



**CALL TO ORDER:**

Councilman Randy Phelan called the meeting to order at 2:00PM in the Tribal Chambers

**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:**

- **4/6/2017 NRC-Oil & Gas Committee Minutes.**

*Motion:* Councilman Fred Fox moved to approve April 6<sup>th</sup> 2017 NRC-Oil & Gas Committee Minutes with minor corrections. Councilwoman Monica Mayer seconded the motion. Vote: 3-0-0. Motion carried.

- **5/9/2017 NRC-Oil & Gas Committee Minutes.**

*Motion:* Councilwoman Monica Mayer moved to approve May 9<sup>th</sup> 2017 NRC-Oil & Gas Committee Minutes with minor corrections. Councilman Fred Fox seconded the motion. Vote: 3-0-0. Motion carried.

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

**A. Update**

*Item deferred.*

**B. B.I.A Update- Kayla Danks, Superintendent**

35 pending rights ways with 15-20 a month received and no back log. Oil Companies are being informed with the rules to secure a ROW for assignment before laying out temporary water lines for fracking. Companies need to submit before putting in the water line. It's a trespass if assignment is not turned in before laying the water line, there will be a fined about 3 times the amount. Carson Hood noted that DOT will be putting on addendums in the ROW. The standard is \$2,500 per acre provided the original ROW that allows for assignment without further approval/consent. If the language is not in there then the BIA has no choice but to issue a trespass. If a company lays across the road on private land it has to be a flat crossing not a vertical, and the company needs to notify the land owner of this installation. Wilbur Wilkinson spoke on appeals of a temporary crossing and CFR 169 authorizing temporary ROW to transport fracking water. Appeal of ROW's approved before the new rules. Oil companies are in the position that they don't need permission and being advised to notify the BIA.



TAT\_20170601-1313\_01d2dad8e7d659ce.mp3

**C. Range Units Update – Kelly Huggs**

Not on the original allocation list and will need to be verified in the minutes, corrected and modified for the resolution;

- Casey Fredericks Range Unit #27, (on the list, but not allocated)
- Morgan Fettig Range Unit #210, (Not advertised, no lease since 2010, removed from the family, applied and will send out 90 day notice)
- Dayton Mandan Range Unit #238 (Allocated but not on allocation list)
- Ken Danks Range Unit # 904B (Allocated but not on allocation list)
- Tex Hall Range Unit #905B. (Allocated but not on allocation list)
- In Range Units #17, 72, 204, 505, and 905 were all split Range Units need to be verified.

Allotments need to be determined if they are physically split. If they are not physically split, needs to be determined if they are running in common. Valorie Hosie noted that Morgan Fettig brought in the paperwork. List to be included into the resolution. Also include Range Unit 8 Marvin Driver & Jesse Baker in common.

**Motion:** Councilman Fred Fox moved for the list to be included in Resolution 17-013-FWF, also to include Range Unit #8. And forward to the June 2017 TBC. Councilwoman Monica Mayer seconded the motion. Vote: 3-0-0. Motion carried.

**Discussion:** Range Unit 231 & 427 in appeal in tribal court (Ted Lon Fight III) will be held off until June. Range Unit 93 (across from Beaver Creek), permittee is concerned about apartments in the range unit. Yvette Blake said she got her mom's lease after she passed away, when Manny Morsette said the land is open for your horses. When my leases were up, they told me Clarissa Mandan wanted the land on the bottom as farm & pasture lease. This went thru council and was approved. The Reality Office didn't tell me what the amount was going to be. It is allotted land, she thinks. Yvette Blake will meet with Kayla Danks determine the owner status and work it out. Kelly Huggs noted that Range Unit #1, C.J. Johnsrud has cattle carcasses that are not being taken care of, and not in good standing. Issue put on hold due to non-compliance with consideration of getting the land owners paid. Councilman Randy Phelan recommended a hearing. Councilman Randy Phelan said to exclude Range Units 1, 93, 231, 449, and include Range Unit 8. Kelly Huggs noted that if the Range Unit is to be a year permit, it needs to state that in the minutes. Discussion on allowing permittees to turn out their livestock but Kelly Huggs thought a determination from the Regional Office would be needed for the item on appeal.

TAT\_20170601-1333\_01d2dadbb5bd0e3a.mp3

**D. TERO West Segment Regulatory Commission MOU**

Wilbur Wilkinson seeking a letter from the NRC Chairman authorizes TERO to develop an MOU between TERO, West Segment Regulatory Commission and the B.I.A. to enforce Indian Preference requirements of the standard BIA Oil & Gas lease. The purpose of the MOU is to strengthen TERO's enforcement options for the violation of Indian preference requirements with the lease through collaboration with the B.I.A. to cancel a federal lease where the lessee is not practicing Indian preference. Kayla Danks noted that the Agency



doesn't have the authority to enter into a MOU. Mr. Wilkinson recommended a working session with the Regional Director, before going to TBC. Carson Hood believes this should be handled at the tribal level. Kayla Danks noted that every lease has the Indian Preference compliance condition with a right to cure.

**Motion:** Councilman Fred Fox moved to forward with support of the MOU for Indian preference to June 2017 Tribal Business Council. Councilwoman Monica Mayer seconded the motion. Vote: 3-0-0. Motion carried.

**Discussion:** Councilman Randy Phelan asked that Caleb Dogeagle be part of the meeting preparation with Mr. LaPlante and Kayla Danks.

