

**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

In re:)
)
)
Goodnight Midstream Bakken,)
LLC)
)
Permit No. ND22349-11250)
)
_____)

JOINT MOTION TO STAY

The Three Affiliated Tribes of North Dakota, also known as the MHA Nation, (the “Tribe”) and Goodnight Midstream Bakken, LLC (“Goodnight”) (collectively the “Parties”) hereby file this *Joint Motion to Stay*. The Parties request that the Environmental Appeals Board (the “Board”) stay these appeal proceedings (this “Appeal”) for ninety (90) days. A stay will allow for negotiations between the Parties regarding a mutually agreeable resolution regarding the above-captioned permit (the “Permit”), and more generally, Goodnight’s operations within the Tribe’s Reservation.

Sufficient time is necessary for the Parties to negotiate in good faith to reach a mutually agreeable resolution. The continuance of this Appeal would hinder the ability of the Parties to negotiate in good faith. Furthermore, the issuance of a decision by the Board could upset negotiations.

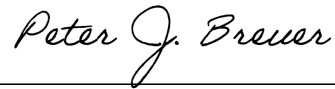
Broad discretion exists for the Board to stay proceedings. *See In Re: Desert Rock Energy Company, LLC*, 14 E.A.D. 484, 516 (2009). A stay is likely to resolve this matter entirely. The Parties intend to negotiate a full resolution of the Permit matter and for all Goodnight activity on the Tribe's Reservation. By allowing the Parties at least ninety (90) days the Board can save time and money regarding this Appeal. The Parties expect to resolve their differences via negotiation and fully negate the need for this Appeal. As such, this Board should grant the stay and reserve the resources of all parties involved, including the federal government.

STAY REQUEST

The Parties request a stay of ninety (90) days. If after ninety (90) days the Parties have failed to reach a full resolution, but wish to continue negotiations, the Parties will request that this matter enter into the Board's mediation process for sixty (60) days.

If the Parties cannot reach a successful resolution, either through negotiation or the mediation process, the Tribe shall be allowed to amend its appeal filings once. During the stay period, neither the Environmental Protection Agency nor Goodnight will be required to file a response to the Tribe's original petition. Each shall have the

opportunity to file a response to the Tribe's amended petition if the Parties are unable to reach a successful resolution.



Peter Breuer
Fredericks Law Firm
10541 Racine St.
Commerce City, CO 80022
P: 720-883-8580
E: pbreuer@jf3law.com

Date: March 22, 2019

Attorney for Petitioner



Carolyn L. McIntosh
Darin J. Smith
Squire Patton Boggs (US) LLP
1801 California Street, #4900
Denver, CO 80202
P: 303-894-6127
E: carolyn.mcintosh@squirepb.com

Date: March 22, 2019

Attorneys for Permittee

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Joint Motion for Stay in the matter of Goodnight Midstream Bakken, LLC, Permit No. ND22349-11250, were served by United States First Class Mail, and electronic mail, on the following persons, this 22nd day of March 2019:

Doug Benevento
Environmental Protection Agency
1595 Wynkoop St.
Denver, CO 80202-1129
beneveto.doug@epa.gov

Peter J. Breuer

Peter Breuer
Fredericks Law Firm
10541 Racine St.
Commerce City, CO 80022
P: 720-883-8580
E: pbreuer@jf3law.com

Date: March 22, 2019

Attorney for Petitioner