



**CALL TO ORDER:**

Councilman Randy Phelan called the meeting to order at 2:06 pm.

**ROLL CALL:**

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

**I. APPROVAL OF AGENDA**

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

**II. APPROVAL OF MINUTES**

- **June 26<sup>th</sup>, 2018 Natural Resources Oil & Gas Committee minutes.**

*Item deferred.*

**III. NRC Chairman – Councilman Randy Phelan**

**A. Update**

The next NRD and Oil & Gas Committee meetings will be on July 31<sup>st</sup>, 2018 starting at 10:00AM with NRD and 1:00pm with Oil and Gas.

**B. Oil & Gas Expo – Carson Hood Jr., Catherine Everette, Jaymie Packineau**

Carson Hood Jr. gave an update on the Oil & Gas Expo on July 16-18. Catherine Everette and Jaymie Packineau gave more detailed information. Need an account number for the budget, Last year they ran it through the Regulatory Credit Card. CEO will work on setting up the Revenue line. July 3<sup>rd</sup> is the deadline to register, can register at the casino after the 3<sup>rd</sup>.

**IV. BIA & BLM UPDATES**

**A. Kayla Danks, Fort Berthold Agency Superintendent**

**1) Update**

Kayla Danks gave an open update that included: Notification to the Committee that they

***FTR:*** Councilman Frank Grady joined the meeting at 2:23PM.

still have some open CA's and funds need to be open to the allottees. Met in Federal Partners in Denver last week where the Little Missouri was discussed with maps and spread sheets showing new boundary information being provided and introduced Service Center staff. Submitted a packet identifying 16 pending ROW's. The Superintendent noted that as we approve leases on the Little Missouri, we have pre and post surveys shown on the spreadsheet. We are currently processing leases along the Little Missouri line where for the first time there will be production with some on the south side of the river where there wasn't a lease and the Tribe will have to make a determination as to how they want to handle these. MRR hasn't been given leases on the south side half of the Little Missouri. Does the Tribe want the company to put the revenue into an account and re-access with trespass or not, that's a decision the Tribe will have to make.



**B. Bureau of Land Management (BLM) - Loren Wickstrom, Field Manager & Beth Poindexter**

**1) Update**

APD's; 137 completed in the past 6 months with 246 currently pending. Will have additional approval from the BIA to decrease back log. Most of the APD's that are not done yet still needs to have ROW granted. It was noted that salt water disposal is not being approved by the BLM at this time. Councilwoman Monica Mayer asked that BLM make sure they are following the tribal laws in respect to the ¼ mile set back variance. It was noted that it takes longer to get a rig up on the reservation than off and would like to see the processing times reduced from two years. Carson Hood Jr. requested the approval process for set back variances. Loren Wickstrom expressed that the Slawson issue was a legal matter and is out of BLM's control. The Committee asked for clarification on the tribal consultation process. Loren Wickstrom provided an update in regards to Slawson information was brought forth at the oil and gas meetings, provided maps and distance from the lake. Once we start doing AMEBA and State chapter review, it goes the ideal chapter way. Councilman Randy Phelan asked the presenters what they are doing to keep our waters safe? The torpedo's are located further out from the variance, but the well pad is still within the boundaries. Councilwoman Monica Mayer explained that now that you have done this, we have to react it, there was no immediate consultation on your end of this with the Tribe. Before this happens again we want to know before anything is signed or approved. Travis Hallam stated that Slawson has a history of spills. Loren Wickstrom expressed that the State Director would like to set a meeting up with Chairman Fox in the near future. The Committee inquired if BLM reviews the spill records of these companies. Loren Wickstrom states that Slawson was bonded. We can make recommendations for bonding and the State Director will look at the recommendations for the bond and make their decision from there.

**V. MHA Energy Division- Carson Hood Jr., Director**

**A. Field Operations Report – Kenny Lyson & Sal Beston**

A combined report was presented derived from their field experience. Kenny Lyson has requested spud dates from the companies and also expects notice of construction. Interim reclamation needs to be done 6 months after the well is set up. Carson Hood Jr. explained that this is a goal book process. There has been only one well that has been set up in the past 8 years. Kenny Lyson reminded the producers to check their berms for rain issues and other road and cattle guards issues. Kenny Lyson also requested that the producers submit their SPC plans as soon as possible from all the companies. Sal Beston noted that he is seeing a lot of maintenance issues that contractors need to get on before they get worse. There is also a need for quarterly reports from the companies regarding EPA. Tanks are still venting out there and this needs to stop. Kenny Lyson noted that he has been to 2 wells in the past couple days that need THPO inspection along with action by a couple other departments to complete these.

