
**Testimony of Joseph Heringer
North Dakota Commissioner of
University and School Lands**

**House Committee on Natural Resources
Subcommittee on Federal Lands**

**Hearing on H.R. 2405
North Dakota Trust Lands
Completion Act of 2023
July 24, 2024**

Chairman Tiffany and Ranking Member Neguse, thank you for the opportunity to testify today. I would also like to thank Representative Armstrong, and Senators Hoeven and Cramer, for their instrumental work in helping to move this important bill forward.

My name is Joseph Heringer, and I am the North Dakota Commissioner of University and School Lands. As Commissioner, I lead the North Dakota Department of Trust Lands (“Department”), the agency responsible for managing lands that were granted to North Dakota by Congress at statehood for the financial support of public education and other state institutions. The Department is overseen by the North Dakota Board of University and School Lands, which consists of the Governor, Attorney General, Secretary of State, Treasurer, and Superintendent of Public Instruction.

The Department manages approximately 2.6 million mineral acres with their roughly 8,300 associated oil & gas leases, and over 700,000 surface acres with their roughly 4,400 associated agricultural leases. Revenues generated from these leases, along with payments received from other income sources such as oil & gas lease bonus payments and easements granted for pipelines, roads, and well pads, are deposited into 13 permanent trust funds and invested to provide long-term income for trust beneficiaries. Beneficiaries of these trust funds include public K-12 education and various other state institutions such as colleges and universities, schools for the blind and deaf, and a long-term care facility for veterans. The largest fund is the North Dakota Common Schools Trust Fund which has a current balance of approximately \$6.8 billion.

I encourage the Subcommittee, and Congress, to act favorably on **H.R. 2405, the North Dakota Trust Lands Completion Act of 2023 (“Act”)**. This Act would allow North Dakota and the Department of the Interior to exchange lands for the mutually beneficial purposes of: 1) providing North Dakota with more productive and easily accessible lands for increased revenue

to support public education, and 2) helping North Dakota Tribal Nations to further consolidate lands within their reservations so they can manage and develop the land as they see fit.

We have worked hard to collaborate and build a broad coalition of support for this Act that includes all members of the Land Board, North Dakota Tribal Nations, western North Dakota counties and grazing associations, and education organizations. (see attached letters of support)

Upon statehood, Congress granted North Dakota 2.6 million acres of lands and minerals scattered throughout the state (sections 16 and 36 in each township) for the purpose of funding public education and other critical needs within the state. Establishment of tribal reservations enclosed lands and minerals within these boundaries which are often very difficult for the state to manage and access. North Dakota currently holds over 31,000 surface acres within tribal reservations which are largely unable to be developed pursuant to the State's mandate to generate income for schools, universities, and other public purposes. (see attached maps)

Utilizing the historic tool of in-lieu relinquishment and selections, this Act would allow North Dakota to relinquish state lands within tribal reservations to the Secretary of Interior ("Secretary") and select in-lieu thereof federal land or mineral rights located elsewhere in the state. These would be equal value transactions that would allow North Dakota to access the lands promised upon statehood. Valuations would be determined by Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards for Professional Appraisal Practice. It is important to note these would not be "exchanges" under the Federal Land Policy and Management Act.

Within tribal reservations, lands received by the Secretary in these transactions would be held in trust for the tribes. This would help tribes consolidate land within their reservation boundaries for greater ownership and control. This Act also requires the Secretary to consult with tribes that would be affected by any proposed transactions.

As an example, under this Act North Dakota could propose the exchange of state-owned surface acres within a reservation for federally owned mineral rights elsewhere in the state that are in the development path of mineral producers. The Secretary would then review the proposal and consult with the affected tribe.

If approved by the Secretary:

- 1) The state-owned land within the reservation would be transferred to the Department of Interior to be held in trust for the tribe and be considered part of the reservation, allowing further consolidation of tribal lands and management and development of the land as the tribe sees fit.
- 2) The identified mineral rights would be transferred from the federal government to North Dakota who could then work to develop the mineral deposits, using the revenue to benefit North Dakota public schools and students.

