

Minutes of a Meeting of the Industrial Commission of North Dakota

Held on May 12, 2026, beginning at 9:00 a.m.

Governor's Conference Room – State Capitol

Present: Governor Kelly Armstrong, Chairman

Attorney General Drew H. Wrigley

Agriculture Commissioner Doug Goehring

Also Present: This meeting was open through Microsoft Teams so not all attendees are known.

Agency representatives joined various portions of the meeting.

Governor Armstrong called the meeting of the Industrial Commission to order at approximately 9:03 am.

Ms. Karen Tyler, Executive Director, took attendance, and Governor Armstrong, Commissioner Goehring, and Attorney General Wrigley were present.

Governor Armstrong invited the room to stand and join the Commission in saying the Pledge of Allegiance.

LIGNITE RESEARCH, MARKETING & DEVELOPMENT PROGRAM GRANT ROUND 109

Mr. Jordan Kannianen presented the Lignite Research Program Project Management Report as of May 2026. He reviewed the current Lignite Research Fund balance of approximately \$22.7 million, including committed and uncommitted balances, funding sources, cumulative projects, active projects and total grant and project values. Mr. Kannianen also provided an overview of the 2025-2027 biennium appropriation and forecasted income, including projected revenues from coal severance taxes, coal conversion taxes, research taxes, investment income, and oil and gas tax allocations anticipated to support the fund through the biennium.

Mr. Jason Laumb presented for consideration approval of the following project:

LRP-109A- The Forge Project: Rare Earth & Critical Materials Integration, submitted by Ore Spring Materials, LLC, requested \$1,175,000 in LRP funding for a \$4.6 million dollar project focused on demonstrating and advancing the integration of AmeriCarbon's Eco-Pitch carbon manufacturing process with rare earth element and critical mineral recovery technologies. The 24-month project includes funds from NDIC LRP and CSEA with matching funds from the applicant. Technical reviewer ratings were presented, with an average weighted score of 210 out of 250. Reviewers recommended the project for funding or indicated funding may be considered. The Lignite Research Council recommended funding the project with a vote of 15-0, with three abstentions.

It was moved by Commissioner Goehring and seconded by Attorney General Wrigley that the Industrial Commission accept the recommendation of the Lignite Research Council, approve the funding of the following project in the amount recommended, and authorize the Office of the Industrial Commission to enter into a contract for the project: FY26-109-A: Ore Spring Materials, LLC "The Forge Project: Rare Earths and Critical Materials Integration", \$1,175,000.

On a roll call vote, Commissioner Goehring, Attorney General Wrigley, and Governor Armstrong voted aye. The motion carried unanimously.

Mr. Jordan Kannianen presented for consideration of approval the following project:

LRP-109B- Lignite Energy Council Education Program, submitted by Lignite Energy Council, requested \$550,000 in LRP funding for a \$1.15 million Lignite Education Seminar, and education initiatives to educate teachers and students about the regional lignite industry including energy production, and the economic and environmental impacts of lignite. The 39-month project includes funds from NDIC LRP, and matching funds from applicant cash and in-kind contributions. Technical reviewer ratings were presented, with an average weighted score of 233.33 out of 250. All reviewers recommended the project for funding. The Lignite Research Council recommended funding the project unanimously by a vote of 18-0.

It was moved by Commissioner Goehring and seconded by Attorney General Wrigley that the Industrial Commission accept the recommendation of the Lignite Research Council, approve the funding of the following project in the amount recommended, and authorize the Office of the Industrial Commission to enter into a contract for the project: FY26-109-B: Lignite Energy Council “Lignite Energy Council Education Program”, \$550,000.

On a roll call vote, Commissioner Goehring, Attorney General Wrigley, and Governor Armstrong voted aye. The motion carried unanimously.

