



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

Motion: Councilman Fred Fox moved to approve the June 4th, 2019 Energy Minutes. Councilwoman V. Judy Brugh seconded the motion. Vote: 3-0-0. Motion carried.

B. August 6, 2019 Energy Committee minutes

Item deferred.

C. October 7, 2019 Energy Committee minutes

Motion: Councilman Fred Fox moved to approve the October 7th, 2019 Energy Committee minutes. Councilwoman V. Judy Brugh seconded the motion. Vote: 3-0-0. Motion carried

III. ENERGY Chairman – Councilman Randy Phelan

A. Update

IV. BIA & BLM UPDATES

A. Bureau of Indian Affairs (BIA) – Kayla Danks, Superintendent – Crestwood

1) Update

Introduced new employees. Attended the Federal Partners Meeting, went over addressed issues. Making our ROW's are current. We prioritize all gas lines, which helps with flaring. Handed out a letter out at Federal Partners regarding pipeline spills. Councilman Randy Phelan has an individual who asked about his mineral sale, why is the appraisal taking so long. Kayla Danks doesn't work with appraisals but will check with DC as to what is going on with this person's appraisal. Kayla Danks will work with him.

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

1) Update

APD's 422 in 2019 approved 387. To date we have 19 in the office that are at the one year. In regards to the flaring, the rule is if the gas is royalty bearing or not royalty bearing. Will check with the engineer to see how the operator is operating. Councilman Fred Fox asked is there a grace period on flaring, Loren states it has up to 3 days. Committee asked about the set back



by a Slawson pad. It's in the same place of the torpedo pad. Councilman Randy Phelan brought up a problematic area for a spill into the water. There I pending mediation on the torpedo location, John Fredericks is working on the mediation for the area by the boat ramp. Loren is unaware the next item on the agenda. Carson Hood, Jr. states it's still pending under IBLA. Has BLM litigated these issues if there is a spill in the water, should we raise the bond? We should have something in place.

FTR: Councilwoman Monica Mayer joined the meeting at 1:40PM.

Councilman Randy Phelan reminded there is a resolution in place to oppose this. When it comes to the lake the lake is ours. Loren Wickstrom is working with the Chairman's Office, John Fredericks is working on setting up a government to government on getting the ADP issues addressed. Still working on setting up a date.

V. MHA ENERGY DIVISION

A. Update – Carson Hood Jr. - Director

1) Regulatory – WPX Safety Meeting – Pump Off

Carson Hood, Jr. addressed the illegal dumping that happened in early October (produced water). We haven't had a dumping for some time.

2) Illegal Dumping

Kenny Lyson states there was a truck on a leased road which was closed, the truck was parked and a hose was put in a ditch. About 20 was dumped, have a description of the truck. TERO and DOT had a meeting and worked on figuring out what company did it. Scoop and hauled the soil out, the site was tested. WPX cleaned up the site and hope for restitution. Another driver wrote a statement on what he witnessed, Time and description of the truck.

3) Federal Partners Bismarck ND Josh/Brandon

Josh and Brandon Will set it up in early December

Steve Gunderson handed out a report on flaring and has numbers of loss from flaring. Councilwoman Monica Mayer wants to know who is flaring, how much they are flaring, how much are we losing. It was estimated around 10 million. That is enough to have built a nursing home. How is BIA in Denver helping out up out here? Steve's estimate is a considerable amount more. BIA, Energy people, Councilmembers and have a working session on flaring.

B. PTS Report – Keith Bear

354 PTS so far. 50 rigs and 50 wells. Don't forget to hand in the PSR's.

C. North Dakota Petroleum Council (NDPC)/Marathon – Zach Weis

Zach states they would be more than welcome to work with the tribe in regards to flaring. There are two combustor for the flare.

D. Spill Notification – Carson Hood Jr., Director

Resolution, "Emergency Response and Notification Mandate and Fines for Accidental Releases or Spills of a Hazardous Substance, Pollutant or Contaminant, Including Produced Water, into the Air, Land or Water or Ground Water of the Fort Berthold Indian Reservation". This is the



first reading. It states there will be a half a million dollar fine. There is also a spill notification which refers to the environmental code and an evaluation sheet. Needs approval. Not looking for Full Tribal action. Would like as a First Reading

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

E. Energy MOU – Carson Hood Jr., Director.

The MOU will share duties with the ROW's. It's a shared duties MOU. Table until Edmund Baker and Texx Lone Bear can be here. Committee wants CEO give a directive to Edmund Baker to make it mandatory to attend the next Energy Committee Meeting.

