

2023 HOUSE ENERGY AND NATURAL RESOURCES

HCR 3028

2023 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau AB Room, State Capitol

HCR 3028
3/2/2023

A concurrent resolution directing the Legislative Management to consider studying the environmental impacts of oil, hydraulic fracturing sand, and hydraulic fracturing wastewater spills on water quality, vegetation, soil, and all species of domestic and wild animals, including insects, along State Highways 22, 23, and 37 within the exterior boundaries of the Fort Berthold Reservation.

2:16 PM

Chairman Porter opened the hearing. Members present: Chairman Porter, Vice Chairman D. Anderson, Representatives Bosch, Conmy, Dockter, Hagert, Heinert, Ista, Marschall, Novak, Olson, Roers Jones, and Ruby. Absent: Rep Kasper.

Discussion Topics:

- Fracking
- Water quality impacts
- Spills
- Improper disposal contamination
- Accidental and intentional releases
- Sand mining impact
- State highway spills

Rep Lisa Finley-Deville, District 4A, introduced HCR 3028, Testimony 21832
Scott Skokos, executive director, Dakota Resource Council, Testimony 21641

Additional written testimony:

Tex Hall, Testimony 21971

2:31 PM Chairman Porter closed the hearing.

Kathleen Davis, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau AB Room, State Capitol

HCR 3028
3/9/2023

A concurrent resolution directing the Legislative Management to consider studying the environmental impacts of oil, hydraulic fracturing sand, and hydraulic fracturing wastewater spills on water quality, vegetation, soil, and all species of domestic and wild animals, including insects, along State Highways 22, 23, and 37 within the exterior boundaries of the Fort Berthold Reservation.

10:57 AM

Chairman Porter opened the meeting. Members present: Chairman Porter, Vice Chairman D. Anderson, Representatives Bosch, Conmy, Dockter, Hagert, Heinert, Ista, Kasper, Marschall, Novak, Olson, and Roers Jones. Absent: Rep Ruby.

Discussion Topics:

- Committee action

Rep Dockter moved a Do Not Pass on HCR 3028, seconded by Rep Bosch.

Representatives	Vote
Representative Todd Porter	Y
Representative Dick Anderson	Y
Representative Glenn Bosch	Y
Representative Liz Conmy	Y
Representative Jason Dockter	Y
Representative Jared Hagert	Y
Representative Pat D. Heinert	Y
Representative Zachary Ista	N
Representative Jim Kasper	AB
Representative Andrew Marschall	Y
Representative Anna S. Novak	Y
Representative Jeremy Olson	Y
Representative Shannon Roers Jones	Y
Representative Matthew Ruby	AB

11-1-2 Motion carried Rep Dockter will carry the bill.

10:59 AM Meeting adjourned.

Kathleen Davis, Committee Clerk

REPORT OF STANDING COMMITTEE

HCR 3028: Energy and Natural Resources Committee (Rep. Porter, Chairman)
recommends **DO NOT PASS** (11 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING).
HCR 3028 was placed on the Eleventh order on the calendar.

TESTIMONY

HCR 3028

Testimony HCR 3028

Scott Skokos
Executive Director
Dakota Resource Council
1720 Burnt Boat Dr. Ste 104
Bismarck ND 58503
Testimony in Support for HCR 3028

Chairman Porter and members of the committee my name is Scott Skokos and I serve as the Executive Director of Dakota Resource Council (DRC), a statewide family farm and conservation organization. This resolution is supported by our tribally led affiliate, Fort Berthold Protectors of Water and Earth Rights (POWER), which is why I am here today to show support for HCR 3028.

DRC supports HCR 3028 because it seeks to study the impacts of oil related activities and accidental or intentional environmental damage that has occurred along state highways 22, 23, and 37. The boundaries of Fort Berthold pose a gray area for jurisdiction when an incident occurs, and to prevent bad actors from exploiting this gray area we need to study to show if collaboration between Fort Berthold and North Dakota is needed to prevent bad actors from exploiting the gray nature of the areas adjacent to the boundaries of Fort Berthold.

A study of this manner will give North Dakota and Fort Berthold a clear view of what environmental impacts have occurred along the boundaries of Fort Berthold. By having a clear view of the impacts of oil related activities along the reservation boundaries will give the state and Fort Berthold more clarity on how they can work together to mitigate any impacts present and to put in place safeguards to prevent future impacts. For these reasons we urge a Do Pass recommendation for HCR 3028. I can stand for any questions.

Good morning, Chairman Porter and members of the House Energy and Natural Resources Committee. For the record my name is Representative Lisa Finley-DeVile. I'm a member of the Mandan, Hidatsa, Arikara nations and I represent the people of District 4A which encompasses the Fort Berthold Reservation. I have lived in Mandaree my entire life and have been living with oil and gas extraction for 15 years. I am not against fracking and oil production and support responsible development as with any industry. I am here to introduce you to House Concurrent Resolution 3028 and why it is needed.

