

Fall Surface Lease EnergyNet Auction Follow-up FAQs

The Department of Trust Lands (Department) has received several follow up questions regarding the fall surface lease auction that we wanted to share with all of you.

Q. How does bidding work?

A. Visit www.land.nd.gov or www.energynet.com and follow the instruction to register as a bidder. A step by step instruction guide on the registration process can be found under the “news” section on the Department home page at www.land.nd.gov. Please call EnergyNet with any questions, Heather Fugger 806-463-3619, she is dedicated to assist you in the registration process and available to answer any of your questions.

Q. When can I register?

A. We encourage you to register as soon as possible!

Q. When can I start bidding?

A. Each county has a designated seven-day bidding window; the list of when each county opens and closes has been listed on the Department’s website.

Q. What is the difference between a maximum bid and a bidder allowance?

A. Your maximum bid is the highest bid you have made on a tract; your bid allowance is the highest you are authorized to bid at the auction by your banking institution. An example, you may have an allowance approved at \$50,000 but that is not your maximum bid, you have decided that your maximum bid is \$25,000. EnergyNet will automatically bid up on your behalf, up to the maximum amount you specify. The EnergyNet system does not make a bid unless necessary to maintain your status as high bidder. The automatic bidding will stop when there is no longer a competing bid received that is larger than your maximum bid. After you have set a maximum bid, you don’t have to be online. You will receive e-mail confirmations after you have placed a bid, when you have been outbid and when you are the winner.

Q. How do I ensure I place a winning bid?

The Government Resources Team at EnergyNet is very happy to provide details of how the auction works, how to place successful bids, and why the extension of bidding time is not permitted. Please reach out to Heather Fugger, EnergyNet Government Resources Transaction Director, directly at 806-463-3619.

Q. At the end of the auction what happens to my financial information?

A. EnergyNet and the Department do not receive any financial information as it relates to your bid allowance. Information gathered for payment purposes will remain with the Department.

Q. What happens if there is a tie at the close of the auction?

A. The auction period will not be extended. Instead, the first chronologically received bid of a tie will be the winner. EnergyNet has only incurred this situation twice in 21 years.

Q. Will I know who else is bidding or registered to bid?

A. No. The bidder identity is anonymized and will be displayed only as “Bidder 19,” as an example. Your bidder number is for you to share if you chose to do so with others outside of the EnergyNet website. While the actual identity of a bidding party is considered an exempt record in this case and will not be provided during a live auction, a list of bidders for a subject tract of land can be made available upon request once the auction has concluded.

Q. What if my tract is not up for auction this fall?

A. No action is needed on your part at this time.

Q. How long will the DTL use this online-only feature?

A. The executive order states that it “shall remain in effect for the duration of the declared state of emergency,” but no specific expiration date is listed. North Dakota Century Code specifies that the leasing of university and school lands “must be at public auction ... and held at the county seat.” Therefore, a permanent change to this online format would require legislative action.

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