



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

NATURAL RESOURCES DEPARTMENT
MEETING NO. 04-06-RP
June 1, 2004

01. CALL TO ORDER:

Committee Acting as Chairman Austin Gillette convened the meeting at 1:45 p.m.

02. ROLL CALL:

Members present: Councilman Austin Gillette, Councilman Mervin Packineau, and Councilman Marcus D. Wells, 1:50 p.m. Councilman Phelan arrived, 2:10 p.m. Councilman Malcolm Wolf arrives.

03. APPROVAL OF AGENDA:

Added items to the agenda are Herman Monogram/Water Dept, Lester Crows Heart on his Land Sale and Mavis Young Bear-Housing.

Councilman Wells, moved for approval of the amended agenda with the additional items added on. Councilman Packineau seconded the motion with the added items.

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

1:50 p.m. Councilman Phelan arrived at meeting.

05. Texx lone Bear – Ft. Berthold Rural Water-Update:

- The water agreement with Watford City to Alexander the construction is not going according to date.
- Tex responded with a letter to the Appropriation Committee Regarding the Rural Water Project for Indian Tribes as of today they have not responded.
- White Shield will start next week in compliance with Contract a nine-month construction period. Councilman Gillette asked on starting date of the committee.
- Mandaree – In Fiscal Year 04 I.H.S. looking at taking in the intake a little lower and the profile to extended it. Looking at 2004 funds in replacing the waterlines and looking at next year at picking up. This is part of the rural development going east of Mandaree. Rising Sun will not able to process application right now.

Expansion of Building-Patti Jo Thomas: The plan for the expansion of exiting building goes east from the building will be looking at \$75,000.00. The Environmental Department is looking for a Lab for the Water Department. Tex is looking at the funding direction on funding where is it coming from, the Tribe or a Grant. All this is federal dollars and instead of paying \$1200/month for rent would prefer in using this for the building expansion. The grant will not pay for these services, to have Fish/Game and Environmental all together to work on this. The needed finance is \$180,000 for the floor plan. Core Grant would have enough funds to pay rent for new building. The committee directed Paul Danks to research construction cost on this and for a listing of all renting compile in all.

At 2:10 Councilman Malcolm Wolf arrived in meeting.

Water Treatment – The employees of the Water Treatment are now classified through testing and are certified. It was stated in a motion in the Full Tribal Council meeting that if the employees were classified there would be an increased in their salary. Councilman Gillette wants to look at the years that each individual served at the Water Treatment. The wage scale is different at the Water Treatment the employees are asking for the going rate. Councilman Wells informed the committee that the Council did pass a wage schedule and the salaries will be taken by BOR and two of the employees are on Tribal Salary James Baker & Gordon Blake. The funding to covers only five quarters up to September 30, 2004, Texx Lone Bear requested for the Tribe to pick up James Baker and Gordon Blake.

Councilman Gillette move to have the Tribe pick up James Baker & Gordon Blake. Councilman Wells seconded the motion.

Discussion: No set policy for this and to treat everyone the same, will need a copy of the Resolution or Minutes on this. In the minutes see how far back we can go back on the salary increases. The committee directed Texx Lone Bear to draft letter on this and to have the Chairman sign off on this.

VOTE: 5 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting. Motion carried.

Councilman Wells move to direct Texx Lone Bear to write up salaries and recommend that it be effective today and to forward this to the full council. Councilman Gillette seconded the motion.

Discussion: On June 21 the Bureau of Reclamation will be here to doing a joint annual review. The manual of Standard Operations Procedure Manual was approved back in March of 2003. The McKenzie agreement is to up size of the water pipes to the reach the reservation line. Over a year and the issue was connected with McKenzie County, at this meeting on June 21st it will be cover. Texx will bring the Manual back to Tribal Business Council or to the next Natural Resource Meeting.

VOTE: 5 Ayes, 0 Nays, 0 Abstention, 0 Not Voting. Motion carried.

I.H.S. Sanitation Facilities Applicants:

The following applicants were approved for sanitation; Patricia McKenzie/Mandaree, Darrell Brady/Shell Creek, Laurie Chapin/Keene, Charles Hale/Mandaree, Carla Brunsell-Clark, Corrine Brunsell-Heart Scott Wilson/Shell Creek, Lydia Bearstail/Mandaree, Roberta Bear/White Shield and Grover Yellow Bird/White Shield.

Councilman Gillette moved to approve all the water application for sanitation. Councilman Packineau seconded the motion.

Discussion: What about the current list that is being worked on now; there is a list of thirty (30) people already approved. The approved list that is approved today needs to understand that they are on a wanting list and there are thirty applicants that were already approved ahead of time. Committee Chairman requested to give two elderly Patricia McKenzie and Lydia Bearstail priority for immediate services. Connie Azures' list on Tribal Housing for water will have to wait until next year on these Military Units for the water to be hooked up.

