

2025 SENATE ENERGY AND NATURAL RESOURCES

SB 2313

2025 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Room JW216, State Capitol

SB 2313
1/30/2025

Relating to reclamation of land disturbed by oil and gas activity.
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10:30 a.m. Chairman Patten opened the hearing.

Members present:

Chairman Patten, Vice Chairman Kessel, Senators: Beard, Boehm, Enget, Gerhardt, and Van Oosting.

Discussion Topics:

- Land reclamation at oil and gas well sites
- Well pad development
- Soil preservation
- Pipeline location
- Engineering firm expedition
- Topsoil amount

10:30 a.m. Senator Jeffery Magrum introduced the bill and submitted testimony in favor #32946.

10:31 a.m. Troy Coons, Northwest Landowners Associations, testified in favor and submitted testimony #32689 and #32949.

10:35 a.m. Micheal Haupt, Private Landowner, testified in favor and submitted testimony #32941.

10:55 a.m. Mark Bohrer, Assistant Director of Oil and Gas Division, testified in opposition and submitted testimony #32958.

11:07 a.m. Ron Ness, President of ND Petroleum Council, testified in opposition and submitted testimony #32929 and #32930.

Additional written testimony:

Mark Ness, President of the ND State University, submitted testimony in opposition #32968.

Tom M. DeSutter, ND State University, submitted testimony as neutral #32696.

11:11 a.m. Chairman Patten closed the hearing.

Kendra McCann, Committee Clerk

Testimony of Troy Coons on behalf of
Northwest Landowners Association
in favor of
SENATE BILL NO. 2313
Senate Energy and Natural Resources Committee
January 30, 2025

Chairman Patten 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 hundreds of farmers, ranchers, and property owners in North Dakota. Northwest Landowners Association is a nonprofit organization, and I am not a paid lobbyist.

The Northwest Landowners Association supports SB 2313 because one of the most basic things we can all agree on in North Dakota is that we need to protect the soil when we disturb the land for development, whatever the reason. We are asking to ensure we do that for the well pads and we believe that our proposal is something that already happens in North Dakota with some operators. No one would argue that we should not preserve the suitable plant growth material when we build well pads. We are simply asking to ensure that process is planned and documents the preservation of the suitable plant growth material.

The requirements for coal mining are far more complicated. Legal counsel provided me with a copy of some of the performance standards with some highlighted that relate specifically to preservation of suitable plant growth material. Although we are not asking for something this complex, it should be recognized that we will end up disturbing as much ground in the Bakken as we have with coal mining, and the soil of the ranchers out west is as valuable to them as soil is to the farmers and ranchers in coal country.

Thank you again for your time and we urge a **do pass** on SB 2313.

Thank you,

Troy Coons
Northwest Landowners Association

Dr. Tom DeSutter
Professor of Soil Science
North Dakota State University
January 28, 2025

Neutral testimony regarding SB 2313

My name is Dr. Tom DeSutter, and I am a Professor of Soil Science at North Dakota State University (NDSU). I have been with NDSU for over 18 years, with a 10% teaching and 90% research appointment. My teaching responsibilities have allowed me to instruct a variety of courses, including Introduction to Soil Science, Soils and Land Use, Field Sampling, Hydric Soils, Soil Genesis and Survey, and, in Spring 2026, a new course titled *Soil Reclamation*. Currently, the majority of my research focuses on the reclamation of disturbed soils resulting from the extraction of energy resources such as oil, gas, and coal. I am providing neutral testimony on the state of soil reclamation, based on my observations, interactions with stakeholders (midstream and upstream operators, consulting groups, ND DEQ and ND Dept of Land Trust, USDA Forest Service and NRCS, and landowners), and my commitment to fostering understanding and improvement in reclamation practices. In my role at NDSU, I do not engage in private consulting within the state of North Dakota.

The purpose of this neutral testimony is to give my perspective as a technical expert with expertise in reclamation. The testimony simply offers my observations on the status of soil reclamation in the state.

Through my research and collaboration with stakeholders, I have participated in numerous reclamation projects, including but not limited to accidental releases of oil and produced waters, pipeline corridor reclamation, herbicide runoff management from well pads, and the improvement of coal-mined soils. During these projects, I have engaged in extensive discussions with stakeholders, who consistently express a shared concern: "How can we maintain or improve soil productivity?" Throughout these interactions, I have never encountered stakeholders unwilling to prioritize proper soil handling or reclamation. On the contrary, stakeholders recognize the importance of maintaining strong relationships with landowners, which is frequently a key topic in our discussions.

Empowering stakeholders with knowledge is a critical mission of the ND Agricultural Experiment Station and NDSU Extension teams. To support this goal, our team has established a Reclamation Advisory Group (RAG) consisting of over 50 members representing diverse stakeholder groups. We organize field days and workshops to educate participants about soil management and the handling of accidental releases of oil and produced waters. Additionally, we disseminate our research and extension materials both in written form and verbally at the North Dakota Reclamation Conference, which last year attracted approximately 320 participants. Upon request, we also meet with landowners on-site to provide guidance and specific recommendations.

Sustainable reclamation benefits everyone, and I have dedicated my time at NDSU to helping all parties improve or maintain soil productivity. I firmly believe that our involvement since 2015 has enhanced reclamation practices for disturbed lands. Moving forward, we will continue conducting independent research to develop scientifically based approaches to improve reclamation, empowering those involved in reclamation efforts, and consulting with North Dakota stakeholders upon request.

**Senate Bill 2313****Testimony of Ron Ness****Senate Energy and Natural Resources Committee****January 30, 2025**

Chairman Patten and members of the Committee, my name is Ron Ness, president of the North Dakota Petroleum Council (“NDPC”). The North Dakota Petroleum Council represents more than 550 companies involved in all aspects of the oil and gas industry, including oil and gas production, refining, pipeline development, transportation, mineral leasing, consulting, legal work, and oilfield service activities in North Dakota, South Dakota, and the Rocky Mountain region. I appear before you today in opposition to Senate Bill 2313.

North Dakota’s existing reclamation requirements already ensure responsible stewardship of the land while balancing the need for efficient and economic energy development. Operators in the state adhere to stringent regulations and best practices that prioritize soil preservation and land restoration. The current system effectively returns land to productive use, whether for agriculture, ranching, or other purposes, and ensures that reclamation efforts meet environmental standards. There is no demonstrated need for the additional requirements outlined in Senate Bill 2313.

SB 2313 introduces an excessive and overly prescriptive approach to reclamation by mandating specific documentation, pre-disturbance meetings, and regulatory approvals that go beyond what is necessary to achieve responsible land restoration. The requirement for a pre-disturbance meeting with the North Dakota Industrial Commission and prior approval of a preservation plan introduces unnecessary delays into the process. These added steps create bureaucratic inefficiencies that hinder timely project execution.

The bill also adds significant compliance costs for operators, not only through additional documentation and administrative requirements but also by prolonging reclamation timelines. These costs will ultimately impact investment decisions and economic growth in North Dakota’s energy sector. Finally, the

proposed changes would require additional regulatory oversight, growing government bureaucracy at a time when efficiency and streamlined permitting processes should be prioritized. More regulators and administrative staff would be needed to enforce these provisions, placing an unnecessary burden on both industry and taxpayers.

The oil and gas industry has a long history of successfully reclaiming land in North Dakota. Operators already implement site-specific reclamation strategies that consider soil conditions, landowner preferences, and best environmental practices. The industry is committed to ensuring that land disturbed by energy development is returned to a usable and productive state. Furthermore, soil preservation is already a fundamental part of the reclamation process, and operators routinely document and manage soil resources in a way that aligns with both regulatory expectations and practical land management needs. Mandating additional, redundant requirements does not improve outcomes. Instead, it simply adds red tape that slows down progress.

