

2025 HOUSE AGRICULTURE

HB 1611

2025 HOUSE STANDING COMMITTEE MINUTES

Agriculture Committee
Room JW327C, State Capitol

HB 1611
2/7/2025

A BILL for an Act to provide for a legislative management study regarding oil and chemical spills on state highways within the Fort Berthold Reservation.

9:28 a.m. Chairman Beltz opened the meeting.

Members Present: Chairman Beltz, Vice Chairman Hauck, Representatives K. Anderson, Dobervich, Henderson, Holle, Hoverson, Kiefert, Nehring, S. Olson, Rios, Schreiber-Beck, Tveit, Vollmer

Discussion Topics:

- Public safety
- BIA amount of spills
- Long term effects
- Department of Transportation remediations

9:29 a.m. Representative Lisa Finley-DeVillie, District 4A, Mandaree, ND, introduced, testified and submitted testimony #36148, #36199.

9:43 a.m. Scott Skoko, Executive Director, Dakota Resource Council, testified in favor and submitted testimony #35891.

9:47 a.m. Ron Ness, President, ND Petroleum Council, testified in opposition.

9:50 a.m. Karl Rockman, Director Division of Water Quality, ND Department of Environmental Quality, testified as neutral.

Additional written testimony:

Nicole Donaghy, Executive Director, North Dakota Native Vote, submitted testimony in favor #36121.

Amber Finley, Director of Research and Development, Nueta Hidatsa Sahnish College (NHSC), submitted testimony in favor #36142.

Audrey LaVallie, PH.D. Chemistry, Faculty, Nueta Hidatsa Sahnish College, submitted testimony #36197.

10:06 a.m. Chairman Beltz closed the hearing.

Diane Lillis, Committee Clerk

Testimony of Dakota Resource Council

Before the House Agriculture Committee

In Support of House Bill 1611

Chairman Thomas and Members of the Committee:

My name is Scott Skokos, the Executive Director of Dakota Resource Council, and I am testifying today on behalf of the members of DRC in support of House Bill 1611. DRC is a grassroots organization representing farmers, ranchers, and community members across North Dakota who are committed to ensuring responsible energy development.

House Bill 1611 is a common-sense measure that calls for a study on oil and chemical spills on state highways within the Fort Berthold Reservation. The bill does not impose new regulations or restrictions—it simply ensures that we have accurate information on the risks, response times, and impacts of spills. This is a reasonable and responsible step to protect North Dakotans, our infrastructure, and the industries that rely on safe transportation routes.

The study will bring together key stakeholders, including the Three Affiliated Tribes, the Department of Environmental Quality, and the Department of Health and Human Services, to assess current spill response capabilities and identify opportunities for improvement. Given the importance of Fort Berthold to North Dakota's energy economy, ensuring efficient and effective spill response is in everyone's best interest.

This study is not about stopping or delaying progress—it's about ensuring that oil and chemical transportation is as safe and efficient as possible. A well-informed approach to spill response benefits energy producers, landowners, and local communities alike by preventing costly damages, reducing liability, and ensuring swift cleanups when accidents do occur.

We urge this committee to give House Bill 1611 a "Do Pass" recommendation and support this proactive step toward protecting public safety and strengthening North Dakota's energy and transportation infrastructure. Thank you for your time and consideration. I am happy to answer any questions.

Respectfully submitted,

Scott Skokos

Executive Director

Dakota Resource Council



North Dakota Native Vote
919 S 7th Street
Suite 603
Bismarck, ND 58504

**Testimony of Nicole Donaghy, Executive Director
North Dakota Native Vote
In Support of House Bill 1611**

Chairman Beltz and Members of the House Agriculture Committee, my name is Nicole Donaghy, Executive Director for North Dakota Native Vote. North Dakota Native Vote supports House Bill 1611, which proposes a legislative management study regarding the environmental and public health risks of oil and chemical spills on state highways within the Fort Berthold Reservation.

