

THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
TRIBAL CHAMBERS

Natural Resources Meeting
January 23, 1991

- PRESENT: Wilbur D. Wilkinson, Chairman; Theodore Lone Fight III, Vice-Chairman; John Rabbithead, Jr., Secretary; Roger Bird Bear, Treasurer; Titus Hall, Councilmember; and LaVerne Brady, Recording Secretary.
- ABSENT: Austin Gillette and James Mossett, Councilmembers.
- OTHERS: Rich Schilf, Natural Resources Administrator; Paige Baker, Daniel Hall, Brenda Grant, Brenda Schilf, Elgin Crows Breast, Lester Crows Heart, Sharon Blake, Felicia Felix and Gainus Little Soldier.
- ITEM 01: CALL TO ORDER:
Meeting called to order at 11:08 AM.
- ITEM 02: ROLL CALL:
Roll called by Secretary. Quorum established.
- ITEM 03: BUFFALO PROJECT:
Daniel Hall in regarding this project. Before discussing this project, Rich Schilf explained that he was leaving on February 15, 1991. He stated too, that Gerard Baker was resigning also. He suggested that the committee should think about how they wanted to manage the buffalo herd. The business plan in use presently is what Rich and Gerard had drawn up. The committee should look over the plan, eliminate what debt their is and probably to think of capitalizing the cattle re-lending program. Docket 350G monies could be used to pay off the bank. A portion of the supplemental appropriations from congress to the fish and game contract could be used for some of the operating costs. Rich also explained that Daniel Hall spoke to him and Gerard which was provided in memo form to the Tribal Business Council on January 8, 1991, questioning if Daniel could have a more active role on the project in the day to day management of the herd. He had done a good bit of the work for James Danks when he was taken care of the herd. (The day to day feeding-bringing the herd back in when they got out and taking care of the animals daily.

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BUFFALO PROJECT (CON'T)

Rich stated "Gerard and I envision Danny coming on board and that is what he is here about today. He has done 10 hours of work since he is no longer doing work for Jim." Dan explained that Gerard set up a proposal to purchase a pickup and tractor so Dan can maintain the buffalo. Rich explained that the committee needs to review and see how it wants to manage them..

Chairman Wilkinson asked if Dan's proposal is to oversee the project now? Rich and Dan said yes.

Chairman Wilkinson questioned if monies are available and if we still need to take care of them in the interim. Rich explained that we still have an agreement with James Danks per a consultant agreement on month to month basis. Jim has a lot of the equipment facilities necessary and natural resources department has obligated a ford F150 truck to the project. (old ranger truck)
Rich suggested to hold off on the purchasing of a tractor for now and Dan should be hired to oversee the project. Vice-Chairman Lone Fight felt that something definitely needs to be done with the project. Fence contract has expired on December 31, 1990. They are in holding pens now and questioned when the fencing will be done. He is in favor of Dan to oversee the project. He directed for Rich to provide a recommendation regarding this buffalo fence.

Chairman Wilkinson entertained a motion to hire Daniel Hall to oversee the project for 30 days and during this time to see if a plan could be developed.

Vice-Chairman Lone Fight moved, seconded by Councilman Hall.

Other discussion: Daniel Hall questioned how Mr. Danks was paid last year. He was told that any agreements or dealings that he had with Mr. Danks or Natural Resources Department is to settle with them about it.

Vote: 5 for, 0 opposed. Unanimous-Motion Carried.

ITEM 04: ALMIT BRUER REQUEST:

Rich explained that Almit owns the best water treatment or reservoir site in the White Shield Water Project. He also owns the land on both sides of the service line. The Reservoir provides pressure for the part of the system for the community of the White Shield project.

Chairman Wilkinson questioned if this was part of the M,R,&I project? Yes and Almits willing to work with the tribe upon meeting with and he agreed to grant the easement/right of way-going to and going from the reservoir. Almit would also like to exchange 15 acres of land in Mandaree-100% owned by him, adjacent to the taking area. The tribe owns 305 acres on the original 320 acre allotment. He would like to trade that tract of land to the tribe in exchange of that land for roughly 42 acres near where son Tom lives. He traded for most of the land several years ago. His proposal is that exchange.

Chairman Wilkinson questioned if we are compensating other people for the right of ways. It was explained that we have to go in and buy it. The reservoir is different from a standard right of ways.

Almit was asked if he had anything he wanted to say He stated the storage tank comes in on it. He explained that he told Rich he wouldn't sell regarding this but ask for a 99 year lease on it.

