



**CALL TO ORDER:**

Councilman Randy Phelan called the meeting to order at 1:55PM at the Radisson Hotel, Bismarck, ND.

**PRAYER:**

Prayer by Councilman Fred Fox.

**ROLL CALL:**

*Present:* Councilman Fred Fox, Councilman Cory Spotted Bear, Councilwoman Monica Mayer, 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: 4-0-0. Motion carried.

TAT\_20170104+1503\_01d2669ba9009ffe.mp3

**II. NORTH DAKOTA PETROEUM COUNCIL** - Ron Ness, President

Mr. Ness presented a 5 point plan to improve relations with the Tribe and the oil industry.

- Double rig count in ND grows production of oil through June of 2019.
- Develop growing relationship with Governor and state policy makers.
- High level meetings with the President's Cabinet as a leader in Indian Country in Oil Production.
- Tribal Liaison between industry and the Three Affiliated Tribes.
- Rig friendly regulations with new administration, coordinated spill response mechanism, MOU's. Smart regulation and review of the set-back regulations.

Councilman Randy Phelan stated the Councilman Fox will be the liaison. Councilman Randy Phelan discussed working with the new administration and re-fracking old wells.

***FTR:*** Councilman Frank Grady joined the meeting at 2:09PM.

***Motion:*** Councilman Cory Spotted Bear moved to appoint Councilman Fred Fox as ND Petroleum Liaison and forwarded to the next regular Tribal Business Council meeting. Councilwoman Monica Mayer seconded the motion. Vote: 4-0-0. Motion carried.

TAT\_20170104+1513\_01d2669d0f2c22d4.mp3

**III. BIA UPDATE** - Kayla Danks, Superintendent

2016 overview; new ROW regulations, Corp land into trust, Secretarial Election from regulations developed in 2016, Little Missouri BLM survey completed. For 2017, Cobell Buy Back program coming to Fort Berthold, meetings reservation wide appraisals and continued meeting with industry, Big Missouri leases pending leases with the State. Industry concerns are timing, tribe can set administrative fee for tribal personnel in the BIA office. Councilman Randy Phelan stated that for 2017 we would like to eliminate a lot of the hoop that they have to jump through. Kayla Danks discussed waiver request to delay the appraisal until after the approval and if industry failed to pay fair market they would be responsible for the value and interest. Continued back log of about 30 applications. Kayla Danks recommends having a working session on the staffing issues to improve



the turnaround of ROW's. Discussed improving the PEA process. Most of industry is sitting on inventory due to the process in the realty office. Kayla Danks informed the group of the new Service Center for additional help with ROW's. Also the staff in the Realty Office are in need of training. Also seeking on site assistance from the Service Center. Industry member recommended preparedness for an onslaught of oil activity with the new administration. Kayla Danks informed the group that they have hired a Petroleum Engineer/Geologist. A total count of upcoming ROW to help the BIA determine staff needs to process applications. Carson Hood Jr. will look at the numbers for this Realty Specialist. Kayla Danks thought about \$70,000 for salary.

#### IV. APPROVAL OF MINUTES:

- 4/15/2015 Oil & Gas Minutes
- 5/13/2015 Oil & Gas Minutes
- 9/1/2015 Oil & Gas Minutes
- 10/13/2015 Oil & Gas Minutes
- 1/5/2016 Oil & Gas Minutes
- 3/31/2016 Oil & Gas Minutes
- 4/12/2016 Oil & Gas Minutes
- 5/4/2016 Oil & Gas Minutes
- 6/13/2016 Oil & Gas Minutes
- 7/12/2016 Oil & Gas Minutes
- 8/4/2016 Oil & Gas Minutes
- 8/31/2016 Oil & Gas Minutes
- 10/4/2016 Oil & Gas Minutes
- 11/15/2016 Oil & Gas Minutes

*Items deferred.*

#### V. NRC Chairman – Councilman Randy Phelan

Rig Friendly meeting to be at 3:00pm on the January 26<sup>th</sup> in Denver during the Federal Partners meetings.

*FTR: Chairman Mark N. Fox joined the meeting at 2:51PM.*

#### VI. MHA Energy Division – Carson Hood Jr., Director

##### A. Update

2017 oil and Gas development for 2017. OPEC curtailment of production should help our tribal production and a bench mark of \$60/barrel would bring industry back to drilling on the reservation and sustainable development. For 2017 a Gas Capture Plan to reduce flaring & Emissions. Also deregulation to stream line ROW for increased development with insight from the West Segment Regulatory Commission. Councilman Randy Phelan discussed utilizing the West Segment Regulatory Offices as the dispatch center for regulatory and under one umbrella. Carson Hood informed the audience that the West Segment Regulatory falls under the Energy Department. Discussion of the need for staff training for those working on the well pads. Industry members would like the ½ mile set back reduced and the Committee will look at situations where this could be done and informed the crowd that the BLM utilizes a 1000 ft. set





back. Councilwoman Monica Mayer believes we will need an immediate spill response system established before the set back is changed especially when in proximity to water intakes. Kerry Doyle recommended standardizing the well pad foot print physically and environmentally. Councilman Fred Fox discussed the need to move ahead with a plan to take the lead for disaster response. Chairman Mark N. Fox discussion of taxing pipeline of trust royalties and asked industry to support them. The tribes will be challenging income from trust being taxed.