Mr. Mike Holmes presented for consideration of approval the following project:

LRP-109C- Bakken Cracking the Code 2.0: Broad Infrastructure and Development for CO2-Based EOR “Energy and Environmental Research Center”, submitted by the Energy & Environmental Research Enter (EERC) requested \$5 million in LRP funding for a project to evaluate infrastructure needed to source and deliver CO2 and other injected materials for enhanced oil recovery in North Dakota’s Bakken region. The project includes assessment of carbon capture and transportation options to support long-term CO2 market development and the state’s energy industry. The 30-month project includes funds from NDIC LRP, and matching funds from the federal Department of Energy. Technical reviewers’ ratings were presented, with an average weighed score of 206 out of 250. Two reviewers recommended the project for funding, while one reviewer recommended the project not be funded. The Lignite Research Council recommended funding the project with a vote of 17-0, with one abstention.

It was moved by Commissioner Goehring and seconded by Attorney General Wrigley that the Industrial Commission accept the recommendation of the Lignite Research Council, approve the funding of the following project in the amount recommended, and authorize the Office of the Industrial Commission to enter into a contract for the project: FY26-109-C: EERC “Bakken Cracking the Code 2.0: Broad Infrastructure and Development for CO2-based EOR”, \$5,000,000.

On a roll call vote, Commissioner Goehring, Attorney General Wrigley, and Governor Armstrong voted aye. The motion carried unanimously.

Mr. Jason Laumb presented for consideration of approval the following project:

LRP-109D- Demonstration of REE-CM Exploration & Characterization Technologies for ND

Lignite, submitted by Microbeam Technology, requested \$971,225 in LRP funding for \$1.96 million project to demonstrate critical mineral including rare earth element exploration technologies and characterize the Center Mine coal resource for available REE-CM. The 32-month project includes funds from NDIC LRP, and matching funds from BNI and Microbeam. Technical reviewer ratings were presented, with an average weighted score of 199 out of 250. Reviewers recommended the project for funding or indicated funding may be considered. The Lignite Research Council recommended funding the project unanimously by a vote of 18-0.

It was moved by Commissioner Goehring and seconded by Attorney General Wrigley that the Industrial Commission accept the recommendation of the Lignite Research Council, approve the funding of the following project in the amount recommended, and authorize the Office of the Industrial Commission to enter into a contract for the project: FY26-109-D: Microbeam Technology “Demonstration of REE-CM Exploration and Characterization Technologies for ND Lignite”, \$971,225.

On a roll call vote, Commissioner Goehring, Attorney General Wrigley, and Governor Armstrong voted aye. The motion carried unanimously.

Mr. Jonathan Fortner presented a memorandum regarding proposed logos for the Lignite Research, Marketing and Development Program, noting the program is currently the only Industrial Commission grant program without an official logo. Five logo options were reviewed for use on meeting agendas and by grant recipients acknowledging program funding. Following discussion, logo option #2 was selected to move forward to the Industrial Commission for final consideration.

It was moved by Commissioner Goehring and seconded by Attorney General Wrigley that the Industrial Commission accept the recommendation of the Lignite Research Council and approve Logo #2 in the proposed logo designs for the Lignite Research, Marketing and Development Program.

Governor Armstrong presented a resolution of appreciation honoring Mr. Mike Holmes for his service as a Technical Advisor to the Lignite Research, Development and Marketing Program since December 2016. The resolution recognized his contributions to lignite research, innovation, carbon capture technologies, and development of critical minerals and rare earth element opportunities, as well as his role in the review of 76 projects that were approved by the Commission for funding totaling more than \$105 million in grants.

NORTH DAKOTA HOUSING FINANCE AGENCY (NDHFA)

Executive Director Karen Tyler presented for consideration of approval the reappointment of advisory board members and chair and vice-chair positions for the North Dakota Housing Finance Agency Advisory Board. Ms. Tyler recommended the reappointment of Ninetta Wandler to the board and the appointments of Lisa Rotvold as chair and Kevin Hanson as vice chair, effective July 1, 2026.

