



## **THREE AFFILIATED TRIBES**

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**MANDAN ★ HIDATSA ★ ARIKARA**

*Office of the Chairman*

*Marcus D. Levings. "Eh-Bah-Dah-Gish"*

*(White Headed Eagle)*

### **United States Senate Budget Committee**

#### **Formal Hearing on**

#### ***"TRANSPORTATION INVESTMENTS: PROMOTING ECONOMIC GROWTH AND IMPROVING SAFETY ALONG ND 23"***

*July 10, 2010*

#### **Testimony of Marcus D. Levings, Chairman Mandan, Arikara & Hidatsa Nation**

My Name is Marcus Dominick Levings, Eh-Bah-Dah-Gish, (White Headed Eagle) and I am the elected Tribal Chairman of the Three Affiliated Tribes of the Fort Berthold Indian Reservation. I would like to thank the Honorable Chairman Conrad, Congressman Pomeroy and other distinguished officials for your visit to the Fort Berthold Reservation and for this opportunity to testify before you today. I have previously provided Congressional Testimony regarding the many issues that affect Fort Berthold, our enrolled members and every person who resides in and around the Fort Berthold Reservation. We would like to thank Chairman Conrad for his efforts in addressing an issue that is important to all of us who reside here, the promotion of economic growth and improving the safety of our most traveled roadways in the North Dakota oil patch, Highways 22 and 23.

As Chairman of the Three Affiliated Tribes and as an enrolled tribal member, I have witnessed the development of the Bakken Shale Oil Play and with it the possibility of increased economic wealth and opportunities to every resident of Western North Dakota, including the Three Affiliated Tribes and the Fort Berthold Allottees. However, with those increased opportunities comes increased impact to our most important system of infrastructure, our roadways. The introduction of oil tankers, trucks and other heavy equipment on our roadways have increased traffic numbers, increased the number of road fatalities and severely decimated road conditions to the point where all roadways on the Fort Berthold Reservation are clearly overburdened and are in desperate need of upgrade.

However, as today's discussion is centered on State Highways 22 and 23, it must be clear stated to this Committee that these are not the only roads that have suffered with the increased oil activity traffic. The tribal roadways of the Fort Berthold Reservation have been even more severely impacted by the development of oil and gas on Fort Berthold and the surrounding areas. The deteriorated conditions of our tribal roads are beginning to impact the ability of all people, enrolled members and others to safely travel in even the best of weather conditions. The Fort Berthold Reservation is crisscrossed with a complex web of different road types with an even more complex jurisdictional web as to which governmental body policies, monitors and is ultimately responsible for the maintenance and upkeep of those roadways. In short, this creates a very complex problem that can only be addressed through cooperation by all the governmental bodies who ultimately share in the benefits of the increased economic development that has arisen with Oil and Gas activity in the Bakken Shale.

### **North Dakota Highways 22 and 23**

As the main throughways on the Fort Berthold Reservation, State Highways 22 and 23 have seen a steady and dramatic increase in both light and heavy traffic. According to a report in the Minot Daily News, the 4 ½ mile stretch of highway from the Four Bears Bridge east to New Town sees over 6,300 vehicles daily. This roadway, along with Highway 22 serve as the main routes for tribal members and others to access employment, healthcare, food, fuel, recreation and other basic services that are scarce in most areas of the Reservation. The safe and improved conditions of these roadways are vital not only to the increased economic opportunities for the Reservation but are absolutely necessary to the improvement of the basic quality of life for our enrolled members.

It is the position of the Three Affiliated Tribes and I believe this view is shared by other local communities, that Highways 22 and 23 should be at minimum upgraded from a two-lane to a four-lane highway. Further, State, County and Tribal law enforcement should work cooperatively to ensure traffic and load-restriction laws are complied with to ensure the highest level of public safety is properly established and maintained. These improvements are vital not only to the continued economic

development of Fort Berthold and Western North Dakota but to ensure the residents of this area are sufficiently protected as the level of oil activity continues to increase for the next 15 to 20 years.

