



CALL TO ORDER:

Councilman Randy Phelan called the meeting to order at 1:05 pm.

ROLL CALL:

Present: Councilwoman V. Judy Brugh, Councilman Fred Fox, Councilman Randy Phelan. *Quorum established.*

I. APPROVAL OF AGENDA

Motion: Councilman Fred Fox moved to approve the agenda. Councilwoman V. Judy Brugh seconded the motion. Vote: 3-0-0. Motion carried.

II. APPROVAL OF MINUTES

- **August 14, 2018 Energy Committee Minutes**
- **September 4, 2018 Energy Committee Minutes**
- **November 13, 2018 Energy Committee Minutes**

Item deferred.

III. NRC Chairman – Councilman Randy Phelan

A. Update

a. Federals Partners Meeting

Might be postponed due to the government shutdown. BIA is not able to be at work.

b. Rig Friendly Meeting

Same as the Federal Partners meeting. BLM is doing some permits, ROW's are not being done right now. WPX has ROW's in BIA currently. Enerplus has 6 months before they have any issues. BLM gave Enerplus around 6 permit waiting. XTO has 3 ROW's and modifications at the BIA. XTO also has an extension for about 25 wells which was submitted in September. Crestwood has 2 in Aberdeen. Buin has 3. Rimrock has 3. Marathon has 2 pending and 1 ready for submission. McKenzie probably has 5 or 6 in there. Getting temporary water lines are going to be an issue if they haven't gotten in their paperwork yet. John Fredericks states we would have to contact BIA office, they have an emergency staff to get approvals. Councilman Randy Phelan would like to see a Rig Friendly meeting in February.

John Fredericks states we circulated a draft letter for a bill that has been introduced about fee land. If the ND Petroleum Council is ready to support us that would be great. XTO stated they haven't heard from their bosses if they are.

IV. BIA & BLM Updates

A. BIA – Kayla Danks, Superintendent

a. Update

Item deferred.



B. Bureau of Land Management (BLM) – Loren Wicksrom, Field Manager
a. Update

Item deferred.

b. Flaring Discussion

Item deferred.

V. MHA Energy Division- Carson Hood Jr., Director

A. Update

a. Regulatory

B. PTS Report – Shawn Grady/Keith Bear

Item deferred.

C. BIA Road Task Force Reassignment

Energy committee delegated a task force for BIA Transportation plan to get back on track. Carson Hood Jr. is requesting to get back on that taskforce.

Motion: Councilman Fred Fox moved to forward to TBC. Councilwoman Monica Mayer seconded the motion. Vote: 4-0-0. Motion carried.

Discussion: BIA 13 & 10 need to be on there.

D. Introduction – Tanya Sand Driver

Item deferred.

E. Setback Discussion

Would like to leave it up for open discussion. Set back hand out given to the Committee. Would like to work on some of these. We want our water safe from spills. There are 3 resolutions that have to do with setbacks. 1854 mark is the high water mark that is used to do the ½ mile set back mark. John asked about the prior wells build before the ½ mile was in place. There are 7 oil pads approved prior to the resolution since 2012 enactment of the resolution. We have around 300 will pads on the reservation right now. There is an issue with the rods breaking if you don't have multiple pads according to Enerplus. 26 well pads within a 1,000 feet, and 7 well pads.

Motion: Councilwoman Monica moved to bring report to TBC on amending resolution 17-038-FWF. Councilwoman V. Judy Brugh seconded the motion. Vote: 4-0-0. Motion carried.

Discussion: 17-037-FWF is the ¼ mile set back resolution. Any dwelling setbacks. Some tribal members are asking if they own the mineral rights and someone puts a house up this could keep them from royalties. On page 3 we are seeing some issues here, BIA is not recognizing our set back regulations.

FTR: Closed Session items started at 2:13 pm.



F. Road Scales – Richard Hall

There are 2 scales located by Mandaree. We need to finish up on them, still have easements on them. Councilman Randy Phelan states we have updated easements. There is damage being done to the road by BIA 14 from the trucks. We are thinking of putting another one up to keep BIA 14 from being damaged. Would like to have a regular office that runs 24 hours a day. Would like a land line and cameras by the weight station. Asking the Committee to move ahead with this project of the weight station by BIA 14. It depends on the budget along with the BIA shutdown.

G. Vantage

Carson Hood Jr. would like to discuss before Vantage joins the meeting. John Fredericks states if they get a drilling plan in place before. Councilman Randy Phelan mentioned companies wash and sell, basically flipping. John states we should be able to put a tax in place. Lose On lease hold of sale. John will look into it. If we do it quick enough we can get it done on this transaction. Development program drill plan discussion, Carson Hood Jr. states Vantage didn't have any plans within the structure of their proposal. On 4 QEP's IMDA's how are they going to develop it, they never had any development in place. I don't think there is a plan within their plan they submitted. I'm concerned if this thing happens they may sit on it like QEP sat on it in the past and didn't develop those resources. Have everything handed over to Carson Hood Jr. before the next TBC.

