

**SPIRIT LAKE TRIBE**  
**S.B. 2216**  
**FORMAL COMMENT and TESTIMONY**  
**Thursday January 28, 2021**

My name is Douglas Yankton, and I serve as Chairman of the Spirit Lake Tribe. I submit this formal comment and testimony on behalf of the Spirit Lake Tribe in opposition to Senate Bill 2216 that is pending before the Joint Agriculture Committee. Senate Bill 2216 was introduced by Senators Luick, Klein, Lemm Myrdal, and Representatives D. Johnson, and Trottier on January 15, 2021 in an effort to amend and reenact portions of section 58-03-11.1 of the North Dakota Century Code relevant to animal feeding operations.

Spirit Lake is a federally recognized tribe located in North Dakota. The Tribe has a ratified treaty with the United States government dating back to February 19, 1867, which, in relevant part, includes Devils Lake. Although there has been some dispute between the state of North Dakota and the Spirit Lake Tribe regarding ownership of the lakebed itself, the dispute remains unresolved and the parties have been able to regulate activities on and near the lake through cooperative agreements and with the mutual goal of safeguarding this important natural and cultural resource.

In the recent years, efforts have been made to open a hog farm near Devils Lake. The Tribe vehemently opposed this economic venture and passed Resolution Number A05-18-243 on August 30, 2018. When it comes to these types of agricultural enterprises, we have legitimate concerns about the impact posed to the health and welfare of our tribal members, our environment and our overall economy. Such concerns increase when such commercial enterprises are able to be placed at or near water sources. This was exactly the situation we faced in 2018 as the proposed site for the hog farm was a mere half mile from Devils Lake and dump sites proposed were located at or near the Spiritwood and Warwick Aquifers.

As we have previously stated, feeding operations such as the hog farm mentioned above raise dire environmental consequences relevant to water quality, air quality and wildlife. Manure and wastewater have higher nitrates and phosphates which threaten water quality, air quality and the health of wildlife in the area. Further, elevated nitrates, phosphates, and ammonia levels in the air and water will undoubtedly have long-term, negative health consequences for the members of the Tribe and neighboring residents.

While we understand that agricultural and commercial enterprises do have some financial benefits, the financial benefits must be weighed heavily against the risk of negative environmental, health, and economic consequences for our Tribe and for our neighbors in the region. It makes no sense to open one economic opportunity only to diminish another. These operations can significantly hinder the Tribe's ability to improve the economic climate and diversify the tribal economy. Projects such as the hog farm discourage future investors and projects from being realized because of the nuisance created from air pollution, water pollution, and noise pollution. They do not foster an environment conducive to economic growth but instead discourage it. And this doesn't even take into account the negative impact on tourism in the state and for the Tribe. The tourism revenues for outdoor recreation are jeopardized by such operations and stand to result in significant losses to the near \$180 million in annual revenue currently generated.

The North Dakota laws and regulations that pertain to these operations should require careful consideration be given to the location. Location selection can directly mitigate or aggravate environmental, health and economic risks. The amendments to the North Dakota Century Code proposed by Senate Bill 2216 support a less restrictive regulatory process and a less restrictive legal definition relevant to

1/27/2021

location. This increases the likelihood that such operations could be located where they would do the most harm to water sources, soil, and most significantly individual health. Any amendments to the North Dakota Century Code should require these proposed operations to be placed in locations where they will not jeopardize the environment, the health of people or the economic interests of others in the region. Both the state and the Tribe have an interest in protecting our people, our cultural resources and our natural resources above all else.

In closing, I would like to stress to your that the tribal interests in opposing such agricultural and commercial operations are significant. As citizens of the larger state of North Dakota, it is important that the Tribe speak out against agricultural or commercial projects that disrupt our way of life, the way of life of our fellow citizens, and that place the people of the region at risk of negative health consequences. For these reasons, regulatory controls should not be diminished, as proposed, and if anything should be enhanced. We therefore respectfully request that you vote no on Senate Bill 2216.