



MANDAN, HIDATSA, & ARIKARA NATION
Three Affiliated Tribes, Fort Berthold Indian Reservation
404 Frontage Road, New Town, North Dakota 58763-9402

NATURAL RESOURCES COMMITTEE
REGULAR MEETING AGENDA
MARCH 18, 2003
2:00 P. M.

01. **CALL TO ORDER:**

Meeting was called to order at 2:25 p. m.

02. **ROLL CALL:**

Members Present: Chairman Phelan, Member Wells, Member Gillette and Member Packineau. Others Present:

Ed Fox, Paul Danks, Texx Lone Bear, Annette Young Bird, Dawn Charging, Felicia Felix and Lori Little Swallow.

03. **APPROVAL OF MINUTES:**

Motion made by Member Wells to approve of the minutes dated January 29, 2003. Seconded by Member Gillette.

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

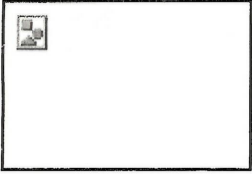
November TBC Minutes have many grammatical errors. The Reality Officer for Katherine Young Bear to come in and submit application will draft a letter.

Vote: 4 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting. Motion carried.

04. **FORT BERTHOLD RURAL WATER:**

The legal department reviewed policy. Interim policy. Member Wells motioned to approval of the interim policy to be brought to the Full Council for April 1st Regular Meeting. Seconded by Member Packineau.

Discussion: Natural Resources Director Paul Danks stated on page 28 of the policy the Natural Resources Committee reserves the right to modify and make changes in the policy under the amendment clause.



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01. CALL TO ORDER:
02. ROLL CALL:
03. APPROVAL OF MINUTES:
04. FORT BERTHOLD RURAL WATER:
05. COBY LITTLE SOLDIER
06. DALE LITTLE SOLDIER
07. PATTI JO THOMAS - ENVIRONMENTAL DIVISION:
08. ED HALL - TRANSPORTATION ISSUES
09. WIND ENERGY - PAUL DANKS/TERRY FREDERICKS:
10. RECREATION AGREEMENT - PAUL DANKS/JIM MOSSETT
11. LLOYD VIGEN - RANGE UNIT #2:
12. PARSHALL RESOURC CENTER -LOTS FOR TRAILER HOUSES:
13. FARM/PASTURE LEASES - JACK RABBIT HEAD:
 - Donald & Stacey Roberts - Allotment # 1327/0136:

14. LANDSALES/HOMESITES - ED FOX:

- Trailer Park Applications - White Shield/ Mandaree:
- James Crows Breast - Land sale:
- Obed Starr - Land sale:
- James Mossett - Land Exchange:
- Melvin Johnson - Business lease:
- Elton Spotted Horse - Home site:
- Damon Brady - Dakot Drive Lot

15. ANNETTE YOUNG BIRD:

- Lisa Mc Hugh - Parshall Lot
- Training/Travel - Tribal Realty Staff:
- Casey Fredericks - Grazing Letter:

16. OTHER:

17. ADJOURNMENT:

Vote: 4 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting. Motion carried.

Rural Water has acquired additional work and will increase contract by \$40,000.00 to Bartlett and West for additional engineering services. Water in home up to 72,000.00. 10 done now and 10 to be completed.

05. SPECIFIC AUTHORIZATION NO. 8 & 12- BARTLETT & WEST ENGINEERS:
Member Wells motioned to accept the modifications of the total fee and added language OF THE general Agreement for Professional Services in section No. 8 and 12. Seconded by Member Packineau.

Discussion: A summary is needed on the cost at the next Natural Resources Committee Meeting and a summary on the pending costs.

Vote: 4 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting. Motion carried.

06. NORTH DAKOTA WATER COALATION ANNUAL DUES:
The Fort Berthold Rural Water has been participating with Dakota Water Coalition in lobbying efforts for the last 2 years.

Member Gillette motioned to recommend approval of annual dues in the amount of \$1,000.00. Member Wells seconded the motion.

Discussion: The Committee recommends finding an alternate source to pay the dues or cost share. Add this program to the manual rules and regulation. An alternate source for FY 04 will be sought.

