



THE IMPACT OF HB 1385

A MILESTONE FOR TRIBAL WATER INFRASTRUCTURE

In April, North Dakota marks a significant milestone—the one-year anniversary of the first Tribal water projects funded under House Bill 1385. Passed during the 2023 Legislative Assembly, HB 1385 represents a historic shift in water infrastructure funding by allowing the State Water Commission (SWC) to enter into cost-share agreements with federally recognized Tribal Nations that share geography with North Dakota. Before HB 1385, North Dakota Century Code previously only allowed the SWC to enter into cost-share agreements with North Dakota political subdivisions, the federal government, other state political subdivisions, and Canadian provinces. Tribal Nations were not identified as an eligible partner for funding assistance. For that reason, Tribal Nations had to establish agreements with eligible political subdivisions to serve as sponsors of the Tribal projects.



The passage of HB 1385 ensures that Tribal Nations can participate in funding programs alongside counties, cities, and water resource districts, supporting their efforts to pursue essential water infrastructure projects.

Over the past year, HB 1385 has had a tangible impact. Among the first Tribal projects approved under the new law, the Fort Berthold water treatment plant, intake, and raw water line project received \$1.35 million in pre-construction funding, while the Turtle Mountain Highway 43 Corridor expansion project was awarded \$4 million in construction funds. These initiatives demonstrate the law's broad reach, supporting critical infrastructure and development in Tribal communities. With an estimated total cost of \$30 million, the Fort Berthold project will be the largest Tribal initiative ever considered for SWC cost-share funding. Mandan, Hidatsa and Arikara (MHA) Nation Councilman Robert White described HB 1385 as a game-changer, stating that it allows Tribal communities to secure funding just as every township and county in North Dakota does. The Turtle Mountain project, meanwhile, aims to support new uses and enhance service quality.



Turtle Mountain Highway 43 Corridor Project

Since last year, multiple Tribal Nations projects have received SWC cost-share approvals. The following are the four key projects that have been funded since the passing of HB 1385, showcasing its impact over the past year:

FT. BERTHOLD RURAL WATER

SPONSOR:

Ft. Berthold Rural Water

PROJECT:

Four Bears Water Treatment Plant (WTP), Intake, and Raw Water Line

APPROVALS:

April 11, 2024, February 13, 2025

SUMMARY:

The Four Bears WTP, Intake, and Raw Water Line project aims to replace an aging water facility serving the Four Bears Segment of the Fort Berthold Reservation. This project includes a new raw water intake, water line, and treatment plant, ensuring continued reliable water service. The new facility will be constructed approximately two miles west of the existing building.

STATE COST-SHARE:

\$1,354,500 (preconstruction),
\$3,750,000 (construction)

FT. BERTHOLD RURAL WATER

SPONSOR:

Ft. Berthold Rural Water

PROJECT:

Parshall to White Shield Regionalization

SWC APPROVAL:

June 13, 2024

SUMMARY:

The Parshall to White Shield Regionalization project will connect the White Shield Segment of Fort Berthold Rural Water to the Parshall–Lucky Mound water system in McLean County. This project includes the construction of a new pump station, approximately 7.6 miles of water mains, and two pressure relief valves.

STATE COST-SHARE:

\$341,250 (preconstruction)

TURTLE MOUNTAIN BAND OF CHIPPEWA (TMBC)

SPONSOR:

TMBC

PROJECT:

Highway 43 Corridor Expansion Phase V

SWC APPROVAL:

April 11, 2024

SUMMARY:

The Highway 43 Corridor Expansion Phase V project, led by the TMBC, aims to extend water services to 50 new residential users and the U.S. Customs Station at St. John in Rolette County. The project will also include looping improvements to enhance water pressure and quality. Phase V involves the installation of approximately 29 miles of new water main. To help offset costs, TMBC has secured a \$3.5 million grant from Indian Health Services.

STATE COST-SHARE:

\$4,033,767 (construction)

TURTLE MOUNTAIN BAND OF CHIPPEWA (TMBC)

SPONSOR:

TMBC

PROJECT:

Highway 3 Corridor Improvements

SWC APPROVAL:

December 13, 2024

SUMMARY:

The Highway 3 Corridor Improvements project, led by the TMBC, aims to expand water services to seven users at the International Peace Gardens and U.S. Customs Border Station, as well as 25 additional residential users in Rolette County. The project includes installing approximately 12 miles of new water main along key roadways and constructing a new booster station. To help offset costs, the sponsor expects to receive grant funding through the USDA Rural Development Native American Set-Aside program.

STATE COST-SHARE:

\$3,120,800 (construction)