Oil and chemical spills are not just isolated incidents; they represent a significant public health and environmental threat, especially for rural and tribal communities. Fort Berthold's state highways are heavily trafficked by vehicles transporting crude oil, produced water, frac sand and potentially hazardous chemicals, which increases the likelihood of spills that release emissions and contaminants into the surrounding air, soil, and water systems.

This study would create an understanding of how chronic exposure to toxic substances released during and after oil and chemical spills may have links to illnesses and pollution.

These health risks are compounded by existing health disparities in rural Native communities, where access to healthcare services is limited. Conducting a thorough study will provide critical insights into how these exposures affect the population and help inform public health strategies and interventions.

Oil and chemical spills can also have devastating environmental consequences, with long-lasting impacts on ecosystems. Toxic runoff can contaminate nearby water bodies, including the Missouri River, which is a vital resource for drinking water, agriculture, and fishing. Soil contamination can render land unusable for years and further exacerbate environmental degradation in the region. Without a comprehensive understanding of the frequency, severity, and long-term impacts of these spills, we cannot adequately address or prevent further damage.

A key strength of HB 1611 is the emphasis on collaboration with the Three Affiliated Tribes. The inclusion of tribal leadership and local environmental experts in the study is necessary to ensure a culturally informed and scientifically rigorous approach.

I ask the House Agriculture committee to give HB 1611 a Do Pass recommendation and to support this bill and move it forward for the health, safety, and well-being of all of North Dakota's communities. Thank you for your time and consideration.



301 College Drive · P. O. Box 490 · New Town, ND 58763 · 701.627.4738 · www.nhsc.edu

To Whom It May Concern,

My name is Amber Finley, and I am a citizen of the Mandan Hidatsa Arikara Nation. I am also Director of Research and Development and a full-time faculty member of the Science Department at Nueta Hidatsa Sahnish College. I am writing to express my strong support for the proposed study on the environmental risks and impacts associated with oil and chemical spills on state highways within the Fort Berthold Reservation.

The Fort Berthold Reservation, home to the Mandan, Hidatsa, and Arikara Nations, is an area deeply tied to its land and people. Over the years Fort Berthold Indian Reservation (FBIR) has experienced significant changes due to the expansion of oil and gas operations, with a marked increase in the transportation of these materials through state highways that pass through the region. While these operations provide economic benefits, they also pose significant environmental risks to the people and species who call this land home.

Oil and chemical spills can have devastating consequences. Spills have the potential to degrade local water sources, harm wildlife, and disrupt the ecosystems that many Tribal citizens rely on for sustenance and cultural practices. The long-term effects of such spills can be felt for generations.

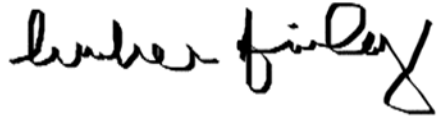
The expertise and commitment of Nueta Hidatsa Sahnish College makes it uniquely suited to lead this study in collaboration with our Tribal GIS Department and our Tribal Environmental Department. The College has conducted environmental research on the Fort Berthold Reservation for the past 20 plus years, using the most current scientific and analytical methodologies and in partnership with other research universities. NHS College proposes to conduct an environmental analysis of the soil, water, and air for the presence of hydrocarbons. We will also conduct a biological survey of spill sites to document the ecological impact of oil and chemical spills on state highways within the FBIR.

The College has a deep understanding of the cultural, social, and environmental concerns that matter most to the Fort Berthold communities. By conducting a thorough and scientifically grounded study, the College can provide crucial data to inform decision-making and advocacy efforts aimed at improving environmental protections. The results of this study will inform and empower our community to advocate for necessary changes to policy and safety practices surrounding the transportation of oil and chemicals through our land.

I urge all parties involved to support this important research. A study led by Nueta Hidatsa Sahnish College will not only enhance our understanding of potential risks posed by oil and chemical spills but will also strengthen the ability of our community to protect our people, land, and future generations.

