



CALL TO ORDER

Committee Chairman Randy Phelan called the meeting to order at 10:30AM at the TAT Energy Building.

PRAYER

Councilman Fred Fox

ROLL CALL

Present: Councilman Fred Fox, Councilman Randy Phelan, Councilman L. Kenneth Hall.
Quorum established.

I. APPROVAL OF AGENDA

Motion: Councilman Fred Fox moved to approve the agenda. Councilman L. Kenneth Hall seconded the motion. Vote: 3-0-0. Motion carried.

II. APPROVAL OF MINUTES

Item deferred.

III. NRC CHAIRMAN – Councilman Randy Phelan O&G on the April 13th.

IV. UNFINISHED BUSINESS

A. MHA Energy Division – Carson Hood Jr.

1) BIA Introduction Robert Mathis – Carey Doyle

Discussed working with Law Enforcement agencies concerning West Segment for planning and short term needs of West Segment. Can meet on the 6th after the budget meeting in the evening. Cary Doyle spoke to the need for increased cooperation with the federal partners. They are the focal point for this upcoming year for the management of the oil field in areas of concern such as law enforcement and criminal activity. Harriet Goodiron commented that West Segment Regulatory is ready to assist with these activities. Discussion on enforcement and regulatory partnerships and upcoming meetings.

FTR: Chairman Mark N. Fox welcomed the audience and commended those involved with finishing the new Energy Building. Discussed concerns with energy partners and lawsuit with the DOI concerning ROW's & the WEA, and taxation, the real possibility of dual taxation on trust lands now. Read position statement from the Ute Indian Tribe against the law suit and attack on tribal sovereignty. Energy partners here today need to align with the TAT. Kayla Danks, BIA informed the crowd of the DOI's position and amicus brief filed in favor of the tribes' authority to tax. With new regulations also state that ROW only issued if 1% tribal interest, and BIA approval will be needed. Councilman Randy Phelan noted that the battle



against the Cotton Petroleum case continues. Councilman L. Kenneth Hall provided back ground on the fight against the Cotton Petroleum case and state taxation. Councilman Fred Fox asked those energy partners to let their bosses know that the tribe will not take support for this lawsuit lightly. Elton Spotted Horse, Harriet Goodiron, and Ted Lone Fight provided additional comments concerning the lawsuit and community.

2) Pipeline Safety Code - Shenan Atcitty

Item deferred.

3) Roads Control Proposal – Shenan Atcitty

Item deferred.

B. MHA Energy Field Inspector Program – Blaine Dixon/ Kenny Lyson.

Gene Laducier provided a spill report and status in industry reporting. 268 spills 2015-16 of salt water and some oil of various quantities. Spill database (spreadsheet) is currently being developed that will help determine if certain companies are more prone to spills. Kenny Lyson stated that most spills are on the pad. Carson Hood Jr. added that human negligence is the root cause and mentioned future fines being put in place. Asked the energy partners to adhere to your best practices of their CFR. Sal Beston share some of his field experiences and recommendations for improvement. Councilman Fred Fox recommended bringing in the subcontractors. Energy partners shared practices in dealing with negligent drivers and contractors. Dewey Hosie, TERO stated that they can blacklist drivers found to be negligent and causing spills. INS Safety Evaluation grading is used by the operators to evaluate performance for safety criteria.

C. EPA Department – Edmund Baker, Director

Provided insight into the TAT EPA services and needs. Discussed spills and fines from off the pad incidents. EPA DOC's (dust) rules will eventually hit 90%. Discussed water jurisdiction battles from ponds to rivers and permission needed just to do water testing.

D. MHA TERO - Dewey Hosie

Dewey Hosie, Frank De La Paz & Kelsey Packineau provided information on TERO chain of command, amendment of the TERO Ordinance, Web Site, remodel of the Tier system, Commission activity. The committee expressed the need for TERO to approve a monthly update.

E. MHA Department of Transportation – Richard Hall

Elton Spotted Bear presented the DOT report that included Motor Carrier data on overweight trucks. Discussion of BIA 12 and needed road restrictions.

F. MHA Roads Department – Doyle Bell

Work on BIA Route 30 is starting paving improvements. Culvert on Route 18 in White Shield is also starting. Route 12 will go out to bid on April 14th. Councilman



Fred Fox asked about paving Route 18 in White Shield for FY17. Councilman Randy Phelan proposed allowing truck traffic through Mandaree with industry's help fund paving BIA 6 for 10 miles. To include a stop light and 2 stop signs with curb and gutter included. Phase II would include the remainder to McKenzie Bay. Aberdeen has approved the design. Estimated cost of \$30 million for Phase I. Industry will meet with Doyle Bell to get the details.