**Current Highway and Road Inventory of the Fort Berthold Reservation**

Presently, the Fort Berthold Reservation has a multitude of different road types that are classified by the governmental body responsible for maintenance and upkeep. Specifically, I have listed the roadways on Fort Berthold that the Tribe is directly responsible for maintenance and upkeep with the majority of these Tribal roadways being directly impacted by the increased oil and gas activity in this area:

<b>Rural Minor Arterial Roads</b>	<b>141.2 mi</b>
<b>Community Residential Streets</b>	<b>28.7 mi</b>
<b>Rural Major Collector Roads</b>	<b>191.5 mi</b>
<b>Rural Local Roads</b>	<b>729.5 mi</b>
<b>City Minor Arterial Streets</b>	<b>6.8 mi</b>
<b>Total Miles</b>	<b>1097.7 mi</b>

In addition to the Tribes Indian Reservation Road (“IRR”) Inventory with the BIA there are also 664.4 miles of county roads, and 150 miles of state owned roads that are located within the boundaries of the Reservation that both members and non-members use for daily commutes. As I stated previously, the issue of roadway safety and the need for improved conditions is not limited merely to the Highways 22 and 23, but is a problem that all roadways on the Fort Berthold Reservation face and will continue to face.

The Three Affiliated Tribes BIA Highway System is currently beyond its acceptable life span. The current tribal roadways were built with 2 inches of bituminous asphalt in the decades of the 70’s and 80’s. Engineers at the time were not aware of a future oil boom and did not design the BIA roads system to withstand the heavy amounts of truck traffic associated with an oil boom, and the lack of planning shows today. Present day travel on our BIA Routes today can prove to be very hazardous and expensive. It

costs hundreds of thousands of dollars each construction season to keep up with the repairs of all of our paved routes in our infrastructure. The highway system is so old that the road-bed begins to deteriorate immediately right on the other side of a patch job. Currently the list for improvements and repair jobs exceeds the amount of revenue coming in.

### **Current and Future Goals of the Three Affiliated Tribes**

It is the goal of the Three Affiliated Tribes and our Tribal Road Department is to keep our primitive, gravel, and paved roads as safe as possible on despite the limited resources currently available to us. We understand and accept the responsibility that our road system must handle the daily commute of multiple oil field trucks, daily school bus traffic, our elders, emergency and public safety services and the daily commutes of all residents of the Reservation as they move about in their daily lives.

Currently, B.I.A Routes 12, 18, 6, 2, and 22 are in need of complete reconstruction and repaving to withstand the influx of oilfield traffic, and the ensure the safety of our school age children, our elders and our emergency and law enforcement personnel. In total, the tribal roads require a minimum of 56.2 miles of reconstruction. Even with the dedication of a portion of the oil and gas tax revenues received by the Three Affiliated Tribes through our Tax Agreement with the State of North Dakota, our current IRR budget does not have enough money to reconstruct even a single route on the Fort Berthold Reservation. The Three Affiliated Tribes is faced with a unique situation: where we welcome and encourage the development of the Tribal and Allottee oil and gas resources and yet must unfortunately welcome the devastating impacts to our already fragile and out-dated road-way system. It is this issue that the Tribe as well as other communities in and around the Fort Berthold Reservation now addresses this Committee in order to find a solution.

### **Conclusion**

Chairman Conrad, Congressman Pomeroy and the other officials with us today, I would once again like to thank you for this opportunity to briefly speak to you today regarding our collective issue, the safety and conditions of our roads. The ability to travel safely and securely is something that Three Affiliated Tribes

has continually strived for here on the Fort Berthold Reservation. The Three Affiliated Tribes, given our rural environment, recognizes the need for a safe and adequate road system so our enrolled members can travel safely during their daily lives. We also recognize the need for an adequate road system so that the Tribe, the Fort Berthold Allottees and all our enrolled members can benefit from the unique economic opportunities that stem from the Bakken Shale Oil play.

However, while we recognize and fully support this Committee in its study of what can be done to improve State Highways 22 and 23, we cannot let this Committee and the surrounding local communities overlook the simple fact that much of the continued oil and gas development in this area will also severely impact our tribal roads. We respectfully remind and request this Committee to view the need for improved and upgraded roads as a problem that requires solutions for all our roadways, including the Bureau of Indian Affairs Roads that the Tribe is responsible for. It is simply unacceptable to ignore these non-State roads on the Reservation when the economic benefit derived from the use of those roads benefits not only the Fort Berthold Reservation but the surrounding communities, counties, and the entire State of North Dakota.

Once again, on behalf of myself and the Three Affiliated Tribes, I would like to thank the Committee for inviting me to testify to you today. I would be happy to try to answer any questions you may have.

"Mod-zi-gidaz". Thank you.