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**THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
SPECIAL MEETING 11-05-tgh
August 26, 2011, 12:00 P.M.**

CALL TO ORDER:

Chairman Tex G. Hall called the meeting to order at 1:06 P.M.

PRAYER:

A moment of silence is taken, the families of the

ROLL CALL:

Present: Chairman Tex G. Hall, Councilman Arnold Strahs, Councilman Mervin Packineau, Councilman Frank Whitecalfe, Councilman Scott Eagle, and Councilwoman V. Judy Brugh. A quorum is established. Absent: Councilman Barry Benson.

01. APPROVAL OF AGENDA:

Councilman Packineau moved to approve of the agenda, seconded by Councilman Strahs.

VOTE: 6 Ayes Motion carried.

02. Arrow Pipeline: (Closed Session)

03. EPA Minor Source Rule 4:23

Synthetic Minor Source Permit to existing wells. August 30 deadline to sign off. Objections were stated by the tribe. Rollie J Reynolds, John Fredericks. We need a year because we need to list our wells for a year and we don't even know what they are yet. Tex: 4:26 speak to the congressional. The tribe can go to a general permit by signing off on the permit and they will get a thirty day permit. The companies need assistance from the TBC. A draft resolution asking for a year. If we do nothing the rule will

Fred: four requests: all denied. Even the one year from Ron Ness. A hand out of denial was sent to the tribe. Fred will call. If the tribe would help out with any pipeline.

The tribe didn't feel adequately informed. They moved the true minor source permit deferred. The Synthetic minor source did not get deferred.

4:33 it is \$3,000 per each well. Fee and trust for existing and upcoming wells. When an economic study is done on economic loss. Jeff Hunt did the study. The tiered system is on page three (D) on the EPA hand out.

Fred: They are required to submit all existing wells and upcoming and admit they are in violation of the clean air act. They are agreeing to that fine.

The deadline is moved to.

4:40 Marathon Oil: Rebeca and Paul on line: 46 million 80 Thousand mineral owners will lose. Another plan will need to be put in place by next summer because the deadline will be here June 1st. WE are asking for assistance in EPA keep in their promise on keeping on point.

Tex: Just want to get your concerns before doing anything. just to do a seamless transition so as not to lose \$46 million dollars. A resolution to go on record to say what 4:47 ask for a year. And EPA not continues to work with the tribe. This is a temporary fix to get through the one year.

Rebecca: EPA will delay the whole program or give extension. Tex: It could do both. You need to tell us what we should put in our resolution.

Rebecca: Request that the agreement itself have additional time built in. What is the time frame to put in the Reso? Reb: August 30 one year from the rule is asked for. It would give the EPA time to work through its issues. The last issue, if

we delay it altogether, the EPA believes was major sources. Then the minor source may help us in some ways. Because the major may take three years for a permit. Paul: put implement the seamless pro if epa could promise to implement its federal implementation model. What we hope will be..4:53.

Put August 30 2010 in the resolution. Tex: Executive Order 13175 that requires that every federal agency consult with a federally recognized tribe.

The calls on congress 4:56. If the headquarters

Should ask to follow ND State law. This will affect all tribes across the nation. It would benefit to have Salazar and Eco hawk in the meeting. Salazar should have discussed this will Lisa Jackson and never let the 4:58.

If we can get them to implement this in the... Rebecca do you want to 5:00 to incorporate into the resolution. With respect to the to get the following per request. We absolutely do. John: I think we can do that in resolution. If you can get that to me asap. As soon as we are off the phone.

Tex: Get model permit and extension of time. An injunction of... 5:02. Other tribes will jump in when they know what this means. E will exempt the Synthetic minor source rule for one year. Rebecca: deployment of the minor source rule may put further delay in major source rule and delay drilling.

There is language that says forgiveness 5:05 Tex: if EPA is going to be retaliatory than we go back to congress and say they are being retaliatory. We will ask for the Aug. 30th 2012 date.

Tex Fred John to go to Denver to meet with EPA Jim Martinson because he said he would like to meet with the tribe privately. 5:12

04. Resolution 11-100-VJB: Capacity Energy Department Grant 5:13

Councilman Packineau moved to approve of a resolution entitled, "The Tribal Energy Capacity Energy Grant." The motion is seconded by Councilman Strahs.

Discussion: Because of the emergency situation I would like 5:17

VOTE: 5 Ayes Motion carried.

05. Slawson Well in Conjunction to the New Healthcare Facility: 5:18

Dennis Fox to get a 20640 ft = to a ½ mile proximity requirement of oil wells from the Elbowoods Healthcare Facility.

The proposed policy will be trust and fee. Consistency will be with the Minor source rule also.

Consultation and proximity 2640 ft. and consultation and notification 5:30

5:33 Air emissions, we do have equipment for this. Would the fine come to the tribe? They are going to charge \$3,000 per well, if we do the emissions it will come to us. We could charge the fines.

Do we have any policy on inject wells? No we do not. We could if we apply for it. 5:35 it is a program from the EPA. Every company is wanting to 5:37 this will help us with. It is required that the tribe knows and accepts the permits. A meeting will have to be set up. The tribe could set up their own requirements. Elgin... there are five applications. You can't come off the gravel.. Kodiak, there are five companies. VJB: EPA has all these fines assessed but what are they going to do with the fine money? It will go back into. 5:40 Jim said he was getting calls from Hoeven and wants to work with the tribe.

06. Homeland Security Update on Oil Spills: Cliff Whitman 5:45

Who is going to do the situation: Both. An incident in Bear Den. Darren Holman caught a salt water dumping. They are trying to find out how many barrels were dumped. Assessment on damage needs to be assessed before citation. Morgan Fettig land was dumped on, he would like compensation. Who will do the assessment? The land owner doesn't get compensated. This should be sent into the insurance company. If it is allottee land then the BIA should be involved. Cliff will get with Joe Gillis and Daryl Turcotte. A sign off by one of the tribal entities that would be involved should be done. Is Tribal EPA involved when there is a call out? They are hard to get ahold of. Environmental and Homeland Security budgets are being looked at to hire more help. 5:56 Oil on side of boat was reported. Waiting on Jeff Desjarlais to follow up on it. Environmental is supposed to be doing the testing on the water.

07. Resolution 11-101-VJB: Minor Source Rule for EPA Request

Councilman Brugh moved to approve of a resolution entitled, "Requesting ." The motion is seconded by Councilman Packineau.

Discussion:

VOTE: 5 Ayes 0 Nays Motion carried.

08. Headquarters then EPA call in at

09. Adjournment:

Councilwoman Strahs moved to recess the meeting until tomorrow morning at 11:00 A.M. The motion is seconded by councilman Packineau.

The meeting recessed at 6:10 P.M.