AGENDA

Industrial Commission of North Dakota

Friday, May 29, 2020

Pioneer Room – State Capitol – 9:30 a.m.

We have a responsibility to you and to each other. We are following the North Dakota Department of Health guidelines to stay healthy and slow the spread of COVID-19; specifically, in this instance avoiding gatherings of more than 10 people.
Please attend the meeting remotely
by calling 1-267-930-4000, Conference ID: 111-643-759#.
The line will be muted and remain muted during the non-confidential portions of the meeting.

or join through Microsoft Teams at these links:
Join Morning Session
Join Afternoon Session

I. Renewable Energy Program - *Jonathan Russo*
   A. Presentation of Renewable Energy Program Financial Report (Attach. 1) – *Karlene Fine*
   B. **Consideration of the Renewable Energy Council Grant Round 43 recommendation on "Research in Support of Integrated Carbon Capture and Storage for North Dakota Ethanol Production;" Submitted by the EERC, Total Project Costs: $1,200,000; Renewable Energy Council funding request: $500,000** (Attachment 2)
   C. Other Renewable Energy Program business

(approximately 9:40 a.m.)

II. North Dakota Outdoor Heritage Fund business – *Bob Kuylen, Andrea Pfennig*
   A. Presentation of Outdoor Heritage Fund Financial Report (Attachment 3) – *Karlene Fine*
   B. Presentation of all Grant Round 16 Applications totaling $32,932,033 (Attachment 4) and **Consideration of the OHF Advisory Board recommendations for funding of the following Grant Round 16 applications in the total amount of $166,174**: (Attach. 5)
      1. 16-1 – **Columbus Cougar Park** – City of Columbus - **$8,000** (Attachment 6)
      2. 16-2 – **Cass County Cover Crop Project** – Cass County SCD - **$60,000** (Attachment 7)
      3. 16-6 – **Turtle Lake Park** – City of Turtle Lake - **$6,597** (Attachment 8)
      4. 16-7 – **Creel Bay Dock and Boat Slip Project** – Devils Lake Park Board - **$50,000** (Att. 9)
      5. 16-10 – **Silver Lake Dam Improvements** – Sargent County Water Resource District – **$41,577** (Attachment 10)
   C. Other Outdoor Heritage Fund business

(approximately 9:55 a.m.)

III. North Dakota Public Finance Authority Business – *DeAnn Ament*
   A. **Consideration of the following State Revolving Loan Applications**:
      1. **City of Dunn Center** – Drinking Water - $2,448,000 (Attachment 11)
      2. **City of Dunn Center** – Clean Water - $3,195,000 (net after forgiveness $2,417,000) (Attachment 12)
      3. **Stutsman Rural Water District** – Drinking Water - $3,027,000 (Attachment 13)
      4. **City of Wildrose** – Clean Water - $2,630,000 (net after forgiveness $1,852,100) (Attach. 14)
      5. **Western Area Water Supply** – Drinking Water - $16,500,000 (Attachment 15)

B. **Consideration of reappointment of Keith Lund to the Public Finance Authority Advisory Committee.** (Attachment 16) – *Karlene Fine*
C. Other North Dakota Public Finance Authority business

(approximately 10:05 a.m.)

IV. North Dakota Housing Finance Agency Business – *Dave Flohr*
A. **Consideration of appointment of a public hearing officer for Tax Equity and Fiscal Responsibility Act (TEFRA) hearing on the Multifamily Revenue Bond Issue** (Att. 17)
B. Report on the North Dakota Housing Finance Agency Housing Finance Program 2020 Series A $100,000,000 bond sale (Non-AMT) (Attachment 18)
C. Report on the Housing Incentive Fund (HIF) awards of $1.8 million (Attachment 19)
D. Other North Dakota Housing Finance Agency business

(approximately 10:15 a.m.)

V. North Dakota Transmission Authority – *John Weeda*
A. Update on Transmission including ND Transmission Capacity Study by Power System Engineering Results (Attachment 20)
B. Other Transmission Authority business

(approximately 10:35 a.m.)