Senate Bill 2313 is an unnecessary regulatory overreach that imposes costly and time-consuming requirements on an industry that is already committed to responsible land stewardship. North Dakota's current reclamation framework is more than sufficient in ensuring environmental protection while allowing for continued oil and gas development. Adding new layers of regulation will only serve to discourage investment, increase costs, and expand government bureaucracy. For these reasons, NDPC strongly opposes Senate Bill 2313 and urges the Committee to issue a **Do Not Pass recommendation**.

Thank you, and I would be happy to answer any questions.



ONEOK Construction and Reclamation Process

ONEOK takes great pride in our construction and reclamation process and in being good stewards to the lands on which we work. In addition to the process below, we work with third party firms to ensure we are avoiding environmentally and culturally sensitive areas for every project and adjusting as needed.

- Once a pipeline route is identified, Right of Way negotiations begin with potential landowners
 - Many landowners specify in these agreements:
 - Topsoil segregation methods,
 - Construction timing stipulations, and;
 - Reclamation stipulations and seed mix selections.
- Construction contractors are given ONEOK standard specifications related to how pipelines are to be installed as well as topsoil and subsoil management and reclamation seeding. These specifications were written with guidance from North Dakota State University.
- Construction Specifications detail:
 - Topsoil segregation and management,
 - Topsoil is ALWAYS stored separately from subsoil,
 - Topsoil is stripped until color change,
 - Topsoil is protected from wind and water erosion.
 - Backfilling,
 - Subsoil will be placed back in 12 inch lifts and compacted in the trench,
 - Frozen soil will be mechanically processed to 2-3 inch pieces, and;
 - Topsoil will not be put back until backfilling and decompaction are completed.
 - ROW decompaction
 - Right of Way be de-compacted prior to topsoil placement.
 - Seedbed preparation,
 - The entire width of the Right of Way will be disked to level ground and break any clods of soil, and;
 - Seedbed should be firm enough that adult footprints are not more than ½ inch deep.
 - Seeding methods,
 - Crosshatch drill seeding,
 - Rangeland grasses should only be plants at ¼ to 1 inch depth
 - Hydro mulch,
 - Broadcast seeding,
 - Cover Crops
 - Grain cover crops will be broadcast and lightly drug in.
 - Straw mulching and crimping rates
 - 1.5 to 2 tons per acre as per NDSU research,
- Every ROW is inspected twice a year for subsidence and vegetation establishment by a third party hired by ONEOK. Repairs and re-seeding are completed as needed.
- Inspections continue for 3 years or until ROW matches background vegetation.

Testimony in favor of SB2313 Reclamation

January 30, 2025, Senate Energy and Natural Resources

Michael and Bonnie Haupt, Private Landowners, Mercer County ND.

Chairman Patten and members of the committee, my name is Michael Haupt. I am retired but was employed by the ND Department of Trust Lands for 30 years as a Land Management Professional. My educational background includes Wildlife, Botany, Soils, Rights of Way and Reclamation. I was assigned to the School Trust land located in the oil fields and cooperated with oil and pipeline companies, their engineering-surveyors and dirt contractors in locating sites and corridors for this development. These on-site meetings increased communication and the development of a relationship on how to plan for and where to place facilities on Trust Lands. An important item that was always discussed and documented during our meetings was the volume of Suitable Plant Growth Material (SPGM), which included both topsoil and some subsoil, that was to be determined by the survey group (disturbed area x depth = volume), stockpiled during construction, measured post construction, located on the site survey plat and monitored during the life of the facility. The SPGM reservation was determined prior to construction because **the final reclamation of a facility begins at construction**. The proper SPGM reservation volume and monitoring of the SPGM during construction and operation of the facility gives us the best potential for final reclamation and reusing the area for agriculture production and maintaining the value of the property.

My wife Bonnie and I are private landowners and our land is near the area Summit has been given permission by the NDIC to sequester carbon. Summit's Pore Space Lease says nothing about soil reservation and reclamation. And the current laws under which the DMR-Oil and Gas Division regulates these types of facilities is lacking these simple attainable and needed construction and reclamation requirements. We are willing, as private landowners, to participate in developing better methods to determine SPGM requirements for final reclamation that will benefit landowners and maintain the value of our property. I will answer any questions you may have. Thank you.



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COMMITTEES:

Finance and Taxation
Energy and Natural Resources

01/30/2025

Good morning, Chairman Patten and committee members.

For the record I am Senator Jeff Magrum representing District 8. I stand before you to introduce SB2313. The goal of 2313 is to ensure that landowners have the best job possible when land is reclaimed at oil and gas well sites. The Department of Mineral Resources will be involved right away.

Thanks for your consideration. I humbly ask for a do pass recommendation on SB2313.

Suitable plant materials include the materials that plants need to grow, the materials that plants are used to make, and the materials that plants are grown in.

Materials plants need to grow

- Sunlight: Plants use sunlight to convert carbon dioxide and water into carbohydrates
- Carbon dioxide: Plants get carbon dioxide from the air or water
- Water: Plants need water that is oxygenated and has nutrients
- Soil: Soil provides structure, water retention, and nutrients for land plants
- Air: Plants need air to survive
- Space: Plants need space to survive

Materials plants are used to make

- Fruits: Plants produce fruits that can be eaten
- Vegetables: Plants produce vegetables that can be eaten
- Wood: Plants produce wood that can be used for furniture and flooring
- Oil: Plants produce oil that can be used in cooking
- Cotton: Plants produce cotton that can be used in clothing

Paper: Plants produce paper that can be used for writing and printing

Unified Soil Classification System (USCS) Guide

The Unified Soil Classification System uses a two-letter system to name different soil types. The chart below also includes a plasticity chart that is used to determine the classification of fine-grained soils.

Note that some specifications described in the following content may not be the same as the specifications followed by your agency. Always check with your State agency's standards and specifications when using these guidelines.

Sections

- Unified Soil Classification System (USCS) Guide
- Plasticity Chart for USCS

Unified Soil Classification System (USCS) Guide

- ☐ The first letter in the naming describes the major constituents of the soil (G-gravel, S-sand, M-silt, C-clay, O-organic).
- ☐ The second letter describes characteristics of the soil. For coarse-grained, the second letters are: P-poorly graded (uniform particle sizes), W-well-graded (diversified particle sizes), M-silty fines, and C-clayey fines.
- ☐ For fine-grained soils, the second letters are: H-high plasticity (fat soil) and L-low plasticity (lean soil).
- ☐ Atterberg lab test results are plotted: silts fall below the "A" line and clays lie above the "A" line.
- ☐ High plasticity soils have a Liquid Limit greater than 50 and low plasticity soils have a Liquid Limit less than 50.

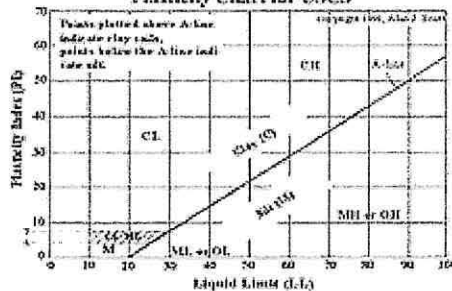
UNIFIED SOIL CLASSIFICATION SYSTEM

Soils are visually classified for engineering purposes by the Unified Soil Classification System. Grain-size analyses and Atterberg Limits tests often are performed on selected samples to aid in classification. The classification system is briefly outlined on this chart. Graphic symbols are used on boring logs presented in this report. For a more detailed description of the system, see "Standard Practice for Description and Identification of Soils (Visual-Manual Procedure)" ASTM Designation: 2488-84 and "Standard Test Method for Classification of Soils for Engineering Purposes" ASTM Designation: 2487-85.