**IV. MHA Energy Division – Carson Hood Jr. - Energy Director.**

**A. Update** [*Closed Session*]

**B. PTS Update** – Paul Grady  
*Item deferred.*

**C. NDIC** – Keith Bear  
*Item deferred.*

**V. OTHER BUSINESS**

**A. Pasture Leases**

**1. Yvette Blake**  
*Item addressed.*

TAT\_20170601-1348\_01d2daddcfdc2146.mp3

**B. Mark Van Norman Report**

We had a couple trips to DC and Chickasaw Nation on tax reform and energy issues, and economic development and seeking a resolution concerning transferable tax credit for oil development. Another resolution concerning Intertribal trade & Commerce for the hospitality industry and economic diversification in Disney hotels.

**Motion:** Councilman Fred Fox moved to forward resolutions to the June 2017 Tribal Business Council. Councilwoman Monica Mayer seconded the motion. Vote: 3-0-0. Motion carried.

**Discussion:** Inter-tribal Economic update for the Economic Committee meeting on June 6<sup>th</sup>.

**C. Appraisal** – Jill Hall  
*Item deferred.*

TAT\_20170601-1358\_01d2dadf36e32f6e.mp3

**D. TERO Update** – Duane Young Bird



There is no update on the new ordinance from the attorney. We are still following the old ordinance. We had our Indian contractor work session that brought in 5 responses and still taking comments. Been busy with the oil leases, job placement in Mandaree and New Town for flaggers and bid openings for producers. Clarification of TERO role in regulating water ponds. Councilman Randy Phelan discussed securing compliance plans to insure Indian preference and not seeing any Indian operators running equipment on the highway project in Mandaree.

TAT\_20170601-1409\_01d2dae09eae623e.mp3

**E. BLM Report - Allen Ollila, Assistant Field Manager and Shelly Ziman.**

We have 8-9 certified techs on the field all the inspectors go on the field on Fort Berthold. We inspect all over the state. We do about 30 inspections a month on the reservation on about 2,000 wells. Carson Hood expressed that they are trying to reach out to BLM to have our inspectors to go out and inspect with your inspectors. We wanted a review and that will give us a level a communication path. Councilman Fred Fox mentioned the spacing unit, I visited Mike Ned in DC and one issue was the forum used in deciding the spacing units and the tribe not having input on the spacing unit. This is also an ongoing and tactically arranged to take tax revenue from the tribe. We would just like input before you speak on our behalf with our best interest. Allen Ollila explained that when they review the docket of company requests Carson Hood is included and a few others from MHA Nation. Councilman Fred Fox would like a meeting with BLM before you have a meeting with the Industrial Commission in Bismarck. Councilman Mr. Allen said he will get a hold of his manager and Carson Hood to set up meetings. Councilman Fred Fox would like to have BLM as a standing at Oil & Gas meetings. Carson Hood informed the committee that production of oil has fallen on the reservation and we need to know what is being drilled. Mr. Ollila noted that there are 260 permits that are not signed yet, and 269 permits that have been approved. We have had 29 apps in May and 26 were approved. Last fiscal year we approved 386 permits, next fiscal year we could have up to 500.

**FTR:** The Committee entered Closed Session

**F. West Segment Regulatory Commission – John Mahonney & Carson Hood Jr.**

**G. Environmental – Edmund Baker<sup>1</sup>**

**H. Petro Gulf**

**VI. ROW APPROVALS [Closed Session]**

**A. Operators:**

- 1) **Marathon**
- 2) **Enerplus**
  - a. **Spider Pad Fee Reroute**
- 3) **MRR -**
  - a. **Little Missouri River Unit West**
  - b. **Little Missouri River Unit East**
- 4) **EOG**
  - a. **Riverview 32**



- 5) **PetroShale – Dominick Cologne**
  - a. **Horse Camp**
- 6) **Crestwood**
  - a. **Phase 1A Loop Line**
- 7) **Targa**
  - a. **Global Settlement Update – Carson Hood Jr.**
  - b. **Compressor Station**
  - c. **Blue Buttes Lateral – Phase 3A Modification**
  - d. **Horns Well Connect**

**VII. ADD ONS**

- A. **Pasture Lease Approval – Wilbur Hunts Along**
- B. **Travis Hallam Report**

**VIII. ADJOURNMENT:**

**Motion:** Councilman Fred Fox moved to adjourn the meeting. Councilwoman Monica Mayer seconded the motion. Meeting adjourned at 4:30PM. Vote: 3-0-0.



**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 1<sup>st</sup> day of June, 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 2<sup>nd</sup> day of August, 2017.

**ATTEST:**

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

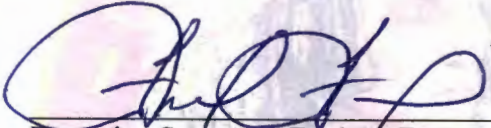
\_\_\_\_\_  
Committee Chairman, Randy Phelan  
Tribal Business Council  
Three Affiliated Tribes



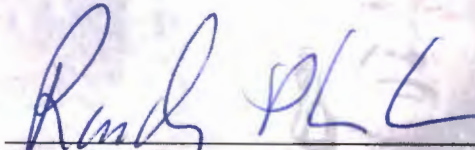
**CERTIFICATION**

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 1<sup>st</sup> day of June, 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 2<sup>nd</sup> day of August, 2017.

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

**ATTEST:**

  
\_\_\_\_\_  
Committee Chairman, Randy Phelan  
Tribal Business Council  
Three Affiliated Tribes