

NORTH DAKOTA LAW REVIEW
ENERGY LAW
SYMPOSIUM

THURSDAY, APRIL 11, 2019

NATIONAL ENERGY CENTER OF EXCELLENCE
BISMARCK, NORTH DAKOTA

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2019 NORTH DAKOTA LAW REVIEW ENERGY LAW SYMPOSIUM SCHEDULE

**8:00 AM:
Welcome Remarks**

Brad Myers, Dean, University of North Dakota School of Law

**8:15 – 9:00 AM:
County Zoning and Local Land Use Regulations**

Trevor Hunter – Associate Attorney, Crowley Fleck PLLP

**9:00 – 9:30 AM:
Energy Law Litigation Update**

Zach Eiken – Associate Attorney, Crowley Fleck PLLP

**9:30 – 10:00 AM:
North Dakota Industrial Commission Regulatory Update**

Lawrence Bender – Shareholder, Fredrikson & Byron, P.A.

10:00 – 10:15 AM: Break

**10:15 – 11:00 AM:
Carbon Capture and Sequestration: Project Tundra**

*Stacey Dahl – Senior Manager of External Affairs, Minnkota Power
Jason Bohrer, President & CEO Lignite Energy Council*

**11:00 AM – Noon:
Energy Development on Tribal Lands**

Mark N. Fox – Chairman, Mandan, Hidatsa, and Arikara Nation

Noon – 1:00 PM: Lunch



1:00 – 1:30 PM:

**Bureau of Land Management Waste Prevention
Rules and Rewrites**

Tony Ford – Associate Attorney, Crowley Fleck PLLP

1:30 – 2:15 PM:

Oil and Gas Transportation Issues

Justin Kringstad – Director, North Dakota Pipeline Authority

2:15 – 3:15 PM:

Missouri River and Lake Sakakawea Mineral Ownership:

Craig Smith – Partner, Crowley Fleck PLLP

3:15 – 3:30 PM: Break

3:30 – 4:30 PM:

Energy Industry Workforce Development

Mark Hagerott – Chancellor, North Dakota University System

Jonathan Sickler – Chief Legal Officer, AE2S

Brian Opp – Workforce Development Strategist, University of Mary

Brad Bekkedahl – North Dakota State Senator, District 1

4:30 PM:

Future of the North Dakota Energy Industry

Kathleen Neset – President, Neset Consulting Service

Ron Ness – President, North Dakota Petroleum Council

Julie Fedorchak – North Dakota Public Service Commissioner

5:30 PM: Closing Remarks & Social

SYMPOSIUM PRESENTERS



LAWRENCE BENDER is a Shareholder in the Bismarck office of Fredrikson & Byron, P.A. He is a nationally recognized expert in oil and gas law, public utility law, and other regulatory matters. Lawrence represents oil and gas exploration companies, drilling companies, oil field service companies, pipeline companies, and other businesses in state and federal litigation and contested proceedings before various state and federal agencies. He represents and advises a wide variety of natural resources and energy related companies regarding contractual matters and compliance with state and federal regulations. Prior to joining Fredrikson & Byron, Lawrence served as an Assistant Attorney General of the State of North Dakota and as Counsel for the North Dakota Industrial Commission, Oil & Gas Division, and the North Dakota Board of University & School Lands.



JASON BOHRER was named President and CEO of the Lignite Energy Council in June 2013. He has spent his time at the Lignite Energy Council leading its public outreach and advocacy operations and engaging with stakeholders and government officials on behalf of the lignite coal industry. Jason is a graduate of North Dakota State University, where he received a degree in history, and of George Mason University Law School. He has worked in politics as the Communications Director for the Idaho Republican Party, where he directed the communications and political operations of one of the Party's most successful election cycles. His work there opened the door for him to work for several members of Congress, where he focused on energy policy and eventually served as Chief of Staff to Rep. Raul Labrador (R-Idaho). During his career in energy policy, Jason has worked on energy policy initiatives related to coal mining and energy development, as well as nuclear energy and waste disposal, oil and gas exploration, energy tax credits, hydropower relicensing, and biomass and other renewable energy projects. He has also drafted legislation to facilitate the expansion of the nation's transmission infrastructure and improve cybersecurity protocols. Jason, his wife, and two children live in Bismarck, North Dakota. The Lignite Energy Council is a trade association that protects and preserves the region's valuable lignite coal related assets.