MAJOR DIVISIONS				GRAPHIC SYMBOL	GROUP SYMBOL	TYPICAL NAMES
COARSE-GRAINED SOILS Less than 50% passes No. 200 sieve)	GRAVELS (50% or less of coarse fraction passes No. 4 sieve)	CLEAN GRAVELS (Less than 5% passes No. 200 sieve)			GW	Well graded gravels, gravel-sand mixtures, or sand-gravel-cobble mixtures
					GP	Poorly graded gravels, gravel-sand mixtures, or sand-gravel-cobble mixtures
		GRAVELS WITH FINES (More than 12% passes No. 200 sieve)	Limits plot below "A" line & hatched zone on plasticity chart		GM	Silty gravels, gravel-sand-silt mixtures
			Limits plot above "A" line & hatched zone on plasticity chart		GC	Clayey gravels, gravel-sand-clay mixtures
	SANDS (50% or more of coarse fraction passes No. 4 sieve)	CLEAN SANDS (Less than 5% passes No. 200 sieve)			SW	Well graded sands, gravelly sands
					SP	Poorly graded sands, gravelly sands
		SANDS WITH FINES (More than 12% passes No. 200 sieve)	Limits plot below "A" line & hatched zone on plasticity chart		SM	Silty sands, sand-silt mixtures
			Limits plot above "A" line & hatched zone on plasticity chart		SC	Clayey sands, sand-clay mixtures
FINE-GRAINED SOILS (50% or more passes No. 200 sieve)	SILTS (Limits plot below "A" line & hatched zone on plasticity chart)	SILTS OF LOW PLASTICITY (Liquid Limit less than 50)			ML	Inorganic silts, clayey silts of low to medium plasticity
		SILTS OF HIGH PLASTICITY (Liquid Limit 50 or more)			MH	Inorganic silts, micaceous or diatomaceous silty soils, elastic silts
	CLAYS (Limits plot above "A" line & hatched zone on plasticity chart)	CLAYS OF LOW PLASTICITY (Liquid Limit less than 50)			CL	Inorganic clays of low to medium plasticity, gravelly, sandy, and silty clays
		CLAYS OF HIGH PLASTICITY (Liquid Limit 50 or more)			CH	Inorganic clays of high plasticity, fat clays, sandy clays of high plasticity
	ORGANIC SILTS AND CLAYS	ORGANIC SILTS AND CLAYS OF LOW PLASTICITY (Liquid Limit less than 50)			OL	Organic silts and clays of low to medium plasticity, sandy organic silts and clays
		ORGANIC SILTS AND CLAYS OF HIGH PLASTICITY (Liquid Limit 50 or more)			OH	Organic silts and clays of high plasticity, sandy organic silts and clays
ORGANIC SOILS	PRIMARILY ORGANIC MATTER (dark in color and organic odor)				PT	Peat

NOTE: Coarse-grained soils with between 5% and 12% passing the No. 200 sieve and fine-grained soils with limits plotting in the hatched zone on the plasticity chart have dual classifications.

Plasticity Chart for USCS



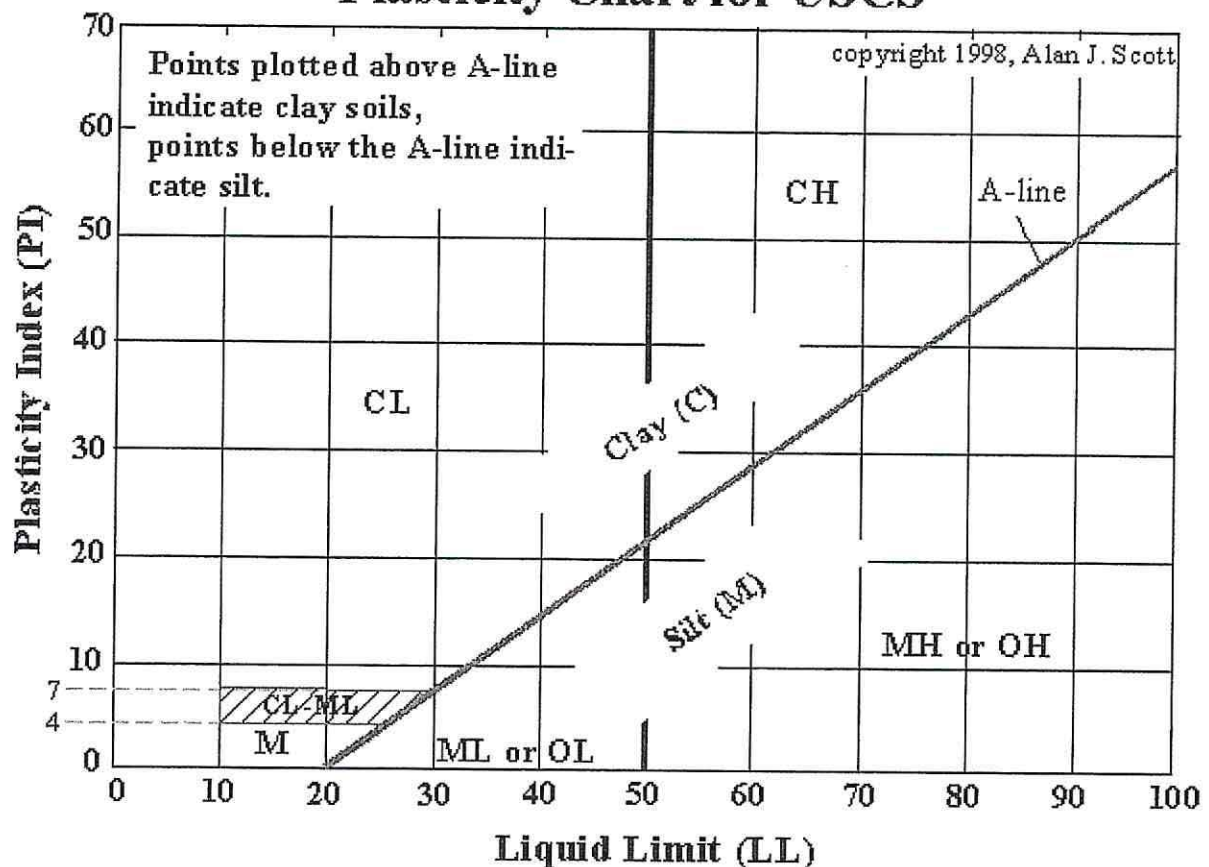
DEFINITION OF SOIL FRACTIONS

SOIL COMPONENT	PARTICLE SIZE RANGE
Boulders	Above 12 in.
Cobbles	12 in. to 3 in.
Gravel	3 in. to No. 4 sieve
Coarse gravel	3 in. to 3/4 in.
Fine gravel	3/4 in. to No. 4 sieve
Sand	No. 4 to No. 200 sieve
Coarse sand	No. 4 to No. 10 sieve
Medium sand	No. 10 to No. 40 sieve
Fine sand	No. 40 to No. 200 sieve
Fines (silt and clay)	Less than No. 200 sieve

Plasticity Chart for USCS

- ☐ The Liquid Limit is the water content of the soil at which it changes from a plastic to liquid consistency.
- ☐ The Plastic Limit is the water content of the soil at which it changes from a brittle/crumble consistency to a plastic consistency.
- ☐ The Plasticity Index is the range over which a soil has a plastic consistency and is calculated as the Liquid Limit minus the Plastic Limit.

Plasticity Chart for USCS



N.D. Cent. Code, § 38-14.1-24

Current through all legislation from the 68th Legislative Assembly (2023) and the November 5, 2024, general election.

North Dakota Century Code Annotated > TITLE 38 Mining and Gas and Oil Production (Chs. 38-01 — 38-25) > CHAPTER 38-14.1 Surface Mining and Reclamation Operations (§§ 38-14.1-01 — 38-14.1-42)

38-14.1-24. Environmental protection performance standards.