As a lifelong resident of Mandaree, ND I support responsible oil and gas development and how it benefits my people. I have also witnessed how my community has been directly impacted by fracking.

For those of you not familiar, fracking is a process used to extract natural gas and oil from underground shale rock formations. This process involves injecting a mixture of water, sand, and chemicals into the rock formations to release the trapped gas or oil. While fracking has led to increased production of oil and gas, it has also raised concerns about its potential impact on the environment.

One of the major environmental concerns associated with fracking is the large volume of water required for the process. This water, once it has been mixed with chemicals and sand, becomes contaminated and must be disposed of properly. Improper disposal of this wastewater can lead to contamination of nearby water sources, including rivers, lakes, and groundwater. This contamination can have serious impacts on aquatic life and the health of humans and animals that rely on these water sources.

For instance, in 2014 near my hometown of Mandaree, North Dakota, one million gallons of produced water or brine spilled near Bear Den Bay, a tributary of Lake Sakakawea. The spill occurred from an above ground pipeline that ruptured and drained 2-miles down a ravine that ended up in the tributary, killing every living thing in its path. Though the area was flushed with fresh water, years after the spill, vegetation still does not grow in the spill area.

In addition to the potential impacts on water quality, the use of sand in fracking can also have negative environmental impacts. The large-scale mining of sand can lead to habitat destruction, soil erosion, and air pollution. In some cases, the sand used in fracking may also contain radioactive materials, which can pose additional risks to human health and the environment.

Overall, the environmental impacts of fracking water and sand on land and water should be a serious concern. While there are steps that can be taken to minimize these impacts, such as proper wastewater disposal and responsible sand mining practices, it is important that we continue to study and monitor the environmental effects of fracking in order to ensure that this process is not causing undue harm to our planet and its inhabitants.

Given these concerns, it is crucial that we conduct thorough environmental studies on the impacts of oil, hydraulic fracturing sand, and hydraulic fracturing wastewater to determine the true extent of its environmental impact. Such studies can help us identify potential hazards associated with the process, as well as develop effective strategies for mitigating these risks.

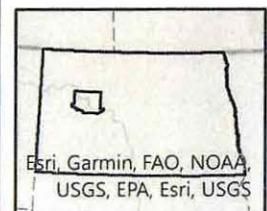
For example, environmental studies could help us determine the best practices for managing wastewater from fracking operations, and for minimizing the impact of sand mining on local ecosystems. This study can also help us identify areas where fracking should be prohibited due to environmental concerns, or where additional safeguards may be needed to protect local water resources, wildlife, and human health.

This resolution is needed now that we are in the 15th year of oil and gas development. Our priority should be to support this environmental study to understand the potential environmental impacts, and for developing effective strategies for mitigating these risks. We owe it to ourselves, our communities, and future generations to conduct these studies and to make informed decisions about how to proceed with energy production in a way that protects our planet and its inhabitants. This study will also serve as a tool for our future generations once the oil and gas production is gone. I now stand for questions, thank you for your time.

*Fort Berthold State, Federal
BIA
Roads With
Spills
2021-Current*



-  BIA Roads
-  Roads
-  State/Federal Roads
-  Reservation Boundary
-  2021-Current Spills



Esri, NASA, NGA, USGS

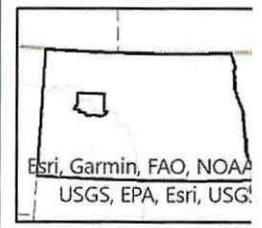
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Fort Berthold
State, Federal
BIA
Roads With
Spills

