

RESOLUTION

WHEREAS, a presentation has been made by a third party to the North Dakota Board of University and School Lands concerning a possible "deep bore research project" within the boundaries of Pierce County, North Dakota, which may at some future time lead to the disposal or storage of nuclear waste;

WHEREAS, the Board of County Commissioners for Pierce County, North Dakota (i.e., County Board) believes that such deep bore drilling will likely present significant adverse impact to the environment and economy of Pierce County, its residents, and the State of North Dakota;

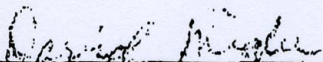
WHEREAS, the County Board has a compelling interest to ensure thorough study and analysis of any potential deep bore drilling within the confines of the borders of Pierce County, North Dakota;

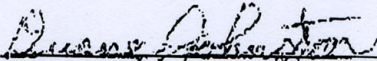
NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of County Commissioners for Pierce County, North Dakota, that a temporary MORATORIUM is immediately enacted and unanimously passed by the Board of County Commissioners for Pierce County, North Dakota, prohibiting the development, commencement or implementation of deep bore drilling within the boundaries of Pierce County, North Dakota, until further affirmative action by both the Pierce County Zoning Board and the Board of County Commissioners for Pierce County, North Dakota, removing such moratorium and approving appropriate zoning regulations, and necessary amendments to the current zoning regulations, to address any future deep bore drilling.

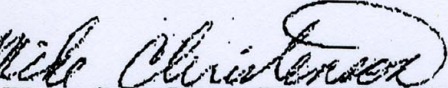
IT IS FURTHER RESOLVED by the Board of County Commissioners for Pierce County, North Dakota, that such moratorium does not prohibit ordinary water wells of less than 1,000 feet in depth.


Approved this 2nd day of February, 2016.

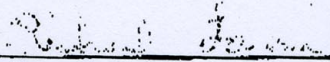
Board of County Commissioners for Pierce County, North Dakota


  
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David Migler, Chairman

  
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Duane Johnston, Commissioner

  
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Mike Christenson, Commissioner

  
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Mike Brossart, Commissioner

  
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Richard Larson, Commissioner

  
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Karin Fursather, Auditor

## THE DOE CONSENT-BASED SITING PROCESS

In December 2015, the United States Department of Energy (DOE) initiated the development of a consent-based siting process for nuclear waste storage and disposal facilities. The first phase of the design of the process was to ask for public comment on what should be considered in a consent-based siting process. This request for public comments included eight public meetings across the United States. DOE summarized the views of the public, both from the public meetings and the written comments, in a September 15, 2016, draft report, "Consent-Based Siting".

The second phase of the design will be the production of a draft initial report on what a consent-based process might look like. DOE is committed to using a collaborative approach, drawing on the information received from the public comments and public meetings, and ongoing discussions with stakeholders and communities, as it develops this initial draft. DOE plans to release the initial draft for public comment by the end of December 2016.

Based on the summary of the public comments in the September 15, 2016 draft report, and the dialogue of the DOE staff with the public at the public meetings, the following key core values and design principles can be anticipated in the December draft report:

- The process will be based on a phased, adaptive, and consent-based approach to the siting of any federal nuclear waste facilities;
- \* "Consent" means finding a location where efforts to site a facility will not face significant opposition from a local host community;
- All regulatory approvals for safety and environmental protection would need to be satisfied;
- The process would be based on the core values of safety and environmental protection; fairness, equity, and environmental justice; transparency, trust, and integrity; and responsibility to stakeholders, the public, and future generations;
- \* The consent-based process would consist of a series of steps with the mutual agreement that the applicable criteria and commitments to the community have been met before proceeding to the next step;
- The Federal government (either the DOE or a new independent organization) would provide funds to local communities who are interested in evaluating the option of hosting a facility, including ensuring that the residents of a community have a full understanding of what is involved in hosting a facility;
- Additional funding would be provided to local communities who wish to further evaluate the feasibility of the site;
- A negotiated agreement between the Federal government and a local community would form the basis for proceeding to evaluate the site, including what types of economic and other incentives would be provided to the local community; and
- \* A local community would have the right to withdraw consent up until the very last stage of the process, most likely the submission of a license application by DOE to the United States Nuclear Regulatory Commission (NRC).

