

Sixty-ninth  
Legislative Assembly  
of North Dakota

**SENATE BILL NO. 2313**

Introduced by

Senators Magrum, Boehm

1 A BILL for an Act to amend and reenact section 38-08-04.12 of the North Dakota Century Code,  
2 relating to reclamation of land disturbed by oil and gas activity.

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

4 **SECTION 1. AMENDMENT.** Section 38-08-04.12 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **38-08-04.12. Reclamation of land disturbed by oil and gas activity.**

7 1. Any land disturbed by construction of well sites, treating plants, saltwater handling  
8 facilities, access roads, underground gathering pipelines and associated facilities, and  
9 from remediation of leaks or spills within the jurisdiction of the commission ~~shall~~must  
10 be reclaimed as close as practicable to its original condition as it existed before the  
11 construction of the well site or other disturbance. Suitable plant growth material must  
12 be preserved subject to reclamation under this section, and the volume and location of  
13 suitable plant growth material must be documented. The preserved suitable plant  
14 growth material must be used exclusively for final reclamation on the site from which it  
15 was gathered. The volume and depth of suitable plant growth material to be preserved  
16 must be based on soil classifications. A predisturbance meeting between the  
17 commission and person proposing the land disturbance must be held to discuss and  
18 document the plan for preservation of the suitable plant growth material. The owner of  
19 the land to be disturbed must be given written notice at least ten days in advance of  
20 the meeting, but the owner's presence is not required at the meeting. The commission  
21 must approve the plan before land is disturbed by oil and gas activity.

22 2. The commission, with the consent of the appropriate government land manager or  
23 surface owner, may waive the requirement of reclamation of the site and access road  
24 after a well is plugged or treating plant or saltwater handling facility is

- 1           decommissioned. The commission shall record documentation of the waiver with the
- 2           recorder of the county in which the site or road is located.
- 3        2.   This section may not be construed to require removal of a properly reclaimed reserve
- 4           pit or a properly abandoned underground gathering pipeline.
- 5        3.   A person may not bring a legal proceeding under this section, unless the person has
- 6           exhausted all administrative remedies.