



CALL TO ORDER:

Councilman Randy Phelan called the meeting to order at 2:31 pm.

ROLL CALL:

Present: Councilwoman Monica Mayer, Councilman Fred Fox, Councilman Randy Phelan. *Quorum established.*

I. APPROVAL OF AGENDA

Motion: Councilman Fred Fox moved to approve the agenda. Councilwoman Monica Mayer seconded the motion. Vote: 3-0-0. Motion carried.

II. APPROVAL OF MINUTES:

• **May 2, 2018 Oil & Gas Committee Minutes**

Motion: Councilman Fred Fox moved to approve May 2, 2018 Oil & Gas Committee minutes subject to minor corrections. Councilwoman Monica Mayer seconded the motion. Vote: 3-0-0. Motion carried.

• **April 4, 2018 Oil & Gas Committee Minutes**

Motion: Councilman Fred Fox moved to approve April 4, 2018 Oil & Gas Committee minutes subject to minor corrections. Councilwoman Monica Mayer seconded the motion. Vote: 3-0-0. Motion carried.

III. NRC Chairman

A. Update

Rig Friendly in July during the Summit.

B. Upcoming Federal Partners Meeting

Try to have the Tribal portion on June 19th.

IV. BIA & BLM UPDATES

A. Kayla Danks, BIA Superintendent

1) Update

Submitted report to the committee concerning ROW's. 16 pending ROW's which is an all time low for Fort Berthold agency. Also included an analysis of ROW approved and the time taken to get approval for oil & gas. In 2017, Oil & Gas Row Approval Time was at about 57 days. About 170 ROW's for the year. Regulations stipulate 60 days. In 2018, under the new regulations, that average dropped to 54 days. Submitted correspondence on a pending trespass issues for the committees information.

2) Temporary Water Lines

Have 3 pending now. They are generally provided within another ROW so the companies generally go out and get assignment, and the BIA gets them after the fact. The ROW



allow for assignment without further approval they work with the company to get it right. The process has been the same since 2016.

3) Mag Chloride Discussion

Attended a BIA roads meeting with Carson Hood Jr. and Charlie Vigen, in regards to watering down roads. Mr. Vigen brought up how some companies are using Magnesium Chloride to control road dust. Councilman Fred Fox asked for the number of wells each month. Tom Wells noted that there are about 20 spudding wells each month. [Inaudible due to paper shuffling] Oil production Trust only, \$120,000 per day. Councilwoman Monica Mayer noted the Chairman's office had \$1.8 billion in revenue over a 10 year period and asked to see the numbers that the State gets for trust land added to report each month. The state is taking 50% of the tax revenue which is in the millions and billions and not coming back to the reservation to fix the roads. \$300-400 million just to bring our roads brought up to spec. Our tax money is going to the town around the reservation and not us.

B. Bureau of Land Management (BLM) - Loren Wickstrom¹

- 1) Update
 - 2) Slawson Submariner Pad
- Items deferred.*

V. MHA Energy Division - Carson Hood Jr., Director
Submitted handouts and provided a report.

A. Oil and Gas Expo

Have been having regular planning meetings. Invitations and posters are being worked on. Sen. Kramer is on the list but he won't be at the Expo. 1st day itinerary is pretty much covered as far as speakers. The Chairman is working to get Secretary of Interior Ryan Zinke to come and speak. 2nd day to be for speakers related to allottee issues. Councilman Randy Phelan asked that Mark Van Norman be added with Rob Porter. Councilman Fred Fox asked that ONNR representatives be part of a question & answer session for the allottees. Monday the 17th is the golf scramble. The 18th is the NDIC Fishing Tournament that will bring in more to the area along with the Casino 25th anniversary events. Keith Bear is working on the drum groups. Also working on sending out sponsorship requests for the various meals. Carson Hood asked to deferred the next item but did comment that they need to be tightened up with segment input. Councilman Randy Phelan noted that one just occurred in Bear Den. Carson Hood Jr. explained the process of soft & hard staking areas for PTS approval.

B. Permission to Survey (PTS) Report – Shawn Grady, Keith Bear
Item deferred.

C. Field Operations Report – Kenny Lyson, Sal Beston

Kenny Lyson reports that they continue doing on site visits (19) 14 well sites for well pad expansions, and 3 pipelines on sites. Asked industry to submit requests a little earlier so they can get their preliminary research completed. The State moved their spill reporting requirement to 10 barrels. Kenny Lyson reminded the companies that the tribe is still at 25 gallons to report. We need industry to make sure to send the spud notices to them. Carson Hood Jr. noted that ND Department of Health has been spill reports with check list if they are sending reports to the tribe



and some are not being reported and we have a fining process that we will get Legal involved in tribal court. Kenny Lyson expressed concern over dust abatement especially due to effects on livestock. Sal Beston discussed pad run off and pump off issues. Asked for the operators for more information on their issues. One pad had 10 of 14 tanks sitting in water and need to address in a timely manner due to EPA regulations. We have a MOU in place on dust control.