Vote: 4 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting. Motion carried

07. NATIONAL RURAL WATER ASSOCIATION RALLY:
The National Rural Water Association will host a rally Washington D. C. for 3 days. The Association is requesting the Tribe send a representative for the meeting. A Preliminary agenda is presented for the Water World Rally in April.

Member Wells motioned to delegate Councilman Phelan to represent the Tribe with an alternate delegating Councilman Wolf. Member Packineau seconded the motion.

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

08. CEDS GRANT APPLICATION RESOLUTION:
Motion made by Councilman Gillette to approve of grant application to be submitted in the amount of \$50,000.00. A resolution will be drafted and forwarded to the Full Business Council for the next Regular Meeting. Member Wells seconded the motion.

Vote: 4 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting. Motion carried.

09. NORTH DAKOTA ONE CALL:

North Dakota One Call is requesting the Tribe to join in membership with the association. At no fee North Dakota One Call will assess our water lines and if excavation is needed they will provide the information with the data we provide. North Dakota One Call is compared to an insurance policy and will mark the lines and we will not be held responsible if broken.

Motion made by Member Gillette to approve of joining in membership. Member Wells seconded the motion.

Vote: 4 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting. Motion carried.

10. RURAL WATER INFORMATION OF EVENTS:

The Bureau of Reclamation is meeting in Bismarck March 28, 2003. Discussion on the allocated funds and how much the Tribe will receive for FY 2003. The amount is anticipated between \$200,000 to 500,000.00.

April 8, 2003 638 Contract Meeting on negotiations with the Bureau of Reclamation in Bismarck.

North Central Consortium has meeting at the Four Bears Casino and is inviting the Natural Resources Committee April 11, 2003 @10:30 a. m.

April 15, Peter Capicelia and Everett Iron Eyes will be meet. Perry Baker is here. Recommend we move cautiously with more legal advice. Recommend on fact-finding and update the TBC 1:00 p. m. in the Tribal Chambers/ Natural will invite all councilman.

11. WIND ENERGY - PAUL DANKS/TERRY FREDERICKS:

Clarification on who is assigned to the project. Will bring back at the next meeting.

12. RECREATION AGREEMENT - PAUL DANKS/JIM MOSSETT

3rd Party Agreements with the following recreational sites that include Charging Eagle Bay, Pouch Point, Skunk Creek, Elmer's Point, Bear Den, Reunion Bay, Parks Creek and Arrowhead. The Army Corp of Engineers has informed the Tribe that all recreation site 3rd Party Agreements must have a one million dollar liability insurance coverage. The coverage by the Recreational sites has asked the Tribe pay for the liability insurance. Valor Insurance will be contacted through Property and Procurement. The Tribes give 80% to the recreational operators who should bear some cost and responsibility. Rent collection has been made to the NRC and finance office and the operators should be responsible for collection and on April 15 of each year the Tribe then pays back 80% of what is collected.

Member Gillette moved to assign Paul Danks to draft a resolution to be brought to the Regular April 1st Meeting which addresses rental collection for trailers and attached to the existing leases. Seconded by Member Packineau.

Vote: 4 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting. Motion carried.

The Bureau of Reclamation has made a request to discontinue the agreement with Arrowhead due to no activity in over 10 years and the agreement has expired. A notice will be sent to Delvin Foote to inform him of the request to close the site. Bear Den, Pouch Point and Elmer's Point will be included in the 3rd Party Agreements. The Bureau has set aside \$70,000.00 for Reunion Bay improvements.

13. PARSHALL RESOURCE CENTER -LOTS FOR TRAILER HOUSES:

The Parshall Resource Center has acquired 2 Donated trailers but needs assistance with moving the trailers. One is located in Bismarck and one is in Shokopee, MN. 3 lots are needed for the trailers. Twin Buttes Custom Homes has moved trailers prior. Buds Mobile Home Services of Williston has also help the Tribe. Councilman Packineau will coordinate with Twin Buttes Custom Homes. Reality Officer Annette Young Bird will assist with specific lots and will be reviewed by the Natural Resources Committee. Available lots must have considerations with neighboring lots and bring in waivers.

Member Wells motioned to have Twin Buttes Custom Homes to relocate the trailer in Bismarck.

Discussion: The trailers have not been seen and need to be reviewed with an on-site visit.

