

2023 HOUSE ENERGY AND NATURAL RESOURCES

HCR 3029

2023 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau AB Room, State Capitol

HCR 3029
3/2/2023

A concurrent resolution directing the Legislative Management to consider studying whether the Fort Berthold Reservation should have stand-alone ambient air quality monitors to track and mitigate air and water pollution that may result from oil and gas development.

2:31 PM

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

Discussion Topics:

- Air quality concerns
- Air and water pollution
- Brine effects on soil and water
- Human health concerns
- Air quality monitors
- Data gap

Rep Lisa Finley-DeVile, introduced HCR 3029, Testimony 21816
Scott Skokos, executive director, Dakota Resource Council, Testimony 21638
Wendy Wells, oral testimony
Delvin Rabbithead Sr., president, Ft Berthold Power, oral testimony

Other written testimony:

Tex Hall, Testimony 21972

2:47 PM Chairman Porter closed the hearing.

Kathleen Davis, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee

Coteau AB Room, State Capitol

HCR 3029

3/9/2023

A concurrent resolution directing the Legislative Management to consider studying whether the Fort Berthold Reservation should have stand-alone ambient air quality monitors to track and mitigate air and water pollution that may result from oil and gas development.

10:54 AM

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

Discussion Topics:

- Committee actions

Rep Olson moved a Do Not Pass on HB 3029, seconded by Rep Anderson.

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

10-2-2 Motion carried. Rep Dockter will carry the bill.

10:57 AM Chairman Porter closed the hearing.

Kathleen Davis, Committee Clerk

REPORT OF STANDING COMMITTEE

HCR 3029: Energy and Natural Resources Committee (Rep. Porter, Chairman)
recommends **DO NOT PASS** (10 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING).
HCR 3029 was placed on the Eleventh order on the calendar.

TESTIMONY

HCR 3029

Testimony HCR 3029

Scott Skokos
Executive Director
Dakota Resource Council
1720 Burnt Boat Dr. Ste 104
Bismarck ND 58503
Testimony in Support for HCR 3029

Chairman Porter and members of the committee my name is Scott Skokos and I am here to support HCR 3029 on behalf of Dakota Resource Council. Dakota Resource Council is a statewide family farm and conservation organization with more than 600 dues paying members statewide. Our interest in HCR 3029 comes mainly from our affiliate Fort Berthold Protectors of Water and Earth Rights (POWER), who have been working to mitigate flaring and other air pollution on Fort Berthold.

HCR 3029 begins the process of studying air quality on Fort Berthold, which is the first step that needs to be completed in order to determine if permanent ambient air quality monitoring is needed or other mitigation measures are needed to improve air quality in and around the reservation. Presently, there are no ambient air quality monitors on Fort Berthold, so there is a massive data gap when it comes to air quality on the reservation, which could be remedied through the passage of this resolution.

I'd like to also highlight prior work that was done relating to many of the topics in this resolution. Specifically, in late 2019 members of DRC affiliate Fort Berthold POWER met with Dave Glatt and Jim Semerad from the Department of Environmental Quality (DEQ) to discuss the possibility of getting permanent ambient air monitoring on the reservation. Following their initial meeting with DEQ, members of Fort Berthold POWER began meeting with members of the Fort Berthold Tribal Business Council to discuss the creation of an ambient air monitoring program on Fort Berthold. The result of the meetings with members of the Tribal Business Council was the convening of another meeting in Bismarck between DEQ, some members and representatives of the Fort Berthold Tribal Business Council, and Scott Davis from Indian Affairs to have a larger conversation about how Fort Berthold and state government could work together to get more environmental monitoring on the reservation (and potentially the formation of an EPA recognized environmental program on Fort Berthold). Following the meeting between representatives of Fort Berthold, Fort Berthold POWER, Scott Davis, and DEQ, members of Fort Berthold POWER brought a resolution to the Fort Berthold Tribal Business Councils Energy Committee to start the process of developing an air quality monitoring program on Fort Berthold. The resolution passed unanimously. Unfortunately, the resolution never made it to the full Tribal Business Council because shortly after the pandemic began and mitigating COVID19 took priority for the Tribal Business Council.

By passing this resolution, this committee and the North Dakota Legislature will allow for the conversations that started prior to the pandemic to restart. In addition, we can get a clear picture

of what the current state of air quality is on Fort Berthold to determine what level of monitoring is necessary.

I will conclude by saying that this resolution in no way will hinder future oil development, rather it will allow future oil development to be done on Fort Berthold in the most environmentally friendly manner based on data. Thank you for your time, and I urge this committee to give this resolution a Do Pass recommendation. I can stand for any questions.