Thank you for considering this vital initiative.

Sincerely,

A handwritten signature in black ink, reading "Amber Finley". The signature is written in a cursive style with a large, stylized 'A' and 'F'.

Amber Finley
Science Faculty & Director of Research and Development
Nueta Hidatsa Sahnish College

Intro HB 1611 House Agriculture Committee

Chairman Beltz, and members of the House Agriculture Committee, thank you for the opportunity to present this bill before you today. My name is representative Lisa Finley-DeVille I represent District 4A that is all of Fort Berthold Reservation. As the sponsor of HB 1611, which calls for a legislative management study to examine the risks associated with oil and chemical spills on state highways within the Fort Berthold Reservation. The purpose of this study is to take a closer look at how these spills impact public safety, our roads, and the environment.

The Fort Berthold Reservation is in one of North Dakota's leading oil-producing areas. While this has driven economic growth, it has also increased spill risks that can damage roads, affect water sources, and pose dangers to locals and travelers. This study will be conducted and overseen by the Nueta, Hidatsa, and Sahnish College who will be gathering input with Three Affiliated Tribes Environmental Department, the Department of Environmental Quality, and to get a complete picture and address these issues effectively. I had visited with Department of Environmental Quality who said they could assist with information on what they do off the reservation on the remediation and identifying areas of oil and chemical spill sites. Also visited with Transportation department who will give the right of ways for areas to be studied.

In order to carry out this important work, I request an appropriation of \$100,000 for the funding of this initiative. These resources will enable us to study, assess, and mitigate the risks involved, ensuring that we protect the health of North Dakotans.

We aim to manage these risks responsibly and protect essential infrastructure and resources. I urge your support for this bill and look forward to collaborating on this important matter. Thank you for your consideration.

Testimony Concerning a Proposed Study of Oil and Chemical Spills on the Fort Berthold Reservation:

As a concerned faculty member of the Nueta Hidatsa Sahnish College, I would like to introduce myself- Audrey LaVallie, Ph.D. (Chemistry)- and offer some background on research endeavors and capabilities at NHS College. I am not a member of the MHA Nation, but I work closely with tribal members every day, and have done some environmental investigative research during the past four years with the college, which has been related to the local land base in terms of air, water and soil quality. Dr. Kerry Hartman, myself and Amber Finley have worked together to establish soil sampling, and air/water monitoring on a very large reservation in order to assist the tribe in protecting its land base.

The Ft. Berthold Reservation at 1530 square miles (998,000 acres) is the largest reservation in North Dakota (after the Standing Rock Reservation which spans both North and South Dakota). Because of the size of the reservation and the presence of anthropogenic activities including oil field operations and agriculture, there is a concern for the MHA land base, which has been ongoing for some time. The college is in an excellent position to conduct soil and water research and disseminate results to the community and tribal offices. NHS College has conducted soil, water and air particulate testing in the last few years with an increased laboratory capacity and would like to expand the scope and number of testing sites.

Fort Berthold is in the midst of one of the largest oil exploration and fracking operations nationally (the third largest U.S. shale oil field in millions of barrels per day) and one of the ten top producers globally.¹ Drilling and production of oil is regulated by several agencies², generally through collaboration with the MHA Nation and Tribal EPA office, but the MHA Nation has a relatively small population and limited personnel trained in monitoring of pollutants. A local environmental group has worked with the college to install seven air monitoring systems on the reservation, although more are needed.

However, water and soil monitoring tend to be more sporadic; the last major groundwater and surface water testing on the reservation was during 2014-2017 when the USGS tested a number of wells. An impetus for the water testing at that time was the series of approximately 700 spills of produced (waste) water from drilling operations, entailing over four million gallons over several years, which "were not always accidental."³

Additionally, a nonprofit organization called Earthworks reported in 2020 that one barrel of wastewater was produced for every barrel of crude oil (a million barrels a day) and that there is "spreading of wastewater on roads, on-site burial, and the storage in often-leaky pits rather than more secure holding tanks." Moreover, "regulatory loopholes exempt the industry from hazardous waste laws and hide the ingredients in fracking waste."⁴

Soil and radioactivity testing has been less consistent on the reservation compared to emissions testing, but should continue to be implemented in order to locate not only spill sites, but illegal

dumping of any kind, as well as sampling for nitrates, sulfates, soot, incinerated metals or other type of deposition from emissions, particularly near flare sites.