BRAD BEKKEDAHL was elected to represent District 1 in the North Dakota State Senate in 2014, where he serves on the Appropriations Committee. He is also in his 23rd year as Finance Commissioner for the City of Williston. He previously served 8 years on the Williston Park Board, including 4 years as President of the Board. He is a graduate of Williston High School, Jamestown College, and the University of Minnesota School of Dentistry. He served 9 years on the Executive Committee of the North Dakota Association of Oil and Gas Producing Counties, with 2 years as President. He has also served on the Executive Board of the North Dakota League of Cities. He is a Colonel in the North Dakota Army National Guard.



STACEY DAHL is senior manager of external affairs for Minnkota Power Cooperative, based in Grand Forks, ND. Originally from Bismarck, ND, Stacey Dahl received her undergraduate degree in education in 2004 from the University of North Dakota. She received her Juris Doctor degree in 2008 from the UND School of Law. Dahl served in the North Dakota House of Representatives from 2005 until 2012. An attorney, she also is a former private practitioner and prosecutor. In addition to overseeing public policy efforts for Minnkota, Dahl serves on the leadership team exploring the feasibility of Project Tundra, a proposed carbon capture project at the coal-fired Young station in Center, ND. Dahl lives in Grand Forks with her husband and two children.



ZACH EIKEN is an associate in the Bismarck office of Crowley Fleck PLLP and practices with the Commercial Litigation practice group. Zach was born and raised in Williston, North Dakota. He received his B.A. in History, with a minor in Economics, from the University of North Dakota, where he graduated summa cum laude and Phi Beta Kappa. Zach also received his J.D. from the University of North Dakota School of Law, where he graduated summa cum laude and Order of the Coif. While in law school, Zach served as Managing Editor of the North Dakota Law Review, authored two law review articles, and participated in internal and national moot court competitions. After law school, Zach clerked for the Honorable Chief Justice Gerald VandeWalle of the North Dakota Supreme Court and the Honorable Magistrate Judge Charles Miller, Jr. of the United States District Court for North Dakota.



JULIE FEDORCHAK has served on the North Dakota Public Service Commission since 2012. She heads the pipeline, electric transmission and energy conversion siting; railroad; and consumer affairs portfolios and is the agency's lead for issues relating to the Midwest Independent System Operations. Julie is a board member of the Organization of MISO States, vice-chair of the National Association of Regulatory Utility Commissioners (NARUC) Gas Committee, vice chair of the NARUC Task Force on Natural Gas Expansion to Unserved Areas, and serves on the Gas Technology Institute's advisory board. She is a member of the Aspen Institute's Rodel Class of 2015. Julie was appointed to the Public Service Commission in December 2012 by Gov. Jack Dalrymple. In 2016, she was elected to a full six-year term. Julie is married to Mike Fedorchak of Minot. They have three children and live in Bismarck where they are involved in a number of activities and organizations.



TONY FORD is an Associate practicing out of the Bismarck office of Crowley Fleck PLLP, and is a member of the firm's Oil and Gas Practice Group. Tony graduated with honors and the Oil and Gas Law Certificate from Washburn University School of Law in December 2014, and earned a B.A. in Government from Hamilton College in 2002. During law school, he served as Articles Editor of the Washburn Law Journal and as a research assistant to Prof. David Pierce (oil and gas law) and Prof. David Rubenstein (administrative law). He was the 2014 winner of the David P. Phillips Scholarship from the Rocky Mountain Mineral Law Foundation.



