

Troy Coons
Northwest Landowners Association
Energy and Natural Resources Committee
Testimony for SB 2070
January 6, 2021



Good afternoon, Senator Kreun and members of the committee, thank you for taking my testimony into consideration today.

My name is Troy Coons and I am the Chairman of the Northwest Landowners Association. Northwest Landowners Association represents over 560 farmers, ranchers, and property owners in North Dakota. Northwest Landowners Association is a nonprofit organization, and I am not a paid lobbyist.

Northwest Landowners Association supports this effort by the Department of Environmental Quality, and appreciates the thoughtfulness that went into developing this legislation. Although the landowners support the intent of this legislation, we do have serious concerns about the potential of placing liability for produced water spills and other similar contamination by oil and gas developers on landowners. This is especially concerning because many of these landowners have not agreed to the use of their surface estate, and do not own minerals, and therefore never had any say in whether their land was used for development or not.

We are hopeful that these concerns can be addressed working cooperatively with the Department of Environmental Quality. Briefly, there is a burden on landowners in this legislation to do some due diligence in order to avoid liability. There is no clear action that is apparent from the language, so landowners are left to figure out for themselves how much investigation of potential contamination is enough. Even more concerning, this is also true when the kids inherit the property – if they don't do some environmental due diligence, they have a decision of possibly being liable for contamination, or they can disclaim the inheritance. We were unfortunately unable to consult with legal counsel and the DEQ prior to today's hearings so that we could provide a proposed amendment. If this committee decides to move forward with this bill, we are hopeful that we may have an opportunity to propose amendments to address our concerns, and we would try to work with DEQ on language that is acceptable and meets their needs.

Thank you for taking the time to consider our comments.

Sincerely,

A handwritten signature in blue ink, appearing to read "Troy Coons". The signature is fluid and cursive, with a long horizontal stroke at the end.

Troy Coons, Chairman
Northwest Landowners Association