Vantage representatives Roger and Gabe spoke on the Vantage business plan. Carson Hood Jr. mentioned Steve Gunderson's concerns on the investment with them. Steve Gunderson joined the meeting via conference call. Spoke about 10 year plan on page 5 and 6. Committee states, we have a number of concerns.

Motion: Councilman Fred Fox moved to forward to TBC. Councilwoman Monica Mayer seconded the motion. Vote: 4-0-0. Motion carried.

Discussion: John would encourage an advance of the drilling plan before the next meeting.

H. Contract Discussion

Carson Hood Jr. and Shenan R. Atcitty. Carson Hood Jr. stated he brought the contracts forth before the committee level and TBC would like to resubmit Shenan R. Atcitty's contract to Committee level again for consideration. Shenan R. Atcitty's contract is more than TAT's in house attorney contract. Councilman Randy Phelan mentioned every department took a cut. Contract is 250 committee suggested 125. Agreed 175 by both parties.

Motion: Councilman Fred Fox moved to forward to TBC. Councilwoman Monica Mayer seconded the motion. Vote: 4-0-0. Motion carried.

VI. OTHER BUSINESS

A. West Segment Regulatory Commission (WSRC) Update – Donald McKenzie

Item deferred.

B. TERO Update



Item deferred.

C. NREL Strategic Energy Planning Workshop – Ron Hall

Item deferred.

D. BIA 13 – Lloyd Vigen

Everything is in line for the signatures. CEO needs to work on getting the signatures for the agreement.

Motion: Councilman Fred Fox moved to forward to TBC. Councilwoman Monica Mayer seconded the motion. Vote: 4-0. Motion carried.

BIA 10 WPX is responsible for the maintenance for that is almost ready to be presented. Josh was asked to join the meeting. 14, 17, 30 are the roads are the ones josh works with. 5-6 year contracts when Texx Hall was Chairman, the contract are up for renewal this coming spring. Committee wants a 70/30, Josh states had a difficult time getting 49/51.

E. Cook Trading Inc. Proposal – Dan Cook

Item deferred.

F. Advantage Midstream – Charles Nelson

Item deferred.

G. Nueta Nation Enterprise Lease – Daylon Spotted Bear

Item deferred.

H. Approval of Assignments – QEP to Vantage

Item deferred.

I. Proposed Cell Tower on Tribal Lands – Sheronica Chase

Item deferred.

J. NREL Strategic Energy Planning Workshop – Ron Hall

Item deferred.

K. MRR – Dave Williams

- a. MRR Dance Trade
- b. LMR Unit Update
- c. Curtis Young Bear

Items deferred.



L. Discussion – Travis Hallam & Marathon

Item deferred

M. Water Resources/GIS Funding Request – Tanya Sand Driver

Item deferred.

N. 2019 Development Plan – Targa

Item deferred.

VII. ROW APPROVALS (CLOSED SESSION)

A. Operators

1) Targa

- a. Axell USA CTB (Setback Variance)
- b. Riverview 32
- c. Whales Loop 1/ Peppers
- d. Fish South
- e. Leviathon
- f. Whales Loop 3

2) Oneok

- a. Axell Setback (Setback Variance)

3) RimRock

- a. Skunk Creek 8-2
- b. Skunk Creek 4-7

4) WPX

- a. Delores Sands 29-32H

5) Enerplus

- a. Horses East Modification
- b. Horses West Modification

6) Crestwood

- a. Arrow Western Expansion North
- b. Western Expansion South
- c. Helen Well Connect Project
- d. Marathon TAT Pipeline
- e. Cornstalk Loop Line
- f. African Animals North Well Connect
- g. Clouds West Well Connect
- h. Lakeawanna Loop Line

7) Marathon

- a. Kenner USA Project – Buffalo Ranch
- b. Banta USA – Buffalo Ranch
- c. Collins USA
- d. Quale USA
- e. Bears Ghost USA 31



8) McKenzie Electric
a. XTO Reese 43X

VIII. ADJOURNMENT

Motion: Councilwoman Monica Mayer moved to adjourn the meeting. Councilman Fred Fox seconded the motion. Meeting adjourned at 4:50 pm.





CERTIFICATION

I, the undersigned, as Committee Chairperson of The Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Energy Committee is composed of three (3) members and of whom three (3) constitutes a quorum 0 were present at the meeting thereof duly called, notice, convened and held on the 4th day of June, 2019 ; that the foregoing minutes were duly adopted at such meeting by the affirmative vote of 3 members; 0 members opposed; 0 members abstained; 0 members not voting.

Dated this 4th day of June, 2019.

ATTEST:

Handwritten signature of Fred W. Fox in black ink.

Executive Secretary, Fred W. Fox
Tribal Business Council,
Three Affiliated Tribes

Handwritten signature of Randy Phelan in black ink.

Committee Chairman, Randy Phelan
Tribal Business Council
Three Affiliated Tribes