



INDUSTRIAL COMMISSION OF NORTH DAKOTA

Doug Burgum
Governor

Drew H. Wrigley
Attorney General

Doug Goehring
Agriculture Commissioner

Tuesday, March 28, 2023

Governor's Conference Room or Microsoft Teams – 10:00 a.m.

Join on your computer or mobile app

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Or call in (audio only)

[+1 701-328-0950,,606086407#](#)

- I. **Office of the Industrial Commission – Karen Tyler/Reice Haase**
 - A. **Consideration of March 6th, 2023 Industrial Commission meeting minutes** (Attachment 1)
 - B. Report on 68th Legislative Session Bills Tracked by the Industrial Commission (Attachment 2)
 - C. Other Office of the Industrial Commission Business

(approximately 10:10 a.m.)

- II. **North Dakota Transmission Authority – John Weeda/Claire Vigesaa**
 - A. **Consideration of a joint letter to EPA regarding "Proposed Denial of Alternate Liner Demonstration Application for Coal Creek Station, Underwood, North Dakota" (Docket ID No. EPA-HQ—OLEM-2021-0280)** (Attachment 2a)

(approximately 10:20 a.m.)

- III. **North Dakota Public Finance Authority – DeAnn Ament**
 - A. Presentation of State Revolving Fund loans approved by Advisory Committee: (Attachment 3)
 - i. Missouri West Water System – Drinking Water - \$507,000
 - ii. North Prairie Regional Water District – Drinking Water - \$956,000 increase to \$1,151,000 loan
 - B. Presentation of NDPFA 2022 Annual Report (Attachment 4)
 - C. Presentation of NDPFA 2022 Audit – Mindy Piatz, Brady Martz & Associates (Attachment 5)
 - D. NDPFA Legislative Update (Attachment 6)
 - E. Other NDPFA business

(approximately 10:40 a.m.)

IV. North Dakota Housing Finance Agency – David Flohr

- A. Report of Bond Issuance – 2023 Series ABC (Attachment 7)
- B. **Consideration of the 2024 Low Income Housing Tax Credit Qualified Allocation Plan** (Attachment 8)
- C. **Consideration of the 2023 Housing Incentive Fund Allocation Plan** (Attachment 9)
- D. Presentation of 2023 HOME Investment Partnership Program and 2023 National Housing Trust Fund Allocation Plans (Attachment 10)
- E. **Consideration of 2023 Helping Hand Funding Awards for Community Action Agencies** (Attachment 11)
- F. Presentation of 2022 Annual Report (Attachment 12)
- G. NDHFA Legislative Update
- H. Other NDHFA business

(approximately 11:10 a.m.)

V. North Dakota Department of Mineral Resources – Lynn Helms

- A. **Consideration of the following cases:**
 - i. **Order 32296 for Case 29692** regarding an application of Iron Oil Operating, LLC for an order establishing overlapping spacing units in the Bully Bakken Pool, McKenzie County, ND (Attachment 14)
 - ii. **Order 32477 for Case 29868** regarding an application of Spotted Hawk Development, LLC for an order establishing an overlapping 3,520-acre spacing unit in the Van Hook Bakken Pool, McLean and Dunn Counties, ND (Attachment 15)
- B. Oil and Gas Division Quarterly Report – Bruce Hicks (Attachment 16)
- C. **Consideration of 2023 Oil and Gas Division Strategic Plan** (Attachment 18)
- D. Update on Litigation*:
 - i. Case No. 31-2020-CV-0018 - Northern Oil and Gas, Inc. vs. Continental Resources, Inc; Board of University and School Lands and ND Industrial Commission et al – Ordinary High Water Mark challenge
 - ii. Blue Appaloosa – appeal of Industrial Commission Order 31208
 - iii. Case No. 27-2022-CV-00305 - Blue Steel Oil and Gas, LLC v. North Dakota Industrial Commission, Slawson Exploration Company, Inc and White Butte Oil Operations, LLC – appeal of Industrial Commission Order 31501

- iv. Dominek v Equinor et al – allocation of production from overlapping spacing units
 - v. Liberty Resources vs. NDIC et al – appeal of Industrial Commission Order 31792
 - vi. North Dakota Industrial Commission v. U.S. Department of Interior – quarterly lease sales
 - vii. Spec Tech v NDIC - appeal of Industrial Commission Order 31900
 - E. **Consideration of Williston Basin Petroleum Conference 2023 Welcome Letter** (Attachment 19)
 - F. **Consideration of Industrial Commission public comments on Bureau of Land Management revision to North Dakota Resource Management Plan and associated Environmental Impact Statement for 58,900 surface acres and 4.6 million mineral acres in North Dakota** (Attachment 20)
 - G. Report on Dakota Access Pipeline Environmental Impact Statement cooperating agency comments
 - H. Department of Mineral Resources Legislative Update (Attachment 22)
 - I. Other North Dakota Department of Mineral Resources business
- * Possible Executive Session under N.D.C.C. 44-04-19.1(9) & 44-04-19.2 for attorney consultation

Meeting Closed to the Public for Executive Session Pursuant to NDCC 6-09-35, 44-04-18.4, 44-04-19.1 and 44-04-19.2

(approximately 12:30 p.m.)

VI. Bank of North Dakota Executive Session – Todd Steinwand

- A. Report on one loan application (Confidential Attachment 23)
- B. Presentation of January 17th, 2023 Confidential Finance and Credit Committee Minutes (Confidential Attachment 24)
- C. Presentation of January 18th, 2023 Confidential Audit and Risk Committee Minutes (Confidential Attachment 25)
- D. Presentation of January 18th, 2023 Confidential Advisory Board Minutes (Confidential Attachment 26)
- E. Other Bank of North Dakota confidential business (as defined under N.D.C.C. 6-09-35)

Meeting Returns to Public Session

(approximately 1:00 p.m.)

VII. Bank of North Dakota – Todd Steinwand

- A. Bank of North Dakota Legislative Update (Attachment 27)

- B. Presentation of January 17th, 2023 Non-confidential Finance and Credit Committee Minutes (Attachment 28)
- C. Presentation of January 18th, 2023 Non-confidential Audit and Risk Committee Minutes (Attachment 29)
- D. Presentation of January 18th, 2023 Non-confidential Advisory Board Minutes (Attachment 30)
- E. Other Bank of North Dakota non-confidential business

(approximately 2:00 p.m.)

VIII. Remaining Administrative Business

Next Meeting – Tuesday, April 25th, 2023
Governor’s Conference Room, Bismarck, ND