Motion is withdrawn the motion with update do an on site visit.

14. APPROVAL OF AGENDA:

Member Wells motioned to approve of amended agenda. Seconded by Member Packineau.

Vote: 4 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting

15. FARM/PASTURE LEASES - JACK RABBIT HEAD:

Donald & Stacey Roberts - Allotment # 1327 NWNE -24-149-89 & SWNE-24-149-89:

Member Packineau motioned for approval of allotment 1327 at \$33.00 per acre for 80 acres with a lease of 5 years. Seconded by Member Gillette.

Discussion: Motion is amended for \$34.00 per acre for 80 acres.

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

Ganius Little Solider - Hay cutting lease:

Member Gillette motioned to approve a one-year hay cutting lease for Ganius Little Solider at the standard rate. Seconded by Member Packineau.

Vote: 4 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting. Motion carried.

16. FORT BERTHOLD HOUSING AUTHORITY:

Development phase one plans for 2 communities. 20 new rental units are planned for the Mandaree area. Subject property is located on the ridge. Infrastructure will begin this season. No development plans have been made for the Mandaree area in 15 years. Area for Mandaree is section 11 unit 105 with two elderly apartments for phase 1. Phase two to the east.

Member Wells motioned to approve of development plans by the Fort Berthold Housing Authority. Seconded by Member Packineau.

Vote: 4 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting. .

Northern Lights sub-division: 8 Lots to be identified for elderly housing. 4 lots on the North lot and 4 lots on the south end. Lease agreement.

Member Wells motioned to approve of a lease agreement for the Fort Berthold Housing Authority for Phase A for 8 lots identified for elderly housing. Seconded by Member Packineau.

Discussion: Standard lease of 25-25. Rules to be strictly enforced for elders or the disabled. Provisions will be made for elders to access the units. Many families have care takers for the elders and need to build 2 bedroom units. Garages should be made.

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

Phase B of project: The Housing Authority does not have a central location and need it centralized. Commercial area will be across from the elder homes. A loan would have to be sought for the property and the plans are to give the Tribe priority to buying the old property to be used for the down payment of phase B. The Housing Authority has used the area rent-free and should be given back to the Tribe.

Member Wells motioned to approve of Phase B plans for the Fort Berthold Housing Authority. Seconded by Member Packineau.

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

17. LANDSALES/HOMESITES - ED FOX:

Claude Bad Brave Allotment 371A Lot 1,2,SNE 05-150-93:

Under the CFR regulations the allottee has the option to negotiate with the Tribe without an appraisal with a waiver accepting the price under CFR 152-14-125.

Member Gillette motioned to negotiate with the allotted at an agreed upon price under the CRF 152-14-125.

Motion dies do to the lack of a second.

An alternative for allottee is to submit a letter as recommended by the Natural Resources Committee to forward to the Full Council for review April 1st, 2003.

Member Gillette motioned to approve of the purchase of allotment 1465 and 1463, 302.32 acres at the purchase price of \$39,957, excluding the 10-acre home site. Seconded by Member Wells.

Discussion: Will be forwarded on the Full Council April 1, 2003.

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

18. TRAILER PARK LEASES WHITE SHIELD:

Member Gillette motioned to approve of the White Shield Trailer Park leases for Loie White Bear Lot 2, Bernard White Lot 4 and Diane Yellow Bird Lot 1 at \$25.00 per month subject to back rent payments. Seconded by Member Wells.

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

19. TRAILER PARK LEASES - MANDAREE:

Discussion on Amanda McKenzie's Lot 8 which was awarded to her in a previous Natural Committee Meeting. Another party currently occupies the lot. The awarded party has made no payments because they have not occupied the lot. Review of the request for lots in Mandaree.

Member Gillette motioned to approve of Lot 1 for Ambrose Phelan and Lot 6 for Ral J. Hall at \$25.00 per month. Seconded by Member Gillette.

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

Jason White Owl will be awarded Lot 2 May 15, 2003 at \$25.00 per month.

20. LLOYD VIGEN RANGE UNIT 2 BUFFALO PASTURE:

The Buffalo Project does not need the use of the range unit and Mr. Vigen is requesting to use the unit.

