



October 2, 2025

DELIVERED VIA EMAIL

Ms. Liz Fordahl
Assistant Code Revisor
North Dakota Legislative Council
State Capitol
600 E. Boulevard, 2nd Floor
Bismarck, ND 58505-0360
lizfordahl@ndlegis.gov

RE: Adopted and Amended Rules

Dear Ms. Fordahl:

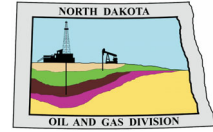
The Full Notice of Intent to Adopt and Amend Administrative Rules and a copy of the proposed rules are enclosed as required by North Dakota Century Code § 28-32-10.

If you have any questions or comments, do not hesitate to contact this office.

Sincerely,

A handwritten signature in blue ink that reads "Mark Bohrer".

Mark F. Bohrer
Assistant Director



FULL NOTICE OF INTENT TO ADOPT AND AMEND ADMINISTRATIVE RULES

TAKE NOTICE the North Dakota Industrial Commission, Department of Mineral Resources, Oil and Gas Division, will hold four public hearings to address proposed amendments and additions to the North Dakota Administrative Code (NDAC) Chapters 43-02-03 (Oil & Gas Regulations) and 43-05-01:

- October 20, 2025 at 8:30 a.m. (CDT) in the Conference Room of the Oil and Gas Division Building, 1000 East Calgary Avenue, Bismarck, North Dakota
- October 20, 2025 at 1:30 p.m. (MDT) in the Conference Room of the Oil and Gas Division Dickinson Field Office, 926 East Industrial Drive, Dickinson, North Dakota
- October 21, 2025 at 8:30 a.m. (CDT) at Bakken Airport Hotel, 5813 Jefferson Lane, Williston, North Dakota
- October 21, 2025 at 2:00 p.m. (CDT) in the Conference Room of the Oil and Gas Division Minot Field Office, 7 Third Street SE, Suite 107, Minot, North Dakota

The proposals are summarized below:

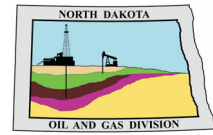
The purpose of the proposed amendment to NDAC § 43-02-03-01 is to modernize the definition for "log or well log". The proposed amendment will have no impact on the regulated community.

The purpose of the proposed amendments to NDAC § 43-02-03-14.2 is to allow for electronic submissions, provide relief to the regulated community, and provide clarity. The proposed amendments require submission of meter test reports by email in a portable document format (.pdf); grant the Director the authority to verbally grant variances to this section of rules; and clarify it is the meter owner that must file the variance request. The proposed amendments will not have an impact on the regulated community in excess of \$50,000.

The purpose of the proposed amendments to NDAC § 43-02-03-16 is to provide clarity and ensure necessary information is provided. The proposed amendments reorder the list of requirements to be submitted with a permit application; clarify the proposed pad layout should be submitted on a plat; and require a plat of the proposed production facilities. The proposed amendment relative to the production facilities layout plat will not have an economic impact on the regulated community in excess of \$50,000 since these are currently required and the others will have no impact on the regulated community.

The purpose of the proposed amendment to NDAC § 43-02-03-18 is to provide relief to the regulated community. The proposed amendment allows the Director to approve a drilling unit for a horizontal well deeper than the Mission Canyon Formation larger than a governmental section if the horizontal well justifies the drilling unit. The proposed amendment will provide an economic benefit to the regulated community since it allows Director approval rather than an exception hearing.

The purpose of the proposed amendments to NDAC § 43-02-03-19 is to provide clarity, enhance environmental protection, and ensure the Director is provided timely information. The proposed amendments clarify the paper form previously provided is no longer available since our NorthSTAR database requires online submittal; requires sites to be designed and built to be stable; and require the Director to be notified immediately of sites exhibiting instability. The proposed amendment relative to designing and building sites to be stable will not have an impact on the regulated community in excess of \$50,000 since this is currently required and the others also will not have an impact on the regulated community in excess of \$50,000.



The purpose of the proposed amendment to NDAC § 43-02-03-21 is to provide clarity and ensure freshwaters are protected by cementing casing in a proper manner enhancing environmental protection. The proposed amendment clarifies cementing of all casing strings while the drilling rig is on the well is required. The proposed amendment will not have an impact on the regulated community in excess of \$50,000 since this is currently required.