**1) Pipeline Safety Code – Travis Hallam & Shenan R. Atcitty**

Energy Attorney Shenan R. Atcitty and Travis Hallam of the Pipeline Authority provided an update on the code. Would like to bring this forth at the next TBC meeting. Travis Hallam states there were unforeseen fees but the operators were eventually in agreement with it. Issues with the Water code include allottees having their own water depots. Shenan R. Atcitty mentioned that they have received feedback from the public commenting process for the policy/codes reading. Only wanted for future pipelines, still have to follow policy.



Pipeline ROW policy on the process of grafting, it's usually up to the allottee as to what seed they want.

**FTR:** Committee Chairman Councilman Randy Phelan stepped out & Councilman Fred Fox assumed the chair of the meeting. (3:05PM)

Would like to move forward for final approving.

**Motion:** Councilwoman Monica Mayer moved to forward to the next Tribal Business Council meeting. Councilman Frank Grady seconded the motion. Vote: 3-0-0. Motion carried.

- B. Environmental Protection Agency (EPA) [Closed Session]**
- C. BIA Comprehensive Roads Plan – Bonnie Red Fox & Carson Hood Jr. [Closed Session]**
- D. Easement Trespass Issue – Kayla Danks, Fort Berthold Agency Superintendent [Closed Session]**

## **VI. OTHER BUSINESS**

### **A. West Segment Regulatory Commission (WSRC) Update – Donald McKenzie**

It was reported that Mandaree is seeing a lot of traffic violations at every stop sign in the community with BIA 12 and 13 being most problematic. WSRC is requesting an increased monitoring of the areas by law enforcement. It was noted that the issue is putting children at risk. The committee was informed that in the area a frack sock was found less than a year ago and they are also being found in other areas around Mandaree. It was noted that MHA DOT has been of great assistance to WSRC. WSRC has completed truck scale training.

### **B. TERO Update**

Kelsey Packineau provided the update for the Director. Need clarification on Resolution 14-021-VJB entitled: "Amendment to Resolution No. 08-056-VJB," the Mandan Hidatsa and Arikara Nation Ethics in Government Ordinance."

*I. New Section II.D.2. Specifically having an ownership and/or pecuniary interest including leasehold interests, in any company that contracts and/or subcontracts for goods and/or services with an oil & gas producing company on the Fort Berthold Indian Reservation. Subcontracts shall include any and all subcontracts directly originating from the initial master contract with the oil & gas producer. The prohibition on financial and/or pecuniary interests in any such company shall be specifically limited to MHA Nation Tribal Business Council only.*

for MHA and employees. Council, TERO, any other regulatory departments. MHA employees? CEO recommends to forward resolution back to TBC, and have Records Office review the legislative intent.

**FTR:** Councilman Randy Phelan resumed the Chair of the meeting at 3:25PM.

Brought forth a disclosure document and a new project currently being working on. Trucking issues, will do a working session on July 10th at the Casino. 2-4PM.



- C. Tax Code Proposed Amendment – *Cynthia Monteau & John Fredericks*. [Closed Session]
- D. Mark Van Norman Update [Closed Session]
- E. Tallsalt Update [Closed Session]
- F. BIA 13 Shared Roads Agreement – *Lloyd Vigen* [Closed Session]
  - BIA 12 Change Order
  - BIA 13 Easements
  - Section 17.
- G. Shane Johnson Land Exchange – *Texx Lone Bear* [Closed Session]
- H. Hidatsa North Trespass WPX – *Brandon Harris* [Closed Session]
- I. Mitigation Grant Draft – *Sheila Many Ribs* [Closed Session]
- J. Makoti Pipeline Update – *Bernie Fox* [Closed Session]
- K. Chase Depot [Closed Session]

**VII. ROW APPROVALS (CLOSED SESSION)**

**A. Operators**

- 1) Bruin
  - a. Leviathon Pad
  - b. Closed Session Item
- 2) Crestwood
  - a. Emma Owner Loop Line
- 3) WPX
  - a. Howling Wolf 26-33
- 4) Targa
  - a. Moccasin Creek 24-10
  - b. Johnson's Compressor Expansion
- 5) Rim Rock
  - a. Request to Temporarily House Frack Company employees near Well Pad.

**VIII. ADJOURNMENT**

**Motion:** Councilman Fred Fox moved to adjourn the meeting. Councilwoman Monica Mayer seconded the motion. Meeting adjourned at 6:29 pm.

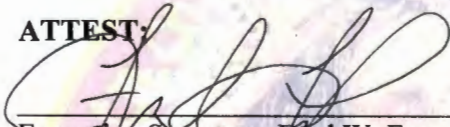


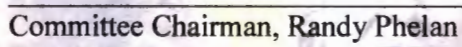
### CERTIFICATION

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 14<sup>th</sup> 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 14<sup>th</sup> 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