Transactions could also be done where North Dakota receives surface rights elsewhere in the state for the relinquishment of surface rights within a reservation.

Land conveyed under this Act would be subject to all applicable federal, state, and tribal law and valid existing rights will be respected in these transactions. There will be no impact on any Indian treaty rights.

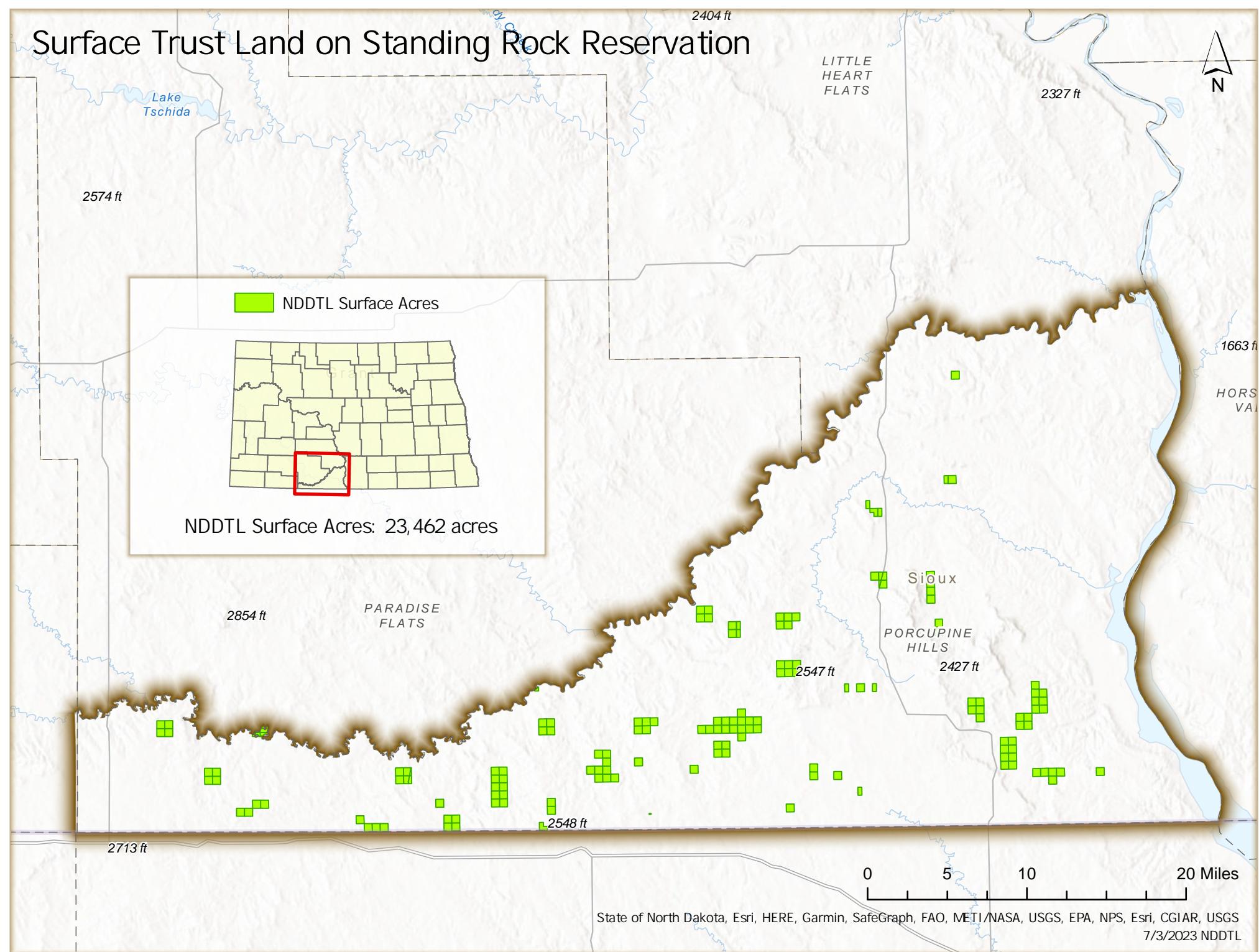
This is good legislation that promotes the shared interests and mutually beneficial goals of North Dakota, the federal government, and North Dakota Tribal Nations.

