



CALL TO ORDER:

Councilman Randy Phelan called the meeting to order at 1:01 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

A. June 4, 2019 Energy Committee minutes.

B. August 6, 2019 Energy Committee minutes.

Item deferred.

III. ENERGY Chairman – Councilman Randy Phelan

A. Update

October 29th need help spearhead Rig Friendly, Brandon and Josh will work on it. The pads have water on them due to the weather. Regulatory said spilling on the well pads was going over the berms, they are testing that. Trying different ways to get the water hauled out. Carson Hood Jr. states there are companies out there that can be cost effective.

B. Hemp Energy Crop

Item deferred.

FTR: Councilwoman Monica Mayer joined the meeting at 1:12 PM.

IV. BIA & BLM UPDATES

A. BIA – Kayla Danks, Superintendent & Crestwood

1) Update

October 30th is the Federal Partners meeting in Denver. John LaFromboise is now the Environment Specialist and Reality Specialist. Assistant Secretary waved for appraisal to be determined a later date, and the land owner will be able to work on? Will be having training this week at the BIA office. Crestwood issue will go into closed session on this for the spills. Spills from fiber spar. Do the companies have to report to you with in a certain time frame? There is a call tree on any spill. Was produced water line. Have been monitoring the big spill upon closing it out. In 2014 on the initial spill we were very worried about fiber spar. Need to make sure all the fiber spar is removed from the ground. One of the spills on the land is a closes relative so I am recused. I delegated it to Lonnie Wright. Councilman Randy Phelan wants to make sure when the allottees wells are shut down for this, make sure they know its BIA and not a Tribal Council decision. Travis Hallam states there are other fiber spar on the



Reservation, Crestwood is not the only one. If they haul it off it's on the producer not the allottee.

B. Bureau of Land Management (BLM) – Loren Wickstrom, Field Manager

- 1) Update
- 2) Slawson Communalization Discussion

Items deferred.

V. MHA ENERGY DIVISION

A. Update – Carson Hood Jr., Director

1) Regulatory – WPX Safety Meeting – Pump Off

9.1 barrels for July. Councilman Randy Phelan would like more? in report. Carson Hood Jr. spoke about appeal process and regulatory. Looking for solution for flaring. We need propane on the Reservation for our members. WPX operators meeting in Killdeer last week. Reiterated no fire arms on the Reservation. Would like to have a letter to the companies. Kenny Lyson and Sal Beston joined Carson Hood Jr. 237 well pads on the Reservation. We have a plan. Kenny Lyson spoke about the Pump Offs, had 119 applications approved. Have been working with the companies. The environmental department knows of our procedures. We want all the weeds out of the Pump Offs before winter. Have 6 employees working in the field currently. Sal Beston mentioned Storm Water Testing for documentation. Our testing is stronger than the state. Field inspectors will actually walk the whole berms. Concerned about industry with notifying everyone properly. Have a trailer ready to haul out to site ready to go. The companies tell us exactly how many barrels a day they pump. Remediation, regarding spills. Would like answers right away, have to wait to hear from corporate. Sasser is the group that companies work with for spills. A trailer sat while a spill was happening. Have equipment for temporary response according to Carson Hood Jr. Councilman Fred Fox feels Edmund Baker should be here at the NRC Committee to give reports. Kayla Danks states they have the authority to go to any site. When it comes to water safety issue with spills, could go down stream on allottees land. We should have the rights to clean on allottee land. Shenan R. Atcity and Travis Hallam will look into this.

2) Renewal for Section 17 [See Closed Session]

B. PTS Report – Keith Bear

Has been a busy during August and September. Total of 341 PTS at this time. Please hand deliver and do not slide paperwork under the door. It would save delay time to take a look at it and let them know right away.

C. NDPC/Marathon – Zach Weis

Item deferred.

D. Figure 4 Ranch – Carson Hood Jr., Director

Has been handed over fee to trust. PEA was signed prior to going into trust. Seeing cattle dust lung among the ranchers. Would like Energy Department do a count on BIA14 to see how many



trucks are going there each day. Do a week long comparison. Would like a quick update on the issues at the Figure 4 Ranch.

FTR: Committee started Closed Session at 2:34PM.

E. Clear Advantage Drone Solutions- *Ryan Dusenberry and Anthony Folden*

Provided a report on BIA 10. Confidentiality Agreement & Service Agreement. Presented a 3-D model and video. Have completed an oversight of a spill from a Drone. Forward to TBC and put some berms up immediately. Councilwoman Monica Mayer loved seeing everything, and feels we would be ahead of the game with this type of equipment. Edmund Baker spoke about the value of having such technology. Science, regulation, a common front for everyone. Need to forward to TBC.

F. Trespass Code – *Carson Hood Jr., Director*

Carson Hood Jr. spoke about OneOK and a spill by Watford City, regarding a whistle blower. He handed out a story on this million dollar spill.

Trespass Code. Forward to TBC. Touched on the ROW Fees. Councilman Randy Phelan doesn't want the allottees addressed anywhere only Tribal Land is mentioned. Take out that language regarding allottees.

G. QEP Update Disco Pad – *Carson Hood Jr., Director*

Existing ROW. There are cultural sites in the area. They will fence them off and not disturb any of it.