General performance standards are applicable to all surface coal mining and reclamation operations and must require the permittee at a minimum to:

1. Conduct surface coal mining operations so as to maximize the utilization and conservation of the coal or commercial leonardite being recovered so that re-affecting the land in the future through surface coal mining can be minimized.
 - 1.1. Conduct any auger mining associated with surface coal mining operations in a manner that will maximize recoverability of coal or commercial leonardite and other mineral reserves remaining after mining activities and reclamation operations are completed, and seal or fill all auger holes as necessary to ensure long-term stability of the area and minimize any adverse impact to the environment or hazard to public health or safety. The commission may prohibit auger mining if necessary to maximize the utilization, recoverability, or conservation of coal or commercial leonardite resources, to ensure long-term stability, or to protect against any adverse impact to the environment or hazard to public health or safety.
2. Restore the land affected to a condition capable of supporting the uses which it was capable of supporting prior to any mining, or higher or better uses approved by the commission, which may include industrial, commercial, agricultural, residential, recreational, or public facilities. In approving the postmining land use, or changes thereto, the commission shall establish by regulation postmining land use criteria that must be demonstrated by the permittee and considered by the commission in making its decision.
3. Backfill, compact (where advisable to ensure stability or to prevent leaching of toxic materials), and grade to reshape all areas affected by surface coal mining operations to the gentlest topography consistent with adjacent unmined landscape elements in order to develop a postmining landscape that will provide for maximum moisture retention, drainage that will complement the surrounding terrain, maximum stability, minimum soil losses from runoff and erosion, with all highwalls, spoil piles, and depressions eliminated (unless small depressions are needed in order to retain moisture to assist revegetation or as otherwise authorized pursuant to this chapter), and with maximum postmining graded slopes that do not exceed the approximate original contour; provided, however, that:
 - a. A different contour or topography may be required by the commission to better achieve the approved postmining land use.
 - b. The permittee, at a minimum, shall backfill, grade, and compact (where advisable) using all available overburden and other spoil and waste materials to attain the lowest practicable grade (not to exceed the angle of repose), to provide adequate drainage, and to contain all toxic materials in order to achieve an ecologically sound land use compatible with the surrounding region, in those instances where:
 - (1) Surface coal mining operations are carried out over a substantial period of time at the same location where the operation transects the coal or commercial leonardite deposit;

- (2) The thickness of the coal or commercial leonardite deposits relative to the volume of overburden is large; and
 - (3) The permittee demonstrates that the overburden and other spoil and waste materials at a particular point in the permit area or otherwise available from the entire permit area are insufficient, giving due consideration to volumetric expansion, to restore the approximate original contour.
4. Stabilize and protect all surface areas, including spoil piles affected by the surface coal mining and reclamation operation, to effectively control erosion and attendant air and water pollution.
5. Remove, segregate, and respread suitable plant growth material as required by the commission within the permit area. The commission may require the permittee to segregate suitable plant growth material in two or more soil layers. The commission shall determine the soil layer or layers to be removed based upon the quality and quantity of suitable plant growth material inventoried by the soil survey required in subdivision t of subsection 1 of [section 38-14.1-14](#). Based on the soil survey, the commission shall also determine whether other suitable strata are necessary to meet revegetation requirements. If other strata can be shown to be suitable and necessary to meet revegetation requirements, the commission may require the permittee to determine the areal extent of other suitable strata within the proposed permit area, and to remove, segregate, protect, and respread such material. If the suitable plant growth material or other suitable strata cannot be replaced on an approved graded area within a time short enough to avoid deterioration of such material, the permittee shall stockpile and stabilize such materials by establishing a successful cover of quick-growing plants or by other means thereafter so that the suitable plant growth material or other suitable strata will be protected from wind and water erosion and will remain free from any contamination by toxic material. In the interest of achieving the maximum reclamation provided for in this chapter, the permittee may, or at the discretion of the commission shall, utilize such soil amendments as described in [section 38-14.1-02](#).
6. For all prime farmlands as identified in paragraph 3 of subdivision a of subsection 2 of [section 38-14.1-14](#) to be mined and reclaimed, the permittee shall, at a minimum, be required to:
 - a. Segregate the A horizon of the natural soil or a combination of the A horizon materials and other available suitable plant growth materials that will create a final soil having a productive capacity equal to or greater than that which existed prior to mining; and if not utilized immediately, stockpile this material and provide needed protection from wind and water erosion or contamination;
 - b. Segregate the B horizon of the natural soil, or underlying C horizons or other strata, or a combination of such horizons or other strata that are shown to be physically and chemically suitable for plant growth and that can be shown to be equally or more favorable for plant growth than the B horizon, in sufficient quantities to create in the reggraded final soil a root zone of comparable depth and quality to that which existed in the natural soil. If not utilized immediately, such material must be stockpiled and provided needed protection from wind and water erosion or contamination;
 - c. Replace the material described in subdivision b with proper compaction and uniform depth as determined by the commission over the reggraded spoil material; and
 - d. Redistribute in a uniform manner as determined by the commission the surface soil described in subdivision a.
7. Create, if authorized in the approved mining and reclamation plan and permit, as part of reclamation activities, permanent water impoundments in accordance with the requirements of the department of water resources and all of the following standards:
 - a. The size of the impoundment will be adequate for its intended purposes.
 - b. The impoundment dam construction will be designed to achieve necessary stability with an adequate margin of safety compatible with the requirements of applicable state law.

- c. The quality of impounded water will be suitable on a permanent basis for its intended use, and discharges from the impoundment will not exceed the quality limitations imposed by the North Dakota pollutant discharge elimination system or degrade the water quality below water quality standards established pursuant to this chapter, whichever is more stringent.
 - d. The level of water will be reasonably stable.
 - e. Final grading will provide adequate safety and access for maintenance and proposed water users.
 - f. The water impoundments will not result in the diminution of the quality or quantity of water utilized by adjacent or surrounding landowners for agricultural, industrial, recreational, or domestic uses.
- 8. Minimize the disturbances to the prevailing hydrologic balance at the minesite and in associated offsite areas and to the quality and quantity of water in surface and ground water systems both during and after surface coal mining operations and during reclamation by:
 - a. Avoiding toxic mine drainage by such measures as, but not limited to:
 - (1) Preventing water from coming in contact with, or removing water from, toxic producing deposits.
 - (2) Treating drainage to reduce toxic content which adversely affects downstream water upon being released to watercourses.
 - (3) Casing, sealing, or otherwise managing boreholes and wells to keep toxic drainage from entering ground and surface waters.
 - b. Conducting surface coal mining operations so as to prevent, to the extent possible using the best technology currently available, additional contribution of suspended solids to streamflow, or runoff outside the permit area, but in no event may contributions be in excess of requirements set by applicable state law.
 - c. Constructing any siltation structures pursuant to subdivision b prior to commencement of surface coal mining operations, such structures to be certified by a registered professional engineer to be constructed as designed and as approved in the reclamation plan.
 - d. Cleaning out and removing temporary settling ponds or other siltation structures from drainways after disturbed areas are revegetated and stabilized and depositing the silt and debris at a site and in a manner approved by the commission.
 - e. Restoring recharge capacity of the mined area to approximate premining conditions to the extent possible using the best technology currently available.
 - f. Avoiding natural channel deepening or enlargement in operations requiring the discharge of water from mines.
 - g. Preserving throughout the surface coal mining and reclamation process the essential hydrologic functions of alluvial valley floors.
 - h. Such other actions as the commission may prescribe.
- 9. Make such repairs, alterations, or construction as necessary to ensure the delivery of that quality and quantity of water available prior to mining to a surface owner whose supply of water for domestic, agricultural, industrial, or other legitimate use has been disrupted or diminished in quality or quantity by the surface coal mining operation. Such repairs, alterations, or construction must be considered to be part of reclamation and must be made at no cost to the surface owner. Nothing in this chapter may be construed as affecting in any way the right of any person to enforce or protect, under applicable law, the person's interest in water resources affected by a surface coal mining operation.