Thank you for your time and consideration. I would be happy to answer any questions the Committee may have.

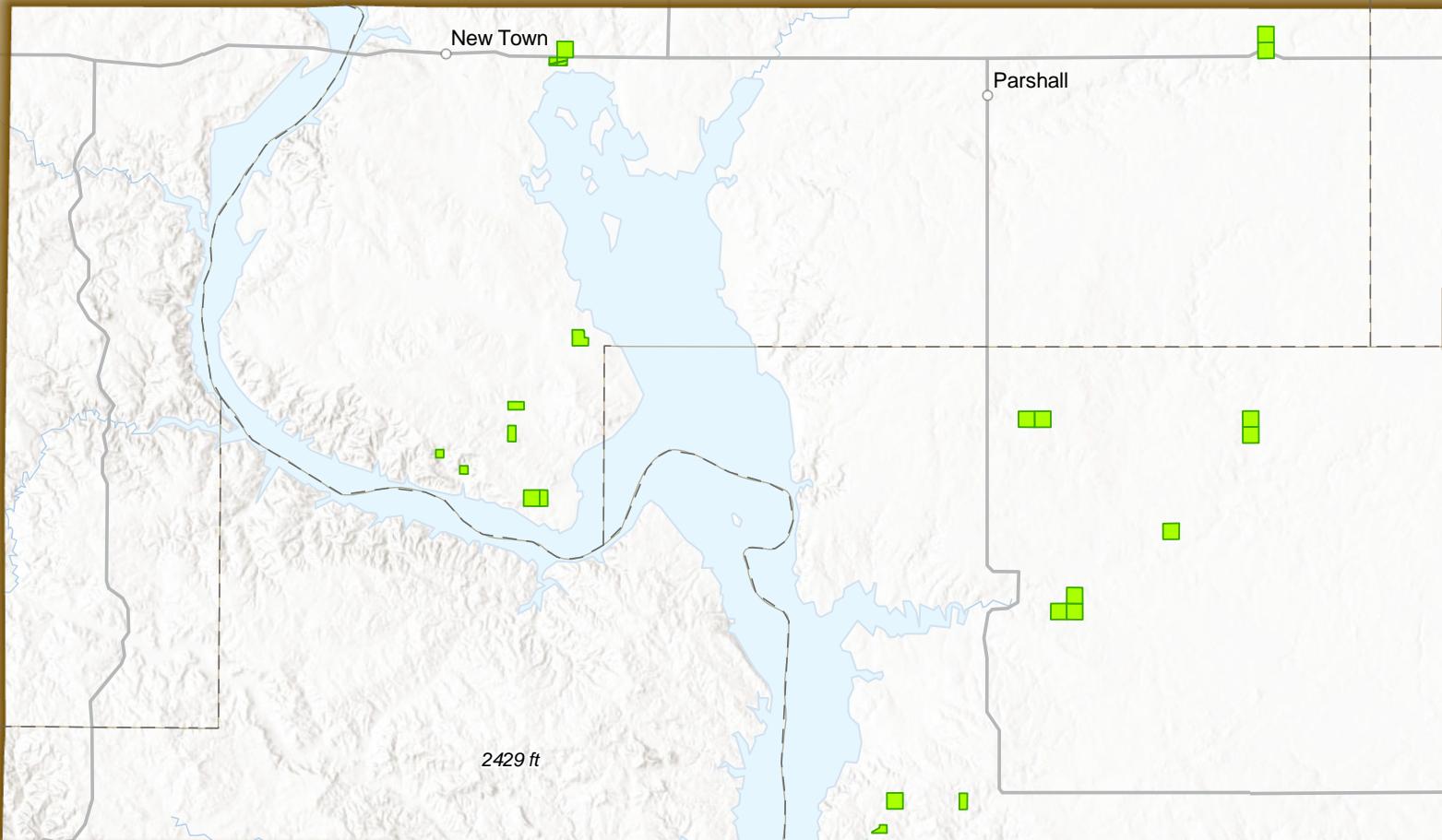
A handwritten signature in blue ink, appearing to read "Joseph Heringer".