Member Wells motioned to approve of request subject to Tillie Walker's concurrence. Seconded by Member Gillette.

Discussion: Forward to full council at the standard rate for one year

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

The Natural Resources Committee will reconvene at 10:00 a. m. March 19, 2003.

RECONVENE MEETING AT 11:24 A. M. MARCH 19, 2003

21. LANDSALE - OBED STAR:

Property on the 4 allotments is fractionated with a total of 5.70 acres with an estimated value of \$2,620.00. Recommendations are to implement standards that if the Tribe does not own more than 10% the Tribe will not have an interest in the property. The Natural Resources Department will draft policy and guidelines for what the Tribe will buy in property. Item will be deferred until new procedures are implemented.

Member Gillette motioned to draft new regulations regarding what the Tribe will purchase based upon the application of ownership in each parcel of what the owner is willing to sell to the Tribe. Seconded by Member Wolf.

Discussion: Defer all that are pending under 10%.

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

22. LANDSALE - BYRON BAD BRAVE:

Allotment 371A Lot 1,2, SNE 05-150-93 80.04 acres with an estimated value of \$16,650.00.

Member Gillette motioned to purchase allotment 371A of Byron Bad Brave. Seconded by Member Wells.

Discussion: Will be forwarded to Full Council.

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

23. LAND EXCHANGE - JIM MOSSETT:

This item will be deferred for further clarification and more information with maps.

NATURAL RESOURCES COMMITTEE MEETING IS SCHEDULED FOR WENDESDAY, MARCH 26, 2003 @ 1:00 P. M.

24. BUSINESS LEASE - MELVIN JOHNSON:

Allotment T1928 SE1/4,SE1/4.SE1/4 Section 24, Twp. 150, Rge. 95 W., 5th Principal Meridian, ND containing 10 acres.

Member Gillette motioned to approve of business lease for Melvin Johnson as described for 20 years for \$100.00 per year with rental adjustments. Seconded by Member Wolf.

Discussion: Motion is to include standard terms for business leases no option to trade.

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

25. HOME SITE - ELTON SPOTTED HORSE:

Allotment T716A Lot 6,7, E1/2 SW ¼ Section 6 Twp. 148 Rge. 94 containing 2.5 acres for 25 years @ \$25.00 per year.

There are designated home sites in Mandaree and reserved 160 acres for home sites. Home site Policy has denied families with the same request. The applicant has horses he is raising and needs the space. Currently there is a party that has a pasture lease and will need their approval.

Member Wolf motioned to approve of home site lease for Elton Spotted Horse. Seconded by Member Gillette.

Discussion: This motion will bring more applicants to the committee causing some difficulty with decisions. This site is new and will need sewer and water with expenses ranging in the amount of \$20,000.00.

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

26. HOME SITE - DAMON BRADY:

Lot 6, Block 3 Dakota Drive, New Town, ND Section 18 Twp. 152 Rge. 92, 25 years at \$50.00 per month.

Lot was previously approve for applicant David Grinnell, but due to expenses the applicant declined the lot.

Motion to approve of home site for Damon Brady. Seconded by Member Wolf.

Discussion: When the policy is revised it should also include rental fees for rural areas and town rental fees. The action will terminate the prior lease with David Grinnell.

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

28. TRANSPORTATION ISSUES - ED HALL:

Presentation on 1988 transportation study.

- Resolution 88-37-TL adopted a highway ordinance compared the State Highway Department that passed and routed to Aberdeen, SD with no response. 88-38-TL established a tribal tax commission to be followed up with a gas tax, which never came about. 88-39-TL requested the B. I. A. to enter a formal agreement to transfer the road system to the Tribe, rights-of-ways and easements with not response.
- We need to act on the best interest to the Tribe. Our trustee is not in our best interest. In 1993 the Federal Government authorized the State Highway Administration to use our TERO Ordinance on Indian preference in employment on federal aid high way project near or on reservations. Yet the State Highway Administration has challenged that and the U. S. Supreme Court.

- Once the State highway has the right-of-way the it becomes fee land and the Tribe has no jurisdiction.
- We need to review our interest and protect our sovereignty in State highway right-aways.
- Last month South Dakota Supreme Court ruled the State cannot tax Native Americans on the Reservations where as we are taxed in the State of North Dakota.
- Gas tax issues will be brought back for the next Regular Tribal Business Council Meeting in April.