D. BIA Roads Update – RFP

Item deferred.

E. EPA UIC Class II Permit

Handed out the permit for the Red Murphy Salt Water Disposal Well which caused great concern. In Denver, the Chairman had issued a statement to Timothy LaPoint, the Great Plains Regional Director requesting to deny the application and to deny any and all water permits. The issues is turning into a Legal matter due to no consultation with the tribes and seeking guidance from Legal how to proceed. The Federal government is not consulting the tribes creating a disconnect between the tribes and the federal government. Kayla Danks, BIA noted that there have been discussion and noted that it is not considered substantive but if on trust lands then they could take action. Councilman Randy Phelan asked if some sort of study is being done for the effects from these off reservation (border) wells and the need for a response letter to the BLM to stop these activities. Carson Hood Jr. noted that these approvals are based on a surface lease and not a down hole lease and that it is real easy to get a surface lease. Kayla Danks noted that it is a legal determination. Carson Hood Jr. expressed that it is a revenue stream for them. Councilman Randy Phelan asked Kayla Danks to get a legal opinion. Kayla Danks expressed the underground it is not determined to be a mineral action hence the reason for the surface lease. Councilman Randy Phelan is in the opinion that they are drilling into the minerals and should be treated that way.

F. Bear Den Water Issue (*See Closed Session*)

VI. OTHER BUSINESS

A. WPX (*See Closed Session*)

B. TERO Update

Item deferred.

C. Pipeline Authority Update – Travis Hallam

Attend Pipeline Safety Trust Training in Houston. He noted that due to budget he is attending on his own dollar. He expressed his concerns with the ERT and the tribe concerns and they were not up to par on emergency response. ERT is good for the first 5 minutes of an incident. They are more in agreement with what the tribe is doing with the code. We are lacking in dealing with interstate transmission lines. They don't have gas gathering rules yet. He was invited to be on the board was shot down by the Chairman because he thought it would be a conflict of interest. Still working on the finalizing some language in the pipeline code.

D. Utilizing Flare Gas to Mine Bitcoin and other Cryptocurrencies – Chuck Brown



Presented proposal to convert flare gas into bitcoin and provided information on this process. Involves specialty computer hardware. Councilman Randy Phelan expressed their may be some opportunities with the tribe refinery recommended visiting with Bernie Fox.

- E. **Mattie Grace Possible Trespass** – *Carson Hood, Texx Lone Bear (See Closed Session)*
 - 1) **Mattie Grace Pad 2 PTS**
- F. **Tallsalt Update** (*See Closed Session*)
- G. **BIA 13 Shared Roads Agreement** (*See Closed Session*)

VII. ROW APPROVALS (CLOSED SESSION)

- A. **Operators**
 - 1) **McKenzie Electric**
 - a. **Rim Rock Skunk Creek**
 - b. **MRR Packineau Unit 1**
 - 2) **Bruin**
 - a. **Windom and Little Bear Temp Water Line**
 - 3) **EOG**
 - a. **Mandaree 7 SWSW**
 - 4) **Crestwood**
 - a. **Enna Owner Loop Line**
 - 5) **Targa**
 - a. **South Loop Expansion**
 - b. **Burr to Voight Pipeline**
 - 6) **Enerplus**
 - a. **Spiders Fee Pipeline**
 - 7) **TEK Industry LLC**
 - a. **TEK Temp Water Line #1**

VIII. CLOSED SESSION

- A. **Scott Wilson**
- B. **Bear Den Water Issue**
- C. **WPX** – *Brandon Harris*

IX. ADJOURNMENT

Motion: Councilman Fred Fox moved to adjourn the meeting. Councilwoman Monica Mayer seconded the motion. Meeting adjourned at 4:25 pm.



CERTIFICATION

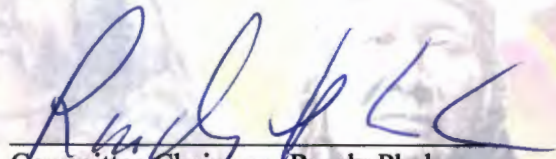
I, the undersigned, as Committee Chairperson of The Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Natural Resources Committee Oil & Gas is composed of three (3) members and of whom three (3) constitutes a quorum 3 were present at the meeting thereof duly called, notice, convened and held on the 6th day of August ; 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 14th day of August, 2018.

ATTEST:



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



Committee Chairman, Randy Phelan
Tribal Business Council
Three Affiliated Tribes