Joseph Heringer
Commissioner
North Dakota Dept. of Trust Lands
1707 N. 9th St.
Bismarck, ND 58501
(701) 328-2800
jheringer@nd.gov

Surface Trust Land on Standing Rock Reservation



Surface Trust Land on Fort Berthold Reservation

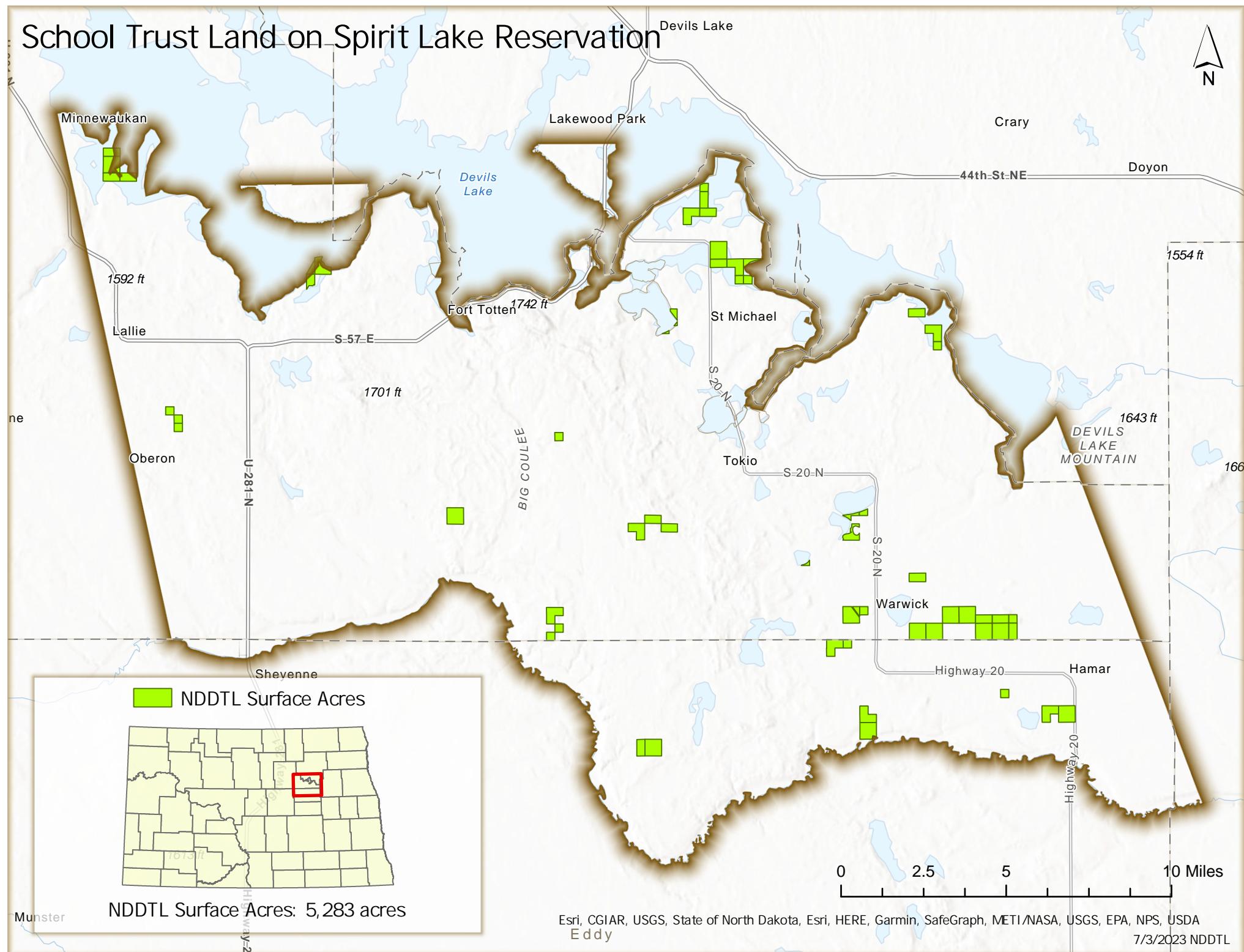


NDDTL Surface Acres



NDDTL Surface Acres: 2,838 acres

School Trust Land on Spirit Lake Reservation



N O R T H

Dakota

Trust Lands

Be Legendary.™

June 29, 2023

Dear Senators and Members of the U.S. House:

We, the five members of the North Dakota Board of University and School Lands (Board), submit this letter of support for the North Dakota Trust Lands Completion Act to enhance funding for North Dakota public schools and restore the use of lands within Reservation boundaries to Tribal Nations. The proposed legislation will bolster public benefits by rectifying over 130 years of checkerboard state and federal land ownership.

Upon statehood, North Dakota was granted approximately 2.6 million acres of land and mineral rights to fund public education and other state institutions. These lands and minerals were typically designated in two sections of every township. Following establishment of Tribal reservations in North Dakota, these trust lands gained approximately 31,000 surface acres and 130,000 mineral acres located within the boundaries of North Dakota's Tribal reservations.

Due to this model of dispersed land ownership, many of these lands are now inholdings within North Dakota's reservations, which complicates the land management goals of the tribes. This checkerboard pattern of land ownership also diminishes the income potential and increases land management costs to the detriment of North Dakota's school children. The North Dakota Trust Lands Completion Act will allow land and mineral exchanges between the Board and the federal government to rectify this unfavorable ownership pattern.

