



# MANDAN, HIDATSA, & ARIKARA NATION

*Three Affiliated Tribes • Fort Berthold Indian Reservation*

404 Frontage Road • New Town, North Dakota 58763-9402

TRIBAL BUSINESS COUNCIL

(701) 627-4781

Fax (701) 627-3805

## NATURAL RESOURCES COMMITTEE

### REGULAR MEETING

APRIL 9, 2002

1. **CALL TO ORDER:**  
Meeting was called to order at 1:10 P. M.
  
2. **ROLL CALL:** Chairperson Gillette, Member Marcus Wells Jr., and Member Malcolm Wolf. Others Present: Jim Baker, Carrol Howling Wolf, Kermit Heart, Gordon Blake.
  
3. **FT. BERTHOLD RURAL WATER OPERATORS:**  
Responding to letter from the Tribal Business Council, Letter of Complaint. Water Haulers need a doctor's report in order to follow up on complaint of stomach illness under code WW74R. Water is checked on a monthly basis. Member Malcolm Wolf stated to the fact he had worked with water program. Poor system at that time. Without sufficient funds the system shut down. Member Wolf understands the criticism that comes with the job. Today Member Wolf stated his grand daughter is ill with stomach problems and vomiting and no one seems to know why. Member Wolf lives south of New Town Hollis Blake hauls water from the plant. Referring back to when he worked as a water hauler people were having the same symptoms. Gas was used at that time. New Town water is used now, our system at home could be contaminated. EPA could be shut down if the problem is not resolved. Hollis Blake took samples and sent it to Mary Baker of the I. H. S. Testing came back with different bacteria contaminates. Lagoon is right there, it leaks and going back into lake. Kermit Heart stated Hollis Blake needs to be certified to haul water and take proper samples and under state regulations and sterilize the truck once a month and the sisteran every 6 months. Member Malcolm took sample to clinic today and will know next week when the results come back Mr. Danks of the Environmental Division is checking up on this and can work with Mrs. Fredericks. Get to the problem rather than place blame. Take sample with screen off run 3-5 Minutes. Small water operations, record all information, complaint thoroughly investigate. Sanitation of the home is to be considered. Gordon Blake stated does the ill person wash their hands are they handling raw meat or are they drinking from a dirty cup. The problem could

be in the plumbing system. Member Marcus Wells Jr. stated the importance of the situation whether the person is an infant to elder we have to find a solution. Water haulers want to clear up the situation also with proper documentation of the ill person so to go to the house and investigate. Water haulers want the names of the people who where sick. Names given by Member Wells Jr., are Joni Halsey, May & Judy Brugh and Malcolm's granddaughter. Texx Lone Bear would like to see the Environmental Division in on this as an outside view. Paul Danks will ask for the assistance of Mary Baker from I. H. S. Paul Danks would like a letter from Texx Lone Bear asking I. H. S. to look into the situation, follow up and find a conclusion. Member Wells Jr., stated a spill over from the lagoon could have taken place on a day we did not test. Main concern is of a spill over. We are the most used water plant in the area with a higher population, which is a stipulation on what guidelines we go by. We should be treating the water more precious. The State guidelines have a higher standard for more populated areas. Less populated areas do not have the same standards and that needs to change. Health is important. Member Wells suggested moving intake across bridge where the current of the lake is not present. Paul Danks is certain the water plant is obeying by the guidelines and treating water accordingly. Member Wolf asked the water haulers if they had knowledge of recycled water and if we could implement a similar system. Bismarck, Grand Forks and Dickinson have done this process. The plant is not set up for a recycled system. Aluminum filters are used, micros, and bacteria are taken out by filters. Filters are change every 4 days. But since it is thawing filters are now changed every 2 days. By monthly samples are sent to the State. Chairperson Austin Gillette stated Mary Fredericks from Indian Health Service would arrive in 10 Minutes, using time to read pending minutes for approval and other items on agenda.

4. **APPROVAL OF MINUTES:**

Motion by Member Marcus Wells Jr. to approve of minutes dated March 19, 2002. Seconded by Member Wolf.

**Vote: 3 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting. Motion carried.**

5. **CULTURE CAMP-MIKE YOUNG BIRD/BRANDON CLARK:**

Five-acre lot belonging to the buffalo project range unit. Culture Camp would like to use lot. Chairperson Gillette stated a letter from Everett Hall needs to be submitted stating written permission of the use of land and then the committee will take request into consideration.

