



NATURAL RESOURCES COMMITTEE
Meeting 06-03
JUNE 18, 2003

01. CALL TO ORDER:

Committee Chairman Randy Phelan called the meeting to order at 2:20 p.m.

02. ROLL CALL:

Councilman Wells, Councilman Phelan and Councilman Packineau a quorum is established.

03. APPROVAL OF MINUTES:

Councilman Wells moved for approval of the March 18, 2003 and the April 23, 2003 Natural Resource Committee minutes with corrections. Councilman Packineau seconded the motion.

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

04. APPROVAL OF AGENDA:

Councilman Wells requested to add on for 4-A: Jim Smith Appointment Roads Dept. and 4-B for Richard White tail. Councilman Packineau has add for Claude Bad Brave to put him on for 6-B. Councilman Phelan wanted to add on Rural Water put for number 13-A and add Buffalo Project for 13-B,

Councilman Wells moved for approval of the minutes as amended with add on. Councilman Packineau seconded the motion.

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

04-A – Roads Department: Councilman Wells moved for approval of the temporary appointment of Jim Smith as Four Bears Heavy Equipment Operator for the Roads Department at a rate of \$15/hour. Councilman Packineau seconded the motion.

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

04-B-Waste Water Management: Councilman Wells moved for approval of the temporary appointment of Richard White Tail as Wastewater Treatment Operator Trainee for the Utilities Commission at a rate of \$9.75 until advertised and filled. Councilman Packineau seconded the motion.

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

05. Marilyn Medicine Stone Alcon-Leasing:

Deferred to next Natural Resource Meeting.

06. PROPERTY PURCHASE:

Councilman Packineau moved to recommend the purchase of 413 N Main Street, Parshall, N.D from Ruperta Larson for the amount of \$30,000 based on the taxes owed. Councilman Wells seconded the motion.

DISCUSSION: The purchase price would include the taxes owed and the appraisal cost. Ms. Larson will receive \$26,600 from the sale. This item will be included on the June 27, 2003 Tribal Business Council agenda for final approval by the Tribal Business Council.

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

06-B CLAUDE BAD BRAVE:

Councilman Packineau moved to recommend approval to purchase 142 acres described as Allot. 1463 described as SNE of 02-150-92 comprised of 70 acres and Allot. 1465 Lot 1, 2 described as 02-150-92 comprised of 81.16 acres, for the amount of \$75,000 payable in one lump sum exclusive of minerals. Motion fails due to lack of a second.

Councilman Wells moved to disapprove the land purchase 142 acres described as Allot.1463 described as SNE of 02-150-92 comprised of 70 acres and Allot. 1465 Lot 1, 2 described as 02-150-92 comprised of 81.16 acres, in the amount of \$75,000 from Claude Bad Brave.

DISCUSSION: For the record, Committee Chairman Phelan stated his opposition to non-Indian purchase of tribal member lands. A letter will be issued from Natural Resources Department to provide notification of the Natural Resources Committee decision to disapprove the land purchase from Claude Bad Brave.

VOTE: 2 Ayes, 1 Nays, 0 Abstentions, 0 Not voting. Motion carried.

07. FIRWORKS CONCESSIONS:

Councilman Wells moved for approval of a fireworks concession location for Charles Roszelle for ten selling days east of the Tribal Administration Building. Councilman Packineau seconded the motion.

DISCUSSION: Councilman Wells and Councilman Packineau concurred to amend the motion to include:

- a. Approval of a fireworks concession location south of S& L Bar for Billie White Owl; and
- b. Approval of a fireworks concession location west of Museum Parking Lot effective June 27 through July 5, 2003 for Dan Schaal.

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

08. GRAVEL REQUEST;

Councilman Wells moved for approval to authorize the Tourism Department to utilize 10,000 yards of tribal gravel from the site described as the Old Methodist Camp. Councilman Packineau seconded the motion.

DISCUSSION: Committee Chairman Phelan directed Paul Danks, Director, Natural Resources, to draft an agreement to include reclamation of the gravel site after construction is completed.

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

Councilman Wells moved for approval to allocate 3,000 yards of crushed gravel for the current road to the Old Methodist Camp site from the 4 Bears gravel pit. Councilman Packineau seconded the motion.

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

09. SANITATION FACILITIES- (Water Applications)

Councilman Wells moved for approval of the ten sanitation facility requests as presented. Councilman Packineau seconded the motion.

DISCUSSION: Paul Danks, Director, Natural Resources, will present a priority list at the July 1, 2003 meeting.

Councilman Wells and Councilman Packineau concurred to amend the motion from ten to twelve applicants as follows:

1. Ted Lone Fight, III
2. Charles Wells
3. Royce/Marion Wolf
4. Charlene Farsal/John Carlson
5. Marilyn Benson
6. Terry Gottschall
7. Melvin Johnson
8. Roberta Bear
9. Sharon Danks
10. Ronald Lone Bear
11. Ed Fox
12. Nathan Paul Good Iron

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

12. WATER TREATMENT OPERATOR:

Councilman Wells moved for approval to appoint Tony Johnson or alternate, Claude Christianson, as Water Treatment Operator at a rate of \$ 10.00/hour for the Mandaree Water Treatment plant until advertised and filled. Councilman Packineau seconded the motion.