This Act provides an avenue for North Dakota to relinquish its lands and coal mineral interests within reservations and select federal lands or minerals of equal value elsewhere in the state. The surrendered lands will be transferred to the federal government to be held in trust for the tribes and be considered part of the reservation, allowing further consolidation of tribal lands and management/development of the land as the tribes see fit.

For the benefit of our Tribal Nations and our school children, all steps necessary to enact this important legislation are strongly urged.

Regards,

Kirsten Baesler

Kirsten Baesler
Superintendent of Public Instruction

Drew Wrigley

Drew Wrigley
Attorney General

Doug Burgum

Doug Burgum
Governor

Thomas Beadle

Thomas Beadle
Treasurer

Michael Howe

Michael Howe
Secretary of State

TRIBAL COUNCIL
(AT LARGE)

Nola Taken Alive

Charles Walker

Avis Little Eagle

Kory McLaughlin

Warren Hawk

Jesse McLaughlin

Janet Alkire

Chairwoman



John Pretty Bear
Cannonball District

Sid Bailey, Jr.
Long Soldier District

Jeff Cadotte, Sr.
Wakpala District

Delray Demery
Kemel District

Joe White Mountain
Jr.
Bear Soldier District

Paul Archambault
Rock Creek District

Jessica R. Porras
Running Antelope District

Wilberta Red
Tomahawk
Porcupine District

Truth  Compassion

Remember Who We Are

July 5, 2023

Dear U.S. Senators and Members of the U.S. House:

On behalf of the Standing Rock Sioux Tribe I am writing to express our support for the North Dakota Trust Lands Completion Act to enhance funding for North Dakota public schools and restore the use of lands within reservation boundaries to Tribal Nations. This common-sense legislation is a win for all North Dakotans and will help rectify over 130 years of checkerboard state and federal land ownership.