- 10.** Remove or bury all debris and other similar material resulting from the operation and bury all mine wastes, coal, and commercial leonardite processing wastes unless the commission approves the surface disposal of such wastes. If the commission approves the surface disposal of such wastes, the permittee shall stabilize all waste piles in designated areas through construction in compacted layers, including the use of incombustible and impervious materials if necessary, to assure that the final contour of the waste pile will be compatible with natural surroundings and that the site can and will be stabilized and revegetated according to the provisions of this chapter.
- 11.** Refrain from surface coal mining within five hundred feet [152.4 meters] of underground mines in order to prevent breakthroughs; provided, that the commission shall allow a permittee to mine near, through, or partially through an underground mine if such operations will result in improved resource recovery, abatement of water pollution, or elimination of hazards to the health and safety of the public.
- 12.** Ensure that all debris, toxic materials, or materials constituting a fire hazard are treated or buried and compacted or otherwise disposed of in a manner designed to prevent contamination of ground or surface waters and that contingency plans are developed to prevent sustained combustion. If a fire hazard exists, the commission has the authority to require the permittee to take such actions as are necessary to abate the hazard, both inside and outside the permit area.
- 13.** Ensure that explosives are used only in accordance with existing state law and the regulations promulgated by the commission, which must include provisions to:
- a.** Provide adequate advance written notice to local governments and residents who might be affected by the use of such explosives by the publication of the planned blasting schedule in a newspaper of general circulation in the locality, by mailing a copy of the proposed blasting schedule to every resident living within one-half mile [804.67 meters] of the proposed blasting site, and by providing daily notice to residents in such areas prior to any blasting.
 - b.** Maintain for a period of at least three years and make available for public inspection upon request a log detailing the location of the blasts, the pattern and depth of the drill holes, the amount of explosives used per hole, and the order and length of delay in the blasts.
 - c.** Limit the type of explosives and detonating equipment, the size, the timing, and the frequency of blasts based upon the physical conditions of the site so as to prevent:
 - (1)** Injury to persons.
 - (2)** Damage to public and private property outside the permit area.
 - (3)** Change in the course, channel, or availability of ground or surface water outside the permit area.
 - d.** Require that all blasting operations be conducted by trained and competent persons as certified by the commission.
 - e.** Provide that upon the request of a resident or owner of a manmade dwelling or structure within one mile [1.61 kilometers] of any portion of the permitted area the permittee shall conduct a preblasting survey of such structures and submit the survey to the commission and a copy to the resident or owner making the request. The area of the survey must be decided by the commission and must include such provisions as the commission may promulgate.
- 14.** Ensure that all reclamation efforts proceed in an environmentally sound manner and as contemporaneously as practicable with the surface coal mining operations, provided that all reclamation through the initial planting on any land within the permit area must be completed by the operator no later than three years from completion of surface coal mining operations on such lands, unless otherwise prescribed by the commission.
- 15.** Ensure that the construction, maintenance, and postmining conditions of haul roads and access roads into and across the site of operations will control or prevent erosion and siltation, pollution of water, damage to fish or wildlife or their habitat, or public or private property.

- 16.** Refrain from the construction of haul roads and access roads up a streambed or drainage channel or in such proximity to such channel so as to seriously alter the normal flow of water.
- 17.** Restore lands affected by the surface coal mining operation which have been designated for postmining agricultural purposes to the level of productivity equal to or greater, under equivalent management practices, than nonmined agricultural lands of similar soil types in the surrounding area. For those lands which are to be rehabilitated to native grasslands, a diverse, effective, and permanent vegetative cover must be established of the same seasonal variety native to the area to be affected and capable of self-regeneration, plant succession, and at least equal in extent of cover and productivity to the natural vegetation of the area. The level of productivity and cover attained on disturbed lands within the permit area must be demonstrated by the permittee using comparisons with similar lands in the surrounding area having equivalent historical management practices and that are undisturbed by mining, or comparable disruptive activities.
- 18.** Assume the responsibility for successful revegetation, as required by subsection 17, for a period of ten full years after the last year of augmented seeding, fertilizing, irrigation, or other work, provided that, when the commission approves a long-term intensive agricultural postmining land use, the ten-year period of responsibility for revegetation commences at the date of initial planting. However, for previously mined areas that are affected by remining, the operator's responsibility for successful revegetation will extend for a period of five full years after the last year of augmented seeding, fertilizing, irrigation, and other work in order to assure compliance with the applicable standards. For the purposes of this subsection, "previously mined areas" are lands that were affected by coal or commercial leonardite mining activities prior to January 1, 1970, and "augmented seeding, fertilizing, irrigation, or other work" does not include normal conservation practices recognized locally as good management for the postmining land use.
- 19.** Place all spoil material from the initial pit or other excess spoil material resulting from surface coal mining and reclamation activities in such a manner that all of the following requirements are met:
- a.** Spoil is transported and placed in a controlled manner in position for concurrent compaction and in such a way so as to assure mass stability and to prevent mass movement.
 - b.** The areas of disposal are within the bonded permit areas.
 - c.** Appropriate surface and internal drainage systems and diversion ditches are used so as to minimize spoil erosion and movement.
 - d.** The disposal area does not contain springs, natural watercourses, or wet weather seeps unless lateral drains are constructed from the wet areas to the main underdrains in such a manner that filtration of the water into the spoil pile will be prevented.
 - e.** If placed on a slope, the spoil is placed upon the most moderate slope among those upon which, in the judgment of the commission, the spoil could be placed in compliance with all the requirements of this chapter.
 - f.** The final configuration is compatible with the natural drainage pattern and surroundings and suitable for intended uses.
 - g.** Design of the spoil disposal area is certified by a registered professional engineer in conformance with professional standards.
 - h.** All other provisions of this chapter are met.
- 20.** Meet such other criteria as are necessary to achieve reclamation in accordance with the purposes of this chapter, taking into consideration the physical, climatological, and other characteristics of the site.
- 21.** To the extent possible using the best technology currently available, minimize disturbances and adverse impacts of the surface coal mining operation on fish, wildlife, and related environmental values, and achieve enhancement of such resources where practicable.

History

S.L. 1979, ch. 399, § 1; 1981, ch. 374, §§ 1, 2; 1983, ch. 410, § 2; [1991, ch. 392, § 2](#); [1993, ch. 371, § 1](#); [2009, ch. 316, § 1](#); [2015, ch. 257, § 14](#), 15, 16, effective July 1, 2015; [2021, ch. 488, § 18](#), effective August 1, 2021.

Annotations

Notes to Decisions

Mining Permit Revision.

Where the public service commission (PSC) made its own assessment of the effect of mining and reclamation operations on water quantity and quality and the rights of prior users, applying the same standards as the State Engineer and the additional standards listed under subsection (7), the assessment satisfied this section. [Coleau Props. Co. v. Oster, 2000 ND 23, 606 N.W.2d 876, 2000 N.D. LEXIS 27 \(N.D. 2000\)](#).

Although statutory law establish that restoring land to agricultural use was one purpose of the surface coal mining and reclamation program, that law did not mandate that agricultural use was the highest or best use, especially since neither [N.D.C.C. § 38-14.1-24\(2\)](#) nor its implementing regulations established a hierarchy of post-mining land uses. As a result, the Commission could find that the mining company's application for revision of its surface mining permit to allow for recreational post-mining use of certain land was the best approach under that statute, especially since [N.D.C.C. § 1-02-02](#) regarding statutory interpretation dictated that statutory language was to be given its plain meaning, [N.D.C.C. § 1-02-07](#) compelled a statute to be read as a whole, and [N.D.C.C. § 1-02-05](#) required that a court interpreting a statute such as the surface mining statute pursue the letter of the statute rather than its spirit. [Dakota Res. Council v. N.D. PSC, 2012 ND 72, 815 N.W.2d 286, 2012 N.D. LEXIS 79 \(N.D. 2012\)](#).