G. West Segment Regulatory Commission

Ted Lone Fight, Harriet Goodiron, Aaron Abbey, Lisa Lone Fight discussed upcoming working sessions, inter-departmental territoriality, safety plan development, exceptional staff credentials, compliance checks and GPS logging. Ron Ness, NDPC (On Phone) was unaware of the WEA law suit but will meet to determine stance. Lisa Lone Fight is current seeking air quality grants and hoping to work more with geo special for the environment needs of the commission.

VI. NEW BUSINESS:

A. Saf-T Compliance Draft Contract Proposal

Item deferred.

B. BIA Road Update:

1) Enerplus

a. BIA Route 27 Snow Road – Jim Barnet

Performing road maintenance repairs from winter, dust abatement when it dries up.

b. BIA Route 4 – gravel from 22 to the reservation line, bladed it Tues. will be doing maintenance blade and dust abatement.

c. BIA Route 17

Half done with paving the 4.75 miles base repair and gravel, and dust abatement near homes.

d. BIA Route 14

Snow removal and salt provided.

e. BIA Route 30

No information.

2) WPX

a. BIA Route 6 – Jeff Linnox

Provided snow removal.

3) QEP – Tracy Opp

a. BIA Route 10

No information.



- b. **Road Cost 2015**
Will take on BIA Route 13.

- 4) **Whiting**
 - a. **BIA Route 22 (Twin Buttes)**
Item deferred.

- 5) **XTO**
 - a. **BIA Route 13**
Item deferred.

- 6) **EOG**
 - a. **BIA Route 27**
Item deferred.

VII. OTHER BUSINESS

A. **Pipeline Director- Travis Hallam**

1) **Industry Compliance Discussion**

Discussion of pipeline standards, SKATA technologies, variances, no grandfathering.

2) **Resolution Discussion**

Motion: Councilman Fred Fox Resolution entitled “*Produced Water Pipeline Requirements within the Fort Berthold Indian Reservation Boundaries*” to be forwarded to the April 14th 2016 Tribal Business Council. Councilman L. Kenneth Hall seconded the motion. Vote: 3-0-0. Motion carried.

B. **Thunder Butte Refinery – Richard Mayer**

Provided a Letter of Response concerning EPC Agreement with TBPS. Seeking 2 year storage contract. Administration building is progressing on schedule. Seeking to transfer equipment assets to the refinery from TAT.

Motion: Councilman Fred Fox moved to forward to the April 14th, 2016 Tribal Business Council. Councilman L. Kenneth Hall seconded the motion. Vote: 3-0-0. Motion carried.

C. **Nix Patterson and Roach LLP. (CLOSED SESSION)**

1) **Lost Royalty Revenue Calculation Presentation**

D. **Tesoro- James Sanford (CLOSED SESSION)**

1) **Figure 4**



VIII. ROW APPROVALS (CLOSED SESSION)

A. Petro gulf- *Jerry Goedert*

1) Respacing Draft Resolution

B. Operators

1) Enerplus

a. Grains Pad

2) QEP

a. Pad 1-28A

b. Pad 8-28A

c. Pad 16-22G

d. 1-12Y

3) Marathon

a. Treasure

b. Sophia

4) WPX

a. Big Horn

5) Whiting

a. Two Shields Butte

6) Crestwood

a. Arrow Phase 1A

b. Rectifier #9

7) Targa

a. Butterflies Turtles Extension- Turtles East

b. Butterflies Turtles Extension- Crows Flies High

c. West Myrmidon 30th St West

d. West Myrmidon Lateral D

e. West Myrmidon Lateral C

f. West Myrmidon Trunk

g. Targa Land Farm

C. Fox&Hawk - *Clair Fox & Wes Meyers*

IX. ADJOURNMENT

Motion: Councilman L. Kenneth Hall moved to adjourn the meeting. Councilman Fred Fox seconded the motion. Meeting adjourned at 3:23PM



CERTIFICATION

I, the undersigned, as Committee Chairperson of The Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Natural Resources Committee Oil & Gas 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 31st day of March, 2016; 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 1st day of March, 2017.

ATTEST:

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

Committee Chairman, Randy Phelan
Tribal Business Council
Three Affiliated Tribes