Upon statehood, North Dakota was granted approximately 2.6 million acres of surface and mineral rights to help fund public education and other government functions within the State. As Indian Reservations were established, over 31,000 surface acres and 130,000 mineral acres were left stranded within the boundaries of North Dakota's Tribal Reservations. These assets originally mandated to benefit North Dakota's school children cannot fully produce income for the school trusts and are inholdings within the Tribal Reservations. This Act will allow land and mineral transactions between North Dakota and the federal government to rectify this unfortunate ownership pattern.

The Act will allow North Dakota to relinquish its surface rights within reservations and select federal surface or mineral rights of equal value elsewhere in the state. The relinquished lands within reservations would be held in trust for the Tribes – helping complete their ownership of land as promised to the Tribes decades ago.

We urge Congress to pass this legislation to benefit North Dakota school children and Tribal communities.

Sincerely,

Janet Alkire, Chairwoman
Standing Rock Sioux Tribe



SPIRIT LAKE TRIBE

PO. BOX 359 • FORT TOTTEN, ND 58335 • PHONE 701-766-4221 • FAX 701-766-4126

July 9, 2023

Dear Senators and Members of the U.S. House:

Please accept this letter in support of the North Dakota Trust Lands Completion Act (“Act”). Passing the Act will enable tribes within North Dakota, such as Spirit Lake Tribe, in their continued efforts to diminish a checkerboard land base restoring lands and more control over those acres of lands on Spirit Lake.

All lands within the reservation boundaries have cultural and spiritual ties to our Spirit Lake people. These lands were used significantly in ceremonial use and purposes and grow an abundance of foods and medicines that are harvested for cultural use. Further, the passage of the Act will allow for Spirit Lake the opportunities to explore future use as the primary beneficiary of these recovered lands.

The Act will also provide a much-needed boost in financial aid to support North Dakota public schools. Currently, there are five public schools on or adjacent to the Spirit Lake Reservation supporting education for our tribal members.

The Spirit Lake Tribe fully supports and urges Congress to support and pass the North Dakota Trust Lands Completion Act.

Sincerely,

Roman J. Street

Lonna Jackson-Street
Tribal Chairwoman
Spirit Lake Tribe



1224 West Owens Avenue
Bismarck ND 58501
1-800-932-8791 • (701)255-4127
www.ndsba.org

July 7, 2023

Re: ND School Boards Association supports the North Dakota Trust Lands Completion Act

Dear Honorable U.S. Senators and Members of the U.S. House of Representatives:

The North Dakota School Boards Association is pleased to support the enactment of the North Dakota Trust Lands Completion Act (NDTLCA). The North Dakota School Boards Association is a leading advocate for public education, serving 174 school districts across the state of North Dakota. NDSBA supports local school boards in their governance role through education, services, information, and legislative advocacy. Governed by a board of seven local school board members elected by their peers, NDSBA empowers local boards to be effective leaders of their districts and works cooperatively with school board members around the state to form an effective voice for public education.

We understand and support the purpose of the NDTLCA to provide authorization for the State of North Dakota, acting through North Dakota Board of University and School Lands (the State), to relinquish lands and minerals contained within Tribal Reservations, excluding sovereign lands and minerals, and select in lieu thereof equal value federal minerals within the borders of North Dakota. State lands or minerals acquired by the Secretary would be held in trust on behalf of the Tribes.

Upon statehood, North Dakota was granted 2.6 million acres of scattered lands and minerals (sections 16 and 36) with the purpose of funding public education and needs within the state. Establishment of Tribal Reservations trapped lands and minerals within these boundaries which are often very difficult for the State to access. The State currently holds over 130,000 acres of minerals and over 31,000 surface acres within Tribal Reservations alone and these are largely unable to be developed pursuant to the State's mandate to generate income for schools, universities, and other public purposes.