28. ESTATE OF MILDRED GOLLY:

The family is asking if the Tribe has interest in the property located in Sanish. The Reality Office will review and bring back to the Committee.

29 LISA MC HUGH - PARSHALL LOT:

The Reality Officer will negotiate with the applicant and bring back to the Committee with pictures.

30. CASEY FREDERICKS -GRAZING LETTER:

Item will be deferred until Mr. Fredericks is present.

31. FARM /PASTURE LEASE - TOM BRUER:

More information is needed and item will be deferred.

32. ENVIRONMENTAL DIVISION - PATTY JO THOMAS:

- The Water Quality Coordinator Position has been vacant since June 2002, advertised and re advertised. Recommendation to hire tribal member Verlee White Calf. Discussion followed on prior temporary employment with the Tribe and conduct of the individual and the concerns of losing EPA grant money in regards to the vacant position.

Member Gillette motioned to hire Verlee White Calf as the Water Quality Coordinator for 30-day temporary appointment until advertised and filled. Motion fails due to a lack of a seconded.

Member Wolf motioned to re-advertise the position of Water Quality Coordinator. Seconded by Member Gillette.

Discussion: Need documentation on the decision to re-advertise the position Natural Resources Committee.

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

- Reviewing the Natural Resources Committee Minutes of January 2002. A building was to be built for the Environmental Division. 20 acres of land was given to the Environmental Division. Reality Officer will find more information on where the property is located.

- Patty Jo Thomas would like to make a presentation to the Tribe on E. P. A. grants. 12 programs are not in compliance and the Environmental Division is working hard to correct this.
- Recommendation to move two wastewater individuals back to Fort Berthold Rural Water. Paul Danks will confer with Texx Lone Bear and bring back recommendation at the next Natural Resources Committee Meeting.
- The Tribe went on record to provide free land sales. Patty Jo Thomas has not found the resolution to support the action but will bring back a recommendation to attach a user fee.
- Member Gillette commented on the salary schedule and how federal grant money is structured and regulated.
- Recommendation to move the Injury Prevention Department to I. H. S. because it is under a I. H. S. grant.

Community Meeting is on the 18th of April.

33. T. A. T. COMMODITY WAREHOUSE:

Member Gillette motioned to hire Leonard Baker for a 30-day temporary appointment as a Commodity Warehouse Worker. Seconded by Member Wolf.

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

34. T. A. T. MAINTENANCE WORKER:

Member Wolf motioned to hire Charlie Rozelle for a 30-day temporary appointment. Seconded by member Gillette.

Discussion: One employee resigned but is there money in the budget to hire another employee.

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

35. GAME AND FISH DEPARTMENT:

October 10, 2002 Regular Council Meeting, the legal department was to assist the Game and Fish Director on preliminary research on the hunting and fishing rights violation by the State Game and Fish Department. That State of North Dakota is issuing citations to non-enrolled members who are on trust land. The parties have legal permits to hunt on the reservation issued by the Three Affiliated Tribes. This is the seconded citation the State has issued on the reservation to non-Indians. Legal Counsel recommended for the party to pay the citation. The M. O. A. draft agreement was presented with concerns of the document. Treaty Rights are compromised and clarification is needed.

The Natural Resources Committee would like to recommend a Special Council Meeting on this issue. The issue will be forwarded to the Tribal Business Council for the April Meeting.

Member Gillette motioned to recommend to Full Council with the Game and Fish Department to enforce our hunting provisions on allotted lands under our jurisdiction. Excluding State Game and Fish Officials from any hunting enforcements. Seconded by Member Wolf.

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

Former Chairman Jim Hall is not recognized with a question mark by his photograph in the showcase in the Chambers. The matter will be resolved.

36. ADJOURNMENT:

Member Wolf motioned to adjourn at 2:12 p. m. Seconded by Member Gillette.

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

Respectfully Submitted,

Minutes approved on June 18, 2003.



 Joni Halsey, Recording Secretary
Natural Resources Committee
Three Affiliated Tribes

ATTEST:



Randy Phelan, Chairman
Natural Resources Committee
Three Affiliated Tribes