Unfortunately, there seems to be concern not only on a local level, but also nationally and even globally, as evidenced by publications which report unfavorable statistics and environmental concerns about our region. I would greatly encourage and support any actions that would increase our ability to gather data and monitor contaminants, many of which may have far-reaching implications for local people for many years to come. Communication of findings is integral to allowing the MHA Nation to make decisions and form policy. Thank you for your consideration.

Sincerely,

Audrey LaVallie, Ph.D.
Chemistry instructor/DOKA Grant director
Nueta Hidatsa Sahnish College
PO Box 490, New Town, ND, 58763
alavallie@nhsc.edu

References:

1. Nicholson, Matt (NES Fircroft), "From Black Gold to Boomtowns: Discovering America's Most Profitable Oil Fields," <https://www.nesfircroft.com/resources/blog/from-black-gold-to-boomtowns--discovering-america-s-most-profitable-oil-fields/>. (Accessed April 2024).
2. Global Flaring and Methane Reduction Partnership, "Global Flaring and Venting Regulations, U.S: North Dakota," <https://flaringventingregulations.worldbank.org/united-states-north-dakota#:~:text=Regulatory%20Authority,on%20federal%20and%20Indian%20lands>. (Accessed April 2024).
3. USGS, "Characterization of Surface-Water and Groundwater Quality on the Fort Berthold Reservation, North Dakota, 2014–17," <https://pubs.usgs.gov/sir/2020/5020/sir20205020.pdf> (Accessed April 2024).
4. Wasser, Justin (Earthworks Nonprofit), "New Report Finds Increased Threat from Radioactive Oil and Gas Release in North Dakota (2020)," <https://earthworks.org/releases/new-report-finds-increased-threat-from-radioactive-oil-gas-waste-in-north-dakota/> (Accessed April 2024).

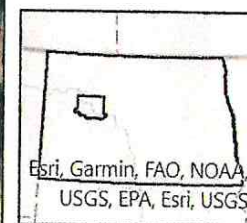
Fort Berthold State, Federal BIA Roads With Spills

2010-2021



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

Red dots
oil spills
Yellow dots
Brine spill



0 2.25 4.5 9 13.5 18
Miles

Esri, NASA, NGA, USGS

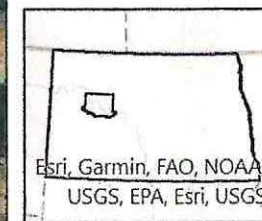
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Fort Berthold State, Federal BIA Roads With Spills 2021-Current



