

SPECIAL MEETING  
TRIBAL BUSINESS COUNCIL  
THREE AFFILIATED TRIBES

CONFERENCE ROOM  
TRIBAL BUILDING  
SEPTEMBER 17 & 18, 1981

PRESENT: AUSTIN GILLETTE, CHAIRMAN; AUGUST LITTLE SOLDIER, VICE CHAIRMAN;  
TILLIE WALKER, SECRETARY; GERALD WHITE, TREASURER; ROY BIRD BEAR,  
THOMAS EAGLE, NATHAN PAUL GOODIRON, WILLARD LITTLE OWL, MATTHEW  
MASON, MARIE WELLS, WILLARD YELLOW BIRD

OTHERS : CELESTE SCHETTLER, ALAN MCKAY, HUGH BAKER, BARB LINDLEY, NATURAL  
RESOURCES DEPARTMENT; VANCE GILLETTE, TRIBAL ATTORNEY; CHARLES  
HOBBS, WILKINSON, CRAGUN & BARKER LAW FIRM; JOHN DANKS, RESERVATION  
PROGRAM'S OFFICER; JOHN CHARGING, TERO DIRECTOR; ZUNI BLACK FEATHER,  
CHRISTINE & GILBERT MANN, HIDATCO, INC.; VIVAN PANKEY, COMPLIANCE  
OFFICER OF TERO; PAIGE BAKER, CERT; KEN DEANE, TRIBAL PLANNER;  
CLYDE BRADY, SARGENT-AT-ARMS; RACHEL GRADY, RECORDING SECRETARY.

Chairman Gillette called the meeting to order at 10:55 a.m.  
Roll call, quorum present.

FT. BERTHOLD LAND RESTORATION BILL: The Land Restoration bill was distributed  
and Charles Hobbs of Wilkinson, Cragun &  
Barker gave status on the bill. He said they were waiting for information from  
BIA. Larry Burr promised over a month ago to send mineral/land ownership. When  
this information is received, they will give the bill to Senator Burdick's office.  
At that time, Senator Burdick will decide how much of the bill he will introduce.  
Mr. Hobbs said he was at the present time considering the entire bill: restoration  
of land, water rights, and adding and taking away land around dam. He said Tribe  
will need support from the people of the state. The bill has to pass both the  
House and Senate in order to become law, and Tribe will need Rep. Dorgan as a  
sponsor in the House. He said the hunting and fishing part of the bill has been  
taken out and is under discussion with Attorney General Wefald. If an agreement  
comes out of that, it will help Restoration Bill because it establishes coopera-  
tion between two governments. Non-Indians received reservation land in 1910  
although the Tribe never agreed to sell and never accepted the fact that this  
land was taken away. Mr. Hobbs requested all the newspaper clippings pertaining  
to organization of non-Indians trying to get back their minerals.

It was suggested a meeting be set with Senator Andrews, Senator Burdick, and  
Rep. Dorgan during the week of October 19-23, 1981.

Appraisals were discussed to get comparisons on payment for land in the Taking  
Area. It was pointed out that many non-Indians took their cases to court. Chair-  
man Gillette said he would ask Larry Burr to obtain the information promptly.

HUNTING & FISHING: Alan McKay, Game & Fish Programmer, reviewed a map showing  
the hunting areas designated by the State of North Dakota.  
The Ft. Berthold Reservation is part of the State's Region III B-2. Mr. McKay

SPECIAL MEETING  
PAGE TWO  
SEPTEMBER 17 & 18, 1981

said his department was recommending a moratorium on deer hunting. The pros and cons were discussed since the deer population is depleted on the Reservation. The moratorium would be regulating responsibly.

Councilman Bird Bear arrived at 12:40 p.m.

Councilman Yellow Bird moved for recess. Second by Councilman Little Owl, Three (3) in favor, seven (7) opposed, motion defeated.

Secretary Walker read letter to Dale Heneger, State Commissioner of Game & Fish, from Ray Cross concerning the Tribe's moratorium and request to State to adopt a ban on deer hunting by non-Indians on fee land on the Reservation.

