



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

TRIBAL BUSINESS COUNCIL
NATURAL RESOURCES DEPARTMENT
JANUARY 16, 2004
MEETING NO. 04-01-RP

01. CALL TO ORDER:

Committee Chairman Randy Phelan convened the meeting at 1:00 p.m.

02. ROLL CALL:

Members present: Councilman Randy Phelan, Councilman Mervin Packineau, and Councilman Marcus D. Wells.

03. ADOPTION OF AGENDA:

Councilman Wells moved for approval of the amended agenda as presented. Councilman Packineau seconded the motion.

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

04. ANNOUNCEMENTS: PAUL DANKS

- Increase of lease rates
- NRC to make a request to the BIA to facilitate a community meeting regarding the increases. See what Legal is doing with this.
The committee directed Paul Danks to facilitate a meeting with the Bureau of Indian Affairs, landowners and ranchers and oppose the retroactive fee.
- Ecological Sites and Similarity Index Class Survey and Programmatic Environmental Assessment for the range units located on the Fort Berthold Reservation.

05. LAKE MINERALS/HOUSTON TX EXPO: – KYLE BAKER

- Get the letter from Kyle Oil and Gas Report
- Mineral Leasing 1982 Act
- Tribal Oil Tax
- CERT Dues

Councilman Wells moved for approval authorizing Kyle Baker to utilize the 1982 Mineral Leasing 1982 Act. Councilman Packineau seconded the motion.

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

Councilman Packineau moved for approval to authorize Kyle Baker to look at the Councilman Packineau rescinded his motion.

CERT DUES:

Councilman Wells moved for approval to take the dues from the proceeds of the well. Councilman Packineau seconded the motion.

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

06. JIM PENNINGTON FARM/PASTURE RENEWAL:

A. Councilman Wells moved for approval of Farm Pasture Lease application from Jim Pennington Allot. No. 380A, Section 2; Twp.150, Range. 93 W., Fifth Principal Meridian North Dakota for two years beginning January 01, 2004 to December31, 2005; 107 cultivated acres for the cash rent of \$25.00 per acre for one year, 47 hay cutting acres for the cash rent of \$2.00 per acre for 1 year [cut every other year] for a total of \$2,769.00. Councilman Packineau seconded the motion.

Councilman Wells amended his motion to, "cash rent of \$27,00 per year," Councilman Packineau concurred with the amendment.

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

B. MORGAN FETTIG; PASTURE LEASE APPLICATIONS:

Councilman Wells moved for approval of three Farm Pasture Lease applications from Morgan Fettig, Allot. No. T3073, NW4, Section 14; Twp.148, Range. 94 W., Fifth Principal Meridian North Dakota for two years beginning January 01, 2004 to December 31, 2008; 159.6 pasture acres for the cash rent of \$3.50 per acre. The total amount per year is \$588.60. Pasture lease allot. No. T716A; Morgan Fettig, 134 hay cutting acres for cash rent of \$4.50 and 168.92 pasture acres for the cash rent of \$3.50, with the total amount being \$1,194.22; farm pasture: lease application Allot. No. T664A described as S2N2NE4, Section 33, Twp. 150N, Range 94 W., Fifth Principal Meridian, North Dakota containing of 35.5 cultivated acres for the cash rent of \$10 per acre, and the total amount per year being \$355. Councilman Packineau seconded the motion.

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

C. LOUIS SIMINSON FOR PASTURE LEASE APPLICATIONS:

Councilman Wells moved for approval of three farm pasture lease applications on Allot. No. T197A/T1304, described as Grassland within NE4N25E4 Section 21, Twp. 48, Rge. 89 W., Fifth Principal Meridian, North Dakota. 131.4 pasture acres for the cash rent of \$ 3.50 per acre with a total amount of \$459.90 per year. Allot No. T131A, described as Cropland within Section 15, Twp. 148, Rge.89 W., Fifth Principal Meridian, N.D. containing 68.0 cultivated acres for the cash rent of \$ 24.00 per acre a total of \$1,632.00 per year. Allot No. T183A, described as grassland

within W2Sw4 Section 13, Twp. 148, Rge. 89 W., Fifth Principal Meridian, North Dakota containing 90 pasture acres for the cash rent of \$3.50 per acre total amount per year of \$315.00. No rate was put in, Councilman Wells moved to approve for \$35.00 per acre motion seconded by Councilman Packineau.

Discussion: Albert Brewer is an enrolled member and usually the going rate is \$24.00/acre Councilman Wells amended his motion to \$24.00 per acre and seconded by Councilman Packineau.