VOTE: 5 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting. Motion carried.

06. Daniel Henry- Legal Department for Water Wells:

The Dennis Water Well Drilling Inc. was drilling water well for Patricia McKenzie in the Mandaree area but stopped in the middle of the drilling because there was an old bill that the Tribe did not pay him. The bill was not paid because Dennis Water Well went ahead and drilled without tribal approval, this why the bill was not paid. The invoice bill submitted is for \$11,488.80 for drilling back in 1996 & 1997 at Pouch Bay. Paul Danks stated that Dennis Water Well was paid in full and we have had problems with him. The committee recommended checking with Gregory in Dickinson. Steve Kelly advised TERO not to license Dennis Water Well Drilling to work on the reservation, the Natural Resources Committee recommended to leave the bill with Legal Dept. The Tribe did pay \$8,000.00 to Dennis Water Well this payment was for the settlement.

07. BCC Wireless Project –Henry Sun- Deferr to the next meeting of June 8th.

08. Top Soil for Landfill – Patti Jo Thomas

- applied for grant through I.H.S. for worksite of construction of 400-450 dumpers,
- need funding for trucks repairs so they can haul garbage on public highways,
- Top soil is needed for landfill to seed it and reclaim the area,
- Mandaree dumpers grounds trash all over need to move this elsewhere from the public area.
- Pit out at Skunk By is this on tribal land or Corps land-need to find out.

- abandoned cars throughout the reservation need to clean them up, Councilman Wolf directed Paul to call Neil on this about the car clean up.
- No money for closing and gapping the landfills,
- Thinking about charging \$15/per household for garbage, there just too much garbage we generate 15 tons of garbage a day and will soon have no where to put it all.
- Need dozer and scraper to work with,

09. Homesites/Landsales/Land Exchange – Ed Fox

Land Exchange/Clark Fox: is requesting his farmland and divided interest to exchange with the Tribe. Councilman Gillette refers back to Tribal Resolution # 88-261-TL, the Tribe has passed policies on priorities for land exchanges and this does not meet the criteria. The Natural Resources Staff needs to remember this and learn to say No and know the policies. The described land exchange is for:

- Allot. 141, described as NW 20-149-91, 157.59 RU238, 1/96 int. 1.67 acres actual value \$250.00
- Allot. 142, NESE 19-149-91 39.4 RU238 for 1/96 interest, 0.42 acres, actual value \$ 62.00
- Allot. 147, Lot 6 & 7 06-150-91, RU913, 1/24 interest, 2.77 acres, actual value \$467.00
- Allot. 358, NSW 20-149-91, 1.96 interest, 0.83 acres, actual value \$119.00
- Allot. 610, NESW 18-149-91, RU13, 1/72 int. 0.56 acres, actual value \$102.00
- Allot. 1125, SWSE 28-149-93, RU 430, 1/48 int. 0.83 acres, actual value \$105.00,
- Allot. 1133, SWNE 28-147-90, RU15, 1/72 int. 0.56 acres, actual value \$91.00
- Allot. 1171, NNE 18-149-91, RU13, 148 int. 1.67 acres, actual value \$346.00
- Allot. 1172, SNE 18-149-91, 79.7 RU13, 1/48 int. actual value \$322.00
- Allot. 1579, NWSW 02-151-94, RU98, 27/1120 int. 0.96 acres actual value \$130.00
- Allot. 1642, Lot 4, SWNW 04-151-94, 19/2016 int. 0.75 acres actual value \$132.00
- Allot. 1778, SNE, Lot 6,7,8, SE 36-150-95, 309.69 RU103, 5/224 int. 7.09 acres value \$721.00
- Allot. 1891, Lot 3, ESW, NWSE 31-148-91 1/32 int. 4.76 acres actual value \$837.00
- Allot. 1934, SNW.SW 34-150-93, RU904, 1/48 int. 3.40 acres actual value \$302.00
- Allot. 2204, Lot 1, NNE, ENW 18-149-92, RU26, 19/3024, 1.25 acres actual value \$113.00
- Allot. 405A, NE 12-150-93, 27/1120 int. 3.86 acres, estimated value \$687.00
- Allot 532A Lot 1, 2, SNE, SENESE, NNSE 03-151-94, RU98, 5/224 int. 4.66 acres value \$614.00.
- Allot. 613A, Lot 7,8, SE 13-152-95, Lots 3,4, ESW 18-152-94, 1/72 int. 4.91 acres estimated value at \$1,846.00
- Allot. 778A, E 12-149-94, RU4, 1/192 int. 1.67 acres estimate \$260.00
- Allot. 1002A, W 11-149-93, RU26, 7/432 int. 5.19 acres estimated \$780.00
- Allot. 1072A SSE 28-148-94, 84-RU97, 236-RU405, 1/72 int. 4.44 acres estimated \$780.00
- Allot. 730A E 08-149-93, 54 acres, 17/100 undivided int. estimated value \$17,857.00
Exclusive of minerals.

