turtle Mountain Reservation are disturbed by the hazardous practice of hydraulic fracturing (fracking) used by the oil industry to extract oil from shale and rock in North Dakota. Our concern is for Mother Earth and the health hazards that are associated with many of the chemicals used in the practice and the potential they pose for contaminating the land, air, and water.

Please be aware that I come before you today, not because I have a personal mission, but because traditional Ojibwa teachings have disbursed responsibility for the basic needs of our tribe. Long ago in the teaching lodges we were taught that the women have a responsibility for caring for the water. Ceremonies have taken place by our traditional helpers who have expressed their concern for the safety of the water. Last year, after meeting with our tribal government, Resolution TMB627-11-11 was passed by a unanimous vote of our Tribal Council and signed by our Tribal Chairman. I am providing a copy of the resolution. This resolution banned fracking on the Turtle Mountain Reservation. We are extremely proud of our tribal government. We were the first tribe in the United States to take a stand against this dangerous practice.

We are here today to ask your help as we seek to protect Mother Earth for future generations by keeping our water, land and air free from fracking. Specifically, we are asking for three things: 1) Give counties back the authority to zone their water to protect it from fracking by the oil industry. We were told that this authority has been taken away from counties and given to a state agency. 2) Do not allow fracking waste pits in North Dakota. There are many horrendous reports of birds and animals being killed by these pits. The air gets polluted. And there is the potential for seepage of these fracking fluids into the ground water. 3) Require full disclosure of all chemicals used by the oil companies prior to drilling. Current law requires this report two months after the well has been drilled.

We are aware of the harm that can occur when fracking fluids are spilled accidentally or intentionally. Just about all of our tribal citizens are connected to the rural water system that gets its water from the Shell Valley Aquifer. The cities of St. John, Rock Lake and Bottineau also get their water from this aquifer. About one third of the aquifer is under our reservation. Two-thirds is off reservation. Our tribe has voted to protect what is under our reservation. But, currently, we don't have a way to protect the off-reservation water. This is why we need to get zoning authority back to the county.

We will hold the state accountable if oil companies are allowed to drill on land that is not on the reservation and contamination occurs. This would constitute a violation of our treaty which states that the land, air and water belong to all tribal members and will be held in common. Our water under our reservation, our land and air was acknowledged as ours and no one has the authority to allow another party to contaminate it. Treaties are not to be taken lightly.

In closing, I would like to ask the ND Legislators who took local control away from counties how they intend to protect the Shell Valley Aquifer. If this water is contaminated, who will provide water to the people on the reservation who get their water from this aquifer? If the water becomes contaminated, we cannot drink it, we cannot use it for cooking, we cannot bathe in it, we cannot use it for our animals. Will the state provide water for all of the people from the Turtle Mountain Reservation connected to the rural water system? Will they provide water for the cities of St. John, Rock Lake, and Bottineau? The decision to take zoning authority away from counties and give the state eminent domain over all land desired by the oil companies for development was reckless legislation. It is almost unthinkable to contemplate that we won't be able to live here, but that might happen. Then what?

We are asking that our request to protect our land, water and air for the seventh generation be honored by enacting legislation in the next legislative session that is bold and brave and puts the people ahead of money. We are asking that legislators think about our children and their children in the seventh generation and pass laws that are in their best interest.

Miigwech!