## Studying the Feasibility of Deep Boreholes

By Lynn Orr, Under Secretary for Science and Energy, U.S. Department of Energy

Today, the Department of Energy (DOE) is announcing the selection of four companies — AECOM which is exploring a site in Texas, ENERCON which is exploring a site in New Mexico, TerranearPMC which is exploring a site in New Mexico, and RE/SPEC which is exploring a site in South Dakota — to begin exploring the possibility of conducting a deep borehole field test. Ultimately, only one site will be chosen for the field test.

Deep boreholes are narrow, vertical holes drilled deep into the earth, in this case to a depth of approximately three miles below the earth's surface. The Department is partnering with these four companies to study the feasibility of engineering deep boreholes. One of the field test's main purposes is to collect data on the type of rocks, the chemistry of the water, the depths to these rocks and water, the temperature of the rocks and other geologic data to see if nuclear waste disposal is feasible in this kind of geology. It will also provide a unique opportunity to gather other deep local geologic data and may have follow-on potential for geothermal research.

The Department is particularly interested in evaluating whether deep boreholes might offer a safe and practical alternative to mined geologic repositories for smaller forms of nuclear waste. Importantly, no nuclear waste will be involved in this field test, nor will the Department use any selected site for the actual storage or disposal of waste in the future. The contract for this project specifically prohibits the storage, disposal, or use of nuclear waste at the site of the deep borehole field test; and it further requires that, after the project is completed, the borehole will be permanently sealed and the land restored in accordance with state and local regulations.

The data collected by DOE over the course of the deep borehole field test could also have applications for other drilling projects, such as those used for geothermal energy production. In addition, a deep borehole field test could provide potential economic and scientific benefits for local, state, and regional stakeholders.

Earlier this year, initial efforts to begin the deep borehole project in Spink County, South Dakota and Rugby, North Dakota were met with community concerns that the Federal Government would require these communities to accept waste in the future. DOE and the initial contractor worked to address those concerns, but it became clear that insufficient initial communication and outreach created a negative impression of the project that resulted in community opposition of the proposed deep borehole field test. As a result, DOE decided to withdraw the project.

Based on this experience, DOE revised the request for proposals to reflect the Department's understanding that public engagement and support for this project is paramount, and to make completely clear that the field test site would not be used for future nuclear waste disposal. The new contract takes a phased approach that emphasizes the importance of engaging the local community in the progression of the project. For that reason, we have partnered with four different companies that will each work closely with the communities surrounding their proposed test sites. One of these sites will ultimately be chosen for the field test. Each contracting team selected by DOE will work to reach a cooperative and mutually beneficial agreement with the community before any drilling takes place. Only those teams that establish an agreement with the local community will go forward in the competition

for the final site selection. This phased approach allows DOE to move forward with a contracting team that has established a successful community partnership.

The results and data from this project, if the borehole disposal concept proves feasible, will help DOE make future decisions on the possibility of using deep boreholes for smaller forms of nuclear waste. If the borehole test indicates that the approach is feasible, appropriately sited boreholes could contribute to managing our nation's nuclear waste in a way that is safe and effective.

In closing, I want to recognize that anytime a community hears about a Federal government project involving the words "nuclear waste," questions and concerns understandably arise. That's why DOE has strengthened this project's contract provisions to make completely clear that it will not involve the handling, treatment, or disposition of any nuclear waste, and that community support is a central factor in whether or not the project moves forward at a proposed site. The initial phases of the project require the selected companies to begin outreach to communities and seek support of local governments and other community stakeholders. DOE looks forward to working with the selected contractors and potential communities to discuss this project and its importance in advancing the energy, environmental, and security interests of the United States.