



CALL TO ORDER

Meeting called to order at the Ramkota Hotel, in Bismarck, ND, at 12:57PM

ROLL CALL

Present: Councilwoman Monica Mayer(by cell phone), 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

A. August 14, 2018

Item deferred.

FTR: Next Oil & Gas Committee meeting on Oct 2nd in New Town: Rig Friendly in Denver on Oct 15th.

III. NRC Chairman – Councilman Randy Phelan

A. Update

Councilman Randy Phelan would like to see the Roads agreements in place and to be addressed next month. Roads meeting and discussion on 3D meeting by Carson Hood Jr.

B. Thunder Butte Refinery – Bernie Fox (Closed Session)

TAT_20180904+1219_01d444497c52ed30.mp3

C. Update – Rob Porter

Mr. Porter works for the Mandaree Segment in their Economic Development efforts and is also researching tax issues, Indian Trader Statutes and dealing with dual taxation issues. Request to the Dept. of Interior to make more business friendly. Supreme Court has stepped in to allow State interference in taxation. Audience member has the current regulation and streamline the process. Have five resolutions that will undergo legal review.

TAT_20180904+1239_01d4444c4a4a2ae4.mp3

D. North Segment Corridor – Victoria Mandan

Resolution entitled “Approval of home site leases & utility corridors for North Segment” presented. It was noted that the resolution should remove “political subdivision” from the resolution and replace with “North Segment subdivision”. Example: Van Hook, Hidatsa Hills, and another.

Motion: Councilman Fred Fox moved to forward resolution entitled “Approval of Home Site Leases and Utility Corridors for North Segment” to the next TBC subject to resolution and Legal review. Councilwoman Monica Mayer seconded the motion. Vote: 3-0-0. Motion carried.

E. Wrecking Yard



North Segment has completed THPO and submitted for the required EPA permits for the 10.5 acre wrecking yard site. Presented three quotes. Will develop a resolution and return to committee for approval.

IV. BIA & BLM Updates

TAT_20180904+1244_01d4444cf68f894.mp3

A. **BIA Update** – *Kayla Danks, Fort Berthold Agency Superintendent & Tom Wells*

Tom Wells provided an update on Land Titles & the Records Office assignment meeting. Also discussed Operator's doing title opinion and recommending that they start at the Agency first. The report that there were 400 assignments approved this year. Kayla Danks noted that five years ago the Superintendent was instructed not to approve any assignments, which ended up creating the backlog that we experience today.

TAT_20180904+1249_01d4444db14f5074.mp3

B. **Bureau of Land Management (BLM) Update**– *Loren Wickstrom, Field Manager*

APD's have been cranking out with the new condition of approval. In July, 118 APD's were completed. It was reported that Slawson has 7 locations for 28 APD's into federal minerals, for minerals, pad expansions, and new wells. Councilman Randy Phelan noted that Pad 64 is within 1000 feet is not acceptable and actually all of them are not acceptable. Court cases are pending so at this time they will not respect tribal law for the Fee-Fee Fed owners. John Fredericks believes the minerals are in Corps land.

Motion: Councilwoman Monica Mayer moved to oppose the reported APD's. Councilman Fred Fox seconded the motion. Vote: 3-0-0. Motion carried.

Discussion: John Fredericks noted that to date we have opposed all these APD's and will continue unless we get a policy change from DC.

TAT_20180904+1309_01d444507f304758.mp3

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

A. **Permissions To Survey (PTS) Report** – *Shawn Grady/Keith Bear*

Carson Hood Jr. discussed steps being worked on to produce a more detailed from the operators. A few submissions have occurred under the new system.

B. **XTIRI Training** – *Carson Hood, Jr., Director*

Seeking training for staff learn to generate production reports. Aaron Abbey provided additional information on the beginning phases of system collaboration with Law Enforcement and other departments.

C. **BIA Comprehensive Roads Plan** – *Bonnie Red Fox & Carson Hood Jr., Director (Closed Session)*

D. **Assignment Processing Fee**- *Carson Hood, Jr., Director (Closed Session)*

E. **Pipeline Safety Code Operators Fee Contract** – *Carson Hood, Jr., Director (Closed Session)*

F. **Tallsalt Update (Closed Session)**

G. **Red Murphy**- *Rollie Wilson (Closed Session)*

H. **Setback Issue** – *OneOk (Closed Session)*

I. **WPX Lease** – *Lars Noble (Closed Session)*

VI. OTHER BUSINESS

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



Item deferred.