H. Crestwood

Dobs Thompson states all the fiber spar on the east side has been all shut down and will be replaced. Moccasin creek 3,900 spilled, Two Shields not specified. There was some over flow with the second one due to rain. Spill one happened September 20 (Two Shields). Spill two happened September 30th (Moccasin Creek). They are currently under remediation. Will scoop and haul today on the land owners land today. With the Moccasin Creek, all the soil will also be scooped and discharged as well. Councilman Randy Phelan with the spill in Bear Den was there a command station? Thought this was smaller than expected. The ball was dropped and MHA was not notified 4-5 hours later. Edmund Baker states they get emails through the day, and after business hours we are on call. Crestwood was supposed to beef up the land. Councilman Randy Phelan this is the third time we have not been notified right away. Travis states they have been notified right away on the small ones, but when the big ones happen it takes a long time before notifying the Tribe. Councilman Randy Phelan asked if there are any buoys out on the lake? We don't believe there aren't any skim issues. We have berms at both sites. Have pumps there currently pumping. Gemini Services is who we are working with. They are a Tier 1 company. Travis Hallam states the water went past the built up part. After the first Beaver dam we built another dam further down the stream. Councilwoman V. Judy Brugh states Crestwood should go drink the water if they feel it wasn't contaminated. Currently the water is being sampled. Committee wants the sampling update on Thursday, also Environment Department Sampling. As soon as we leave this meeting we will make a call to beef up the dam.



Motion: Councilman Fred Fox moved to forward to the next TBC & directed to build two dams, one at Skunk close to the lake and the Moccasin Outlet. Councilwoman Monica Mayer seconded the motion. Vote: 4-0-0. Motion carried.

Discussion: Councilwoman Monica Mayer we should start having hefty fines if this continues to happen. Councilman Randy Phelan expressed that it would be great to get the lines switched out as soon as possible.

I. Oneok – Update

Addressed.

J. Clear Advantage Drone Solutions Contract

J. Contract. Also, Authorization of Funds. Approval from Special Projects Fund. For the two spills. Councilman Randy Phelan asked if its negotiable, would like you to get out there more. Legal would have to review, but could possible to charge Crestwood for payment. Councilman Fred Fox it should be additional not included into the fine.

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

Discussion: Councilman Randy Phelan expressed that it should go to TBC to have Shenan R. Atcitty fine these companies for late notification of spills. Need to get out there today and get the berms inspected.

K. Tall Salt Contract Renewals – Steve Gunderson

Last year was approved for \$220,000. Wanted 250,000.

Motion: Councilman Fred Fox moved to forward to the next TBC subject to last year's contract with no additions. Councilwoman Monica Mayer seconded the motion. Vote: 4-0-0. Motion carried.

Discussion: Councilman Fred Fox asked how do we bring this back in house to have one our own people do this?

L. Atcitty Van Norman Contract -Atcitty Van Norman

Requesting an increase. Shenan R. Atcitty took a huge hit with the market last year. Put the contract amount back to the prior year.

Motion: Councilwoman Monica Mayer moved to forward to the next TBC. Councilman Fred Fox seconded the motion. Vote: 3-0-1. (VJB-AB). Motion carried.

VI. OTHER BUSINESS

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

Item deferred.



B. TERO Update

Item deferred.

C. Game & Fish Update *Antone Fetting*

Item deferred.

D. Pipeline Authority Update – *Travis Hallam*

Pipeline Engineer renewal contract (Frankie Lee).

Motion: Councilman Fred Fox moved to forward to the next TBC. Councilwoman V. Judy Brugh seconded the motion. Vote: 4-0-0. Motion carried.

Discussion: Travis states he had no responsibility with shutting down trucks for Crestwood. About 95% is captured.

E. Cenex Pipeline Discussion – *Michelle Slyder*

Item deferred.

F. Nueta Nation Enterprise Lease – *Daylon Spotted Bear*

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

G. DW Shale, LLC Lease – *Chris Reagen*

Oil and Gas lease. To assign to DW Shale.

Motion: Councilman Fred Fox moved to forward to the next TBC. Councilwoman Monica Mayer seconded the motion. Vote: 3-0-1. (VJB-NV) Motion carried.

H. Renewal for Section 17

Renewal for a lease. Ken Paulson. Resolution 18-188FWF.

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

VII. ROW APPROVALS (CLOSED SESSION)

A. Operators

1) Bruin

- a. Bonita Well Pad (Setback Variance)
- b. Bonita Well Pad
- c. Bonita to Evans Flowlines (Setback Variance)
- d. Bonita to Evans Flowlines

2) Enerplus



- a. Whales East
- b. Tennis South
- 3) QEP
 - a. Disco Pad 1-28
- 4) RimRock
 - a. Skunk Creek 8-2
 - b. Skunk Creek 2-8
- 5) WPX
 - a. Spotted Horn 26-35
 - b. Lucy Lone Fight 16-22
 - c. Fast Dog 7-6H
 - d. Spotted Wolf 7-6H
 - e. Night Hawk 6-34H
- 6) Petro Shale
 - a. Helen Pad 148-95-5
- 7) Targa
 - a. South Area Surface Site and Access Road
- 8) Marathon
 - a. Doll USA
 - b. Mandan USA CTB
- 9) Crestwood
 - a. Weathers North and South Tie-In
 - b. Western Expansion North-Oil Pipeline
 - c. Southern Expansion Pipeline Project
 - d. Fish South & Animals Central
- 10) McKenzie Electric
 - a. Kermit Lizard Lind Project
 - b. Bruin Bonita URD Line
 - c. RimRock Skunk Creek 4-10-11-1H
 - d. African Animals URD Line

VIII. ADJOURNMENT

Motion: Councilman Fred Fox moved to adjourn the meeting. Councilwoman Monica Mayer seconded the motion. Meeting adjourned at 5:20 PM.




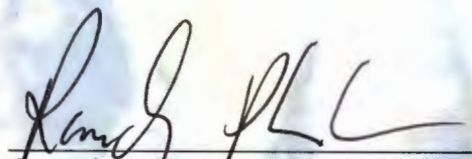
CERTIFICATION

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 6th day of November 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 6th day of November, 2019.

ATTEST:


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


Committee Chairman, Randy Phelan
Tribal Business Council
Three Affiliated Tribes