6. **DENNIS HUBER-LEASES:**

Chairperson Gillette stated through human error or over site, Mr. Huber has used 800 acres of Tribal land for 5 years at now cost. Annette Young Bird drafted a letter to Mr. Huber requesting payment in the amount of \$14,000.00. Chairperson Gillette asked committee to resolve the situation before any consideration is taken of leases.

7. **THREE PARTY LEASE-BEAR DEN PROPOSAL:**

Pete Hale has a proposal of a 3 party lease recreational site near the Bear Den area. Mr. Hale will bring plan of action to the next full council meeting in May. The general information Mr. Hale has is an interested party would like to lease the ranch out for 300 head of buffalo. The rental fees would amount to \$27,000.00 for 6 months. Motion by Member Wells to approve Mr. Hale proceed and submit final plan to the Tribal Business Council for review. Seconded by Councilman Wolf.

**Vote: 3 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting. Motion carried.**

8. **ED FOX-LAND EXCHANGE/HOME SITES:**

i. **Johanna White Bear-Exchange:**

Ed Fox stated Johanna White Bear does not meet the criteria of standing policy on exchange ordinance. Chairman Gillette directed the Natural Resources Department to send letter of denial to Ms. White Bear on request.

ii. **Arlene Munzy-Home site:**

Motion to approve of home site for Arlene Munzy made by Member Wells Jr. Seconded by Councilman Wolf.

**Vote: 3 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting. Motion carried.**

iii. **Ida May Fox:**

Request is made to move into Bakersfield by the 2002 school year start. Available lots in the area are 25 lots. Others have been denied to move into area. Ed Fox is directed by Chairman Gillette to bring all names of previously denied to the Natural Resource Meeting on April 16, 2002.

9. **FORT BERTHOLD WATER OPERATORS (cont.):**

Indian Health Service Unit Sanitarian Officer, Mary Fredericks arrived at 2:08 P. M. Issue presented to the Officer where the Four Bears Community Members who became ill. Chairman Gillette on behalf of the Committee would like to have I. H. S. inspect the homes of the parties involved and take current water samples along with inspecting the water treatment plant and the water trucks. Mary Fredericks will contact Jack Suron to change current standard testing recommendations more frequently. The Tribe could adopt other policies and requirements such as certifying water haulers. Will speak to Jim Heckman to see what tests are done now. Motion made by Member Marcus Wells Jr., to officially request Indian Health Service Unit Sanitarian Officer Mary Fredericks to conduct home site inspection visits for parties who became ill take water samples of the homes requested. Sanitarian Officer will also inspect water treatment plant and water trucks. Seconded by Member Malcolm Wolf.

Discussion: Memo to be sent to Mary Fredericks of the directives given to the Indian Health Service.

**Vote: 3 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting. Motion carried.**

10. **MANNY MARSETTE-FARM PASTURE LEASES:**

i. **Helmuth Pfenning-Allotment #TA1**

**Section 16, Twp. 146, Range 88 W., Fifth Principal Meridian, North Dakota**  
Motion made by Member Wolf to approve of five-year lease for 64.4 acres at \$4.50 per acre for a total of \$289.80 per year. Seconded by Member Wells Jr.

**Vote: 3 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting. Motion carried.**

ii. **Gudbranson Farm-Renewal Allot. #821A-D**

**5 ½ NE ¼. Section 9, Township 151 North Range 94W**

Motion made by Member Wells Jr. to approve of renewal lease at \$23.00 per acre for 40 acres. Renewal for cropland for 5 years. Seconded by Wolf.

**Vote: 3 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting. Motion carried.**

iii. **RTC-Right-of-way:**

Motion made by Member Wells Jr. to approve upgrade of telephone service in the Mandaree area on one track of land. Seconded by Member Wolf.