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

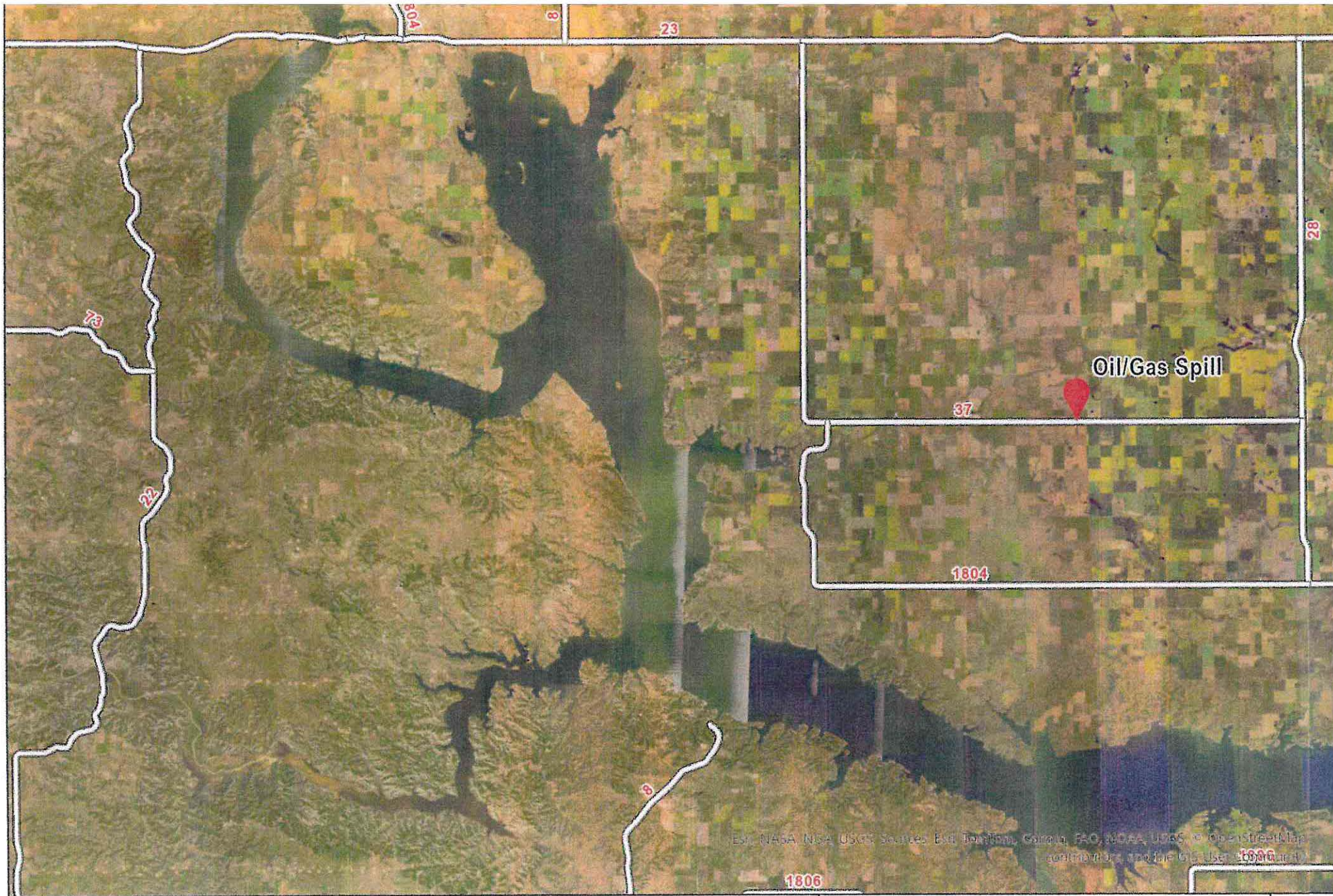
*Brine
Spills*





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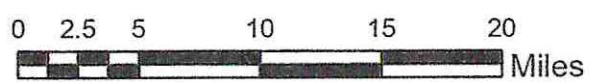
Esri, NASA, NOAA, USGS



Legend

-  Oil Spill 100ft
-  FEDERAL_STATE_ROADS

Oil Spill within 100ft of HWY 37 (Year 2023)
 -No spills have occurred within 100ft in the years after



Considerable effort has been made to ensure the accuracy correctness and timeliness of data presented; however, this information is only as accurate as its sources and may not reflect the most current information. The Three Affiliated Tribes assumes no liability for any errors, omissions or inaccuracies and makes no warranty, representation or guaranty of any kind, express or implied, as to the content or for any decisions made or actions taken or not taken by the user based upon any information provided with the data.



2025 HOUSE STANDING COMMITTEE MINUTES

Agriculture Committee Room JW327C, State Capitol

HB 1611
2/13/2025

A BILL for an Act to provide for a legislative management study regarding oil and chemical spills on state highways within the Fort Berthold Reservation.