It was moved by Commissioner Goehring and seconded by Attorney General Wrigley that the Industrial Commission accept the recommendation of the Executive Director and approve the following appointments for the North Dakota Housing Finance Agency Advisory Board:

Reappointment of Ninetta Wandler for a three-year term ending June 30, 2029

Appointment of Lisa Rotvold to the position of Chairwoman for the remainder of her term which ends June 30, 2027

Appointment of Kevin Hanson to the position of Vice-Chairman for the remainder of his term which ends June 30, 2028

On a roll call vote, Commissioner Goehring, Attorney General Wrigley, and Governor Armstrong voted aye. The motion carried unanimously.

Discussion was held regarding potential changes to the advisory board membership structure and composition under N.D.C.C. 54-17-07.1. There was discussion whether revisions to the board may be appropriate due to changes in the industry, including consideration of the board's size, and overall composition to better reflect current industry and community interests. Recommendations for a statutory change may be brought forward for future consideration.

NORTH DAKOTA TRANSMISSION AUTHORITY (NDTA)

Mr. Claire Vigessa presented information regarding the IJJA grant funding and proposed infrastructure projects in Hillsboro and Lakota. Mr. Vigessa reviewed potential FY25 and FY26 grant funding, anticipated federal funding and state match requirements, and prior grant awards. Mr. Vigessa discussed proposed electrical systems, water treatment, substations, and transmission line upgrade projects in both applicant communities, and noted both understood the financial responsibility they would carry should grant funding does not materialize. Mr. Vigessa presented grant award recommendations contingent upon release of previously committed 2025-2026 IJJA federal funding, including \$4,226,250 for the City of Hillsboro project and \$2,589,750 for the City of Lakota project.

It was moved Commissioner Goehring and seconded by Attorney General Wrigley that the Industrial Commission accept the recommendation of the ND Transmission Authority Executive Director, approve the funding of IJJA Grid Resiliency Grants for the following projects in the amounts recommended contingent upon the receipt of FY25 and FY26 Department of Energy IJJA funds in the amounts budgeted, and authorize the Office of the Industrial Commission to enter into contracts for the projects when DOE funding is available:

Hillsboro Water Treatment Plant and City Upgrade Project - \$4,226,250

Lakota Substation Transformer & Transmission Line Replacement Project - \$2,589,750

***Note – this approval is contingent upon the receipt of DOE IJJA funds in the amount of \$3,611,012 for FY25 and \$3,600,000 for FY26.**

On a roll call vote, Commissioner Goehring, Attorney General Wrigley, and Governor Armstrong voted aye. The motion carried unanimously.

It was moved by Attorney General Wrigley and seconded by Commissioner Goehring, that under the authority of North Dakota Century Code Sections 44-04-18.4, 44-04-18.27, 44-04-19.2, 54-63-02 and 54-63.1-06, the Industrial Commission enter executive session for the purpose of confidential Mill business, and Clean Sustainable Energy Authority and Renewable Energy Program confidentiality requests.

On a roll call vote, Attorney General Wrigley, Commissioner Goehring and Governor Armstrong voted aye. The motion carried unanimously.

Governor Armstrong reminded the Commission members and those present in executive session that the discussion must be limited to the announced purposes. The executive session began at 9:47 am.

The Commission met in executive session pursuant to N.D.C.C 44-04-19.2 44-04-18.4 and 44-04-18.27 to discuss the records related to the North Dakota Mill President/CEO executive search. Only Commission members, their staff, Commission staff, and a representative from Slayton Search Partners participated in the executive session.

Following the Mill executive session, the Commission met in executive session pursuant to N.D.C.C. 44-04-18.4, 44-04-19.2 and 54-63.1-06 to consider a Clean Sustainable Energy Authority grant applicant confidentiality request. Only Commission members, their staff, and Commission staff participated in the executive session.

Following the Clean Sustainable Energy Authority executive session, the Commission met in executive session pursuant to N.D.C.C 44-04-18.4, 44-04-19.2 and 54-63-02 to consider a Renewable Energy Program grant applicant confidentiality request. Only Commission members, their staff, and Commission staff participated in the executive session.