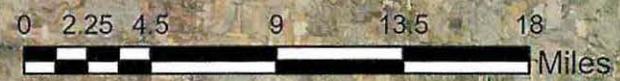


-  BIA Roads
-  Roads
-  State/Federal Roads
-  Reservation Boundary

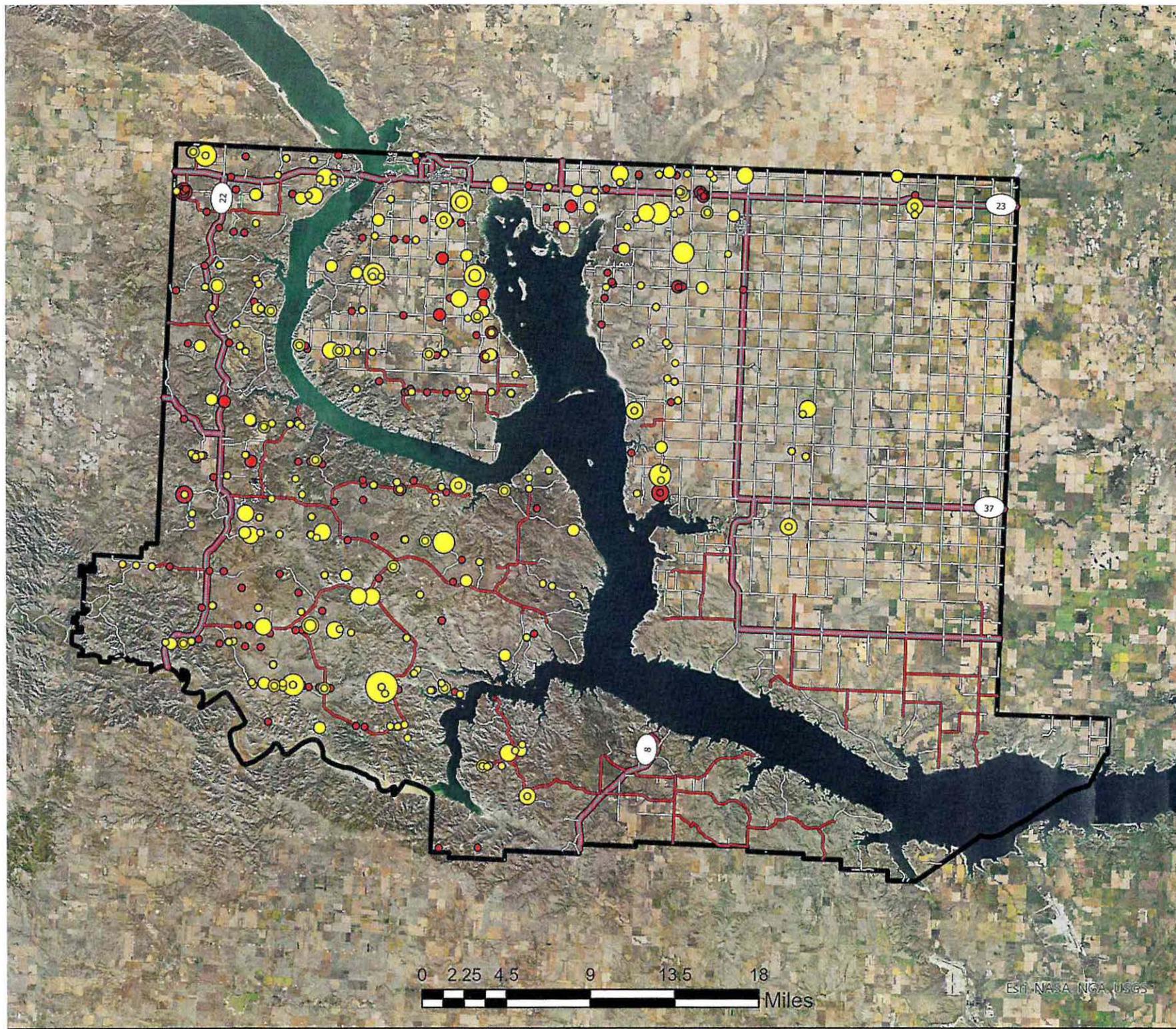
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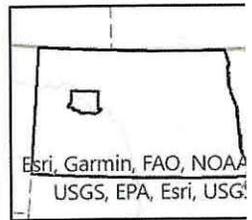
Esri, NASA, NGA, USGS



