



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

**II. APPROVAL OF MINUTES**

**A. August 6<sup>th</sup>, 2019 Energy Committee Minutes.**

*Item deferred.*

**B. November 6<sup>th</sup>, 2019 Energy Committee Minutes.**

***Motion:*** Councilman Fred Fox moved to approve the November 6<sup>th</sup>, 2019 Energy Committee minutes with minor corrections. Councilwoman V. Judy Brugh seconded the motion. Vote: 3-0-0. Motion carried.

**III. ENERGY Chairman – Councilman Randy Phelan**

**A. Update**

Rig Friendly 2:00 Wednesday after Federal Partners. February 6 is Federal Partners. Williston Basin in Bismarck in May. Councilman Randy Phelan brought up oil traffic; they are starting to open valves on the roads. Councilman Randy Phelan states we are going to start asking for a higher penalty from these incidents. Lisa stated they talked to EPA about it, they will go out and survey and collect the data on this. Kenny will need to go out and start patrolling more.

**IV. BIA & BLM UPDATES**

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

**1) Update**

Great Plains office is approving all IPA agreements to the Fort Berthold agency. IMDA from oil companies will need to follow. Have a closed session item.

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

**1) Update**

*Item deferred.*

**C. Lloyd Vigen**

BIA 10 is not being kept up. WPX needs to maintain the road properly. Brandon from WPX will check into this, plan on working on the road in the spring. Councilman Randy Phelan recalls the road being dusty. On BIA 13, Lloyd looked at the road and is maintained very well. Need to put



another road approach into the field, was told I was trespassing when I looked at the approach. The oil company charged me with trespassing. Need to discuss a location for live & livestock land.

**V. MHA ENERGY DIVISION**

**A. Update – Kenny Lyson, Interim Director**

**1) Regulatory – WPX Safety Meeting – Pump Off**

Kenny gave an update. Will be having some more trainings. Contacted everyone for drill schedules.

*FTR: Councilwoman Monica Mayer joined the meeting at 1:36 PM.*

**B. PTS Report – Keith Bear**

415 new wells in 2019.

*FTR: Energy went into Closed Session.*

**C. Eric Grinnell**

Kenny Lyson states he wanted to sell his minerals to the tribe. John was also looking into this. Eric is asking for 10 million dollars for his minerals.

**VI. OTHER BUSINESS**

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

*Item deferred.*

**B. TERO Update**

*Item deferred.*

**C. Fish & Wildlife Update Antoine Fettig, Director**

*Item deferred.*

**D. Pipeline Authority Update – Travis Hallam, Director**

Requesting approval to be a presenter before the Environmental Risk Panel in April.

**Motion:** Councilman Fred Fox moved to give permission to present at the Environmental Risk panel. Councilwoman Monica Mayer seconded the motion. Vote: 4-0-0. Motion carried.

Went to flex steel facility, they have the capacity to double the work.

**E. Assignment of Lease from DW Shale to DW Slate – Chris Reagen**

Ken Paulson states MRR gave a lease to Shale who gave the lease to Slate. Requesting to transfer from DW Shale to DW Slate. MHA needs to come up with a Transfer Fee. This will continue if nothing is set up. John Fredericks will look into this. Hand out of the lease was



presented to the Committee. Councilwoman V. Judy Brugh asked Ardel Baker of the Records Office to look for minutes regarding this.

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

**Discussion:** There should be a fee for flipping leases.

#### **F. James Foote Land**

Councilman Randy Phelan asked Kayla Danks about getting Jimmy's land back. Kayla Danks states the land was taken, the Tribe took it. The Tribe owns it. The Tribe can convey through land exchange. Kayla Danks noted that the only way for the land to be returned to Mr. Foote would be by an Act of Congress.

#### **G. Trespass Issue – Kayla Danks, Superintendent**

If a trespass was mentioned, need to hear it from the land owner. Kayla Danks states upon request they will defer to the Tribe. August 8<sup>th</sup>, allotment T978 had a trespass. Trespass can be settled out. Payment of proceeds and what was generated. Don't have an appraisal in the .78 acres. Councilman Randy Phelan states this will probably go into litigation, we should not say anything on it now, and it can be used against us.

**Motion:** Councilwoman Monica Mayer moved to forward to TBC. Councilman Fred Fox seconded the motion. Councilwoman V. Judy Brugh abstained. Vote: 3-0-1. Motion carried.

### **VII. ROW APPROVALS (CLOSED SESSION)**

#### **A. Operators**

##### **1) Marathon**

- a. Harrington USA 11-4H
- b. Jessica USA Project
- c. Hopkins USA CTB

##### **2) Enerplus**

- a. Breakfast Well Pad
- b. Breakfast Pipeline

##### **3) Petro Shale**

- a. TAHU – Riverview Well Pad

##### **4) Targa**

- a. Joba Pipeline

##### **5) Oneok**

- a. Quale USA CTB

##### **6) Van Hook Gathering LLC,**

- a. Mattie Grace

##### **7) RimRock**

- a. Skunk Creek 4-7 Flowlines

##### **8) Crestwood**

- a. Bird Stephan Water Line Extension
  - b. Strings South
- #### **B. Kim Blevings**



## VIII. ADJOURNMENT

**Motion:** Councilman Fred Fox moved to adjourn the meeting. Councilwoman Monica Mayer seconded the motion. Meeting adjourned at 3:4 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 6<sup>th</sup> 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 5<sup>th</sup> day of November, 2020.

**ATTEST:**

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

  
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Committee Chairman, Fred W. Fox  
Tribal Business Council  
Three Affiliated Tribes