



## **CALL TO ORDER**

Councilman Fred Fox called the meeting to order at 11:47 AM.

## **ROLL CALL:**

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

**FTR:** *Charging Bull Holdings was supposed to be in HHR Committee but will attend Energy in Closed Session*

### **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:**

- **July 12<sup>th</sup>, 2023 Natural Resource Committee Minutes.**

**Motion:** Councilwoman Monica Mayer moved to approve the July 12<sup>th</sup>, 2023 Energy Committee Minutes subject to minor corrections. Councilman Cory Spotted Bear seconded the motion. Vote: 3-0-0. Motion carried.

### **III. ENERGY Chairman – Councilman Fred Fox**

#### **A. Next Energy Committee Meeting**

August 31<sup>st</sup>, 2023. NRC to follow. September 5<sup>th</sup>, Tuesday.

#### **B. Update**

Federal Partners on August 8, 2023. No Rig-Friendly Meeting for Federal Partners.

### **IV. BIA & BLM UPDATES:**

#### **A. Bureau of Indian Affairs (BIA) – Rick Clifford**

##### **1) Update**

Oil and Gas Leases: 4 new leases approved since July 3<sup>rd</sup>, 2023. 2 leases pending approval. Including 1 tribal IMDA lease to Marathon. Oil and Gas Lease Assignments: 638 approved (208 in recent phase). 198 pending review and approval. 3,275+ letters mailed to landowners by the LTRO (in recent phase). Trespass Cases: 134 ongoing active cases (Mostly, but not all are oil and gas related). Many are pending appraisals. Communalization Agreements: 149 pending Uplands - 4 completed 59 pending (Uplands CAs are awaiting guidance from the Solicitor's office regarding the inclusion of the updated Section 5 language for CAs containing tribal tracts/interests). Little Missouri River - 23 pending. Missouri River - 67 pending. Oil and Gas Rights-of-Way: 12 pending review and approval. 5 for McKenzie Electric Cooperative. 7 others pending review and approval. 27+ rights-of-way/rights-of-way modifications completed this fiscal year. Oil & Gas Right-of-Way Assignments: Approximately 200 pending review and approval. 14 for McKenzie Electric Cooperative. Income Verification Letters: 9 income verification letters issued to landowners this fiscal year. -Have 25 that are waiting and completed 1. -On the Trespass cases the 134 number is not accurate. It's probable about 10-15% of the actual number. -Councilman Fred Fox states



Enerplus has missed their window, never mind they are with MEC, Councilman Fred Fox would like to expedite to start construction also Targa. Targa is ROW's. Enerplus is MEC's and one well modification. Enerplus is a single modification. MEC has been waiting for several years. Councilwoman Monica Mayer asked how many FTE's, 10 and 15 more and have funding.

**B. Bureau of Land Management (BLM) – Eddie Kraft, Assistant Field Manager**

Have total APD not drilled and have the name of the company, email to Councilman Fred Fox. They have 4 years; we want to see who is sitting on them.

**1) Update –**

The FY 23 APD report (No Updates): Trust APD numbers for Oct to June: (Received APDs = 63, Processed APDs = 4, Total Pending APDs = 53, Total approved APDs but not drilled – 156). Inspection and Enforcement (I&E) (Updated): NDFO onboarded two PETs in July and have another one coming on board in August. Seal schools continue to be offered and are on track to complete 100% of high priority inspections. Working on NRS' vacancy. Would like to meet in person again with MHA Energy at the beginning of FY24. North Dakota RMP (No Update). The draft RMP was published on January 20<sup>th</sup>, 2023 the initial 90 public comment period ending on April 20, has been extended to May 22<sup>nd</sup>, 2023). The draft is available on ePlanning (<https://eplanning.blm.gov/eplanning-ui/project/1505069/510>). FBIR Partners Meeting: NDFO is planning on attending the FBIR Partners meeting next week in New Town and will have additional updates at that time. I have multiple conflicts tomorrow morning, but will try to call in. Loren's last day is today. Please send all future correspondences to me.

**V. MHA ENERGY DIVISION**

**A. Update – Kenny Lyson, Director**

The Director reported that oil prices are between \$81-\$82. There are currently 5 rigs on Fort Berthold. Industry roads are dusty and we are getting complaints. Will work with Maynard Demaray. Weeds on the pads are also an issue. Come spring when snow melts it will make it difficult to clean the pads. Federal Partners meeting next week.

**VI. OTHER BUSINESS**

**A. Pipeline Discussion – Travis Hallam, Director**

Mr. Hallam spoke about the explosion that happened north of New Town. Insistent north of a bypass road. They were welding on a supposedly empty. There was something flammable in there. No fatalities. Impact radius, happened because mm worked fast for this incident. The Director wants blast walls on this pad. Councilwoman Monica Mayer was thankful everyone for working quickly. North Segment moved the location of the proposed Spiritual building, and he noted that it was too close to the pad. The Corps has invited Mr. Hallam to a meeting. It is within his scope of work. They will be discussion of DAPL. They will also be discussing the pipelines in the water. Currently 13 pipelines are in the water. They were built in 1953 and their life expectancy is 50 years. Currently, they are at least 20 years past their expectancy. The companies are looking to renew the leases. He would like to recommend to the Corps that the pipelines can be approved again but conditions should be for the pipelines to be bored under the lake so they are not a threat to the lake. Also, Mr. Hallam has also been asked to present at an Innovation Forum in Houston, Texas. The goal of the forum is Oil Industry Safety Standards.