NORTH DAKOTA MILL EXECUTIVE SESSION ATTENDANCE

Industrial Commission Members Present:

Governor Kelly Armstrong
Attorney General Drew H. Wrigley
Agriculture Commissioner Doug Goehring

Slayton Search Partners Present:

David Turner

Staff Members Present:

Jacy Schafer	Governor's Office
Chris Joseph	Governor's Office

Aaron Weber	Governor's Office
Karen Tyler	Industrial Commission Office
Jordan Kannianen	Industrial Commission Office
Natalie Henes	Industrial Commission Office
Carmen Devney	Industrial Commission Office

CLEAN SUSTAINABLE ENERGY AUTHORITY EXECUTIVE SESSION ATTENDANCE

Industrial Commission Members Present:

Governor Kelly Armstrong
Attorney General Drew H. Wrigley
Agriculture Commissioner Doug Goehring

Staff Members Present:

Jacy Schafer	Governor's Office
Chris Joseph	Governor's Office
Aaron Weber	Governor's Office
Karen Tyler	Industrial Commission Office
Jordan Kannianen	Industrial Commission Office
Natalie Henes	Industrial Commission Office
Carmen Devney	Industrial Commission Office

RENEWABLE ENERGY PROGRAM EXECUTIVE SESSION ATTENDANCE

Industrial Commission Members Present:

Governor Kelly Armstrong
Attorney General Drew H. Wrigley
Agriculture Commissioner Doug Goehring

Staff Members Present:

Jacy Schafer	Governor's Office
Chris Joseph	Governor's Office
Aaron Weber	Governor's Office
Karen Tyler	Industrial Commission Office
Jordan Kannianen	Industrial Commission Office
Natalie Henes	Industrial Commission Office
Carmen Devney	Industrial Commission Office

The executive session ended at 10:28 am and the Commission is reconvened open session.

During the Mill executive session an update on the President/CEO executive search was provided and no action was taken.

During the Clean Sustainable Energy Authority executive session, a confidentiality request was presented.

It was moved by Attorney General Wrigley and seconded by Commissioner Goehring that the Industrial Commission accept the recommendation of the Deputy Executive Director and pursuant to N.D.C.C. 44-04-18.4, 47-25.1-01 and 54-63.1-06 grant the confidentiality request and determine that the request is confidential and the information described in the request is a trade secret, commercial, financial or proprietary information and is confidential.

On a roll call vote, Commissioner Goehring, Attorney General Wrigley, and Governor Armstrong voted aye. The motion carried unanimously.

During the Renewable Energy Program executive session, a confidentiality request was presented.

It was moved by Attorney General Wrigley and seconded by Commissioner Goehring that the Industrial Commission accept the recommendation of the Deputy Executive Director and pursuant to N.D.C.C. 44-04-18.4, 47-25.1-01 and 54-63-02 grant the confidentiality request and determine that the request is confidential and the information described in the request is a trade secret, commercial, financial or proprietary information and is confidential.

On a roll call vote, Commissioner Goehring, Attorney General Wrigley, and Governor Armstrong voted aye. The motion carried unanimously.

DEPARTMENT OF MINERAL RESOURCES

Mr. Mark Boher presented for consideration of approval the following orders:

Case No. 32492/Order No. 35272: Application of Phoenix Operating LLC for an order amending the applicable orders for the Butte/Bennett Creek-Bakken Pool to establish a standup 3200-acre spacing unit described as Sections 5 and 8, T.146N., R.99W. and Sections 20, 29, and 32, T.147N., R.99W., McKenzie County, ND, and authorize five horizontal wells to be drilled on such unit or granting such other relief as may be appropriate.