VI. Lignite Research, Development & Marketing Program Business – *Jason Bohrer, Mike Holmes*
A. Presentation of the Lignite Research Fund Financial Report (Attachment 21) – *Karlene Fine*
B. **Consideration of the Lignite Research Council Grant Round 92 recommendations**
1. LRC-XCII A – **"Laboratory-Scale Coal-Derived Graphene Process;"** Submitted by Energy and Environmental Research Center; Total Project Costs: $931,564; **Total Request: $162,500**; Project Duration: 36 months (Attachment 22)
2. LRC-XCII B – **"Drill Stratigraphic Test Well & Determine Feasibility of Central ND Geology to Safely and Permanently Store Carbon Dioxide;"** Submitted by Midwest AgEnergy Group; Total Project Costs: $6,956,000; **Total Request: $3,388,000**; Project Duration: 12 months (Attachment 23)
C. Lignite Research Program Update
D. Other Lignite Research, Development & Marketing Program business

(approximately 10:55 a.m.)

VII. North Dakota Department of Mineral Resources Business – *Lynn Helms*
A. **Consideration of the orders for the following cases**: (Attachment 24)
Case 28220, Order 30953 – construction of a treating plant
Case 28221, Order 30954 – drilling of saltwater disposal well
Case 28222, Order 30675 – determination of bond amounts
Case 28223, Order 30955 – drilling of saltwater disposal well
Case 28224, Order 30677 – determination of bond amounts
Case 28425, Order 30884 – unitization of Sergis-Spearfish/Madison Area
Case 28426, Order 30885 – determination of ratifications for Sergis-Spearfish/Madison Area Unit
B. **Consideration of Hearing Examiner Resolution** (Attachment 25)
C. Presentation of the Geological Survey Quarterly Report (Attachment 26)

D. **Consideration of motion authorizing publication of proposed rules for public hearing**: (Attachment 27)
   1) **Amend In Situ Leach Uranium Rules (NDAC 43-02-02.2) to In Situ Leach Mineral Rules**
   2) **Amend Geothermal Energy Production (NDAC 43-02-07) to remove deep geothermal**
   3) **Create a new chapter, Deep Geothermal Energy Production (NDAC 43-02-07)**
   4) **Create a new chapter, High-Level Radioactive Waste (NDAC 43-02-13)**

E. Report on Bakken Restart Task Force / Notice of June 10, 2020 hearing for Case 28495 regarding confiscation, under NDCC §§38-08-04 and 38-08-04.9, of all production and/or injection related equipment and salable oil at certain abandoned wells /Announcement of additional Industrial Commission meeting to be held on June 19, 2020 (Attachment 28)

F. Report on Case 28471 Oil Waste special hearing held on May 20, 2020 (Attachment 29)

G. Report on PMSHA actions on May 11, 2020 (Attachment 30)

H. Other North Dakota Department of Mineral Resources business

(approximately 12:05 p.m.)

VIII. Oil and Gas Research Program Business – *Andrea Pfennig*

A. **Consideration of budget amendment for Contract G-047-091 – Energy of North Dakota** (Attachment 31)

B. Other Oil and Gas Research Program Business

(approximately 12:10 p.m.)

IX. Administrative Business – *Karlene Fine*

A. **Consideration of authorization to submit letter to Legislative Council Agriculture and Transportation Interim Committee regarding a road train pilot project** (Attachment 32)

B. **Consideration of recommendation regarding transfers of Bank of North Dakota earnings for N.D. University System as outlined in HB 1003** (Attachment 33)

C. **Consideration of April 24, April 28, and April 30, 2020 non-confidential meeting minutes** (Attachment 34)

D. Other Industrial Commission Administrative business

(approximately 12:15 p.m.)

X. Bank of North Dakota Business – *Eric Hardmeyer*

A. Report on Agriculture Disaster Relief Loan Program activities and **Consideration of application deadline extension from June 30, 2020 to September 30, 2020 for the Agriculture Disaster Relief Loan Program** (Attachment 35)

B. Report on other COVID-19 related activities

C. Presentation of Bank of North Dakota Advisory Board March 19, 2020 nonconfidential meeting minutes. (Attachment 36)

D. Other Bank of North Dakota business

(approximately 12:30 p.m.)

******<u>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</u>********

XI. Bank of North Dakota Confidential Business – *Eric Hardmeyer, Todd Steinwand, Kirby Evanger*

A. **Consideration of loan applications** (Attachments 37-38)
B. Concentrations of Credit Report (Attachment 39)
C. Problem Loans
D. Presentation of Bank of North Dakota Advisory Board March 19, 2020 confidential meeting minutes. (Attachment 40)
E. Other Bank of North Dakota confidential (as defined under N.D.C.C. 6-09-35) business

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

(approximately 1:15 p.m.)

XII. Other Industrial Commission Business/Adjournment

Bold items require Industrial Commission action

Any person who requires an auxiliary aid or service must contact or notify the Industrial Commission Office at 328-3722 at least three (3) working days prior to the scheduled meeting.