

**AGENDA**  
Industrial Commission of North Dakota  
**Tuesday, February 22, 2022**  
**Governor's Conference Room – 9:00 a.m.**

[Microsoft Teams Link](#)

I. Administration

- A. **Consideration of Attorney General Wayne Stenehjem Memorial Resolution**  
(Attachment 1)

(approximately 9:05 a.m.)

II. North Dakota Mill - *Vance Taylor, Cathy Dub*

- A. Presentation of the 2<sup>nd</sup> Quarterly Report (October – December, 2021) (Attachment 2)  
B. Report on completion of union negotiations  
C. Project Update  
D. **Consideration of Resolution of Appreciation for Chris Lemoine** (Attachment 3)  
E. Other North Dakota Mill business

(approximately 9:25 a.m.)

III. North Dakota Housing Finance Agency Business – *Dave Flohr*

- A. **Consideration of the North Dakota Housing Finance Agency Housing Finance Program Bonds, Home Mortgage Finance Program, 2022 General Authorization Resolution** (Attachment 4)  
B. Presentation of the Housing Finance Agency 2021 Annual Report (Attachment 5)  
C. Other North Dakota Housing Finance Agency business

(approximately 9:45 a.m.)

IV. Lignite Research, Development & Marketing Program Business – *Jason Bohrer, Mike Holmes*

- A. Presentation of Lignite Research Program Financial Report (Attachment 6) – *Karlene Fine*  
B. **Consideration of the Lignite Research Council recommendation:**  
1. LRC-99-A. Project Tundra “CREST” Study; Submitted by: Minnkota Power Cooperative, Request for: \$5,415,000; Total Project Costs: \$10,830,000; Project Duration: 10 months. (Attachment 7)  
C. Other Lignite Research Program business

(approximately 10:00 a.m.)

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

- A. **Consideration of orders for the following cases:** (Attachment 8)  
Case 25686, Order 30970 - request for termination of South Antler Creek-Madison Unit  
Case 28950, Order 31501 - risk penalty  
Case 29142, Order 31709 - review of temporary abandonment status of well  
B. Presentation of Geological Survey Quarterly Report (Attachment (9) – *Ed Murphy*  
C. Presentation of the Department of Mineral Resources Geological Survey 2021 Strategic Plan Review (Attachment 10) and **Consideration of the Geological Survey's proposed 2022 Strategic Plan** (Attachment 11) – *Ed Murphy*

**D. Consideration of proposal to hold a public hearing on a Statewide Drill Back Well Policy (Attachment 12) – Lynn Helms**

**E. Update on Litigation:\***

- 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
- Case No. 05-2019-CV-00085 - Northwest Landowners Association vs. State of North Dakota, et al.
- Case No. 04-2021-CV-00011 Gallatin Oil, LLC vs. ND Industrial Commission, Attorney General Stenehjem and Lime Rock Resources III-A, L.P.
- Case No. 13-2021-CV-00036 - Blue Appaloosa vs. North Dakota Industrial Commission

**F. Report on the State of North Dakota Comments on Proposed Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review (2021 NSPS Proposal) (Attachment 13)**

**G. 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 10:40 a.m.)

**\*\*\*\*\*Consideration of a motion to close the meeting pursuant to:**

- **N.D.C.C. Section 44-04-19.1 and 44-04-19.2 for the purpose of discussing negotiating strategy or provide negotiating instructions to its attorney or other negotiator regarding pending Department of Mineral Resources adversarial administrative proceedings on the cases listed below on the agenda.**
- **N.D.C.C. §54-17.5-06 and 44-04-19.2 to consider a confidentiality request regarding the information from Fluor outlined in Appendix C of the Lignite Research Program Grant Application LRC-99-A,**

**&**

**Meeting closed pursuant to N.D.C.C. 6-09-35 to discuss items listed below on the agenda under Bank of North Dakota Confidential Business\*\*\*\*\***

**VI. Department of Mineral Resources Confidential Business – Lynn Helms**

**A. Consideration of the following complaint cases:**

1. Case 29036 - Scout
2. Case 29229 – White Rock

(approximately 11:00 a.m.)

**VII. Lignite Research Program Confidential Business – Karlene Fine**

**A. Consideration of a request for confidentiality of Appendix C of the Lignite Research Program Grant Application LRC-99-A – (Attachment 14)**

(approximately 11:05 a.m.)

- VIII. Bank of North Dakota Confidential Business – *Todd Steinwand, Craig Hanson, Kirby Evanger*
- A. **Consideration of a loan request** (Attachment 15)
  - B. Presentation of the Concentrations of Credits as of 12/31/21 Report (Attachment 16) – *Kirby Evanger*
  - C. Presentation of Bank of North Dakota Advisory Board December 16, 2021 confidential meeting minutes. (Attachment 17)
  - D. Other Bank of North Dakota confidential (as defined under N.D.C.C. 6-09-35) business

\*\*\*\*\*Meeting returns to open session\*\*\*\*\*

(approximately 11:30 a.m.)

- IX. Bank of North Dakota Business – *Todd Steinwand*
- A. **Consideration of Amendments to the General Loan Policy** (Attachment 18) - *Kirby Evanger*
  - B. Presentation of Bank of North Dakota Advisory Board December 16, 2021 nonconfidential meeting minutes. (Attachment 19)
  - C. Other Bank of North Dakota business

(approximately 11:55 p.m.)

- X. Western Area Water Supply Authority business – *Tami Madsen*
- A. Presentation of Fourth Quarter and End of Year Sales Activities Report including Executive Director’s Report. (Attachment 20)
  - B. Presentation of the WAWS Industrial Sales Proposed 2022 Budget (Attachment 21)
  - C. Other WAWSA business

(approximately 12:15 p.m.)

- XI. Administrative Business – *Karlene Fine*
- A. **Consideration of January 24, 2022 meeting minutes** (Attach. 22)
  - B. Status report on filling vacant Industrial Commission Administrative Office positions
  - C. Other Industrial Commission Administrative business

**Bold items require Industrial Commission action**