

Seeding And Revegetation Regulations In North Dakota

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Well Sites And Roads



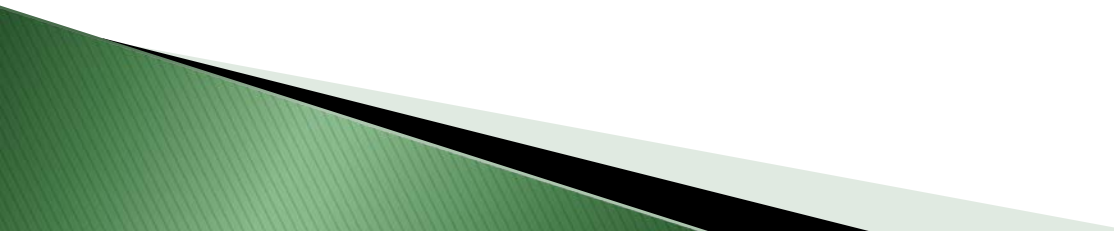
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Well Sites And Roads

NDAC 43-02-03-19 – Site Construction

- ▶ When constructing a site, access road, and all associated facilities topsoil needs to be removed, stockpiled, stabilized and reserved for future reclamation.
 - ▶ Topsoil – suitable plant growth material on the surface.
 - “in no event shall this be deemed to be more than the top eight inches of soil.”
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Well Sites And Roads

- ▶ Sites should not be located in or hazardously near to water bodies or in drainages.
 - ▶ Within six months after completion of a well the portion of the well site not used for well operations needs to be reclaimed.
 - ▶ Well sites and associated facilities need to be stabilized to prevent erosion.
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Well Sites And Roads

NDAC 43-02-03-34.1 – Reclamation Of Surface

- ▶ Within a year after a well is plugged the site, access road, and associated facilities need to be “reclaimed as closely as practicable to original condition.”
- ▶ Before the site can be reclaimed the well operator needs to obtain approval of a reclamation plan from the NDIC.
 - A copy of the reclamation plan needs to be given to the surface owner at least 10 days before reclamation work begins, unless this time period is waived by the surface owner.
 - The surface owner can give verbal approval to reclaim a site.

Well Sites And Roads

- ▶ In the reclamation process:
 - Surfacing material needs to be removed,
 - Stabilized soil needs to be remediated (recovered),
 - The site needs to be reshaped to the original contour,
 - The stockpiled topsoil needs to be evenly respread over disturbed areas, and
 - The site needs to be revegetated with native species.
 - Or the reasonable specifications of the surface owner.

- ▶ Requirement of reclamation can be waived by the surface owner.
 - Waiver has to be recorded with the County Recorder.

Salt Water Disposal Wells

- ▶ Salt water disposal wells are subject to the same regulations as oil well sites in regards to site construction and reclamation.

Pipelines



Pipelines

- ▶ There are no state regulations that cover reclamation of gathering pipeline systems.
 - Reclamation of gathering pipeline systems is negotiated between the landowner and the company.
- ▶ Reclamation of transmission pipeline systems is regulated by the ND Public Service Commission.

Gravel Mining



Gravel Mining

NDCC Chapter 38-16 – Surface Mining Reports

- ▶ The mine operator, on land owned by another person, is responsible for reclamation.
 - A written agreement needs to be negotiated for reclamation.
- ▶ The reclamation agreement must include these provisions:
 - Restoration of the affected land to the original contour and usability,
 - Indicate amounts of topsoil and subsoil to be saved, segregated, and respread, and
 - Indicate party responsible for compaction of backfill, soil testing, fertilization, revegetation, weed control, rock disposal, and replacement or establishment of conservation practices.

Gravel Mining

- ▶ Reclamation must be completed within one year of mining completion.
- ▶ If the mining operator fails to reclaim the land as according to the reclamation agreement, then the surface owner can claim relief in district court.
- ▶ Any person conducting a surface mining operation has to file an annual report with the State Soil Conservation Committee.
 - If an excess of 10,000 yds³ of earthen material (overburden and aggregate) is removed.

Noxious Weeds



Noxious Weeds

NDCC Chapter 4.1–47 – Noxious Weed Control

- ▶ Control of noxious weeds:
 - “Each person shall do all things necessary and proper to control the spread of noxious weeds.”
 - “No person may distribute, sell, or offer for sale within this state a noxious weed.”

ND State Seed Laws

NDCC Chapter 4.1–53 Seed Commission

- ▶ Any seed mix sold or used in North Dakota is subject to this law.
- ▶ Seed mixes have to be properly labeled including:
 - The kind and variety of seed,
 - Percentage by weight of pure seed,
 - Percentage by weight of other crop seed,
 - Percentage by weight of weeds seed (up to 1%),
 - Germination rate, and
 - Name and rate of **occurrence** per pound of restricted noxious weeds

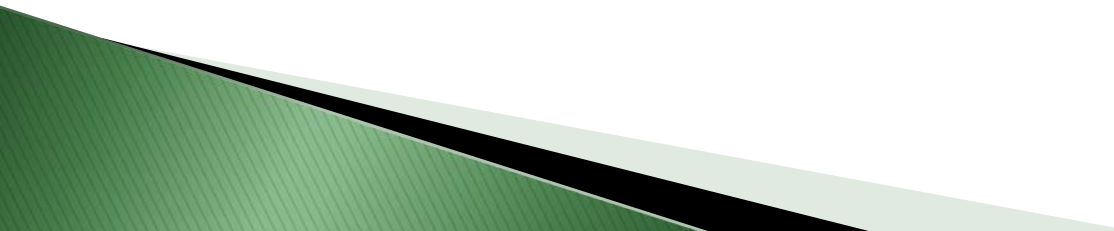
ND State Seed Laws

▶ Noxious Weed Seeds:

1. Restricted noxious weeds:

- Maximum 25 seeds/pound – collectively,
- Dodder, hedge bindweed, wild oats, quackgrass.

2. Prohibited noxious weeds

- Eleven weeds on the state noxious weed list, and
 - Field bindweed, perennial sow thistle, hemp, hoary cress.
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Native Grass Seed Mix

Native Grass Seeding Specifications

Species	lbs. PLS*/acre
Western wheatgrass	8
Slender wheatgrass	5
Green needlegrass	4
Side-oats grama	2
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*PLS - Pure Live Seed (based on 50 PLS/sq. feet)

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Questions