F. Drone Update – Carson Hood Jr., Director

The contract has been approved and signed and is in legal right now. Once the Resolution is signed, we can process payment and get them paid. Councilwoman Monica Mayer wants Carson Hood, Jr. to have the drones work on flaring and ? and ? . With this technology we can start fining companies. Ryan gave a BIA 17 update.

G. Myrmidon Salt Water Disposal – Carson Hood Jr., Director [See Closed Session]

H. UIC Resolution – Carson Hood Jr., Director. [See Closed Session]

I. Trespass Code – Shenan Atcitty, Energy Attorney [See Closed Session]

J. Marcus Levings

We want the BIA 2 Road to get to the highway. Have some other units. Need some general fund money around 455,000 more. The road will be black top which will be done next year. Thunder Butte will be paved as well. 5 miles of BIA will be done too.

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

VI. OTHER BUSINESS

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

BIA 17 & 10 did a check on these salt water deposits. Have 16 employees currently. We are 24/5 now, always have some on call during the week. Have a MOU that was signed with Energy. We are a team and should work together, why does Energy need a MOU to work with us? Have footage of a pad overflowing, they were kicking it over the berm. It went onto allottee land. The information was shared with Energy. Sal Beston states there are processes, where our guys have to be out there with the company. Sal just asks that Donald just calls if he sees such issues. Committee asked Carson Hood, Jr. to have better communication with WSRC.

B. TERO Update

Item deferred.

C. Game & Fish Update - Antione Fettig, Director

Item deferred.

D. Pipeline Authority Update – Travis Hallam



Item deferred.

E. Presentation of Clean Electricity Opportunity – Keith Klinkhammer
Steve Gunderson will meet with Keith and look at the opportunity. Steve will report back to the Tribe.

F. Discussion on ¼ mile Structure Setback – Victoria Windy Boy [See Closed Session]

G. Lewis/Explorer Discussion – WPX Brandon Harris [See Closed Session]

VII. CLOSED SESSION

A. Myrmidon Salt Water Disposal – Carson Hood Jr., Director

B. UIC Resolution – Carson Hood Jr. , Director

C. Trespass Code – Shenan Atcitty, Energy Attorney

D. Discussion on ¼ mile Structure Setback – Victoria Windy Boy

E. Lewis/Explorer Discussion –Brandon Harris, WPX

VIII. 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) Oneok

- a. Quale USA CTB (Setback Variance Lake-Pipeline)

3) Van Hook Gathering Services

- a. Van Hook 1-28 -828A

4) Enerplus

- a. Fox East Ridge Project
- b. Medal's South
- c. Landforms South

5) Crestwood

- a. Skunk Creek 4-7-8 Well Connect
- b. Vegetation South Well Connect

6) Marathon

- a. Doll USA Project (Setback Variance Lake)
- b. Myrmidon Water Gathering System – 30th St. NW Pipeline

7) Targa

- a. TAT Pipeline
- b. Whales Loop 3

8) Petro Shale

- a. TAHU/Riverview Well Pad

IX. ADJOURNMENT



THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
ENERGY COMMITTEE
NOVEMBER 6th, 2019 MINUTES
[CLOSED SESSION CONTENT EXCLUDED]

Motion: Councilwoman V. Judy Brugh moved to adjourn the meeting. Councilwoman Monica Mayer seconded the motion. Meeting adjourned at 5:02 PM.



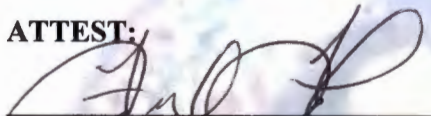


CERTIFICATION

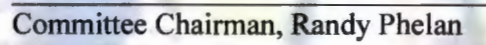
I, the undersigned, as Committee Chairperson of The Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Energy Committee is composed of three (3) members and of whom three (3) constitutes a quorum 0 were present at the meeting thereof duly called, notice, convened and held on the 23rd day of January 2020 ; 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 23rd day of January, 2020.

ATTEST:



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



Committee Chairman, Randy Phelan
Tribal Business Council
Three Affiliated Tribes