TAT_20180904+1259_01d4444f1931de22.mp3

B. TERO Update – Kelsey Packineau

20 removals for licensing, 20 new ones, 20 licensing agreements. Setting legal venue for TERO to the Fort Berthold District Court. Recent dispute over payment and distribution to taxes and the Court said no. This is seen as a great victory for the MHA Nation. Johanna White Bear and Bobby Krueger received TERO “Staff of the Year” awards at the National Conference. Lloyd Johnson recently retired from Job Placement. Mike Howell will be taking over the complaint process.

FTR: Roads meeting on October 15th at the Rig Friendly meeting. Agreements in place and cost share negotiations completed. NRD meeting on October 2nd.

C. BIA 13- Lloyd Vigen (Closed Session)

D. Fort Berthold Rural Water (FBRW) - Section 17 – Pem Hall (Closed Session)

E. Missouri River Resources (MRR) – Dave Williams, President/CEO (Closed Session)

F. QEP – Mike Smith (Closed Session)

VII. ROW APPROVALS (Closed Session)– 7 Applications

A. Operators

1) Enerplus

a. TAT Pad Modification and Pad Expansion

b. Igneous and Metamorphic Pipeline

2) RimRock

a. Skunk Creek 9-2

b. Skunk Creek 16-12

3) Crestwood

a. Wolf Chief Re-Route

4) WPX – Brandon Harris

a. Otter Woman 34-27H

5) Van Hook Gathering Services

a. Van Hook 1-28A- 8-28A

B. Lyda Foot Home Site & Utility Corridor

VIII. ADD-ONS

TAT_20180904-1444_01d4445dcf6538a2.mp3

A. Allottee Association – Tex Hall, Allottee Association Chairman

Resolution presented on two issues; Tesoro Pipeline Trespass (since 2013) and water code.

450 effected allottees. Tesoro are threatening to condemn allottee land and elders are asking when they are going to get paid. \$800/acre “Farm Appraisal” used is not fair. Center of Applied Research who performed the Tribal Trust appraisal, that landowners are seeking permission for the Center to redo the math for their appraisal. John Fredericks stated that the Center is still looking into the cost but noted that there is a possible conflict of interest. Councilwoman Monica Mayer & Councilman Randy Phelan both believed that the

Motion: Councilwoman Monica Mayer moved to forward to the TBC. Councilman Fred Fox seconded the motion. Vote: 2-0-1-0(RP-AB). Motion carried.



Discussion: Tom Wells noted that Tesoro brought forward an appraisal in 2016 and want to review the appraisals based on agricultural land numbers and may be another assessment. Another issue is that there are about 40+ allotments that Tesoro would need a majority interest. The tribe has undivided interest in many of the tracks.

Water Code issue was discussed concerning the mis-information that tribal members can't sell water to oil producers. Solicitor's Opinion is still being waited on that would address this issue for allottee or private land owners and industrial water sales. Discussion of water rights, permits, and tribal/Fee differences. Also discussion of companies taking water illegally such as Select Energy.

Motion: Councilman Fred Fox moved to forward the Water Code with comments to the TBC. Councilwoman Monica Mayer seconded the motion. Vote: 3-0-0. Motion carried.

IX. ADJOURNMENT

Motion: Councilman Fred Fox moved to adjourn the meeting. Councilwoman Monica Mayer seconded the motion. Meeting adjourned at 4:16PM.




CERTIFICATION

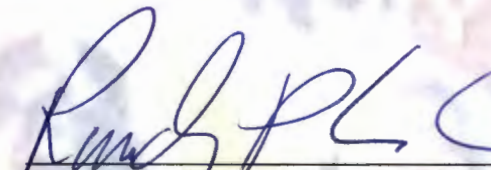
I, the undersigned, as Committee Chairperson of The Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Natural Resources Committee Oil & Gas is composed of three (3) members and of whom three (3) constitutes a quorum 3 were present at the meeting thereof duly called, notice, convened and held on the 4th day of June , 2019; 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 4th day of June, 2019.

ATTEST:



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



Committee Chairman, Randy Phelan
Tribal Business Council
Three Affiliated Tribes