It was moved by Commissioner Goehring and seconded by Attorney General Wrigley that the Industrial Commission approve Order No. 35272 issued in Case No. 32492 denying the application of Phoenix Operating LLC for an order amending the applicable orders for the Butte or Bennett Creek-Bakken Pool to establish a standup 3200-acre spacing unit described as Sections 20, 29, and 32, T.147N., R.99W., and Sections 5 and 8, T.146N., R.99W. McKenzie County, ND, and authorize five horizontal wells to be drilled on such unit, or granting such other relief as may be appropriate.

On a roll call vote, Commissioner Goehring, Attorney General Wrigley, and Governor Armstrong voted aye. The motion carried unanimously.

Case No. 32688/Order No. 35545: In the matter of a hearing called on a motion of the Commission to consider the application of Continental Resources, Inc. for an order granting temporary authority to use the Roadrunner 6-15H well (File No. 40480), Roadrunner 7-15H well (File No. 40481), Clover 4-10H well (File No. 40476), Clover 5-10H well (File No. 40477) located in a spacing unit comprised of Sections 3, 10, 15, and 22, T.145N., R.95W., Dunn County, ND, as injection wells for a pilot operation to test the feasibility of enhanced oil recovery in the Murphy Creek-Bakken pool, and such further and additional relief.

It was moved by Commissioner Goehring and seconded by Attorney General Wrigley that the Industrial Commission approve Order No. 35545 issued in Case No. 32688 approving the application of Continental Resources, Inc. granting temporary authority to use the Roadrunner 6-15H well (File No. 40480), Roadrunner 7-15H well (File No. 40481), Clover 4-10H well (File No. 40476), and Clover 5-10H well (File No. 40477), located in a spacing unit described as Sections 3, 10, 15, and 22, T.145N., R.95W., Dunn County, ND, as injection wells for a pilot project to test the feasibility of enhanced oil recovery in the Murphy Creek-Bakken Pool, and such further and additional relief.

On a roll call vote, Commissioner Goehring, Attorney General Wrigley, and Governor Armstrong voted aye. The motion carried unanimously.

Mr. Mark Boher presented a corrected order for signature related to the Alger-Bakken Unit, Case No. 32367/Order No. 35122, originally signed on April 28, 2026. The correction addresses a 40-barrel discrepancy identified between Phase I and Phase II production calculations within the unit agreement.

Mr. Nathan Anderson acknowledged Mr. Ed Murphy's upcoming retirement after 46 years of service with the Department of Mineral Resources- Geological Survey and expressed appreciation for his years of dedicated service to the State of North Dakota.

Mr. Ed Murphy presented the Geological Survey quarterly report for January 1 through March 31, 2026. Updates included activity at the Wilson M. Laird Core and Sample Library, where more than 9,400 feet of core was pulled for study and repairs were completed on roof panels in the core library expansion following structural evaluations. Mr. Murphy highlighted the publication of a new report examining oil and gas potential within the Red River Formation and ongoing exploration activity in southwestern North Dakota. Mr. Murphy discussed the activities of the High-Level Radioactive Waste Advisory Council, including presentations and discussions related to nuclear energy development, radioactive waste management, transportation, and advanced reactor technologies. Updates were provided on regulatory program activity, quarterly publications, and outreach and educational presentations conducted by Geological Survey staff.

A Resolution honoring Ed Murphy for his service to the Geological Survey and the state of North Dakota was read by Governor Armstrong

Resolution of Appreciation Honoring State Geologist Ed Murphy

WHEREAS, Ed Murphy has served the North Dakota Geological Survey since 1977, starting in a temporary role and becoming a full-time employee on June 1, 1980. Ed has been a dedicated

employee for 46 years and spent 50 field seasons serving North Dakota. For the past 22 years, Ed served as the state's 13th State Geologist and Director of the North Dakota Geological Survey; and,

WHEREAS, Ed has been exceptionally dedicated to the Survey's directive to serve as the primary source of geological information for the state by demonstrating excellence in implementing the Survey's mission to investigate the geology of North Dakota, administer regulatory programs, act in an advisory capacity to other state agencies, and provide outstanding public service to the people of North Dakota; and,