Commission could find that the substantial public benefit that would occur if the mining company's surface mining permit revision request was granted warranted a revision in that permit allowing a certain amount of post-mining land to be converted to recreational use rather than agricultural and industrial use. Under [N.D.C.C. § 38-14.1-24\(17\)](#), post-mining lands used for agriculture were subject to a minimum 10-year bond liability period and had to be restored to the level of productivity equal to or greater, under equivalent management practices, than non-mined agricultural lands of similar soil types in the surrounding area, while the mining company would have an easier time regarding post-mining revegetation if the permit revision was granted. [Dakota Res. Council v. N.D. PSC, 2012 ND 72, 815 N.W.2d 286, 2012 N.D. LEXIS 79 \(N.D. 2012\)](#).



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.

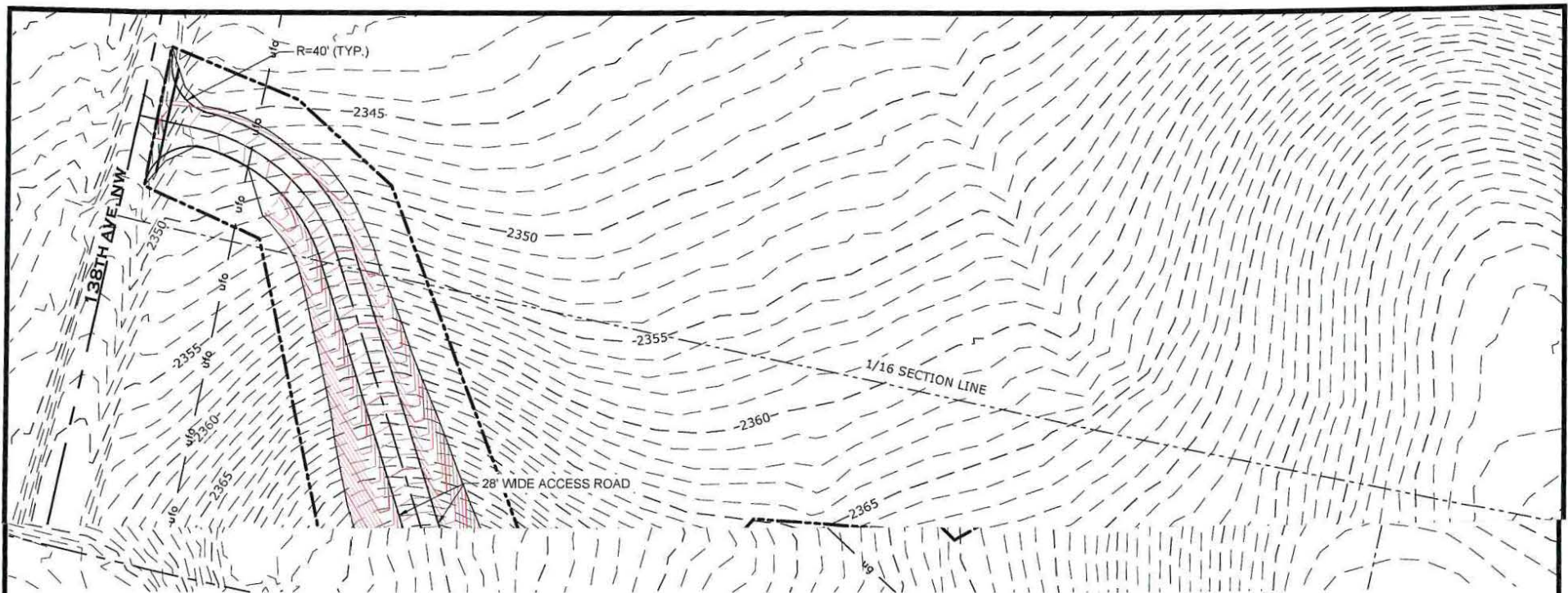
TESTIMONY

- 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

Mark F. Bohrer
ASSISTANT DIRECTOR
OIL AND GAS DIVISION

Nathan D. Anderson
DIRECTOR
DEPT. OF MINERAL RESOURCES

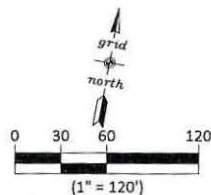
Edward C. Murphy
STATE GEOLOGIST
GEOLOGICAL SURVEY



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.



1001 FANNIN, SUITE 1500,
HOUSTON, TX 77002



6844 Hwy 40
Tioga, ND 58852

PAD LOCATION

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

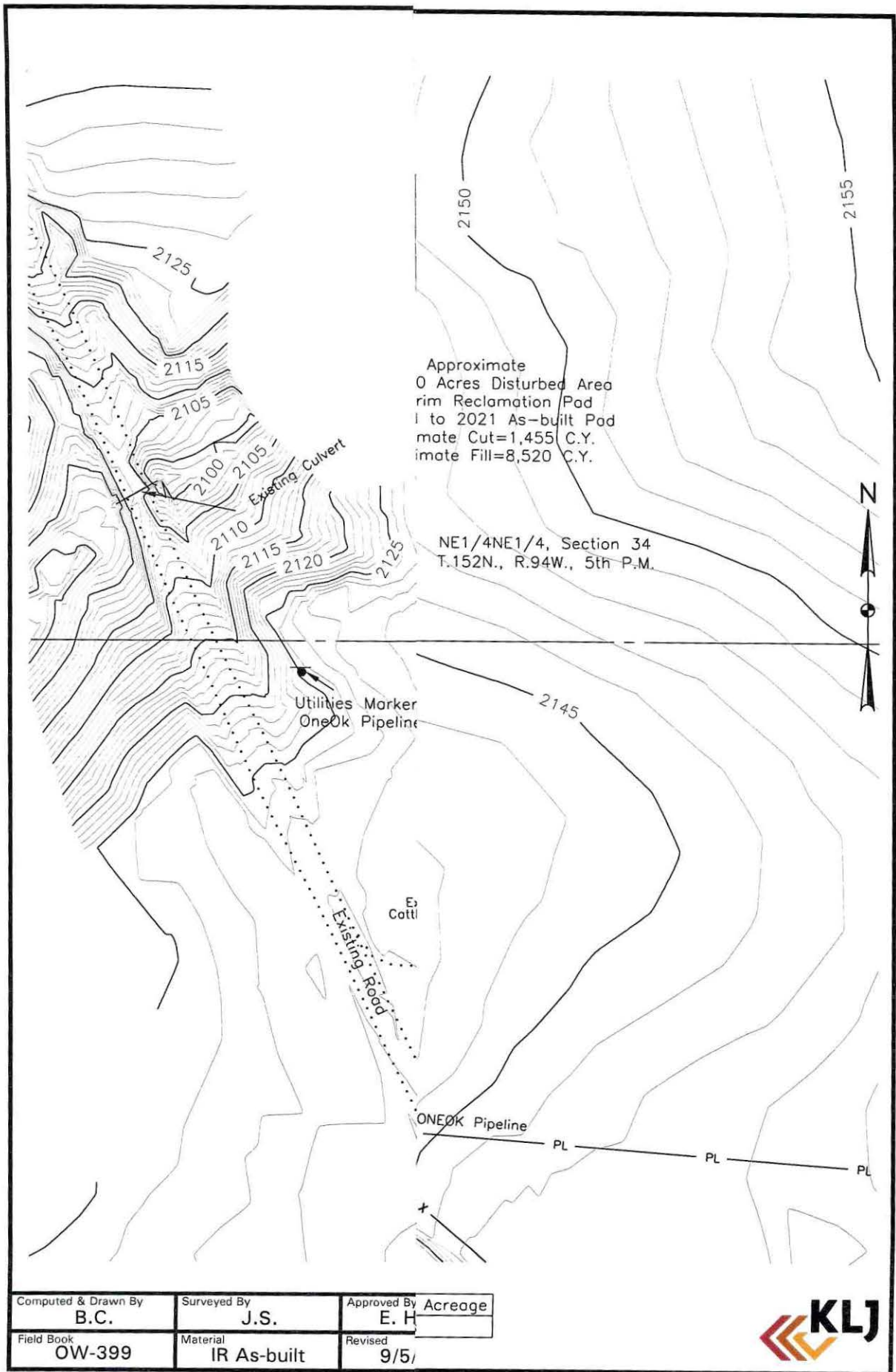
REVISIONS

NO:	DESCRIPTION	DATE:

DRAFTED BY: KLP 12/21/2023

PAD LAYOUT BITTERROOT 5000 21-30

SHEET C-2



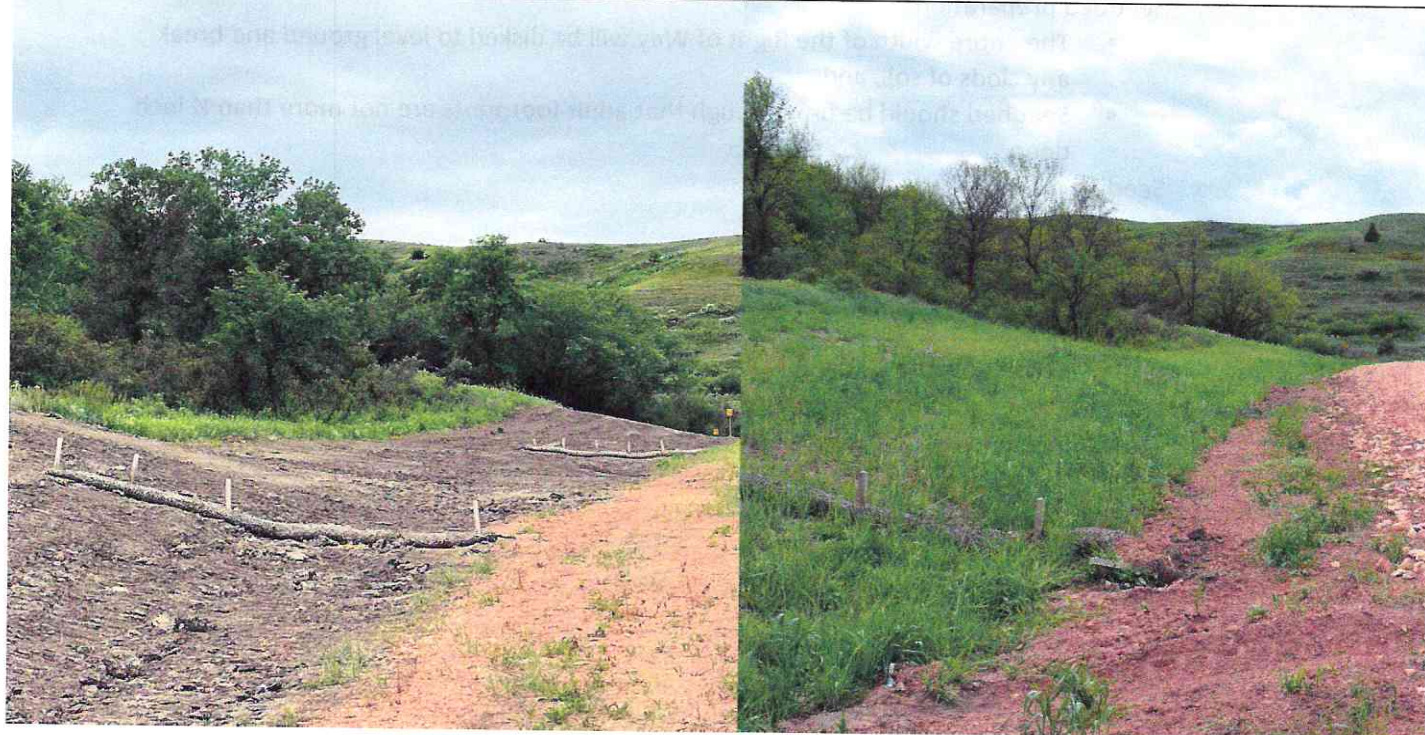
June 2023 : Right of way in McKenzie Co. prior to seeding and straw mulch.

June 2024 : Right of way in McKenzie Co. with 1 year of growth.



June 2023 : Right of way in McKenzie Co. prior to seeding and hydro mulch.

June 2024 : Right of way in McKenzie Co. with 1 year of growth.





Lifecycle of a Hess Oil and Gas Project: Commitment to Landowner Satisfaction and Regulatory Compliance

1. Initial Planning and Environmental

The lifecycle of a Hess oil and gas project—well pad, compressor station, or pipeline—begins with a thorough Environmental and Cultural Review. During this essential phase, Hess conducts a detailed assessment of the proposed project site and its surrounding area. This review examines various environmental factors, including wetlands, aquifers, streams, cultural artifacts, areas beyond territorial boundaries, ND Plots land, and endangered species. By carefully evaluating these elements, we aim to minimize ecological impacts and ensure our operations comply with local, state, and federal regulations. In cases where it is not possible to avoid certain areas, we take precautions by flagging or boring to mitigate potential effects.

2. Landowner Engagement and Agreements

Once the initial reviews are complete, we prioritize discussions with landowners. Securing a Surface Use Agreement and subsurface easements is essential for establishing a positive working relationship. These discussions focus on the proposed site location, potential environmental impacts, and the placement of necessary infrastructure, such as stormwater gate valves and topsoil stockpiles.

We are committed to accommodating landowner requests, ensuring that any adjustments made are both reasonable and respectful of their needs. This includes discussions about access, even outside of the construction timeframe. Multiple meetings are conducted with landowners and their representatives, whether in the field or, for those out of state, via phone or electronic communications. Negotiating a good faith agreement can take weeks or even months.

3. Pre-Construction Preparation

During the design phase, a geotechnical evaluation is performed to determine the suitability of on-site material for re-use during earthwork activities, estimating moisture conditioning requirements for earthwork, evaluating the suitability of the site for supporting facilities using shallow foundations, and supporting pump jacks using driven piles. Topsoil depth at the location of bore holes is also recorded to determine the amount of topsoil to be stockpiled on site for final reclamation. Prior to construction, pre-construction staking is completed and a detailed survey meeting is held with all relevant stakeholders. This collaborative effort allows us to review the construction details and finalize preparations to ensure a smooth transition into the construction phase.

4. Construction Phase

During the construction phase, the site is developed according to approved design specifications that have been agreed upon and signed off on by the landowner. All topsoil within the site disturbance boundary is stripped and stockpiled prior to building the well pad to

necessary. Seeding and straw mulch application may be omitted if the land is being returned to agricultural production and the landowner has indicated that they do not want the site seeded. This meticulous approach ensures a successful transition back to usable land.

8. Post-Reclamation Monitoring and Compliance

Once reclamation is complete, Hess submits a Notice of Work Done to the NDIC, along with a review of the reclamation work completed and photographic documentation of the completed work. The site enters our reclamation monitoring program, involving biannual inspections by an independent contractor to evaluate vegetation growth, control weed populations, and address any concerns, such as settling or erosion. We actively engage with our surface land program to promptly address landowner concerns between inspections. Additionally, we compile documentation, including Approach Affidavits and Transfer of Access Road agreements, which are recorded and submitted to the NDIC alongside requests for bond release.

Conclusion

Hess is dedicated to ensuring that each stage of the oil and gas location lifecycle meets landowner expectations while maintaining strict adherence to regulatory requirements. Our proactive approach promotes a respectful partnership with landowners and prioritizes environmental responsibility.

Initial Planning and Environmental



Operational Compliance and Maintenance



Construction Execution and Monitoring



Construction Execution and Monitoring



Reclamation Execution



Post-Reclamation Monitoring and Compliance



2025 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Peace Garden Room, State Capitol

SB 2313
2/6/2025

Relating to reclamation of land disturbed by oil and gas activity.
--

10:01 a.m. Chairman Patten opened the hearing.

Members present:

Chairman Patten, Senators: Beard, Boehm, Enget, Gerhardt, and Van Oosting.

Vice Chairman Kessel absent.

Discussion Topics:

- Document discrepancies
- Draft amendment process

10:02 a.m. Chairman Patten set the bill aside for draft amendment.

