

Minutes of a Meeting of the Industrial Commission of North Dakota
Held on February 23, 2017 beginning at 4:30 p.m.
Governor's Conference Room
State Capitol

Present: Governor Doug Burgum, Chairman
Attorney General Wayne Stenehjem
Agriculture Commissioner Doug Goehring

Also

Present: Lynn Helms, Department of Mineral Resources
Alison Ritter, Department of Mineral Resources
Leslie Oliver, Governor's Office
Hope Hogan, Attorney General's Office

Governor Doug Burgum called the Industrial Commission meeting to order at 4:30 p.m. and the Commission took up Department of Mineral Resources business.

It was moved by Commissioner Goehring and seconded by Attorney General Stenehjem that under the authority of North Dakota Century Code Section 44-04-19.1 the Industrial Commission close the meeting to the public and enter executive session for the purpose of discussing negotiating strategy. The purpose of the executive session will be to consult with the Commission's attorney, and other negotiators, regarding negotiations of contract terms for a resolution with the City of Williston regarding future oil and gas development on property of relocated Sloulin Field International Airport. On a roll call vote Governor Burgum, Attorney General Stenehjem and Commissioner Goehring voted aye. The motion carried unanimously.

Governor Burgum reminded the Commission members and those present in the executive session that the discussion during executive session must be limited to the announced purpose for entering into executive session which is anticipated to last approximately 10-15 minutes. Any final action by the Commission will occur after it reconvenes in open session. The executive session will begin at 4:34 p.m.

The Industrial Commission reconvened in open session at 5:00 p.m. and the public was invited to return to the meeting room.

It was moved by Commissioner Goehring and seconded by Attorney General Stenehjem that Mr. Helms and Ms. Hogan are authorized to proceed with negotiations and should an agreement be reached within the guidelines discussed during the executive session, a resolution is approved, subject to final approval being granted by signature and the Industrial Commission Executive Director and Secretary is directed to provide a certified copy of the Resolution to the Mayor of the City of Williston. On a roll call vote, Governor Burgum, Attorney General Stenehjem and Agriculture Commissioner Goehring voted aye. The motion carried unanimously.

Being no further business, the meeting adjourned at 5:02 p.m.

INDUSTRIAL COMMISSION OF NORTH DAKOTA



Karlene Fine, Executive Director and Secretary

On April 4, 2017 the following Resolution was approved by the Industrial Commission by their signing the Resolution:

**RESOLUTION OF THE
NORTH DAKOTA INDUSTRIAL COMMISSION**

WHEREAS, This matter came before the North Dakota Industrial Commission (“Commission”) on the 23rd day of February, 2017, at the request of the City of Williston, North Dakota.

WHEREAS, The Commission has a range of responsibilities and broad authority under N.D.C.C. Title 38, titled “Mining and Gas and Oil Production.” Particular to this resolution, the Commission has authority under North Dakota Century Code Chapters 38-08, “Control of Gas and Oil Resources;” and 38-12, “Regulation, Development, and Production of Subsurface Minerals.”

WHEREAS, The Commission has adopted administrative rules to implement Title 38.

WHEREAS, The City of Williston (“City”), is a North Dakota municipality and political subdivision under N.D.C.C. ch 40-01.

WHEREAS, The Commission has been made aware that the Federal Aviation Administration (FAA) has approved the relocation of Sloulin Field International Airport to a location outside of the corporate city limits of Williston, North Dakota.

WHEREAS, As part of the relocation of Sloulin Field International Airport, the City has approved Resolution 14-060, which provides the City possesses those powers enumerated in NDCC Chapters 2-02 and 2-06, including the power to plan, establish, acquire, develop, construct, purchase, maintain, equip, operate, and regulate airport and air navigation facilities. Further, the City has approved Resolution 16-068, which provides the City has declared it a public necessity to acquire land for the relocation of Sloulin Field International Airport as shown on the attached airport property map (“Airport Property”). Subsequent to the municipal resolutions described herein, the City has acquired all of the land necessary for the development of the replacement airport.

NOW THEREFORE, with the authority granted to the North Dakota Industrial Commission, the Industrial Commission hereby acknowledges the municipal resolution by the City declaring the relocation of the airport to be a public necessity, and declares the Commission will require any applicant for a permit to drill under NDAC 43-02-02, 43-02-02.2, 43-02-02.3, 43-02-02.4, 43-02-03 and 43-02-05, within 10,000 feet of any runway end of the City’s replacement airport to comply with the Commission’s drilling policy.

Adopted this 4th day of April, 2017.