Fort Berthold Oil and Gas Wells and Horizontals



- Oil and Gas Horizontals
- Oil and Gas Wells
- ▭ Reservation Boundary

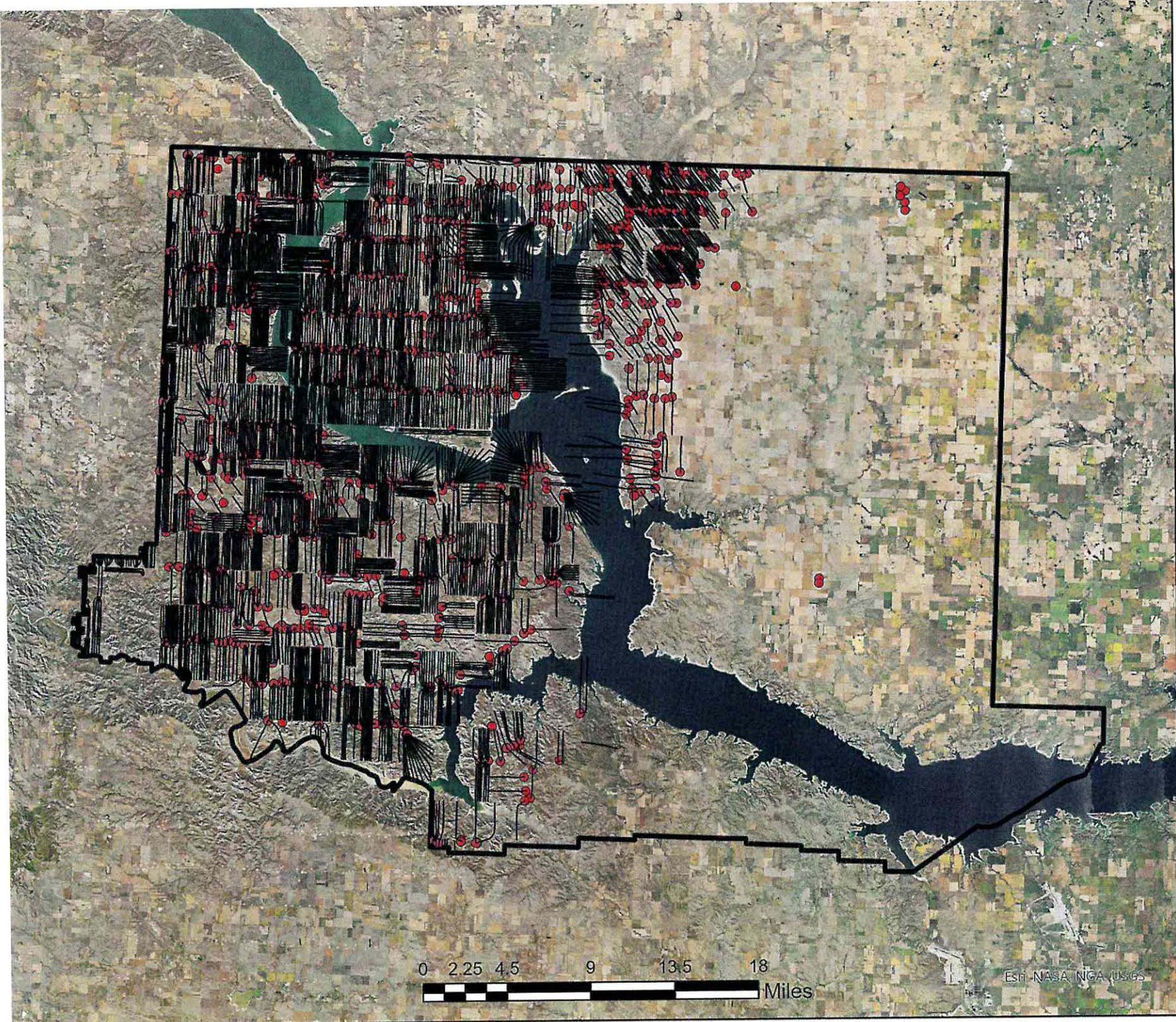


Esri, Garmin, FAO, NOAA
USGS, EPA, Esri, USGS

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Esri, NASA, NGA, USGS



Tex Hall Testimony on HCR No. 3028
March 2, 2023

Dosha (Hello),

My name is Tex Hall, an enrolled member of the Mandan, Hidatsa and Arikara Nation from Mandaree, ND, a community member, landowner and Chairman of the Fort Berthold Landowner Association testifying in support of HCR No. 3028. This Resolution would study the environmental impacts of oil and gas development, hydraulic fracturing sand, and hydraulic fracturing wastewater spills on water quality, vegetation, soil, and all species of domestic and wild animals, including insects, along State Highways 22, 23, and 37 within the exterior boundaries of the Fort Berthold Indian Reservation.

The Fort Berthold Indian Reservation has approximately 2000 oil wells throughout the Reservation and lot of truck traffic spills has occurred along these Highways, 23, 22, 37 and I would add Highway 73 whereby this highway is located along my land, so I see the traffic every day. At the Fort Berthold Indian Reservation we as Tribal Members are not made aware of these spills until word of mouth or you read about it in the newspaper weeks or months later, so a reporting mechanism has to be in place when these spills occur to better safeguard our water and soil. Wastewater or production water is highly detrimental to the soil and water and takes a lot of clean up, restoration and testing. There are known locations along these highways where spills are more frequent due to the terrain and located north of Highway 22 and 73 junction in the bear den creek area and along Highway 73 along bear den creek area which flows into the Missouri River. This Resolution studying for environmental impacts is very much needed for our land and water as there is no question with this many oil wells and spills has a negative impact. This would provide a baseline of information would help better address environmental protection, Traffic Safety and Highway designs. The environmental impacts have a negative impact on our livestock and

wildlife as well due to soil contamination, traffic, loss of vegetation and fires.

I am in total support of this HCR No. 3028 Resolution that will help protect our environment Land and water and the health and lives of our Tribal members living of Fort Berthold.

Maa zagidaz (Thank you) for the opportunity to provide testimony on this very important Resolution.

Tex Hall