Good morning, Chairman Porter and members of the House Energy and Natural Resources Committee. For the record my name is Representative Lisa Finley-DeVile. I'm a member of the Mandan, Hidatsa, Arikara nations and I represent the people of District 4A which encompasses the Fort Berthold Reservation. I have lived in Mandaree my entire life and have been living with oil and gas extraction for 15 years. I am not against fracking and oil production and support responsible development as with any industry. I am here to introduce you to House Concurrent Resolution 3029 and why it is needed.

We are now in the 15th year of the oil and gas development program on Fort Berthold Indian Reservation. This resolution is intended to figure out what is in the air and water on Fort Berthold and to determine if further monitoring is needed on Fort Berthold or if other mitigation measures are needed to improve air and water quality. Presently Fort Berthold lacks any ambient air quality monitoring within its boundaries, despite having the widespread oil and gas development throughout the reservation.

As oil and gas development grew on Fort Berthold, I noticed a distinct change in our air and water. One day I saw a yellowish-brown spot on the snow near my home and wondered what was causing it. From my training in environmental science, it appeared to be related to air pollution, most likely from flares near my home. I also heard that more and more of my neighbors were coming down with respiratory illnesses and headaches, which are often caused by volatile organic compounds that come from flares.

As a result, I began working in my community to get to the root of the problem. I first surveyed my neighbors by going door to door, and then later formed an organization, Fort Berthold POWER to advocate for better air and water quality on Fort Berthold. Members of Fort Berthold POWER and I have advocated on the federal, state, and local levels regarding air and water quality rules. We have also examined air and water pollution from the caused by the oil industry. Specifically, I worked with researchers from Duke University to study the impacts of brine on our soil and water and worked alongside other advocates to use thermal imaging cameras to study and better determine what pollutants were coming from flares near my home. Both studies showed that Fort Berthold needed better monitoring, which is why this resolution is before you today.

Oil and gas production can have a significant impact on local air quality, with emissions from drilling, transportation, and processing contributing to a range of pollutants, including particulate matter, volatile organic compounds (VOCs), and greenhouse gases. These pollutants can have serious impacts on human health, including respiratory problems, cardiovascular disease, and cancer.

While many oil and gas companies claim to be taking steps to reduce their emissions, it can be difficult to verify these claims without accurate and reliable data on air quality. Ambient air quality monitors can provide this data by continuously monitoring air quality in the vicinity of oil and gas operations.

These monitors can provide information on the types and quantities of pollutants being released, as well as the potential impacts of these pollutants on human health and the environment.

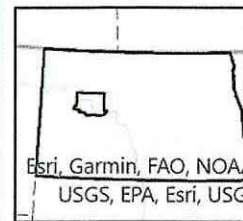
Ambient air quality monitors can help communities living near oil and gas operations to better understand the risks posed by these operations and take steps to protect themselves. Implementing ambient air quality monitors to track pollution from oil and gas operations is a critical step in protecting human health and the environment. By providing accurate and reliable data on air quality, these monitors can help regulators, industry, and communities work together to reduce emissions and ensure that oil and gas operations are conducted in a safe and responsible manner.

I will close by saying again that I am not against oil and gas development. I understand the agency that it has brought communities like Fort Berthold. I also understand that in order to responsibly develop a resource like oil and gas we need to fully understand the impacts, so we can work to mitigate them. I hope you will join me in supporting this resolution, so that we can better figure out the impacts occurring on Fort Berthold and work to mitigate them. The first step is gathering information and that is what this resolution will do. Thank you for your time, I stand for questions.

Fort Berthold Oil and Gas Wells and Horizontals



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



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



Esri, NASA, INGA, USGS

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Tex Hall Testimony on HCR No. 3029
March 2, 2023

Dosha (Hello),

My name is Tex Hall, an enrolled member of the Mandan, Hidatsa and Arikara Nation from Mandaree, ND, a community member and landowner testifying in support of HCR No. 3029. This Resolution would study whether the Fort Berthold Indian Reservation should have stand alone air quality monitors to track and mitigate air and water pollution that may result from oil and gas development.

It's hard to imagine we don't have air monitors on Fort Berthold due to the fact we have approximately 2000 oil wells, most of them located in Mandaree area and the highest Flaring in the entire State. However, we don't, and I Chair the Fort Berthold Landowner Association and heard from many of our residents that have asthma now and breathing problems and believe it's because of the oil and gas wells nearby their homes. Also, Flaring at Oil and Gas Wells contains Benzene which is a know carcinogen which causes cancer. I am not aware of any studies on air quality including the Environmental Protection Agency or our Tribal Government conducted at Fort Berthold, so this is very much needed. It is only right that our community have access to clear air and clean water.

I am in total support of this HCR No. 3029 Resolution that will help protect the health and lives of our Tribal members living at Mandaree and non-Tribal Members as we have a K-12 School in Mandaree and Recreation areas like McKenzie Bay and Skunk Bay.

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

Tex Hall