**Vote: 3 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting. Motion carried.**

11. **PAUL DANKS-RECREATIONAL SITE:**

Mr. Danks attended the Friends of Lake Sakakawea Meeting and reported the Tribal Recreation Areas have received funding in the amount of \$700,000.00. The recipients of the funds are Charging Eagle Bay, Skunk Creek, Pouch Point and the Four Bears Casino and Lodge. The funds were dispersed to Senator Byron Dorgan with a 75/25 match the Tribe must contribute. Charging Eagle Bay match is \$15,000.00, with the Friends contributing \$45,000.00. The Skunk Creek project is a \$100,000.00 with the Tribe contributing \$25,000.00. On the Skunk Creek project the State would cut our match to half in the amount of \$12,500.00 if request is made. The Four Bears Casino is largest recipient of the Friends Money at \$106,500.00 with a casino match of \$39,000.00. The total amount with all projects, excluding the casino is \$42,500.00. Money will be used for all boat ramps and breakwater. Motion made by Member Wells Jr., to have Mr. Paul Danks draft a resolution to request the State to split the match of the Skunk Creek project in the amount of \$12,500.00. Seconded by Member Wolf.

**Vote: 3 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.**

Discussion: April 25, 2002 will meet with the staff of Senator Dorgan in Garrison N. D. on just the Reservation's in fro structure needs. All of our recreational staff need attend with their 5-year action plan. Resolution needs to also include language of a standing authorizing resolution for future recreational applications for future funding. Only to apply for funding not including match requirements, which have to come back to the council. If there are funds available, apply and bring back to Council. The Corp of Engineers informed Mr. Danks the agreement with Charging Eagle Bay is not legal and the agreement has to be revised. The Tribe should reconsider the rental fees and charge a higher rate than the

current of 20%. The Corp of Engineers of 80,000.00 goes for 25/75. FYI-Corp 3<sup>rd</sup> party agreements cost of maintenance has to be looked at. Tribe is responsible for operations and maintenance.

12. **OTHER: SMITH/LITTLE OWL AGREEMENT:**

Annette Young Bird, Realty Officer was assigned through the Committee to meet with the Smith and Little Owl family on the easement proposal with written signatures. On April 4, 2002 met with them as family in the law library. In attendance: Jim Heckman, Annette Young Bird, Truby Stiff Arm-Smith, Conrad Smith, Alan Smith, Willemette Miquino-Smith and Marvel Good Bird. The main concern the family had is the water will go through the lagoon, water will be treated go back across property. Continuous flow of drainage. Family will build on property in this area. Issues brought to Jim Heckman where on pollution and chemicals involved. Resolution Proposal is at \$50,000.00 for 25 years to be paid immediately and \$50,000.00 for 25 years at \$2,000.00 per year for a total of \$100,000.00. Easement includes the force main, road right of way and continued wastewater that go across their property. Tom Wells reviewed preliminary assessment of document. Document will still need to be reviewed by the Bureau of Indian Affairs. Negotiation has taken 2 years. The monies used for the 4 acres will be taken out of the USDA Grant. Motion made by Councilman Wells Jr., to forward the proposal to the Tribal Business Council. Seconded by Councilman Wolf.

Discussion: Chairman Gillette spoke of similar case with lagoon at the Four Bears Village. In 1975, the party that owned land for easement said the Council agreed to include a house with the agreement. When the where building ownership homes in the districts the party did get a home. Minutes did not include the house with the easement. The project is worthy cause.

**2 Ayes, 0 Nays, 0 Abstentions, 1 Not Voting. Motion carried.**

13. **VIOLA SCHESSLER: WATER HOOK UP:**

Motion made by Member Wells Jr., to have Paul Danks follow up with Mr. Texx Lone Bear on the water hook up and completion of Viola Kettler's home, which was previously approved twice. Seconded by Member Wolf.

**Vote: 3 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting. Motion carried.**

14. **ADJOURN:**

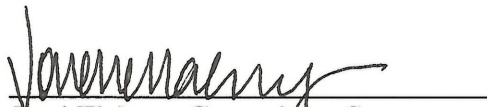
Meeting adjourned at 2:59. P. M.

Minutes were approved on April 30, 2002, meeting.

**ATTEST:**

A handwritten signature in black ink, appearing to read "Austin Gillette", written over a horizontal line.

**Austin Gillette, Chairman  
Natural Resource Committee**

A handwritten signature in black ink, appearing to read "Joni Halsey", written over a horizontal line.

**Joni Halsey, Committee Secretary  
Natural Resources Committee**