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

Kendra McCann, Committee Clerk

2025 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Peace Garden Room, State Capitol

SB 2313
2/14/2025

Relating to reclamation of land disturbed by oil and gas activity.
--

9:51 a.m. Chairman Patten opened the hearing.

Members present:

Chairman Patten, Vice Chairman Kessel, Senators: Beard, Boehm, Enget, Gerhardt, and Van Oosting.

Discussion Topics:

- "Will" be changed to "must"
- Century Code vs. Administrative Code
- Top soil
- Landowner complaints
- Landowner rights
- Clarification in language

9:52 a.m. Senator Boehm introduced the bill and submitted testimony in favor #38352.

9:53 a.m. Mark F. Bohrer, Assistant Director for the Department of Mineral Resources, testified as neutral.

10:01 a.m. Chairman Patten closed the hearing.

10:06 a.m. Senator Van Oosting moved amendment LC# 25.1310.01002.

10:10 a.m. Senator Enget seconded.

Senators	Vote
Senator Dale Patten	Y
Senator Greg Kessel	N
Senator Todd Beard	Y
Senator Keith Boehm	Y
Senator Mark Enget	Y
Senator Justin Gerhardt	Y
Senator Desiree Van Oosting	Y

Motion Passed 6-1-0.

10:11 a.m. Senator Boehm moved a Do Pass as amended and rerefer to Appropriation committee.

10:11 a.m. Senator Van Oosting seconded the motion.

Senators	Vote
Senator Dale Patten	N
Senator Greg Kessel	N
Senator Todd Beard	N
Senator Keith Boehm	Y
Senator Mark Enget	N
Senator Justin Gerhardt	Y
Senator Desiree Van Oosting	Y

Motion Failed 3-4-0.

10:17 a.m. Senator Boehm moved a Do Not Pass as amended and rerefer to Appropriation committee.

10:17 a.m. Senator Enget seconded the motion.

Senators	Vote
Senator Dale Patten	Y
Senator Greg Kessel	Y
Senator Todd Beard	Y
Senator Keith Boehm	N
Senator Mark Enget	Y
Senator Justin Gerhardt	N
Senator Desiree Van Oosting	N

Motion Passed 4-3-0.

10:18 p.m. Senator Kessel will carry the bill.

10:18 a.m. Committee discussion on upcoming schedule.

10:20 a.m. Chairman Patten closed the hearing.

Kendra McCann, Committee Clerk

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2313

Introduced by

Senators Magrum, Boehm

2-14-25

JMB 1082

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
12 disturbed for the construction of well sites, treating plants, saltwater handling facilities,
13 or access roads must be documented and preserved subject to reclamation under this
14 section, and the volume and location of suitable plant growth material must be
15 documented. The preserved suitable plant growth material must be used exclusively
16 for final reclamation on the site from which it was gathered. The volume and depth of
17 suitable plant growth material to be preserved must be based on soil classifications. A
18 predisturbance meeting between the commission and person proposing the land
19 disturbance must be held to discuss and document the plan for preservation of the
20 suitable plant growth material. The owner of the land to be disturbed must be given

2 of 2

1 ~~written notice at least ten days in advance of the meeting, but the owner's presence is~~
2 ~~not required at the meeting. The commission must approve the plan before land is~~
3 ~~disturbed by oil and gas activity.~~

4 2. The commission, with the consent of the appropriate government land manager or
5 surface owner, may waive the requirement of reclamation of the site and access road
6 after a well is plugged or treating plant or saltwater handling facility is
7 decommissioned. The commission shall record documentation of the waiver with the
8 recorder of the county in which the site or road is located.

9 2.3. This section may not be construed to require removal of a properly reclaimed reserve
10 pit or a properly abandoned underground gathering pipeline.

11 3.4. A person may not bring a legal proceeding under this section, unless the person has
12 exhausted all administrative remedies.

**REPORT OF STANDING COMMITTEE
SB 2313**

Energy and Natural Resources Committee (Sen. Patten, Chairman) recommends **AMENDMENTS** ([25.1310.01002](#)) and when so amended, recommends **DO NOT PASS** and **BE REREFERRED** to the **Appropriations Committee** (4 YEAS, 3 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). SB 2313 was placed on the Sixth order on the calendar. This bill does not affect workforce development.



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.

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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

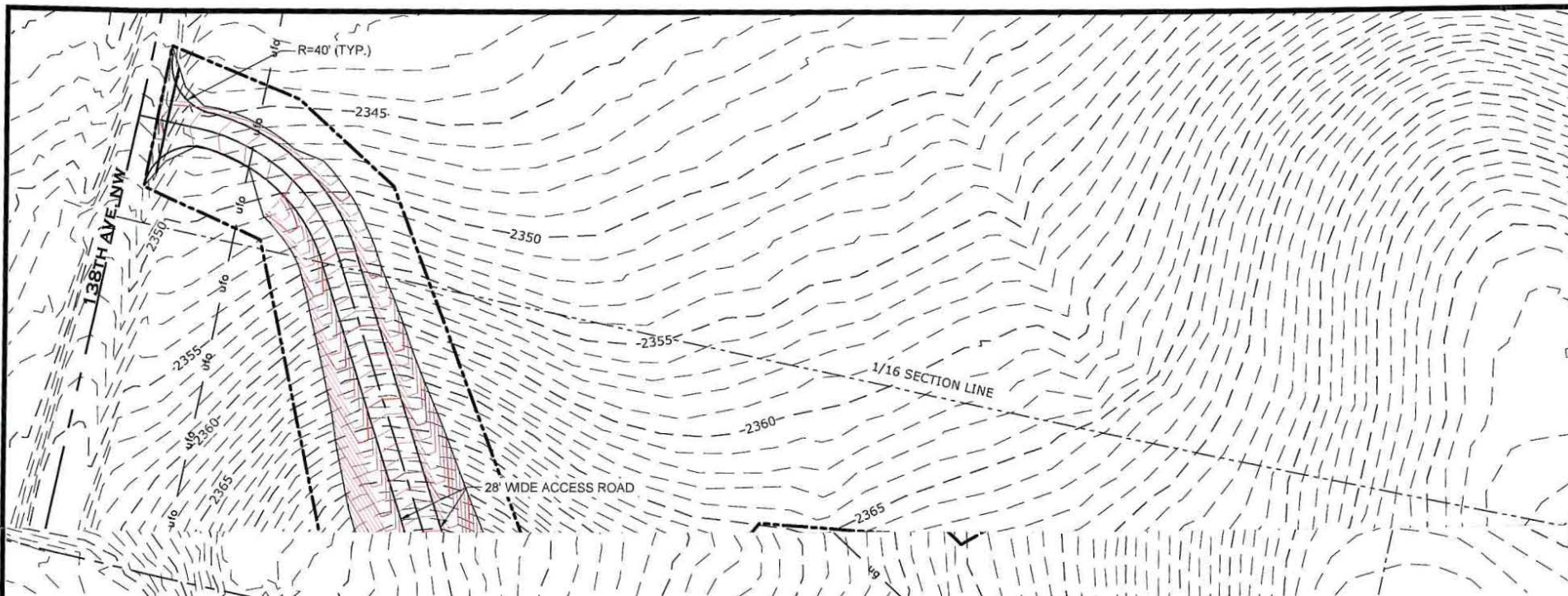
- DMR permitted 706 sites in 2024
- Require extra time from field staff we currently do not have to do predisturbance on-site inspections on approximately 706 new sites per year to meet the requirements of this bill
- DMR has one Reclamation Supervisor and one Reclamation Specialist on staff with education 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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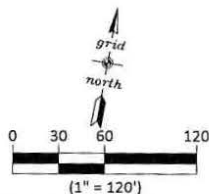
- Requiring predisturbance on-site inspections would slow down industry since they would have to accommodate our schedule on planning these predisturbance on-site meetings
- The coverage required ranges from Divide County to Bowman County and east to Bottineau County and anywhere in between
- We have 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