11:07 a.m. Chairman Beltz opened the meeting.

Members Present: Chairman Beltz, Vice Chairman Hauck, Representatives Anderson, Dobervich, Henderson, Holle, Hoverson, Kiefert, Nehring, Olson, Rios, Schreiber-Beck, Tveit, Vollmer

Discussion Topics:

- Conflict of interest
- Statute of limitations
- Spill process

11:07 a.m. Chairman Beltz presented a proposed amendment from the bill sponsor #45006.

11:11 a.m. Representative Tveit moved Do Not Pass.

11:11 a.m. Representative Nehring seconded the motion.

Representatives	Vote
Representative Mike Beltz	Y
Representative Dori Hauck	Y
Representative Karen A. Anderson	Y
Representative Gretchen Dobervich	AB
Representative Donna Henderson	Y
Representative Dawson Holle	Y
Representative Jeff Hoverson	AB
Representative Dwight Kiefert	Y
Representative Dennis Nehring	Y
Representative SuAnn Olson	Y
Representative Nico Rios	Y
Representative Cynthia Schreiber-Beck	Y
Representative Bill Tveit	Y
Representative Daniel R. Vollmer	Y

Motion passed 12-0-2.

11:12 a.m. Representative Hauck will carry the bill.

11:13 a.m. Representative Schreiber-Beck moved to Place on Consent Calendar.

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11:13 a.m. Representative Holle seconded the motion.

Voice vote.

Motion passed.

11:13 a.m. Chairman Beltz closed the hearing.

Diane Lillis, Committee Clerk

REPORT OF STANDING COMMITTEE
HB 1611 ([25.1326.01000](#))

Agriculture Committee (Rep. Beltz, Chairman) recommends **DO NOT PASS** and **BE PLACED ON THE CONSENT CALENDAR** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1611 was placed on the Tenth order on the calendar.

25.1326.01002
Title.

Prepared by the Legislative Council
staff for Representative Finley-DeVille
February 7, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1611

Introduced by

Representatives Finley-DeVille, Brown, Conmy

Senator Mathern

- 1 A BILL for an Act to provide for a legislative management study regarding oil and chemical spills
2 on state highways within the Fort Berthold Reservation; and to provide an appropriation.

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

4 **SECTION 1. LEGISLATIVE MANAGEMENT STUDY - RISKS OF OIL AND CHEMICAL**
5 **SPILLS ON STATE HIGHWAYS WITHIN THE FORT BERTHOLD RESERVATION.** During the
6 2025-26 interim, the legislative management shall consider studying environmental and public
7 health risks of oil and chemical spills on state highways within the Fort Berthold Reservation,
8 including the sampling and testing of hydrocarbons in the soil, air, and water, soil testing,
9 biological surveys, chemical analysis, and remediation recommendations. The study must
10 include input from the Three Affiliated Tribes of the Fort Berthold Reservation; and the
11 department of environmental quality; ~~and the department of health and human services.~~ The
12 legislative management shall report its findings and recommendations, together with any
13 legislation required to implement the recommendations, to the seventieth legislative assembly.

14 **SECTION 2. APPROPRIATION - LEGISLATIVE COUNCIL - RISKS OF OIL AND**
15 **CHEMICAL SPILLS ON STATE HIGHWAYS WITHIN THE FORT BERTHOLD**
16 **RESERVATION - ONE-TIME FUNDING.** There is appropriated out of any moneys in the
17 general fund in the state treasury, not otherwise appropriated, the sum of \$99,999, or so much
18 of the sum as may be necessary, to the legislative council for the purpose of contracting with a
19 tribally controlled college on the Fort Berthold Reservation to conduct the study provided in

Sixty-ninth
Legislative Assembly

- 1 section 1 of this Act, for the biennium beginning July 1, 2025, and ending June 30, 2027. This
- 2 funding provided in this section is considered a one-time funding item.