



CALL TO ORDER:

Councilman Fred Fox called the meeting to order at 11:30 AM.

ROLL CALL:

Present: Councilwoman Monica Mayer, Councilman Cory Spotted Bear, & Councilman Fred Fox. *Quorum established.*

I. APPROVAL OF AGENDA

Motion: Councilwoman Monica Mayer moved to approve the agenda. Councilman Cory Spotted Bear seconded the motion. Vote: 3-0-0. Motion carried.

II. APPROVAL OF MINUTES:

A. January 11th, 2021 Energy Committee Minutes.

Motion: Councilwoman Monica Mayer moved to approve the January 11th, 2021 Energy Committee minutes. Councilman Cory Spotted Bear seconded the motion. Vote: 4-0-0. Motion carried.

III. ENERGY CHAIRMAN – Councilman Fred Fox

A. Update

An order was sent out from DOI last week for the 60-day moratorium on the right of ways and other energy related items that would go to the federal government. Met with industry on Friday, to discuss ROW's on Indian lands, also straddled wells, asking for a letter of support from each company to give to the Governor and Legislative. One of the thoughts they had was it was going to hinder the budget of the State on North Dakota with the straddled wells that are developed outside the reservation and coming in. we have been wanting to do this for the past 18 years. We met with the governor yesterday rescinding the 60 days except for federal Indian lands. That excluded us and other tribes. John Fredericks states the Secretary's Order last week essentially suspended all drilling activity and approval of ROW's on federal lands. The order was not clear as to what applied to Indian lands, which resulted in panic here in North Dakota, and elsewhere. As a result, we were able to get the solicitor to issue a clarification of the order. This order only applies to public land not Indian trust or allotted land. It is what we asked and they immediately issued a clarification. Other tribes made the same request. Issue was brought up meeting with the Governor regarding boarder wells, a lot of boarder wells are on tribal land. They will be covered by this suspension/ moratorium. This will effect production in the Bakken and on the legislation that we are seeking to include these boarder wells in our tax agreement. The issue with the wells that are drilled off the Reservation that have laterals that penetrate the Reservation are being covered by this federal public lands moratorium is going to be a complicated issue. It's not covered by the exception for Indian Trust lands. If we get the support from industry to go to legislator, we will have a good chance. Councilman Fred Fox states, they thought this was a good game plan having leverage over the federal lands. John Fredericks states, our message to the Governor is that we are willing to work with you as partners, we need you to work with us as well. Border wells are not included in the revenue sharing even though they are extracting minerals from the Reservation. Companies are supporting MHA on this. Councilman Fred Fox informed, we have a bill that is going through, but don't have leadership on the bill, the boarder



tax bill. Our lobbyist at the capitol is Cynthia Monteau so far for tax on liquor and gaming. Councilman Fred Fox asked Kayla Danks when we had the industry meeting with BIA and building up, there is a lot of backlog on ROW and other items, why? Have 45 pending ROW have rec 3395 on Jan 20th, a 2 day suspension. Continue to approve and process everything pertaining to Oil and Gas. Signed more ROW's than she can remember. Lonnie transferred to Bureau of trust fund, which is a position that usually helps. Currently working on ROWs. Have a backlog due to COVID. Have some employees due to health issues cannot come into the office. Generally, we usually have around 20. Had a web ex training with industry. Next meeting she will provide pending numbers for ROW's. That is on her presentation. Councilman Fred Fox mentioned some of the companies are not bringing a rig in on 2021; they do not have ROW's. We need to work on this. Catherine Everett asked companies to get her a backlog. Marathon had 13 they are waiting on. John Fredericks suggests Catherine Everett get a list so those get approved first and address the others as soon as possible. Based on submissions Kayla Danks states they can work on it.

IV. BIA & BLM UPDATES

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

1) Update.

U.S. Dept. of Interior, Bureau of Indian Affairs Great Plains Region, Fort Berthold Agency And Indian Energy Service Center hosted a WEBEX Meeting with Industry January 21st, 2021. Secretarial Order 3395 of January 20, 2021 Temporary Suspension of Delegated Authority to approve federal land transactions does not apply to actions taken with respect to Indian Tribal and individual trust lands.

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

1) Update – Report Submitted

WBI pipeline (95 miles) is across the lake north of us. Met with Chairman's staff discussed the North Dakota resource management plan, Discussed the RMP process and working on alternatives. Will be writing the RMP-EIS and will be ready late spring or early summer. In December they received 16 APD's and processed 21 APD's

V. MHA ENERGY DIVISION

A. Update – Kenny Lyson, Director

There are 12 rigs drilling in the State. Emailed oil and gas rigs, 5 are on Fort Berthold. Will have Steve Gunderson and Josh Ruffo provide updates.

VI. OTHER BUSINESS

A. TERO Update – Duane Young Bird

Item deferred.

B. Pipeline Authority Update – Travis Hallam

WBI, which BLM was talking about, we go out and anything that deals with Lake Sakakawea it used to be they had to have meaningful consultation but they only talked to Pete Coffee in the past, they never talked to us. Since we started this we get to go out and design to what we presume to be a safety standard. Make them do HDD bores. Corps of Engineer supports us. Went from a 16" pipeline to a 20" pipeline, less pressure and more capacity for the future. WBI followed direction, Michaels did the boars the way



we want it. They are building to our safety standards. Yesterday the District Court ruled against DAPL. They will leave it up to the Corps of Engineers. Want to do an internship over the summer. We did this once before. Once we get the funding from our annual fee would like to set aside about \$10,000.

C. Industry Update – Josh Ruffo

Bruin was sold to Enerplus. John Fredericks noted one of the things that came up yesterday when the border tax legislation, the Governor specifically asked if our industry partners were supporting our effort, we showed him the letters, and it's important they follow up with letters of support. We need the Industry to write letters and send a lobbyist to lobby on our behalf. How much is that bill and how much revenue will it bring in. at least 50 million a year, could be a bit more (straddle wells). It will be a fight. Chairman Mark N. Fox on the phone, lobbyist on alcohol gaming and taxation especially the straddled wells. Have 2 working for us for the gaming side; all tribes are in support of this. Expect Industry to lobby and advocate to Legislators. Our partners need to go around and state they approve. They are letting us set the policy and agenda for the new Biden administration. The President signed the executive order. They need us to advocate, we need them to step up and lobby for us.

D. Enerplus Update – Josh Ruffo

See Closed Session.

E. Tall Salt Update – Steve Gunderson

See Closed Session.

VII. CLOSED SESSION

A. Enerplus Update – Josh Ruffo

B. Tall Salt Update

VIII. ROW APPROVALS (CLOSED SESSION)

A. Operators

1) Marathon

- a. Boy Chief USA Project**
- b. Boy Chief Pipeline Project**
- c. Collins USA Project**
- d. Banta USA Project**

2) WPX

- a. Dakota Pad Temp Water Line**

3) EOG

- a. Mandaree 7 SWSW**

FTR: Next Energy/Natural Committee meetings will be on February 25, 2021.

IX. ADJOURNMENT

Motion: Councilman Cory Spotted Bear moved to adjourn the meeting. Councilwoman V. Judy Brugh seconded the motion. Meeting adjourned at 12:48 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 3 were present at the meeting thereof duly called, notice, convened and held on the 23rd day of February, 2021; 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 February, 2021.

ATTEST:

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

Committee Chairman, Fred Fox
Tribal Business Council
Three Affiliated Tribes