



# INDUSTRIAL COMMISSION OF NORTH DAKOTA

Doug Burgum  
Governor

Drew H. Wrigley  
Attorney General

Doug Goehring  
Agriculture Commissioner

Monday, March 6, 2023

Governor's Conference Room or Microsoft Teams – 12:30 p.m.

Join on your computer or mobile app

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Or call in (audio only)

[+1 701-328-0950,,768315894#](#)

- I. **Office of the Industrial Commission – Karen Tyler/Reice Haase**
  - A. **Consideration of January 24<sup>th</sup> and February 6<sup>th</sup>, 2023 Industrial Commission meeting minutes** (Attachment 1)
  - B. Report on 68<sup>th</sup> Legislative Session Bills Tracked by the Industrial Commission (Attachment 2)
  - C. Other Office of the Industrial Commission Business

(approximately 1:00 p.m.)

- II. **North Dakota Public Finance Authority – DeAnn Ament**
  - A. Presentation of State Revolving Fund loans approved by Advisory Committee: (Attachment 3)
    - i. City of Fairmount – Clean Water - \$1,330,000
    - ii. City of Center - \$5,430,000 - increase of \$730,000 from previously approved loan
    - iii. City of Glen Ullin – Drinking Water - \$2,000,000 – increase of \$100,000 from previously approved loan
  - B. **Resolution Providing for Reimbursement of Certain Costs for the State Revolving Fund Programs** (Attachment 4)
  - C. Public Finance Authority Legislative Update
  - D. Other Public Finance Authority business

(approximately 1:20 p.m.)

- III. **North Dakota Mill and Elevator – Vance Taylor/Cathy Dub**
  - A. Report on Second Quarter Fiscal Year 2023 Results (Attachment 5 and bound copy)
  - B. Update on Midds Storage and Handling Phase I (Attachment 6)
  - C. **Consideration of two capital projects:** (Attachment 7)
    - i. **Phase II Midds Storage and Handling Facility - \$3,200,000**

**ii. Backup Power Generation Project - \$3,500,000**

- D. North Dakota Mill Legislative Update
- E. Other North Dakota Mill business

(approximately 1:40 p.m.)

**IV. Western Area Water Supply Project – Tami Madsen**

- A. **Consideration of 2023 planned industrial system improvements** (Attachment 8)
- B. **Consideration of 2023 Industrial Budget** (Attachment 9)
- C. **Consideration of 2023 Industrial Reimbursement Rates for the Member Entities** (Attachment 10)
- D. Report on 2022 activities of the Industrial Utility

(approximately 2:00 p.m.)

**V. North Dakota Department of Mineral Resources – Lynn Helms**

- A. **Consideration of the following cases:**
  - i. **Order 32310 for Case 29703** regarding a motion of the Commission to consider the name change of the Squaw Creek Field and associated pools in McKenzie County, ND (Attachment 11)
  - ii. **Order 32311 for Case 29704** regarding a motion of the Commission to consider amending commission orders 28682, 28684, 28686, 28687, 31014, 31018, 31033, 31055, 31060, 31061, 31067, 31071, and Director's Order No. AO534 related to confiscated wells in Billings, Burke, Golden Valley, and McKenzie Counties, ND (Attachment 12)
  - iii. **Order 32415 for Case 29807** regarding a joint application of Liberty Resources Management Company, LLC and Rocky Top Energy, LLC for an order of the Commission amending Order No. 31560 entered in Case No. 29009 to allow for the transfer of wells located in the Glass Bluff-Madison Unit, McKenzie and Williams County, ND (Attachment 13)
  - iv. **Order 31781 for Case 29213** regarding a motion of the Commission to consider the termination of the Bear Creek Duperow Unit, Dunn County, ND, operated by XTO Energy Inc (Attachment 14)
  - v. **Order 32353 for Case 29746** regarding the authority of Iron Oil Operating, LLC to recover a risk penalty from Twin City Technical, LLC, as an owner of interests in the Boxcar 1-4-16H well (File No. 37896) located in McKenzie County, ND (Attachment 15)
- B. Geological Survey Quarterly Report – Ed Murphy (Attachment 16)

- C. 2022 Department of Mineral Resources Strategic Plan Review (Attachment 17)
  - D. **Consideration of 2023 Department of Mineral Resources Strategic Plan** (Attachment 18)
  - E. 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
    - ii. Blue Appaloosa
    - 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
    - iv. Industrial Commission Order 31792 – Liberty Resources vs. NDIC et al
    - v. North Dakota Industrial Commission v. U.S. Department of Interior
    - vi. Dominek v Equinor et al
    - vii. Spec Tech v NDIC
  - F. Report 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 19)
  - G. Report on Dakota Access Pipeline Environmental Impact Statement cooperating agency comments (Attachment 20)
  - H. Department of Mineral Resources Legislative Update (Attachment 21)
  - 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

(approximately 3:30 p.m.)

## **VI. Bank of North Dakota – Todd Steinwand**

- A. Bank of North Dakota Legislative Update (Attachment 22)
- B. **Consideration for Approval of Amendments to General Loan Policy – Adoption of Current Expected Credit Losses (CECL)** – Kirby Evanger (Attachment 23)
- C. **Consideration for Approval of Amendments to Funds Management Policy** – Rob Pfennig (Attachment 24)
- D. Presentation of December 15<sup>th</sup>, 2022 Non-confidential Advisory Board Minutes (Attachment 25)
- E. Other Bank of North Dakota non-confidential business

## **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**

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(approximately 4:00 p.m.)

### **VII. Bank of North Dakota Executive Session – Todd Steinwand**

- A. **Consideration of one loan application** (Confidential Attachment 26)
- B. Presentation of Concentrations of Credit as of December 31<sup>st</sup>, 2022 (Confidential Attachment 27)
- C. Presentation of December 15<sup>th</sup>, 2022 Confidential Advisory Board Minutes (Confidential Attachment 28)
- D. Other Bank of North Dakota confidential business (as defined under N.D.C.C. 6-09-35)

(approximately 4:30 p.m.)

### **VIII. Lignite Research, Development and Marketing Program**

- A. Attorney consultation: Minnesota H.F. 7 and S.F. 4 related to interstate electricity sales

## **Meeting Returns to Public Session**

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### **IX. Remaining Administrative Business**

Next Meeting – Tuesday, March 28<sup>th</sup>, 2023  
Governor's Conference Room, Bismarck, ND