The purpose of the proposed amendments to NDAC § 43-02-03-22 is to provide clarity, provide relief to the regulated community, and enhance environmental protection. The proposed amendments require verbal notification to the Director of defective casing or cement; filing of a separate well sundry notice reporting the defect only if required by the Director since most reporting of defects can be done on the well sundry notice requesting approval of the procedure to correct the defect; clarify the paper form previously provided is no longer available since our NorthSTAR database requires online submittal; require the running of logs if required by the Director; and reinforce the filing of a well sundry notice reporting the remedial work done is required pursuant to NDAC § 43-02-03-31. The proposed amendments will not have an impact on the regulated community in excess of \$50,000 since they are currently in practice and required.

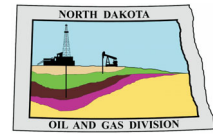
The purpose of the proposed amendments to NDAC § 43-02-03-27.1 is to enhance environmental protection. The proposed amendments require the operator to verbally notify the Director as soon as practicable of any unexpected pressure loss or unexpected event during the stimulation. The proposed amendments will not have an impact on the regulated community in excess of \$50,000.

The purpose of the proposed amendment to NDAC § 43-02-03-28 is to enhance environmental protection. The proposed amendment allows the Director to shut in a well for no more than forty days if it is likely to cause a serious threat to the environment. The proposed amendment could have an impact on the regulated community in excess of \$50,000 depending on the well's production and the duration.

The purpose of the proposed amendments to NDAC § 43-02-03-29 is to provide the Director with relevant information and enhance environmental protection and public safety. The proposed amendments require notification of construction of new underground gas gathering pipelines; require verbal notification to the Director of any damage to any underground gathering pipeline, flow line, or other underground equipment used to transport crude oil, natural gas, carbon dioxide, or water produced in association with oil and gas during construction, operation, maintenance, repair, or abandonment of an underground gas gathering pipeline, including line strikes of an abandoned underground gathering pipeline; and require submission of any shape files created for any underground gas gathering pipeline placed into service prior to August 1, 2011. The proposed amendment relative to verbal notification will not have an impact on the regulated community and the others are not expected to have an impact on the regulated community in excess of \$50,000 since the documents are already created by industry.

The purpose of the proposed amendments to NDAC § 43-02-03-29.1 is to ensure the Director is provided relevant information and enhance environmental protection and public safety. The proposed amendments require a statement on the presence of a shading bucket or other means to remove rocks from backfill material be included in a notice of intent to construct; require verbal notification to the Director of any line strikes of abandoned underground gathering pipelines during construction, operation, maintenance, repair, or abandonment of an underground gathering pipeline; and allow the Director to require any bore to be cased for good cause. The proposed amendments relative to the statement on the presence of a shading bucket and verbal notification of line strikes will not have an impact on the regulated community in excess of \$50,000. The proposed amendment relative to requiring casing of borings could have an impact on the regulated community in excess of \$50,000 depending on the number and length required although most operators do this as a best practice.

The purpose of the proposed amendments to NDAC § 43-02-03-31 is to provide clarity, provide relief to the regulated community, and ensure relevant information is provided. The proposed amendments clarify the paper forms previously provided are no longer available since our NorthSTAR database requires online submittal; allow transport of oil and gas from the lease before the well completion report is filed; clarify reporting of remedial cementing operations is required; remove the requirement to report daily production of oil, gas, and water before and after remedial work; clarify the quantity of cement used in remedial work must be reported; clarify any information required by the Director must be reported; and remove the requirement to report daily production of oil, gas, and water before



and after a pump installation or change. The proposed amendments allowing transport of oil and gas before the well completion report is filed and removing the requirement to report daily production of oil, gas, and water will provide a benefit to the regulated community and the others will not have an impact on the regulated community in excess of \$50,000 since these are currently required.

The purpose of the proposed amendments to NDAC § 43-02-03-44 is to streamline regulations and provide clarity. The proposed amendments move the requirement to burn vented casinghead gas from a different section of the regulations to this one; and clarify the paper form previously provided is no longer available since our NorthSTAR database requires online submittal. The proposed amendments will not have an impact on the regulated community in excess of \$50,000.

The purpose of the proposed amendment to NDAC § 43-02-03-45 is streamline regulations. The proposed amendment repeals this section and places the requirement to burn vented casinghead gas in NDAC § 43-02-03-44. The proposed amendment will have no impact on the regulated community.

