



**CALL TO ORDER:**

Councilman Randy Phelan called the meeting to order at 1:08 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**

**A. November 6<sup>th</sup>, 2019 Energy Committee Minutes**

***Motion:*** Councilman Fred Fox moved to approve the November 6<sup>th</sup>, 2019 Energy Committee minutes with corrections. Councilwoman Monica Mayer seconded the motion. Vote: 3-0-0. Motion carried.

**B. February 26<sup>th</sup>, 2020 Energy Committee Minutes**

***Motion:*** Councilman Fred Fox moved to approve the February 26<sup>th</sup>, 2020 Energy Committee minutes with corrections. Councilwoman Monica Mayer seconded the motion. Vote: 3-0-0. Motion carried.

**C. April 29<sup>th</sup>, 2020 Energy Committee Minutes**

*Item deferred.*

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

**A. Update**

*Item deferred.*

**IV. BIA & BLM UPDATES**

**A. Bureau of Indian Affairs (BIA) – Kayla Danks, Superintendent**

**1) Update**

Fort Berthold Agency hired Thomas Burr as Deputy Superintendent. Jeff Desjarlats left he has been selected as USDA and NRCS in Turtle Mountain. Cody is our field person. Michele P. a Probate Specialist is also leaving, her position will be filled in. Renita howling wolf is working on the backlog/Service Center CA's. We are monitoring the building for Covid-19 also we social distance. Most of the staff tele-work. Fort Berthold Agency has not received an application or suspension of production of operations for economic or marketing reasons. In March, we did not know if we were going to receive applications, suspension of applications, suspension of production and operations applications pursuant to the pandemic. We have not received any so we are operating as business as usual. A letter that has gone out talks about



economic reasons or marketing reasons would have to be processed under 25 CFR 21144B and 21244B, which requires landowners consent. The Forth Berthold Agency has received a market analysis for rights away on Fort Berthold Reservation. We are preparing to roll out the market analysis to the landowners. We were trying to figure out how we were going to explain the market analysis to all the landowners; we come up with hosting a couple web on line meetings explaining the market analysis. On-line meetings will be on July 30 at 2:00 pm CST and August 6 at 2:00 pm, it's in the dear tribal landowner letter. The Dear Tribal landowner letter will be posted at the Post Office and other various places on the Reservation. Any member who wants the letter can contact us and we will get them a letter. The letter will also be posted on the website in DC. The letter provides a range of prices and range of consideration that has been paid for past rights of way and what would be considered the median price, the lowest price, and the highest price, which will be explained in depth. This information can also be put on the Tribal website.

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

**1) Update**

*Item deferred.*

**V. MHA ENERGY DIVISION**

**A. Update – Kenny Lyson, Interim Director**

120 on site well checks have been completed.

**B. DAPL Discussion**

Some companies called in to provide updates.

**VI. OTHER BUSINESS**

**A. TERO Update**

Duane Fox spoke about the guidance they are following.

**B. Game & Fish Update - Antione Fettig, Director**

*Item deferred.*

**C. Pipeline Authority Update – Travis Hallam**

Travis Hallam states he had authority from the Council to weigh in on DAPL safety part. When he handed in a statement to John Fredericks, John states Travis does not have consent. Travis visited Scott Satermo on the issue. The safety on the roads with the Semi trucks could be worse than before if DAPL does not go through. Travis wrote up a statement on the safety issues this could cause and would like to take it to the appellate court. The statement doesn't have to come from the tribe's position, but Travis Hallam's position stating the impact on the Tribe. Feel working with the state we could benefit. John Fredericks got a call from the governors' legal counsel asking if Travis Hallam had authority to submit a statement. The statement cannot be on one side or the other on the litigation. The Tribes position is that they are not going to weigh in against another tribe. Weighing in on litigation against another tribe is a completely different matter and that is what Travis is trying to do.



**Motion:** Councilman Fred Fox moved to forward to TBC & authorize the Chairman for a position paper on the Tribe's behalf. Councilwoman Monica Mayer seconded the motion. Vote: 3-0-0. Motion carried.

John recommendation is not to release until the Tribal Business Council makes a decision.

**D. Flying W Trucking – Everett Hall & Marcus Wells [Closed Session]**

*Item deferred.*

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

**A. Operators**

- 1) OneOK
  - a. Lang USA Pipeline (Setback Variance)
  - b. Jasper USA Pipeline (Setback Variance)
- 2) WPX
  - a. Charles Black Hawk 31-30H
- 3) Bruin
  - a. Bonita Pad
- 4) Marathon
  - a. Sophia USA Project
- 5) Van Hook Gathering Services LLC.
  - a. Mattie Grace
- 6) Targa
  - a. Tahu Pipelines
  - b. Blue Buttes Amendment
  - c. Blue Buttes Amendment 1

**VIII. ADJOURNMENT**

**Motion:** Councilman Fred Fox moved to adjourn the meeting. Councilwoman Monica Mayer seconded the motion. Meeting adjourned at 3:31 PM.




### CERTIFICATION

I, the undersigned, as Committee Chairperson of The Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Energy Committee 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 2<sup>nd</sup> day of September, 2020; 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 2<sup>nd</sup> day of September, 2020.

**ATTEST:**

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

  
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Committee Chairman, Fred W. Fox  
Tribal Business Council  
Three Affiliated Tribes