NDSBA supports the NDTLCA because, if enacted, it would be a positive step forward for all parties involved: the federal government, tribes located within North Dakota, the state of North Dakota, and public education in North Dakota. Thank you for this opportunity to provide support, and we look forward to the NDTLCA's passage and enactment.

Sincerely,

Alexis D. Baxley
Executive Director

cc: Mr. Joseph Heringer



BILLINGS COUNTY

P.O. Box 168

Medora, ND 58645-0168

Phone (701) 623-4377
Lester Iverson District 1

Billings County Commission
Michael Kasian District 2



Fax (701) 623-4761
Dean Rodne District 3

September 6, 2022

RECEIVED

SEP 12 2022

Senator John Hoeven
338 Russell Senate Office Building
Washington, DC 20510

Senator Kevin Cramer
330 Hart Senate Office Building
Washington, DC 20510

Congressman Kelly Armstrong
1740 Longworth House Office Building
Washington, DC 20515

Dear Senator Hoeven, Senator Cramer and Congressman Armstrong,

The Commissioners of Billings County have been very interested in the North Dakota Trust Lands Completion Act, H.R.5855 and Senate Bill 3200. The North Dakota Land Commission and its current head, Mr. Heringer, have been most helpful in our involvement, along with McKenzie County and others.

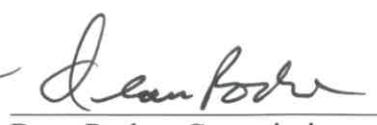
We are very pleased that there is now an agreement to remove the National Grasslands from the proposed law.

You, as our Congressional Delegation (and your staffs) have been most accommodating in listening to our concerns. We are appreciative of the fact that Mr. Armstrong reached out to our States Attorney, early on in the process, and gave us assurances that it was not the intent of the proposed legislation to impact our grazing agreements or to impact any existing arrangements.

Your staffs have committed to providing the "Western Counties" with advance notification of any federal legislation that might impact our concerns, as has Mr. Heringer's Land Department and for that we are also grateful.

Sincerely,


Lester Iverson, Chairman


Dean Rodne, Commissioner


Michael Kasian, Commissioner

North Dakota Grazing Association

Cedar River Grazing Association fktomac@sdpplains.com

Grand River Grazing Association grgrazassoc@yahoo.com

Horse Creek Grazing Association fivebees@midrivers.co

Little Missouri Grazing Association lmgaz01@hotmail.com

McKenzie County Grazing Association mcka@restel.net

Medora Grazing Association mga@midstate.net

Sheyenne Valley Grazing Association syg@rrt.net

February 3, 2023

Senator John Hoeven
338 Russell Senate Office Building
Washington DC 20510

Senator Kevin Cramer
330 Hart Senate Office Building
Washington DC 20510

Congressman Kelly Armstrong
1740 Longworth House Office Building
Washington DC 20515

Dear Senators and Congressman:

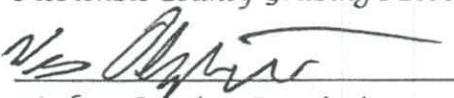
This letter is a follow-up from our letter of August 2022 where the three Grazing Associations in the Little Missouri Grasslands made a request to review the NEW North Dakota Trust lands legislation.

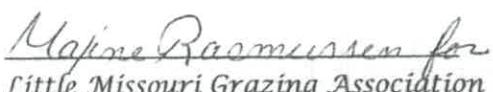
The Grazing Associations have reviewed the NEW legislation provided to us by Senator Hoeven's office. The Grazing Association's do support the NEW legislation.

Once again the Grazing Associations thank the North Dakota Congressional delegates for their work on this legislation.

Sincerely,


Kurt Winter
McKenzie County Grazing Association


Vicki Osgood
Medora Grazing Association


Mayne Rasmussen for
Little Missouri Grazing Association