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

13. USDA 2002 LOAN APPLICATION:

Councilman Packineau moved for approval of amendments to Specific Authorization No.'s 11-NEPA Coordination (total estimated fee is revised to \$20,000 for 2003), 17-General On-going Engineering Services (total estimated fee is revised to \$20,000 for 2003) and 26-USDA Loan Application (total estimated fee is revised to \$18,000) as presented. Councilman Wells seconded the motion.

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

14. NATIONAL TRIBAL ENVIRONMENTAL COUNCIL:

Councilman Wells moved to recommend approval of the resolution entitled, "Membership to National Tribal Environmental Council" by the Tribal Business Council at its June 27, 2003 Tribal Business Council meeting. Councilman Packineau seconded the motion.

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

15. FORT BERTHOLD RURAL WATER:

Councilman Wells moved for approval to authorize Texx Lone Bear to expend 2003 construction funding to change pipe for the reservoir and to change 600 ft. of Mandaree raw water line. Councilman Packineau seconded the motion.

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

16. ENVIRONMENTAL DIVISION:

Councilman Wells moved for approval of a consultant agreement with Leslie Morsette not to exceed \$4,500. (forty-five hundred dollars) to create billing structure for Solid Waste Department effective until August 31, 2003. Councilman Packineau seconded the motion.

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

Councilman Packineau moved for approval of the temporary appointment of Harlan Deanne as Water Technician at a rate of \$10/hr. effective June 19, 2003 until advertised and filled.

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

FENCING MATERIALS:

Councilman Wells moved to authorize Paul Danks, Director, Natural Resources, to allocate fencing materials, not to exceed two miles, in accordance with criteria for range unit boundaries. Councilman Packineau seconded the motion.

DISCUSSION: The following requests are acceptable and will be awarded fencing materials:

1. Pat Fredericks
2. Ted Lone Fight, III
3. Adele Steel
4. Lloyd Vigen
5. Rick Little Swallow
6. May Brugh
7. Robert Brugh
8. Antoinette Brugh Chamberlain
9. Tom Breuer
10. Joann Young Bird

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

Councilman Wells moved for approval to authorize Paul Danks, Director, Natural Resources, to pursue funding for materials and labor expenses to fence B.I.A. Route 17 (8 or 9 miles). Councilman Packineau seconded the motion.

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

11. TRIBAL INVITATION TO BID 2002-03:

Councilman Wells moved for approval of the invitation to bid for farm and/or farm pasture leases on land owned by the Three Affiliated Tribes on July 1, 2003 as presented. Councilman Packineau seconded the motion.

DISCUSSION: The Three Affiliated Tribes 2002-03 bid list of unleashed lands includes:

1. T802 described as N2 of Lot 1, NW4NW4 of 7-147-88 with a total of 38.69 acres
2. T719 described as SE4NE4 of 8-147-88 with a total of 40 acres
3. T1120-A/T1120 described as Lot 4, SE4SW4 of 31-147-89 with a total of 77.49 acres.
4. T876A-D described as NE4SE4 of 21-147-91 with a total of 40 acres
5. T1259A-A/B described as Cropland w/n2SW4 of 1-148-88 with a total of 48 acres
6. T183A described as E2SW4 of 13-148-89 with a total of 160 acres
7. T100A-A/B described as NE4 of 23-148-90 with a total of 160 acres
8. T317A-A described as Grass w/NE4 of 4-149-90 with at total of 46.97 acres
9. T3063 described as W2NE4 of 22-150-92 with a total of 80 acres

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

10. **LAND EXCHANGE/LAND PURCHASE/HOMESITES/FENCING: (Ed Fox)**

Councilman Wells moved to recommend approval to exchange of Allot. No. 3129 described as NWSE of 18-149-91, comprised of 40 grassland acres with an estimated value of \$4,000 for Allot. No. T1800 (Range Unit 231) described as Lot 1 & 2, SNE of 04-148-94, comprised of 40 acres with an estimated value of \$4,000 for Valentine Finley, Sr. Councilman Packineau seconded the motion.

VOTE: 2 Ayes, 1 Nays, 0 Abstentions, 0 Not voting. Motion carried.

Councilman Wells moved to recommend approval to exchange individual acres in Allot. No. 771A described as N1/2 36-149-93, comprised of 160 acres with an estimated value of \$29,170, exclusive of minerals; Allot. No. 238A-B described as Lot 4 & 5 of 06-148-89, comprised of 4.93 acres with an estimated value of \$2,760, exclusive of minerals for Allot. No. 997A-A described as SNE, NSE of 28-150-94, comprised of 140 acres (81 crop, 59 grass) with an estimated value of \$30,200 for Nelson Bird Bear. Councilman Packineau seconded the motion.