MARK N. FOX is the Chairman of the Mandan, Hidatsa, and Arikara Nation. Fox is a veteran of the U.S. Marine Corps and earned his law degree in 1993 from the University of North Dakota. First elected Chairman in 2014, Fox is currently serving his second term. Chairman Fox currently serves on three federal advisory boards for the Department of Energy, Department of Interior, and the Environmental Protection Agency. He previously served on advisory boards with the Internal Revenue Service and the National Indian Gaming Commission as well. Chairman Fox also served on various national and tribal boards, including the Intertribal Monitoring Association on Trust Funds (ITMA) and four terms as Treasurer of the National Indian Gaming Association (NIGA). Chairman Fox has also been the Vice Chairman of the United Tribes Technical Center and the United Tribes of North Dakota. He was recently elected Chairman of the

Coalition of Large Tribes (COLT). A fierce proponent of tribal sovereignty, Chairman Fox has dedicated his administration to improving the lives of all MHA Nation members. Under his leadership, tribal members have received increased education, addiction, and health services. Chairman Fox has also expanded and enhanced tribal infrastructure and transparency in governmental affairs. Chairman Fox is renowned for his work in the areas of taxation, gaming, energy, and economic development. In his personal time, He enjoys participating in events that endorse good health and endurance challenges.



MARK HAGEROTT serves as Chancellor for the North Dakota University System. Before his move back home to North Dakota, Dr. Hagerott served on the faculty and held numerous academic leadership roles at the United States Naval Academy, including as distinguished professor and deputy director of the Center for Cyber Security Studies at the Naval Academy. He is a commissioner on The American Council on Education, Midwestern Higher Education Compact, and Western Interstate Commission for Higher Education. Prior to his transition to an academic career path, Hagerott held numerous leadership positions in the U.S. Navy, both aboard ships and in administrative positions in the Department of Defense. A certified naval nuclear engineer in power generation and distribution, he served as chief engineer for a major environmental project defueling of two atomic reactors. Hagerott also ran tactical data networks for the Navy and rose to ship command prior to his career in higher education. He also served in both Bush administrations – as a White House Fellow in the first Bush administration and in the office of the Deputy Secretary of Defense in the second Bush administration. Hagerott holds a B.S. from the U.S. Naval Academy, an M.A. in political science and economics from Oxford University where he attended as a Rhodes Scholar, and a Ph.D. in history from University of Maryland.



TREVOR HUNTER is an associate in the Oil and Gas Practice Group in the Williston office of Crowley Fleck PLLP. His practice focuses on commercial transactions and litigation. Trevor grew up in Kalispell, Montana and attended the University of Montana for his undergraduate education. During his final year he served as president of the Associated Students of the University of Montana and as president of the Montana Associated Students, a statewide organization. Trevor graduated with Bachelors of Arts in History and in Political Science from the Davidson Honors College at the University of Montana with University Scholar distinction.

Trevor received his Juris Doctorate from Southwestern Law School in Los Angeles, California. While in law school, Trevor was an associate editor for the Southwestern Journal of International Law and spent two years as part of the Trial Advocacy Honors Program, competing at the National Civil Trial Competition.



JUSTIN KRINGSTAD has served as Director of the North Dakota Pipeline Authority since he was appointed by the North Dakota Industrial Commission in August 2008. Justin received his Geological Engineering degree from the University of North Dakota, where he currently serves on the Harold Hamm School of Geology and Geological Engineering Advisory Committee. Additionally, Justin functions as an advisor to the EmPower North Dakota commission. Prior to his time with the Pipeline Authority, Justin worked with the North Dakota Oil & Gas Division, the Energy and Environmental Research Center, the North Dakota Geological Survey, and Terra Resources. Justin, wife Katie, and three daughters reside in Bismarck, North Dakota.

