

SB 2313

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

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

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

2. The commission, 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 or treating plant or saltwater handling facility is decommissioned. The commission shall record documentation of the waiver with the recorder of the county in which the site or road is located.

2. This section may not be construed to require removal of a properly reclaimed reserve pit or a properly abandoned underground gathering pipeline.

3. A person may not bring a legal proceeding under this section, unless the person has exhausted all administrative remedies.

TESTIMONY

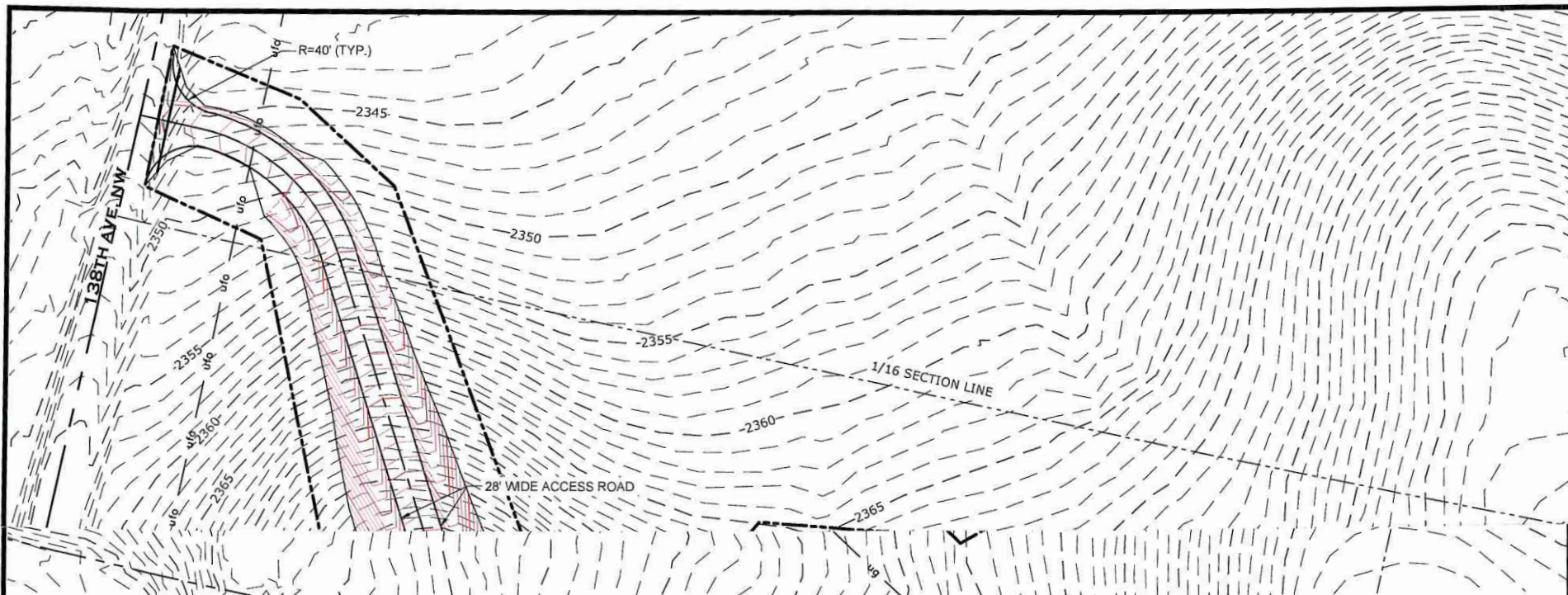
- DMR permitted 706 sites in 2024
- Require extra time from field staff we currently do not have to do predisturbance on-site inspections on approximately 706 new sites per year to meet the requirements of this bill
- DMR has one Reclamation Supervisor and one Reclamation Specialist on staff with education and training on range/soil management
- Assuming 250 workdays per year equates to 2.8 predisturbance on-site meetings per day on average
- Would require several additional staff who understand what they are looking at with continued training

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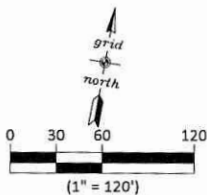
- Requiring predisturbance on-site inspections would slow down industry since they would have to accommodate our schedule on planning these predisturbance on-site meetings
- The coverage required ranges from Divide County to Bowman County and east to Bottineau County and anywhere in between
- We have a request in our budget for 3 additional reclamation inspectors to handle the current workload. This amendment will require additional reclamation staff beyond that to accomplish the goals
- Very prescriptive requirements being placed in statute. Our administrative rules currently address
- NDAC 43-02-03-19 requires **"...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 twelve inches [30.48 centimeters] of soil or deeper than the depth of cultivation, whichever is greater."**
- NDAC 43-02-03-19 requires **"Within six months after the completion of a well or construction of a saltwater handling facility or treating plant, the portion of the site not used for operations shall be reclaimed, unless waived by the director. Operators shall file a sundry notice (form 4) detailing the work that was performed and a current site diagram, which identifies the stockpiled topsoil location and its volume."** This regulation was put in place March 1, 1982
- NDAC 43-02-03-34.1 requires **"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, or a treating plant or saltwater handling facility is decommissioned, the site, access road, and other associated facilities constructed must be reclaimed as closely as practicable to original condition pursuant to North Dakota Century Code section 38-08-04.12. Prior to site reclamation, the operator or the operator's agent shall file a well sundry form or facility sundry notice 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."**
- Unplugged wells: 1950's—153; 1960's—147; 1970's—286; 1980's—831; 1990's—557; 2000's—2,242; 2010's—14,860; 2020's—3,834; Total 22,910
- The first attached plat is typical of what is submitted with a permit application. It details among other things the proposed location of the topsoil stockpile and the estimated volume
- The second attached plat is typical of what is submitted after interim reclamation is done pursuant to NDAC 43-02-03-19. It details among other things the location of the topsoil stockpile and the estimated volume
- This is not a large-scale problem. This amendment seems to be a solution looking for a problem. I respectfully request the committee for a do not pass recommendation on SB 2313.



LEGEND

- Section Line
- - - Existing 1' Contour
- - - Existing 5' Contour
- - - Proposed 1' Contour
- - - Proposed 5' Contour
- - - Proposed Cut/Fill Break
- - - Proposed Cut(-)/Fill (in feet)
- - - Finish Grade
- Well

-9.8
(2100.0)



SITE DATA

PROPOSED CONST. LIMIT AREA: ±15.80 AC.
PROPOSED ROAD LENGTH: ±725 LF.

EARTHWORK QUANTITIES

PAD & APPROACH

TOPSOIL STRIPPING AT 6":	9,620 C.Y.
EXCAVATION AFTER STRIPPING:	87,750 C.Y.
EMBANKMENT + 25% SHRINK:	87,750 C.Y.
SPOIL:	0 C.Y.



OASIS
PETROLEUM

1001 FANNIN, SUITE 1500,
HOUSTON, TX 77002

NESET

6844 Hwy 40
Tioga, ND 58852

PAD LOCATION

LOT 2
SECTION 30, TOWNSHIP 150N, RANGE 100W
McKENZIE COUNTY, NORTH DAKOTA

REVISIONS

NO:	DESCRIPTION	DATE:

DRAFTED BY: KLP 12/21/2023

PAD LAYOUT
BITTERROOT 5000 21-30

SHEET C-2