Recommendation from Rich was that this is the key site for the Reservoir. Vice Chairman Lone Fight questioned about reserve status. There was a question to regarding if this was corpland. Rich explained that this was the designation the tribe gives through resolution reserved from other development.

Chairman Wilkinson proposed that we go ahead with Mr. Breuer's request if all issues are resolved.

Vice Chairman Lone Fight moved to make a motion providing all issues are worked out, seconded by Treasurer Bird Bear.

Vote: 5 for, 0 opposed. Unanimous-Motion Carried.

ITEM 05: TRIBAL MEMBER REQUEST:

Rich explained that Gainus Little Soldier had a pasture lease by Snow's turnoff and now he is requesting for a homesite lease which meets the criteria at \$350.00. He wished to keep his 80 acre lease at this amount and wished to pay \$25.00 for 2 1/2 acres annually.

Chairman Wilkinson entertained a motion to approve on the condition that no one else has the lease.

Motion made by Councilman Hall, seconded by Councilman Lone Fight.

Vote: 5 for, 0 opposed. Unanimous-Motion Carried.

ITEM 06: TRIBAL MEMBER REQUEST:

Rich explained that the Crows Heart family is proposing to trade off their tracts for two pieces of tribal land. They are located adjacent to the taking area in the Mandaree area. They own 40 acres in a 240 tract. They would like to trade two pieces in Twin Buttes

Rich explained Lester Crows Heart is present today regarding a land exchange and there are three land exchanges in the packet. Copy of resolution 88-261 TL is enclosed because the previous council put certain restrictions on land exchanges.

The council should look at the old resolution, if they want to make admendments on it because:
1). They would not exchange land next to a major highway. On this land in the Mandaree area, there is no access but this is only a grazing unit.

Chairman Wilkinson entertained a motion to approve the land trade. Felicia Felix in at 11:30.

Councilman Lone Fight made a motion to approve the Crows Heart land trade, seconded by Councilman Bird Bear.

Vote: 5 for, 0 opposed. Unanimous-Motion Carried.

ITEM 07: USGS:

Rich explained that the USGS had a joint funding with the tribes in the past year and would like to

USGS - (CON'T)
continue. They are here to provide Natural Resources Department with a presentation of some of the work they have done in the previous year.

The three individuals here for the presentation are: Bill Horach, State Director for the Water Resources Division; Ken Lisco, Chief of Hydrologic Studies and Steve Kates, Project Chief.

The progress report was given using an overhead projector. Graphs were used for illustrating the following:

- A. Approximate average.
- B. Water balance in acre feet of the Fort Berthold.
- C. 1990 studies.
- D. Location of selected streams.
- E. Generalized cross section.
- F. Elevation above national geodetic vertical datum
- G. Sodium absorption ratio.
- H. Specific conductance of waters.
- I. Study activities/1991.

Questions were asked by Chairman Wilkinson and Councilman Lone Fight as to where the chemical samples at which well locations? What was the findings when this was completed? Is there anything in your sampling that contaminates our ground water? When were those samples taken? How far do you have to go to hit water with your studies? These questions were asked as water is a real serious issue on the reservation. This had been a interesting presentation utilizing water studies to our benefit.

This joint funding agreement needs to be continued.

Chairman Wilkinson entertained a motion to continue the agreement with USGS and that supplemental appropriations making that available for a portion of the agreement. Ted out of meeting.

Councilman Bird Bear made a motion to continue the agreement with USGS, seconded by Councilman Rabbit-head.

Vote 4 for, 0 opposed. Unanimous-Motion Carried.

ITEM 08: TRIBAL MEMBER REQUEST:

Rich explained that Norma Wolf has a land exchange with the tribe. This is another one that deals with resolution 88-261-TL and that she has proposed to trade undivided interest allocated farm land for

single ownership tribal grass land. Her land is valued at considerably more. It's farm land and has good income. Rich stated "I believe there needs to be an admendment to the resolution." At this time, she would like to trade value for value and sell the remainder to the tribe. His recommendation is to proceed with this land sale and amending the resolution 88-261-TL.

Chairman Wilkinson entertained a motion to amend 88-261-TL to provide for variances to the policy on trades.

Councilman Bird Bear made a motion to approve to amend resolution, seconded by Councilman Rabbit-head.

Vote: 4 for, 0 opposed. Unanimous-Motion Carried.

Chairman Wilkinson entertained a motion to approve the trade and sell on Norma Wolf's properties with the tribe.