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

Councilman Wells moved for approval to exchange Allot. No. 661A-G described as SWSW of 17-149-91, comprised of 40 grassland acres with an estimated value of \$4,800 for Allot. No. 848A-A described as NENE of 24-152-94, comprised of 40 grassland acres for Everett Hall. Councilman Packineau seconded the motion.

DISCUSSION: For the record, this land exchange was previously approved in February 2002, however, was not included in the minutes.

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

Based on a recommendation from the Natural Resources Department, Committee Chairman Phelan deferred the James Mossett land exchange to the July 1, 2003 Natural Resources Committee meeting.

LAND PURCHASES

Councilman Wells moved to recommend approval to purchase individual acres in Allot. No. 0913A described as Lots 5 & 6, SNE, SE of 1-150-95 comprised of 35.56 acres in RU100 with an estimated value of \$2,523; Allot. No. 1171 described as NNE of 18-149-91 comprised of 8.89 acres in RU13 with an estimated value of \$821; Allot. No. 1172 described as SNE of 18-149-91 comprised of 8.89 acres in RU13 with an estimated value of \$765 from Marvin Bell, exclusive of minerals. Councilman Packineau seconded the motion.

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

Councilman Wells moved to recommend approval to purchase individual acres in Allot. No. 799A described as N of 35-149-94 comprised of 240 acres in RU905 with an estimated value of \$30,000, exclusive of minerals from Frances Wolf. Councilman Packineau seconded the motion.

DISCUSSION: Committee Chairman Phelan directed Ed Fox/ Natural Resources, to obtain an appraisal and to draft a letter of intent to purchase the abovementioned land.

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

HOMESITE:

Councilman Packineau moved for approval to allocate a tribal mobile home lot (Allot. No. T696A, Lot 1) for a period of ten years at \$50/month effective June 1, 2003 and ending December 31, 2013 to Amanda McKenzie. Councilman Wells seconded the motion.

DISCUSSION: This lease will cancel previous tribal lot lease.

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

Councilman Wells moved for approval to allocate a tribal lot lease (Tribal Lot 5, Blk. 1, Brudevig's 2nd addition) for twenty-five years at \$50/month to Teresa Charging subject to written approval by Bridgette Finley. Councilman Packineau seconded the motion.

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

Councilman Wells moved for approval to allocate a tribal lot lease (T696A-B, Lot 1, Corbin Heights, 11-149-94) for twenty-five years at \$ 50.00/month to Stephanie Fox Alcocer. Councilman seconded the motion.

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

Councilman Wells moved for approval to allocate a tribal lot lease (Lot within SE SE SWSE of 11-149-04) for twenty-five years at \$ 50.00/month to Patrick DuBois. Councilman Packineau seconded the motion.

DISCUSSION: For the record, Ted Lone Fight III, present, relinquishes his previous business lease.

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

Councilman Packineau moved for approval to appoint Alicia Hall as an Intern at a rate of \$9/hr. effective June 30, 2003 for the Environmental Division. Councilman Wells seconded the motion.

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

17. BUFFALO PROJECT:

Councilman Wells moved for approval to appoint Marty Young Bear as Laborer for the Buffalo Project at a rate of \$9.50/hr effective June 19, 2003. Councilman Packineau seconded the motion.

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

Councilman Wells moved to recommend that the Buffalo Project to be added to the agenda for the June 27, 2003 Tribal Business Council meeting. Councilman Packineau seconded the motion.

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

Councilman Wells moved to recommend approval for the resolution concerning the buffalo project plan of operation as presented. Councilman Packineau seconded the motion.

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

18. LEWIS AND CLARK CREEK ROAD PROJECT:

Councilman Wells moved to authorize \$45,000 from the contingency fund for the Lewis and Clark Creek Road project as described in Resolution No. 02-016-RP. Councilman Packineau seconded the motion.

DISCUSSION: The road will remain in the primitive state to ensure only local traffic.

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

19. CULTURAL RESOURCES MANAGEMENT PLAN:

Councilman Wells moved to authorize Hugh Baker to monitor and safeguard tribal interests with regard to the Cultural Resources Management plan. Councilman Packineau seconded the motion.

DISCUSSION: Hugh Baker stated that this authority was previously given to him, however, it was not included in the April 1, 2003 Tribal Business Council minutes.

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

20. ADJOURNMENT:

Councilman Wells moved for approval to adjourn the meeting at 5:20 p.m. Councilman Packineau seconded the motion.

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

CERTIFICATION

I, the undersigned, as Committee Secretary of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Natural Resources Committee is composed of three (3) members of whom three (3) constitute a quorum; 3 were present at a Natural Resources Committee Meeting thereof duly called, noticed, convened, and held on the 26 day of August, 2003, that the foregoing minutes were duly adopted at such meeting by the affirmative vote of 3 members, 0 members opposed, 0 members abstained, 0 members not voting and that said minutes have not been amended in any way.

Dated this 18th day of June, 2003

Respectfully submitted by,

ATTEST:

96 Belle Chase
Belle Chase, Acting Committee Secretary

Randy Phelan
Randy Phelan, Committee Chairman
Natural Resources Committee