Councilman Wells move for approval of Clark Fox land exchange of Farmland divided interest. Councilman Wolf seconded the motion.

Discussion: Councilman Gillette referred back to Tribal Resolution # 88-261-TL the Tribes set the criteria for land trades.

VOTE: 3 Ayes, 1 Nays, 0 Abstentions, 0 Not Voting Motion passed.

Land Sale-Patricia Prue-Charging:

Allot 373A, NE Sec. 21, NW 22-150-92, 160-RU40 5/54 individual int. 29.62 acres actual value \$162.90. Allot 376A, SE 16-150-92, RU40, 5/54 14/81 acre actual value \$183.90
Allot. 1977, N 25-149-93, 304-RU231, 16-RU429, 1/3 int. 106.67 acres actual value \$183.90
Allot. 1978 NW, ESW 34-149-93 RU430, 11/27 int. 97.77 acres actual value \$122.30
Allot. 1979, NE, NSE 15-149-93, RU26, 11/27 int. 97.77 acres, actual value \$154.50

Council Wells move to approve upon availability of funds, Councilman Wolf seconded the motion.

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

Land Exchange-Ted Lone Fight III:

Allot. 3058, NNW 11-148-93, 120 acres of pasture land estimated value \$18,000.00
Allot. T1800, Lot 1 SENE 04-148-93, RU 231B total acres 97.70 estimated value \$17,026.00

Councilman Wells moved for approval of Ted Lone Fight II Land Exchange and to exclude Lot 2 due to Homesite. Councilman Wolf seconded the motion.

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

Homesite – Christine Solis:

Allot. T583A, B described as SW1/4 SW1/4SW1/4 of Lot 4, Sec. 19, Twp. 152, Rge. 94. Containing 2.50 acres for 25 years @ \$25.00/year. The Homesite will include Water, Sewer and electricity and the fencing out buildings.

Councilman Wells, moved for approval of Homesite for Christine Solis and to notify the reclaiming property. Councilman Wolf seconded the motion.

Discussion: The home sites need gravel roads out there, need to check with Roads on this. Is this Homesite going to effect the dumping grounds we want to keep housing out of there.

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

Councilman Wells moved to direct Paul Danks and Annette Young Bird to get with Tribal Housing and to get the sub-division on where we want to set up our partitions before the 12 Units are put into place. Councilman Wolf seconded the motion.

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

Councilman Packineau arrives in meeting.

Landsale – Janice Vigil:

Allot. 5A, NE.NSW 31-147-89, RU17, 1/20 int. 12 acres actual value \$2,141.00

Allot. 1121, SSE 31-147-89, RU17 1/20 int. 4 acres actual value \$835.00

Allot. 1939, Lot 2, SENW.NESW, Lot 3 31-147-89 RU17, 1/20 int. 7.75 acres actual value \$1,421.00. Allot. 2128 ESW, Lot 3 & 4, WSE, 30-147-89 NENW, Lot 1 31-147-89, RU17, 1/20 int. 15.61 acres actual value \$2,311.00

Councilman Wells, moved for approval to purchase Janice Vigil land all in the same unit upon availability of funds. Councilman Packineau seconded the motion.

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

Homesite – Tony Johnson – was not approved before because he had no information submitted the committee would wait till he comes in.

3:25 Councilman Gillette left the meeting.

10. **Farm Pasture Leases-Jack Rabbithead** – Deferred till next meeting.

11. **McKenize Electric ROW – Annette Young Bird:**

The McKenize Electric is requesting approval for power line right of way for a cathodic protection unit in Allot. # 1761, this property is located East ½ of Section 17, T148N, R94W, Dunn County, North Dakota. The new power line would run from north to south approximately 1 mile. The committee is looking at how is the Tribe going to charge them by the foot or by the rod, and how much it will be, we need to get appraisal on this before the committee votes on this.

Councilman Wells move to get an appraisal on this. Councilman Wolf seconded the motion.

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

Paul Danks of Natural Resources is requesting the Committee we can have the committee meetings on Tuesdays on the regular basis, due to the fact that we have a lot of important items for approval pending.

The next Natural Resource Committee will meet on June 8th, 2004 at 1:00 p.m.

Request for Fee patent-Lyon Wolding -

Lyon Wolding is requesting for fee patent he wants to take it out of Trust and put into patent fee land of Allot. # 304A SW 02-150-90 with 160 acres.

Councilman Wells moved for approval of Lyon Wolding requesting his land from trust to fee patent No seconded. Motion dies.