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

07. **Fort Berthold Livestock Opportunity Assessment Addendum:** *(Linda Driver)*
Published by Fort Berthold Community College, NDSU Research & Extension Service, Food & Livestock Planning, Inc., and the North Dakota Association of Rural Electric Cooperative. Assessment was for the purpose of exploring the feasibility of a cattle cooperative on the Fort Berthold Reservation and the potential for marketing a Native American grown product to casinos and schools on and around the reservation. Linda reported on the Livestock Market Prices, Cooperative Scale, Operations, and is establishing short-term goal of organizing a continuing education cooperative and intermediate-goal of creating a marketing club and alliance and the long-term goal of re-evaluating the possibility of assisting with cattle procurement, a positive contribution to the operations of reservation rancher can be made.
08. **RESOLUTION OF TRANSPORTATION IMPROVEMENT LIST:** Nathan Hale of Roads Department brought in Transportation Improvement Program TIP Resolution for approval the assigned number will be 04-19-RP this will be forwarded to full council. Councilman Wells moves for approval of Resolution# 04-19-RP for TIP List seconded by Councilman Packineau.

VOTE: 2 Ayes, 1 Nays, 0 Abstention, 0 Not Voting. Motion carried.

09. **Homeland Security** *(Clifton Whitman)*
Received a grant from the DEM from Bismarck for Homeland Security for Domestic Preparedness in the amount of \$44,444.00 using the money to purchase surveillance equipment for the Water Treatment Plants and for security door locks. The Law Enforcement will be monitoring the Water Treatment Plants 24 hours a day with the dispatcher. Another grant coming in for \$150,000.00 to purchase equipment we can't purchase fire trucks with this grant. We need to apply for grants for fire trucks is working with Sherri Gillette on this. A problem in the past with the fire at Bakersfield is that the fire hydrants could not be opened. Paul Danks stated that he wrote a letter on this that these fire hydrants to be hooked up. Clifton met with the Fire Station and Ambulance Staff that we need to be on the same radio channel at times of emergencies the frequency is the main problem. Working on a Command Post to direct people on where to go during emergencies and have a triage.

10. GREAT PLAINS TRIBAL WATER ALLIANCE ORGANIZATION MEETING:

The water alliance consist of the Missouri Tribes to pursue the issues and concerns important to tribal government and the people. The Three Affiliated Tribes currently have a law suite on Water Rights and to be involved with the water alliance.

Councilman Phelan requested that they draw up a position paper and direct it to Natural Resources Committee for approval. Paul Danks reported that we need to work on an Ordinance on any Water being taken out and Water Code.

Councilman Wells moved to approve for Fred Fox to attend the Great Plains Tribal Water Alliance Meeting held on January 29, 30th, 2003 at Rapid City, South Dakota, seconded by Councilman Packineau.

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

Councilman Packineau moved to direct Fred Fox to write up a draft and bring it back to the committee a Water Code and Ordinance and seconded by Councilman Wells.

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

Councilman Phelan directed Fred Fox and Paul Danks to get with Ryan Burr to draw up a Big Map for us if there is any money available for this within their budget.

11. WASTE WATER MANAGEMENT:

Councilman Wells moved for approval to transfer Kathleen Hall to Waste Water with an hourly rate of \$14.00, to be located in the Main Lanes for office space for her.

Councilman Packineau seconded the motion

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

Councilman Wells moved for approval to temporary hire Marliss Mandan Price at \$8.00 per hour, assistant to MR&I Director, subject to the Director's approval.

Councilman Packineau seconded the motion.

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

Councilman Wells moved for approval to direct Natural Resource Director Paul Danks to find office space to accommodate the office space for Waste Water and Game and Fish. Councilman Packineau seconded the motion.

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

12. MILITARY HOMES UNITS:

The Parshall area Councilman Packineau named the following names for the five units Royce Benson family, Daryl Hall family, TJ Mancha, Barbara Courtre, and Daryl Finley.

The Mandaree Area Councilman Phelan named the following Joe Black Hawk, Mildred Rough, Gilbert White Owl [pending application] Margie Hunts Along [giving trailer house back to tribe]. Councilman Wells moved to approve the name for military units and Councilman Packineau seconded the motion.

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

13. GAINUS LITTLE SOLDIER: Land sales refer to Annette Young Bird

14. ADJOURNMENT: 3:15 P.M.

CERTIFICATION OF MINUTES

The undersigned, as Committee Chairman of the Natural Resources Committee 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. ___ members were present at a Natural Resource Committee meeting thereof duly called, noticed, convened and held on 9 day of March, 2004 whereupon the Three Affiliated Tribes Committee Secretary presented the foregoing minutes for approval.

Said minutes of January 16, 2004 were duly approved by the affirmative vote of 3 members approved, 0 members opposed, 0 members abstaining, 0 members not voting.

Respectfully submitted by: Connie Fox
Connie Fox/Committee Secretary

3/9/04
Date

Concurred by: Randy Phelan
Chairman Phelan, of the Natural Resources Committee

3-9-04
Date

ATTEST:

Randy Phelan
Randy Phelan, Executive Secretary
Tribal Business Council of the Three Affiliated Tribes

3-9-04
Date