The purpose of the proposed amendments to NDAC § 43-02-03-47 is to provide clarity. The proposed amendments clarify the paper form previously provided is no longer available since our NorthSTAR database requires online submittal; and clarify oil reports are due by five p.m. on the due date. The proposed amendments will have no impact on the regulated community.

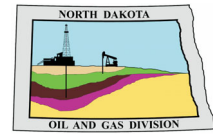
The purpose of the proposed amendments to NDAC § 43-02-03-48.1 is to provide relief to the regulated community, provide clarity, and protect correlative rights. The proposed amendments remove the requirement to always hold a hearing to approve a diverse ownership central production facility instead allowing the Director to approve; clarify the information required to be submitted for allocation meters; reinforce the meter proving and calibration requirements as well as the reporting requirement; clarify the allocation testing requirements; clarify the paper form previously provided is no longer available since our NorthSTAR database requires online submittal; and authorize the Director to revoke the authorization to commingle to protect correlative rights. The proposed amendment relative to hearings will have an economic benefit to the regulated community; the proposed amendment authorizing the Director to revoke authorization could have an economic impact to the regulated community in excess of \$50,000 but this would only be done if the operator is in violation so no regulatory analysis was made; and the others will have no impact or will not have an impact on the regulated community in excess of \$50,000.

The purpose of the proposed amendments to NDAC § 43-02-03-49 is to provide clarity. The proposed amendments clarify oil vessels must be diked and included in the dike volume calculation. The proposed amendments are not expected to have an impact on the regulated community in excess of \$50,000 since this is currently required.

The purpose of the proposed amendments to NDAC § 43-02-03-52 is to provide clarity and provide relief to the regulated community. The proposed amendments clarify the paper form previously provided is no longer available since our NorthSTAR database requires online submittal; clarify oil reports are due by five p.m. on the due date; and remove the requirement the reports be signed since they are filed electronically. The proposed amendment removing the signature requirement will provide an economic benefit to the regulated community and the others will not have an impact on the regulated community in excess of \$50,000.

The purpose of the proposed amendments to NDAC § 43-02-03-52.1 is to provide clarity and provide relief to the regulated community. The proposed amendments clarify the paper form previously provided is no longer available since our NorthSTAR database requires online submittal; clarify gas reports are due by five p.m. on the due date; and remove the requirement the reports be signed since they are filed electronically. The proposed amendment removing the signature requirement will provide an economic benefit to the regulated community and the others will not have an impact on the regulated community in excess of \$50,000.

The purpose of the proposed amendment to NDAC § 43-02-03-53.3 is to provide clarity. The proposed amendment clarifies the paper form previously provided is no longer available since our NorthSTAR database requires online submittal. The proposed amendment will have no impact on the regulated community since this is currently required.



The purpose of the proposed amendment to NDAC § 43-02-03-59 is to provide clarity. The proposed amendment clarifies gas produced, used on lease, or flared must be reported pursuant to NDAC §§ 43-02-03-44 and 43-02-03-52.1. The proposed amendment will have no impact on the regulated community since this is currently required.

The purpose of the proposed amendments to NDAC § 43-02-03-80 is to provide clarity. The proposed amendments clarify the paper forms previously provided are no longer available since our NorthSTAR database requires online submittal; and clarify oil purchasers monthly reports, oil transporters monthly reports, and oil transporters and storers monthly reports are due by five p.m. on the due date. The proposed amendments will have no impact on the regulated community since they are currently required.

The purpose of the proposed addition of NDAC § 43-02-03-80.1 is to ensure accurate information is provided. The proposed addition requires the gas purchaser of gas from a well or central production facility to report all gas purchased rather than the gas plant operator who may be one step removed from the gas purchase; and specifies the gas volume reporting parameters. The proposed addition is not expected to have an impact on the regulated community in excess of \$50,000.

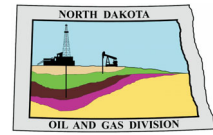
The purpose of the proposed amendment to NDAC § 43-02-03-81 is to provide clarity and provide relief to the regulated community. The proposed amendments clarify verbal approval is needed to transport oil from a well, treating plant, central production facility, or saltwater handling facility prior to the approval of the authorization to purchase and transport oil form; allow the Director to approve the authorization to purchase and transport oil form prior to the completion report being filed; and reorder the paragraphs. The proposed amendment relative to Director approval of the authorization to purchase and transport oil form prior to the completion report being filed will provide an economic benefit to the regulated community since the Director will approve the authorization to purchase and transport oil form upon receipt if it is complete negating the need for verbal approval and the others will have no impact on the regulated community.

