



CALL TO ORDER:

Councilman Randy Phelan called the meeting to order at 11:30AM.

PRAYER:

Councilman Fred Fox

ROLL CALL:

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

I. APPROVAL OF AGENDA:

Motion: Councilman Fred Fox moved to approve the agenda. Councilman L. Kenneth Hall seconded the motion. Vote: 4-0-0. Motion carried.

II. APPROVAL OF MINUTES

- 4/15/2015 NRC-Oil & Gas Committee Minutes.
- 5/13/2015 NRC-Oil & Gas Committee Minutes.
- 9/1/2015 NRC-Oil & Gas Committee Minutes.
- 10/13/2015 NRC-Oil & Gas Committee Minutes.
- 1/5/2016 NRC-Oil & Gas Committee Minutes.
- 3/31/2016 NRC-Oil & Gas Committee Minutes.
- 4/12/2016 NRC-Oil & Gas Committee Minutes.
- 5/4/2016 NRC-Oil & Gas Committee Minutes.
- 6/13/2016 NRC-Oil & Gas Committee Minutes.

Items deferred.

III. NRC Chairman – Councilman Randy Phelan

Discussion of industry meetings in Bismarck. Carson Hood Jr. brought up issues with TERO & lease process. Councilman Randy Phelan discussed moving Industry to the top of the Tribal Business Council agenda or as Councilman L. Kenneth Hall suggested having a Special Tribal Business Council for Industry by Resolution. Tom Wells & Liz Burnt discussed additional wells added need clearance and it creates a slowdown of BIA approval. No longer granting temporary water lines within BIA approval and the new regulations. The allottee can sign interest of ROW. Developing the proper language for grant temporary water lines at this time at the BIA. BIA is hoping to have the Temporary above ground water line ROW language developed by September 15th. Wilber Wilkinson, Spotted Tail Associates discussed contracting BIA Energy responsibilities by the tribe. Carson Hood Jr. stated that he is on the verge of losing his Federal grant and the staff that it funds. Also discussion of industry helping fund the Energy Department.

Motion: Councilman Fred Fox moved to authorize Vice Chairman of the Tribal Business Council to direct the BIA and send the ROW Compensation Calculation for



all Tribal ROW to the Energy Director. Councilman L. Kenneth Hall seconded the motion. Vote: 3-0-1. (Councilman Frank Grady- Abstained) Motion carried.

Discussion: Tom Wells stated Regional Director allowing appraisal process to continue from before changes.

Tom Wells discussed of reservation wide appraisal. Also McKenzie Electric's not paying for ROW to landowners and the bottleneck for getting well-connects completed. Wilber Wilkinson asked that Alottees be able to utilize as they see fit surface water without a water permit.

Motion: Councilman Fred Fox moved to above ground water permit for Ivan Johnson. Councilman L. Kenneth Hall seconded the motion. Vote: 4-0-0. Motion carried.

FTR: Chairman Mark N. Fox joined the meeting at 12:50PM.

TERO - Frank Del La Pass, TERO Contractor Liaison

Discussion of the Denver meeting concerns generated such as; increasing spud fees, bidding process & other fees. Discussion of Tier 1 classification and the problem of front companies, and Indian preference. Chairman Mark N. Fox provided a summary of activities currently to improve oversight of TERO. Discussion of a proposed Petroleum Council for the Fort Berthold Indian Reservation

IV. MHA ENERGY DIVISION – Carson Hood Jr., Director

A. Half Mile Setback Issue

Josh Ruffo of EnerPlus is requesting amending the resolution to ¼ mile of a home and changes to noise generating equipment. Industry is requesting that 12-103-VJB approved 9/27/2012 be amended. Kenny Lyson concurs.

Motion: Councilman Fred Fox moved to forward amendment of 12-103-VJB to ¼ setback from a home to the July 13th, 2016 Tribal Business Council. Councilman L. Kenneth Hall seconded the motion. Vote: 4-0-0. Motion carried.

B. Disposal Rez Rock & Water/TERO Regulatory Authority (Closed Session) – Addressed

C. Tribal Business Council Oil & Gas ROW Special Request
Item deferred.

D. PTS/CTS Update - Shawn Paul Grady

Presented a list of permission to survey applications as an update to the committee.

V. OTHER BUSINESS

A. BIA – ROW Regulatory Update – Addressed



- B. Expedition of ROW Process
- C. Above Ground Temporary Waterline Solicitor's Update

VI. ROW APPROVALS (CLOSED SESSION)

A. Operators

- 1) **Marathon**
 - a. **Kermit USA Pad**
- 2) **WPX**
 - a. **Blue Racer 14-11**
 - b. **Pipit 31-30**
 - c. **Buffalo/Corral Unit**
 - d. **Mandaree South 19-18**
 - e. **Hidatsa 14-23**
- 3) **Petro Gulf Drilling Proposal**
- 4) **Social Media Policy**
- 5) **Adele Phelan Youth Financial Request**
- 6) **Kylee Halvorson Medical Assistance Request**

VII. CLOSED SESSION:

A. MHA Energy Division – Carson Hood Jr., Director

- 1) **Regulatory Jurisdiction (Assertion)**
- 2) **ROW Bonus Calculation Update - Catherine Nelson & Shawn Paul Grady**
- 3) **Gas Capture/Flaring – ROW Well Connect Approval**
- 4) **Regulatory Commission Resolution – John Mahoney**

VIII. ADJOURNMENT

Motion: Councilman L. Kenneth Hall moved to adjourn the meeting. Councilman Fred Fox seconded the motion. Meeting adjourned at 2:30pm.



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 4 were present at the meeting thereof duly called, notice, convened and held on the 12th day of July, 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