Discussion: The Tribe was going to purchase this land but Wolding double the appraisal price.

Councilman Wells withdraw his motion.

Road ROW: Larry Burkhart:

Larry Burkhart is requesting right of way for a road he has land at Shell Creek by the Lake and would like to have a road built. Larry is asking if the Tribe will exchange some property with him. The West side of Pouch Point, Committee Chairman Phelan recommends disapproval on this.

Councilman Wells move to disapprove Larry Burkhart request for ROW. Councilman Packineau seconded the motion.

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

Letter of Request – Virgil Chase:

Virgil Chase is request for a firebreak east of his home.

Councilman Wells moved for approval to authorize Fire Management do a firebreak for Virgil Chase. Councilman Packineau seconded the motion.

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

12. Ft. Berthold Development Corp – Kyle Baker:

The Nuxx-baa-ga Pow-wow grounds are in need of gravel.

Councilman Wells move to approval. Councilman Packineau seconded the motion.

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

13. Other Business:

Dream Catcher-Florence Brady– The Mandaree Area the following applications are Joe Black Hawk, Joni Bolman, Ted Lone Fight III and Val Finley Sr. are all homeless. All their applications are complete and fill the criteria. Ted Lone Fight has a letter from Mary Fredericks of Indian Health Services that his house is consider unsafe due to mold. Committee Chairman Phelan received a letter from Mavis Young Bear and is requesting to put her on the list. According to the point system Mildred Rough also fits the criteria.

Councilman Packineau move to approve the following applicants for homes; Joe Black Hawk, Val Finley Sr. Mavis Young Bear and Mildred Rough for the Mandaree area. Councilman Wells seconded the motion.

Discussion: Committee requested to have Joe Black Hawk, Val Finley Sr. to have priority due to the fact that they are homeless. Ted Lone Fight III to take him off the list and put in with the elders list. The elders are getting more homes and need to amend the policy on this to include outside elders.

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

Elders Garages:

Discussion: The elderly garages what happened to them? Some of them are not finished or completed. Councilman Packineau stated that Parshall has two more garages coming to their segment.

Councilman Wells moved to have Fort Berthold Development to access the Elderly garages that are not completed and if need to submit a proposal to complete the project. Councilman Packineau seconded the motion.

Discussion: Committee Chairman Phelan directed Committee Secretary Connie Fox to write a letter to Esley Thornton, on what the committee went on record to day.

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

Water Haulers:

The water haulers and the water trucks no one is supervising them, receiving complaints concerning the water haulers. Paul Danks is requesting to the committee that the water haulers be moved under Utilities/Lester Crows Heart has their supervisor.

Councilman Wells moved for approval of water haulers be moved under the supervision of Lester Crows Heart in Utilities. Councilman Packineau seconded the motion.

Discussion: When the water truck breaks down the Mandaree area needs another truck for back up. Mandaree is one of the bigger segments and there is the loop out that needs to be covered, where a lot of our Elders are living.

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

Amend 40 acres/Lester Crows Heart:

Lester Crows Heart want the 40 acres given to John Mossett, there was no actual agreement on this. The committee directed Annette Young Bird will draft up an Agreement Form and to bring it back to the next Natural Resources Meeting.

Four Bears C-Store/ A&E & Project Manager:

Councilman Wells submitted a request to the committee for approval to hire Architect & Engineer Rod Knutson and Project Manager Bill Wells for the Four Bears C-Store Project.

The council had prior approved of funding for Four Bears C-Store in the amount of \$150,000 per Resolution# 03-281-RP which was amended on May 21, 2004 to include an additional \$25,000, which brings the total to \$175,000 for the project. Such terms defied in the Consultant Agreement, however the said salary will not exceed \$5,000 per respective consultant agreement.

Councilman Wells for approval of hire Architect & Project Manager for Four Bears C-Store. Councilman Packineau seconded the motion.

Discussion: Councilman Phelan signed agreement for Mandaree C-Store with Fort Development and the store will be went of the Mandaree Community building. The groundbreaking ceremony is scheduled for June 11th, 2004.

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

Councilman Wells moved to have Four Bears and Mandaree C-Store leases for 25 years with renewal of plus 25 years. Councilman Packineau seconded the motion.

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

14. ADJOURNEMENT:

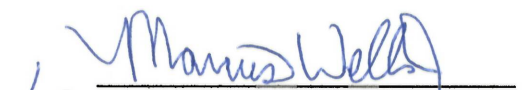
Councilman Packineau move to adjourn the meeting at 4:50 p.m. and Councilman Wells second the motion.

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

Minutes were approved of this 10 date of August, 2004.



Connie Fox/Committee Secretary



Randy Phelan/Committee Chairman
Natural Resource Committee