The purpose of the proposed amendments to NDAC § 43-02-03-83 is to provide clarity and ensure accurate information is provided. The proposed amendments remove the requirement for the gas plant operator to report the amount of gas received from each lease or well since this is now reported by the gas purchaser; clarify what the gas plant operator must report; clarify gas processing plant reports are due by five p.m. on the due date; and clarify the paper form previously provided is no longer available since our NorthSTAR database requires online submittal. The proposed amendments are not expected to have an impact on the regulated community in excess of \$50,000.

The purpose of the proposed amendment to NDAC § 43-02-03-88.1 is to provide relief to the regulated community. The proposed amendments remove central tank batteries or central production facilities from the list of hearing types that can be heard on the administrative portion of the docket since hearings will no longer be required under NDAC § 43-02-03-48.1; and add unopposed recovery of a risk penalty applications to the list of hearings that can be heard on the administrative portion of the docket. The proposed amendments will provide an economic benefit to the regulated community.

The purpose of the proposed amendments to NDAC § 43-02-03-88.2 is to modernize the regulation, provide clarity, and provide relief to the regulated community. The proposed amendments change "telephone" and "telephonic communication" to "telecommunication"; change some requirements from an absolute requirement to a discretionary requirement; remove the requirement for the hearing examiner to notify all parties if telecommunication is granted or denied; remove the requirement for the attorney or representative to call the party; allow the hearing examiner discretion in requiring the attorney or responsible party to be present in the hearing room; clarify the telecommunication affidavit is to be submitted to Commission; remove the requirement for the Commission to supply a telephone; and remove the requirement for payment of the cost by the requesting party.

The purpose of the proposed amendment to NDAC § 43-05-01-01 is to provide clarity. The proposed amendment adds a definition for "carbon dioxide storage complex". The proposed amendment will not have an impact on the regulated community.



The purpose of the proposed amendment to NDAC § 43-05-01-08 is to provide clarity. The proposed amendment matches the regulation with the statute. The proposed amendment will have no impact on the regulated community.

The purpose of the proposed amendments to NDAC § 43-05-01-09 is to provide clarity and provide relief to the regulated community. The proposed amendments remove the requirement to use a form the Commission never created and clarify the application is to be filed with the Director; and remove the requirement that the operator file a permit to inject within thirty days after the conclusion of well drilling and completion activities and instead file it before injection commences. The proposed amendments will either have no impact or provide an economic benefit to the regulated community.

The purpose of the proposed amendment to NDAC § 43-05-01-11.4 is to provide relevant information to enhance environmental protection and public safety. The proposed amendment authorizes the Commission to require passive seismicity monitoring to detect induced seismicity that could compromise the containment of the stored carbon dioxide. The proposed amendment could have an impact on the regulated community in excess of \$50,000.

The purpose of the proposed amendment to NDAC § 43-05-01-18.1 is to provide clarity. The proposed amendment clarifies a plugged well site must be reclaimed pursuant to NDAC § 43-02-03-34.1. The proposed amendment will have no impact on the regulated community since this is currently required.

The purpose of the proposed amendments to NDAC § 43-05-01-19 is to provide clarity. The proposed amendments clarify flowlines are an appurtenance and must be properly abandoned; and remove an incorrect reference. The proposed amendments will have no impact on the regulated community since they are currently required.

The proposed rules may be reviewed at the office of the Oil and Gas Division at 1016 East Calgary Avenue, Bismarck, ND, or online at www.dmr.nd.gov/oilgas. A copy of the proposed rules and/or a regulatory analysis may be requested by writing the Oil and Gas Division, 600 E Boulevard Ave, Dept 474, Bismarck, ND 58505-0840 or calling (701) 328-8020. Written comments on the proposed rules, sent to the Oil and Gas Division, 600 E Boulevard Ave, Dept 474, Bismarck, ND 58505-0840 or emailed to oilandgasinfo@nd.gov and received by 5pm, October 31, 2025, will be fully considered. Oral comments can be given at any public hearing listed above.

If you plan to attend a public hearing and will need special accommodations or assistance relating to a disability, please contact the North Dakota Industrial Commission at (701) 328-8020, or write the Oil and Gas Division, 600 E Boulevard Ave, Dept 474, Bismarck, ND 58505-0840, no later than October 6, 2025.

Dated this 30th day of September, 2025.

Mark Bohrer

Mark Bohrer
Assistant Director