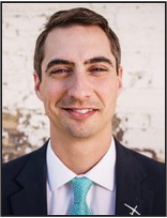


KATHLEEN NEŠET is the President of Nešet Consulting Service, a full-service oil and gas consulting firm based in Tioga, North Dakota. Kathleen worked as a wellsite geologist across the United States before founding Nešet Consulting, and she holds a B.A. in Geology from Brown University. She serves as a member of the North Dakota State Board of Higher Education, the North Dakota Petroleum Council Executive Board, the UND Petroleum Engineering Advisory Committee, and the Minneapolis Federal Reserve Board.



RON NESS is President of the North Dakota Petroleum Council. He has held that position since 1999; his primary function is governmental relations in North Dakota. He serves as the industry spokesperson and manages the association which represents more than 500 companies involved in all aspects of North Dakota's oil and gas industry. Ness was previously President of the North Dakota Retail and Petroleum Marketers Association. Prior to that he spent ten years with the State of North Dakota, most of which as the Deputy Commissioner of Labor. Ness is a Tolna, North Dakota native, a graduate of North Dakota State University in Business and Economics, and received his masters in management from the University of Mary.

Ness was appointed by Governor's Schafer, Hoeven, Dalrymple and Burgum to the Interstate Oil and Gas Compact Commission, the Oil and Gas Research Council, the Empower North Dakota Commission and the Governor's Revenue Advisory Committee. Ness also serves as the Chairman of the Board for the Energy Environmental Research Center's Foundation. He is on the Board of Directors for the Mule Deer Foundation, Sanford Health Bismarck, the Domestic Energy Producers Alliance, the North Dakota Kids First Foundation, the Missouri River Advisory Council and the Board of Regents at the University of Mary. Ness is also a partner in Bismarck Partners, a commercial real estate group. Ness and his wife Becky have three children and are avid outdoorsmen, who enjoy golfing, fishing and hunting.



BRIAN OPP leads a newly launched team at the University of Mary that focuses on identifying and addressing the workforce needs in North Dakota and beyond. Its goal is to become a key resource in developing, attracting and retaining workforce in partnership with employers, communities, the state and others. Prior to joining the University of Mary in April 2018, Opp held positions within the North Dakota Department of Commerce for nearly 10 years. Before that he worked in the banking industry.



JONATHAN SICKLER is the Chief Legal Officer for AE2S and its affiliated group of companies, which provide water-focused engineering, financial, communications, construction, and operations services to public and industrial clients across the Midwestern and Western US. Prior to his time at AE2S, Sickler was an antitrust mergers and acquisitions lawyer in Washington, DC for ten years at the firms Weil, Gotshal and Manges, LLP and Clifford Chance US LLP, where he represented clients from various industries, including oil and gas, before the U.S. Department of Justice and the Federal Trade Commission. Sickler served on Governor Burgum's Task Force for Higher Education Governance. He earned his undergraduate degree from the University of North Dakota and his law degree from Harvard Law School.





CRAIG SMITH is a Partner in the Energy, Environment and Natural Resources Department at Crowley Fleck PLLP. He has extensive experience in all areas of oil and gas law, including the preparation of drilling title opinions, division order title opinions, and acquisition title opinions in North Dakota, Montana, and Wyoming as well as representing clients in multiple oil and gas administrative, regulatory and government affairs matters. He has also authored and presented at national seminars regarding the recent Missouri River ordinary high water mark oil and gas title litigation and other water issues involving the Bakken play. Most recently, during the 2017 North Dakota Legislative session, Mr. Smith represented industry in support of Senate Bill 2134, leading a comprehensive legislative effort to resolve oil and gas mineral ownership issues underlying the Missouri River and Lake Sakakawea. He served as Vice-Chairman and Chairman of the North Dakota Petroleum Council from 2008 through 2012 and currently serves on the Council's Board and Executive Committee. In 2017 he was inducted into the North Dakota Petroleum Council Hall of Fame.

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