Treasurer White moved to authorize a moratorium on deer hunting season for 1981 on the Ft. Berthold Reservation and request State to support moratorium on Region III B-2. Second by Councilman Goodiron. Roll call vote: Little Soldier, yes; Bird Bear, yes; Goodiron, yes; White, yes; Little Owl, yes; Yellow Bird, no; Eagle, no; Wells, yes; Mason, no; Walker, yes; and Chairman, yes. Eight (8) in favor, three (3) opposed, motion carried.

Councilman Mason moved to have deer hunting season on the Ft. Berthold Reservation for members only if State does not support the Tribe's moratorium. Second by Councilman Yellow Bird. Roll call vote: Eleven (11) in favor, motion carried.

**BIRD SEASON:** Councilman Eagle stated the bird season on the reservation should be stopped as guns will scare deer from the reservation. Vance Gillette, Tribal Attorney, suggested conservation, lottery and elder members allowed to hunt as some alternatives.

**RECESS:** Meeting recessed at 1:05 p.m. Reconvened at 1:25 p.m. Councilmen Bird Bear and Goodiron did not return.

**CODE:** Vance Gillette, Tribal Attorney, discussed issues in civil jurisdiction, business licenses and oil and gas activity. He said Code needs revision, and Tribe must enact licensing scheme and create licensing/regulatory authority.

Charles Hobbs stated the Constitution needs change to meet needs of the present. Tribe can civilly regulate non-Indians. The Oliphant case did not take this authority away from tribes. Tribe can tax and license non-members or otherwise regulate them. The matter of immediate concern was Hidatco, Inc.'s authority to haul specified commodities. They have tribal license and North Dakota Public Service Commission has denied a temporary permit. Gilbert and Christine Mann spoke on the issue. The guidelines considered in regulating are: (1) political integrity, (2) economic security and (3) health and welfare of the Tribe. Charles Hobbs reviewed the power of the Tribe to regulate trucking on the reservation. Since most of the oil activity requires hauling on trust lands, the Tribe has the authority. Extended discussion was held on this matter. It was pointed out that the Tribe's concerns on the oil industry are: (1) number of Indians employed and (2) permits from trucking. Mr. Hobbs mentioned that Red Lake Reservation issues auto licenses, and courts upheld the licensing being acknowledged off and on the

SPECIAL MEETING  
PAGE THREE  
SEPTEMBER 17 & 18, 1981

reservation.

Conclusion was the Tribe should (1) enact permit and licensing and (2) meet with oil companies. There was discussion on present oil activity on the reservation.

Vice Chairman Little Soldier moved to schedule a meeting in Denver with oil companies doing business on the Ft. Berthold Reservation to discuss mutual concerns. Meeting to be scheduled by Secretary Walker, CERT and Natural Resources Department on September 30, 1981. Eleven (11) in favor, motion carried.

SEDS: Paige Baker, CERT Staff, was called on to report. He said there was to be a review of ANA policy on success of tribes in SEDS. Ft. Berthold was the only tribe that's looking at long term of tribal administration. There is now \$28,000,000 available and ANA must decide how these funds can be used effectively. They are inviting five (5) tribes to look at options and bring ideas together to help set ANA funding policy. The Three Affiliated Tribes' Chairman and Secretary are invited to the meeting.

CROW CASE: Chairman Gillette asked Mr. Hobbs to clarify role of Wilkinson, Cragun & Barker in the Crow case as there were many rumors around. Mr. Hobbs stated that he never heard so many rumors in his career as in this case. Wilkinson, Cragun & Barker handled claims for the Crow in 1965, handled tax case which was won recently, and water rights. The Linowe firm in Billings handled the Crow riverbed case with Tom Linowe as primary attorney. There were two trials and two appeals. Wilkinson, Cragun & Barker were secondary attorneys. Linowe argued case and brief was 50% Wilkinson, Cragun & Barker and 50% from their firm. The Crows came to Washington D.C. after firing Linowe firm and worked with Wilkinson, Cragun & Barker on petition for rehearing in Supreme Court. These requests to the Supreme Court are approved once in twenty years. The Supreme Court denied rehearing. The Crows have not paid Wilkinson, Cragun & Barker for their work.

ADJOURNMENT: Meeting adjourned at 4:25 p.m.

  
Secretary, Tribal Business Council

APPROVED: Nov. 5, 1981  
(Date)