WHEREAS, during Ed's tenure as State Geologist, he grew the Survey's professional geology staff from six to 15, greatly increasing the Survey's ability to service the needs of the state and its growing energy industries; and,

WHEREAS, during Ed's 46-year career with the Survey, he has been exceptionally prolific, publishing over 875 maps and authoring over 147 geologic reports and scientific articles on the geology of North Dakota. Ed has delivered over 220 scientific presentations to industry, academia, government agencies, and the public, greatly advancing our understanding of North Dakota's geologic history and resources; and,

WHEREAS, Ed has provided exceptional leadership in creating and updating thoughtful and responsible rules and regulations for geothermal resources, subsurface minerals, coal regulation, and critical minerals exploration; and,

WHEREAS, under Ed's leadership many scientific firsts for North Dakota were realized, including being the first state to produce detailed LiDAR elevation and landslide area maps for the entire state and characterizing geologic strata containing some of the highest concentrations of rare-earth elements in the nation; and,

WHEREAS, Ed has played a key role in protecting the land and waters of the state over the course of his career, investigating North Dakota's solid waste landfills and oilfield waste facilities, and was instrumental in creating North Dakota's High-Level Radioactive Waste Advisory Council, which he has chaired since its inception in 2019; and,

WHEREAS, Ed oversaw several renovations and the rebuilding of the \$13.6 million Wilson M. Laird Core and Sample Library in 2016 on the campus of the University of North Dakota, which houses over 92 miles of core that is highly praised by industry and academia for continued petroleum geologic research; and,

WHEREAS, Ed has discovered several scientifically important fossil sites across North Dakota and collected hundreds of specimens for the North Dakota State Fossil Collection. As State Geologist, he guided the expansion of the Public Fossil Dig Program into one of the largest in the country, providing hundreds of North Dakotans the opportunity to assist with discovering and preserving our shared prehistoric past; and,

WHEREAS, during Ed's time with the Survey, he has taken the geosciences of North Dakota to the forefront of America and elevated the scientific professionalism of the North Dakota Geological Survey to being the best in class nationally.

NOW, THEREFORE, BE IT RESOLVED, the North Dakota Industrial Commission hereby expresses deep gratitude to Ed Murphy for his service to the citizens of North Dakota and wishes Ed the very best in his retirement.

Adopted this 12th day of May 2026.

PUBLIC FINANCE AUTHORITY

Ms. Deann Ament provided a presentation on how federal earmarks are reducing the amount of State Revolving Funds (SRF) appropriation available to states for clean water and drinking water projects. The reduced funding impacts low-interest loans and loan forgiveness available to communities in North Dakota. Ms. Ament reviewed estimated funding available to North Dakota through Bipartisan Infrastructure Law (BIL) programs. The presentation noted the state has hundreds of planned clean water and drinking water projects with costs estimated at more than \$1 billion dollars for each program.

Ms. Ament discussed a recent bond sale completed to support 2% loan funding and reviewed current interest rates, bidder participation, and comparison to prior bond sales. It was noted the sale received nine bidders and reflected strong interest. Discussion also included SRF funding levels, lending capacity, and information related to the SRF budget and bond funding process.

INDUSTRIAL COMMISSION ADMINISTRATIVE OFFICE

Ms. Karen Tyler presented the Industrial Commission meeting minutes for the regular meeting held on April 28, 2026, for consideration of approval.

It was moved by Commissioner Goehring and seconded by Attorney General Wrigley that the Industrial Commission approve the April 28, 2026, Industrial Commission meeting minutes.

On a roll call vote, Commissioner Goehring, Attorney General Wrigley, and Governor Armstrong voted aye. The motion carried unanimously.

ADJOURNMENT

The next regular Industrial Commission meeting will be held Monday, June 29, 2026, in the Governor's Conference Room from 7:30 a.m.– 11:00 a.m.

With no further business, Governor Armstrong adjourned the meeting of the Industrial Commission at 11:39am.



Karen Tyler
Executive Director



Natalie Henes
Executive Assistant