**i. Pad Development- Gas Capture Plan**

*Addressed in Chairman's report.*

TAT\_20170104+1623\_01d266a6de32e758.mp3

**B. National Incident Management System (NIMS) Update – Clifton Whitman**

Final review of the Industrial Commission. Chairman Mark N. Fox expressed the need to beef up snow removal with the record snowfalls in December and asked the operators to let the Tribe know where they are going the extra mile to removal snow outside of their ROW. Chairman Mark N. Fox asked the operators to make sure their well pad berms are ready to handle the spring flooding. Clifton Whitman also asked the Committee to remember that cattle ranchers and access.

**Motion:** Councilman Fred Fox moved to forward State of Emergency Proclamation to the Tribal Business Council meeting subject to legal review. Councilman Cory Spotted Bear seconded the motion. Vote: 6-0-0. Motion carried.

**Motion:** Councilman Fred Fox moved to forward State of Emergency Declaration to the Tribal Business Council meeting subject to legal review. Councilwoman Monica Mayer seconded the motion. Vote: 6-0-0. Motion carried.

**C. OPEC Discussion/ Rig Schedule Update**

*Addressed in Chairman's Report.*

**D. Resolution Revision Discussion- ROW fees & Spud Fees**

*Addressed in Chairman's Report.*

**E. President Elect- D. Trump Transition Team Summit Update- Mark Van Norman**

New Energy Legal staff Mark Van Norman will be spear heading meeting with the Trump transition team. Mark Van Norman discussed meeting the 18<sup>th</sup> in Washington, DC at noon with fundraising event at the NIGA Center and discussion of policy issues especially tax issues.

**FTR:** *Chairman Mark N. Fox left the meeting at 3:35PM*

TAT\_20170104+1643\_01d266a9ad383308.mp3

**F. MHA Hedging Program Discussion – Steve Gunderson (CLOSED SESSION)**

**i. FY 17 Contract**

*Item deferred.*

**G. Energy Consulting Contract – Lisa Redford (CLOSED SESSION)**

*Item deferred.*

**VII. OTHER BUSINESS**



TAT\_20170104+1728\_01d266afb2734fa.mp3

- A. Sky Hunter, LLC. Managed Service Plan – Wylon Pretends Eagle & Orian Gillette.**  
Presented an introduction to competitive intelligence data collection principles from SCADA HMI reports to provide real-time data collection from the well point.

TAT\_20170104+1743\_01d266b215380958.mp3

- B. Missouri River Resources- Carl Artman (CLOSED SESSION)**  
• **MRR Little Missouri Setback Resolution**

TAT\_20170104+1813\_01d266b648607064.mp3

- C. EOG Riverview Pad ROW (CLOSED SESSION)**

TAT\_20170104+1813\_01d266b648607064.mp3

- D. Whiting to QEP Pipeline Assignment (CLOSED SESSION)**

TAT\_20170104+1823\_01d266b7b037dce6.mp3

- **Wheler Project Update - Kayla Danks & Shannon Atcity (CLOSED SESSION)**

TAT\_20170104+1833\_01d266b91825347c.mp3

- E. Arikira – WPX (CLOSED SESSION)**

*FTR: Councilman Randy Phelan stepped out of the meeting at 5:39PM. Councilman Fred Fox assumed the Chair of the meeting.*

### **VIII. ROW APPROVALS (CLOSED SESSION)**

#### **A. Operators**

##### **i. Crestwood**

- a. Sewing East Well Connect**

TAT\_20170104+1843\_01d266ba7f346768.mp3

- b. Native Birds North Well Connect**

*FTR: Councilman Frank Grady joined the meeting at 5:44PM.*

TAT\_20170104+1843\_01d266ba7f346768.mp3

- c. Halcon Phoenix Well Connect**

TAT\_20170104+1848\_01d266bb324f8486.mp3

##### **ii. Marathon**

- a. Jones Road Expansion**

TAT\_20170104+1848\_01d266bb324f8486.mp3

- b. Jones Road Pipeline**

TAT\_20170104+1848\_01d266bb324f8486.mp3

- c. Jerome Pipeline**  
Well Connect for \$4,620 in revenue for the Tribe.

##### **iii. Targa**

TAT\_20170104+1853\_01d266bbe55147cc.mp3

- a. Ghost Bear (Bear's Ghost)**





iv. **Whiting – Dusty Tucker**

- TAT\_20170104+1853\_01d266bbe55147cc.mp3
- a. **Moccasin Creek 13-34-28-2H**
- TAT\_20170104+1853\_01d266bbe55147cc.mp3
- b. **Charging Eagle Phase 1**
- c. **Charging Eagle Phase 2J**

TAT\_20170104+1908\_01d266bdf5619ca.mp3

v. **Mark Van Norman Contract Proposal**

Discussion of preempting or seeking legislative relief from dual taxation and collaborating with Senator Ben Night Horse Campbell, lobbying, and proposed contract addendum to existing contract or separate contract as a special project Sen. Campbell.

**Motion:** Councilwoman Monica Mayer moved to forward a resolution entitled “*Approval of Special Counsel Contract with Atcitty & Van Norman Law.*” to the January 11<sup>th</sup>, 2017 Tribal Business Council meeting. Councilman Frank Grady seconded the motion. Vote: 4-0-0. Motion carried.

**Discussion:** Additional separate compensation of \$180,000 with Sen. Campbell compensation included.

**Motion:** Councilman Frank Grady moved to direct the CFO to pay the Holland & Knight for services rendered. Councilwoman Monica Mayer seconded the motion. Vote: 4-0-0. Motion carried.

VII. **ADJOURNMENT:**

**Motion:** Councilwoman Monica Mayer moved to adjourn the meeting. Councilman Frank Grady seconded the motion. Meeting adjourned at 6:21 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 4 were present at the meeting thereof duly called, notice, convened and held on the 4<sup>th</sup> day of January, 2017; 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 1<sup>st</sup> 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

