

October 21, 2022

RE: Well Plugging and Site Reclamation Operations:

Dear Landowner,

You are receiving this letter to inform you the North Dakota Industrial Commission (NDIC) has confiscated a well located on your property and will be awarding a future bid to have the well plugged and site reclaimed, or a previously plugged well's site reclaimed by September 30, 2023. The work will be accomplished by using federal grant funds from the Infrastructure Investment and Jobs Act (IIJA). Please note that pursuant to North Dakota Century Code as cited below, such access is lawful.

**North Dakota Century Code Section 38-08-04.7 RIGHT OF ENTRY.**

*The commission, its agents, employees, or contractors shall have the right to enter any land for the purpose of plugging or replugging a well or the restoration of a well site as provided in section 38-08-04.4.*

Following this letter, you will be provided the proposed reclamation plans at least ten days prior to the commencement of work as required pursuant to North Dakota Century Code as cited below.

**North Dakota Century Code Section 43-02-03-34.1. Reclamation of surface.**

*1. 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 shall 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 sundry notice (form 4) 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. Verbal approval to reclaim the site may be given. The notice shall include:*

- a. The name and address of the reclamation contractor;*
- b. The name and address of the surface owner and the date when a copy of the proposed reclamation plan was provided to the surface owner;*
- c. A description of the proposed work, including topsoil redistribution and reclamation plans for the access road and other associated facilities; and*
- d. Reseeding plans, if applicable.*

*The commission will mail a copy of the approved notice to the surface owner.*

*All equipment, waste, and debris shall be removed from the site. All pipelines shall be purged and abandoned pursuant to section 43-02-03-29.1. Flow lines shall be removed if buried less than three feet [91.44 centimeters] below final contour.*

*2. Gravel or other surfacing material shall be removed, stabilized soil shall be remediated, and the site, access road, and other associated facilities constructed for the well, treating plant, or saltwater handling facility shall be reshaped as near as practicable to original contour.*

*3. The stockpiled topsoil shall be evenly distributed over the disturbed area and, where applicable, the area revegetated with native species or according to the reasonable specifications of the appropriate government land manager or surface owner.*

*4. A site assessment may be required by the director, before and after reclamation of the site.*

*5. Within thirty days after completing any reclamation, the operator shall file a sundry notice with the director reporting the work performed.*

*6. The director, 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 operator shall record documentation of the waiver with the recorder of the county in which the site or road is located.*

Part of the grant award terms is the requirement for the state to facilitate site visits upon request of the Department of Interior (DOI):

*The Federal Awarding Agency and Program Staff may make sites visits as warranted to ensure appropriate fiscal accountability, project oversight, and project completion meet the Program requirements. States shall provide the Federal Awarding Agency and Program Staff any relevant documentation in the Recipient's possession and facilitate access to project sites. This access will be provided to the extent necessary and appropriate, on-site, and remote, for the Federal Awarding Agency to monitor performance and compliance. (2 CFR § 200.329 - Monitoring and reporting program performance)*

If the DOI requests to do a site visit and review work done from the project, we ask that you provide your name and best contact method. This will facilitate state or DOI personnel the ability to contact you and arrange an onsite visit.

Contact Name:

Contact Number:

Contact Email:

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If you as the landowner would like to leave the lease road or site intact, please fill out the attached affidavit and provide it along with this document back to the representative that provided it to you.

The NDIC Department of Mineral Resources requires the landowner, if there are questions or a

request to engage in a discussion of possible damages, to submit those to the department through a written letter. The NDIC is not required to pay damages pursuant to the above North Dakota Century Code cite, however it will review all written requests to determine if damages may be paid by other possible funds.

Please submit all written questions and requests to:

NDIC Oil and Gas Division  
ATTN: Cody VanderBusch  
600 E Blvd Ave-Dept 405  
Bismarck, ND 58505-0840