**B. Thunder Butte Energy Update – Bernie Fox, CEO**





*Item deferred.*

**C. MRR Update – Dave Williams, CEO**

Dave had a meeting years ago with Kinden? When there is a leak and there is 5 inches of ice, what are you going to do. Had to work on the Mandan well fracking. Did start a list of possible? on FB, started on the NW corner and worked their way down.

**D. Industry Update – Josh Ruffo**

Mr. Ruffo stated that there is usually a good reason for wells not being drilled. The committee had no questions for Mr. Ruffo.

**E. TAT Roads – Maynard Demaray, Director**

Reported the need for a new loader with a scale. Fort Berthold gets their gravel north of here. Mr. Demaray stated that they need gravel and are looking for a gravel source. He will also be looking into the road agreements. Kenny Lyson asked if industry on anything about road BIA 10. They had to go back due to the funds were not allocated this year. Next year it should be in the budget.

**F. Slawson – Barrier Request**

*See Closed Session.*

**G. Civilian Trespassing – Josh Ruffo**

There were guys on location with flip flops, t-shirts and such. Fred Hale did a site visit and he had no shoes or shirt on. He states he was the land owner. Mineral only not surface. A pumper for Enerplus showed up on site and advised the trespasser's they could not be on land. The land was leased to Enerplus. Mr. Ruffo asked the committee for direction on how to handle these kinds of issues. Some people think they can tell industry what to do when the person only owns mineral rights not surface. Josh would like to know if he calls the police or Officer Roy states they can respond and will figure it out. Councilwoman Monica Mayer stated that any policy and procedures should include Kenny Lyson and Texx Lone Bear. The trespasser was Nelson Bird Bear. Councilman Fred Fox should put this trespass under Judicial Committee and work with her legal team to work on trespassing, from allottee to? Texx Lone Bear states last NRC he was asked to put together a Trespass Ordinance. Next Judicial Committee meeting is the 27<sup>th</sup>. The committee stated that a Public Service Announcement (PSA) should be put out to inform the public because it is dangerous.

**H. MEC**

Representatives from MEC presented [Carl Auker, Vince? supervisor]. Application for 3 substation leases in in West Segment. Their application was not up on the agenda, Harriet Clah advised them to follow the rules when coming to committee for approvals. Also, they need to contact Game & Fish. Carl states there is an approval from one of the sites, that will reapply. Carl states they have met with the segment representative. MEC was advised to have everything in place and ready to go.



**Motion:** Councilman Cory Spotted Bear moved to forward to Executive Committee subject to a complete file and letter of concurrence from Councilwoman Sherry Turner-Lone Fight. Councilwoman Monica Mayer seconded the motion. Vote: 3-0-0. Motion carried.

**I. Charging Bull Holdings.**

Councilman Fox added this on because Mr. Burr was unable to attend the last HHR meeting. Proposal to provide mental health services. He presented with his sister Candy Burr-Fisher. Candy has been in the Mental Health field for 25 years. Their intent is to develop services for the MHA Nation. Candy Fisher spoke on mental health program, she met with Jared Eagle and they have 2 providers currently. Clinical Infrastructure is what they would like to put together. Would like to set a program for the personal side of things. The tribe should look at getting a Tribal licensure.

**Motion:** Councilwoman Monica Mayer moved to forward to Executive Committee. Councilman Cory Spotted Bear seconded the motion. Vote: 3-0-0. Motion carried.

**J. North Segment Wrecking Yard**

Councilwoman Monica Mayer presented a contract between North Segment and Victor Quintero (contractor) to build a maintenance building in the wrecking yard. It is already being built. Councilwoman Monica Mayer stated that she had thought she presented it.

**Motion:** Councilwoman Monica Mayer forward to Executive Committee. Councilman Cory Spotted Bear seconded the motion. Vote: 3-0-0. Motion carried.

**VII. CLOSED SESSION**

- A. Slawson – Barrier Request
- B. Civilian Trespassing – *Josh Ruffo*

**VIII. ROW APPROVALS:**

- A. Operators
  - 1) Targa
    - a) Ashley USA Lake Setback Variance (Pipeline)
  - 2) D.W. Slate
    - a) Assignment
  - 3) Devon - *Brandon Harris*
    - a) Meriwether 28-33 H Pad Project

**IX. ADJOURNMENT:**

**Motion:** Councilwoman Monica Mayer moved to adjourn the meeting. Councilman Cory Spotted Bear seconded the motion. Meeting adjourned at 1:42 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 12<sup>th</sup> day of August 2023; 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 12<sup>th</sup> day of August 2023.

#### ATTEST:

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

  
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Committee Chairman, Fred Fox  
Tribal Business Council  
Three Affiliated Tribes