Councilman Bird Bear made a motion to approve the trade, seconded by Councilman Rabbithead.

Vote: 4 for, 0 opposed. Unanimous-Motion Carried.

ITEM 09: STATE PARK SERVICE GRANT REQUEST:

Presentation on rough draft passed out. Elgin is preparing a grant to the State Park Service. He has his ideas all on paper. Elgin is asking to pass this \$27,000.00 grant. Ted back in meeting.

Chairman Wilkinson entertained a motion to authorize the submittal of a grant application.

Councilman Bird Bear moved to make a motion the submittal of a grant application, seconded by Councilman Hall.

STATE PARK SERVICE GRANT REQUEST (CON'T)
Discussion: Historic Preservation should be a separate entity by itself and not a part of Natural Resources, but maybe a part of the Museum.

Vote: 5 for, 0 opposed. Unanimous-Motion Carried.

ITEM 10: TECHNICAL ASSISTANCE RESOLUTION:
In addition to the preservation office tied to the Natural Resources Department, a resolution authorizing submittal of technical assistance proposal of \$15,000.00 to the Bureau.

Councilman Mossett made a motion to authorize submittal, seconded by Councilman Hall.

Discussion: This is to assist us in those projects we identified.

Vote: 5 for, 0 opposed. Unanimous-Motion Carried.

ITEM 11: CEDRIC MANDAN REQUEST:
Rich explained that request was not recommended due to the reason it is small undivided shares and the Tribe doesn't have a share in any of the tracts.

Councilman Mossett made a motion to table this request until some other arrangement/alternative can be worked out, seconded by Councilman Bird Bear

Vote: 5 for, 0 opposed. Unanimous-Motion Carried.

ITEM 12: PESTICIDE CONTROL:
Discussion: letter.

ITEM 13: RIGHTS OF WAYS:
Discussion: Mahto Bay---The Corps of Engineers sold 18 cabins sites in the taking area to non Indians in 1960. When they advertised these lots for sale, they did not promise access to them. The cabin owners negotiated with the landowners for access. In 1988-89, the Tribes agreed to grant a right of way to the cabin owners. A letter was sent by a Lawyer-Al Hardy to the tribe for signature.

Councilman Mossett stated nothing had been done to resolve issues on this. He stated "Actually there is nothing the tribe can do but just try to mediate

RIGHTS OF WAYS (CON'T)

and try to accomodate with an alternative route". Plan was to respond to them and set up a meeting as they used that on the tribe during a JTAC hearing.

Discussion: Mckenzie Bay---Curtis Young Bear's request was discussed. There are two pieces of land without public access. They support the tribes' and support the JTAC bill. Suggestion was made The concessionaires and control of right of

Rich recommended that the tribe purchase the perpetual right of way and if the tribe decides to abandon it, it can be released as there were no alternative routes. There are two approaches to this: Share and proceeds up to \$60,000.00 or outright purchase with a portion of the land.

Councilman Hall made a motion to pursue the two options, seconded by Councilman Lone Fight.

Vote: 5 for, 0 opposed. Unanimous-Motion Carried.

ITEM 14: M, R, & I:

Disussion was on the appropriations request for this year and the breakdown made on the money that was available that was going to cover projects: two intakes and two water treatment plants that are ready to go.

The Bureau of Reclamation was concerned that we make some decisions on how we are going to proceed with the construction before we go into the actual construction. Also before we go ahead with the bidding, there needs to some decision made on the consultant agreement, continuing the agreement and making some decisions on how we want the construction management to work.

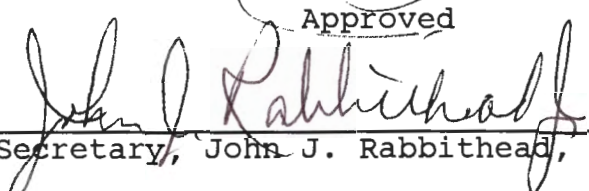
A proposal has been made and the Chairmans' views need to be incorporated.

For FY'91, monies have been allocated already. The bidding proposal had been discussed. A quarterly report letter has been signed by the chairman.

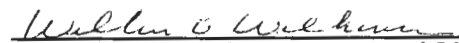
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ITEM 15: ADJOURNMENT:
Meeting adjourned at 2:10 PM.

Approved


Secretary, John J. Rabbithead, Jr.

ATTEST:


Chairman, Wilbur D. Wilkinson

Disapproved

2/5/91
Date

2/5/91
Date