



# INDUSTRIAL COMMISSION OF NORTH DAKOTA

Doug Burgum  
Governor

Drew H. Wrigley  
Attorney General

Doug Goehring  
Agriculture Commissioner

Thursday, September 7, 2023

Governor's Conference Room or Microsoft Teams – 1:30 pm

Join on your computer or mobile app

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Or call in (audio only)

[+1 701-328-0950,,796200013#](#)

## **I. Office of the Industrial Commission**

- A. **Consideration for approval of July 28<sup>th</sup>, 2023 meeting minutes**  
(Attachment 1)
- B. **Consideration for approval of budget transfer recommendations**  
(Attachment 2)

(approximately 1:40 pm)

## **II. North Dakota Public Finance Authority – DeAnn Ament**

- A. **Consideration for approval of the following loan applications:**
  - i. **Grand Forks – Clean Water - \$3,430,000 increase to previously approved \$5,607,000 loan** (Attachment 3)
  - ii. **Fargo – Clean Water - \$10,647,000 for construction**  
(Attachment 4)
- B. Presentation of a memo of State Revolving Fund loans approved by Advisory Committee: (Attachment 5)
  - i. Fargo – Clean Water - \$701,000 for engineering
  - ii. Mapleton – Clean Water - \$1,975,000
  - iii. Mapleton – Drinking Water - \$825,000
- C. Other Public Finance Authority Business

(approximately 2:00 pm)

## **III. North Dakota Transmission Authority – Claire Vigesaa, John Weeda**

- A. Transmission Authority Presentation Summary (Attachment 6)
  - i. ND Transmission Authority 2023 Annual Report (Attachment 7)
  - ii. ND Resource Adequacy 2023 Annual Report (Attachment 8)
  - iii. Report on an analysis of EPA's proposed carbon rules  
(Attachment 9)
- B. Other Transmission Authority Business

(approximately 2:30 pm)

**IV. North Dakota Mill and Elevator – Vance Taylor, Cathy Dub**

- A. Review of operations, 4<sup>th</sup> quarter ended June 30, 2023 (Attachment 10)
- B. **Consideration for approval of 2024 capital plan** (Attachment 11)
- C. **Consideration for approval of 2024 gain share** (Attachment 12)
- D. Other ND Mill and Elevator 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 3:00 pm)

**V. North Dakota Mill and Elevator Executive Session – Vance Taylor, Cathy Dub**

- A. **Consideration for approval of ND Mill and Elevator 2024 Strategic Plan** (Confidential Attachment 13)
- B. Other ND Mill and Elevator confidential business

(approximately 3:30 pm)

**VI. Bank of North Dakota Executive Session – Todd Steinwand, Kelvin Hullet, Craig Hanson, Kirby Evanger**

- A. **Consideration for approval of 3 loans – Craig Hanson** (Confidential Attachments 14-16)
- B. Review of 1 loan approval – Craig Hanson (Confidential Attachment 17)
- C. Presentation of concentrations of credit as of June 30, 2023 – Kirby Evanger (Confidential Attachment 18)
- D. Presentation of June 14, 2023 confidential Finance and Credit Committee minutes (Confidential Attachment 19)
- E. Presentation of June 15, 2023 confidential Advisory Board minutes (Confidential Attachment 20)
- F. Other BND confidential business

(approximately 4:00 pm)

**VII. Department of Mineral Resources Executive Session**

- A. Attorney consultation regarding an Abandoned Well Plugging and Site Restoration Fund settlement

**Meeting Returns to Public Session**

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(approximately 4:15 pm)

**VIII. Formal Action Taken During Public Session**

(approximately 4:30 pm)

**IX. Industrial Commission Legal Update\* – Phil Axt, Matt Sagsveen, Lynn Helms**

- A. Mercury and Air Toxics Standards (MATS) Proposed Rule
- B. EPA Section 111 Greenhouse Gas Proposed Rule
- C. BLM Leasing
- D. NW Landowners v. NDIC
- E. Department of Mineral Resources Litigation Update
  - 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. Dominek v Equinor et al – allocation of production from overlapping spacing units
  - iv. Liberty Resources vs. NDIC et al – appeal of Industrial Commission Order 31792
- F. Other Industrial Commission Legal Updates

\* Possible Executive Session under N.D.C.C. 44-04-19.1(9) & 44-04-19.2 for attorney consultation

(approximately 5:00 pm)

**X. North Dakota Department of Mineral Resources – Lynn Helms, Ed Murphy**

- A. **Consideration of the following cases:**
  - i. **Order 32614 for Case 30006** regarding the termination, reduction, or any other appropriate action of the Glass Bluff-Madison Unit, McKenzie and Williams Counties, ND, operated by Liberty Resources Management Co., LLC (Attachment 21)
  - ii. **Order 32615 for Case 29807** regarding the 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 which required the plugging of certain wells and instead allowing some or all wells to be brought back on production, such wells being located in the Glass Bluff-Madison Unit, McKenzie and Williams County, ND (Attachment 22)
  - iii. **Order 32819 for Case 30209** regarding an application of Phoenix Operating LLC for an order amending the applicable orders for the Smoky Butte/Green Lake-Bakken Pool to establish an overlapping 3840-acre spacing unit described as Sections 1 and 2, T.159N., R.100W., Williams County, ND and Sections 25, 26, 35 and 36,

- T.160N., R.100W., Divide County, ND and to authorize one horizontal well to be drilled on such unit (Attachment 23)
- iv. **Order 32914 for Case 30329** regarding the authorization for the Department of Mineral Resources to proceed with the administrative hearing process and publish for hearing and comment the draft rules amendments to the "General Rules and Regulations for the Conservation of Crude Oil and Natural Gas" codified as Title 43 North Dakota Administrative Code (Attachment 24)
- B. Geological Survey Quarterly Report – Ed Murphy (Attachment 25)
- C. Updates on oil and gas related federal regulatory matters:
- i. BLM Resource Management Plan
  - ii. BLM Conservation and Landscape Rule
  - iii. PHMSA Gas Pipeline Leasing Rule
  - iv. USFWS Endangered Species Act Rules
  - v. CEQ NEPA Rules
  - vi. BLM Venting and Flaring Rules
  - vii. DAPL Draft Environmental Impact Statement
  - viii. Presidential Executive Order 14008 related to climate change
- D. Other Department of Mineral Resources business

(approximately 5:30 pm)

## **XI. Adjournment**

Next Meeting – October 4<sup>th</sup>, 2023, 9:00 am  
Governor's Conference Room, Bismarck, ND