



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. 04-08-RP
June 15, 2004

01. CALL TO ORDER:

Committee Chairman Randy Phelan convened the meeting at 1:30 p.m.

02. ROLL CALL:

Members present: Councilman Randy Phelan, Councilman Mervin Packineau (Alternate) and Councilman Malcolm Wolf. A quorum was established with three members present. Councilman Austin Gillette arrived at the meeting at 1:44 p.m.

03. APPROVAL OF AGENDA:

Chairman Phelan adjusted the agenda to add on the Army of Corp of Engineers under 5 (a) on Fencing under 9 (a) and Forestry under 9 (b) on to the agenda.

Councilman Packineau moved for approval to the agenda with the added amendments. Councilman Wolf seconded the motion.

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

1:44 p.m. Councilman Austin Gillette arrives.

04. ARRPOVAL OF MINUTES: Deferred

05. D & S FIREWORKS:

Dan Schaal is requesting permission to set up fireworks stand for 10 to 12 days on the starting date of June 27 through July 5th, 2004.

Councilman Gillette move for approval of a permit for D & S Fireworks to be parked in a designated area for the Tribe and to disburse \$50.00 to each segment of Boys & Girls Club. Councilman Wolf seconded the motion.

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

5-A CORP OF ENGINEERS:

Army of Corp of Engineers Concerns on Lake: (Todd Inquest & Philip Brown)

Councilman Wolf asked the Corp on the status of the lake? The current fore cast of the Lake is dropping down to 1815.6 and will the elevation will continue to drop down during the summer projected down to 1812 and the lower depth is 18 feet and by next February of 2005 will drop another 18 feet. The Lake right down there is a steady slow decline throughout the rest of the year and right now at 1814.5.

Cultural Issues Corp is pursuing the programmatic agreement signed by the majority of the Tribes along the Missouri Basin. A part of this agreement there is a couple of things that the Corp has an extension GIS database on the cultural sites. The tribal government will receiving a letter to request points of contact so that Corp can provide password and authorization for your Cultural Preservation Officers to access that data base on all the information on the GIS data base.

Cultural Management Plan – working with several tribes on how are we going to manage the Cultural Resources on the Garrison Project with the Three Affiliated Tribes. The information will be available for review at the end of the summer on the cultural issues.

Enforcement of MOA Contract is trying to improve enforcement in loading and disturbance of cultural sites. Two individual were sites for loading a cultural sites on getting artifacts and selling them. A current Corp employee is working with the Game Warden and B.I.A. getting good joint cooperation on pursuing and catching these individuals and prosecuting these individuals. One case has been turn over to the District Court in Bismarck to prosecute that case. The Corp is pursuing a Contract for Cultural Site Monitoring for going out to these Cultural Sites getting better data on the location sites, check the condition of the sites and will be starting working on the lake the first of July. The Contract will be coming out of the Corp District Office and would like to coordinate with the Tribal Cultural Preservation to go along with the State Archeologist to look at the specific sites.

Priority list of Cultural Sites – one of the sites is the protection of Crow Flies High Hill another important sites is the graves sites, in the survey most of the sites have been identified and can get data from Fred Fox if we are missing any sites.

Natural Resources Issues – lake access at Pouch Point found a location there and Corp will do the Ramp and the Tribe will do the road. The Corp will need a five (5) year lease agreement for this and will have to get a permit in place, Corp will write a letter requesting for this.

Four Bears Boat Ramp – needs to be adjusted due to the dropping level of the lake and McKenize Bay Ramps, Pouch Bay, and Charging Eagle Bay. The Corp will address these areas and have allocate funds that was made available for this year, but will have to request more information to see on what additional funds will be needed for these areas. The Corp have address these recreational areas I negotiation regarding cost shares, on roadwork, labor and materials with the Congressional Staff with the State of North Dakota and the Three Affiliated Tribes and is gathering the data right now on how much funds will be needed to cover these recreational areas. On the building of the roads to the ramps needs to be accessed too. In White Shield Area needs roads too and we need the scrapers to build the roads to the homes.

The Corp is reviewing the whole lake to see where the access roads need to sites and to provide unlimited access. The Corp is asking the Tribe if they are in agreement with the direction in what the Corp is doing in provided limited access to the shores on these roads. As a tribe we should have limited access to the shores lines due to the fact that the State wants to open up unlimited access to the shores lines. It would leave the road open to four-wheel drive going up and down the shorelines along with ATV up along the shores lines, and this should not be. On the Natural Resources and Cultural aspects is a no-no and disagree with the State on the position on opening up the shores lines. The Corp sure would hate to go against the State on their position with the opening up the shores lines.

In the White Shield at Nishu Point there was a Project the Corp did to cover up some remains that was expose. Councilman Gillette owned the land in which he gave access to the Corp to go through. Councilman Gillette was in agreement with the Corp with the stipulation that four cattle guards are put in on his property by the Corps, which was not done. The signed agreement stated that the cattle guards be built on his land of which it was not and Carl Martin was there when Councilman Gillette presented a map to the Corp and shown them on where the cattle guards where to be built and on the access to the roads. Councilman Gillette is reluctant to go along with the Corp to sign another agreement with the Corp with the first agreement was not fulfilled. Todd Linquest will look into this matter for Councilman Gillette on the cattle guards.

Councilman Gillette move to approve for a letter of support on our Cultural Preservation and limited access by the Corp of Engineers to Shore lines. Councilman Packineau seconded the motion.

Discussion: Committee Chairman directed the Natural Resources Department to draw up the letter. On the 4th of July, one our tribal members had a camper by the lake and was asked by Game and Fish to leave the area. Paul Danks state that according to regulations they have to inform the Game & Fish to open up for access for him and he in return will agree to give access to everyone. Paul is working on a contract with Fish & Game on getting a gate that opens up back & forth. If a tribal members wants to get down to the shorelines and extend a road to reach the shore who do they contact? The Corp is looking at areas on this and with regulation is trying to vehicle access to the lake, if we open it up for access it will have to be open up for everyone.

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

LAND increases when the water level decreases, and on the taken area the Corp maintains that. The boundary remains the same and the taken area increases as the water goes down. In the taken area the Tribe can use the land for farming and grazing. The Tribe can use it for grazing and as for farming the Corp will have to look at the Cultural sites; if there is no cultural sites the tribe can use it for farming.

Councilman Gillette move to request Todd Linquest and the Corp of Engineers to review the stature which allows grazing privileges to see if it includes farm usage for the tribe and for the tribe to lease it out for farming purpose and if so the tribe would like to start leasing out for farming purpose and if so the tribe would like to start out next year. Councilman Wolf seconded the motion.

Discussion: A letter will be drafted for Committee Chairman Phelan's signature on this to the Corp.

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

Noxious Weeds – the Corp is forming a Task force to get rid of noxious weed along by the lake, the Corp discussed with Paul Danks of Natural Resources on the feasibility of entering a contract with the Three Affiliated Tribes. In the discussion Paul Danks indicated that the tribe did not have the certified personnel to enter into the contract and the Corp is pursuing the contracts with the Counties report and grazing association to spray weeds within the boundaries of the reservation. Councilman Gillette suggested that we could certify our staff what about Fish & Game, or Fire Management staff. Paul Danks in Natural Resources does not have any one working with this and don't have any funds in the budget for this.

Councilman Packineau move to have in 2005 to have Game & Fish Official Game Wardens become dual roles to work Noxious Weed in the summer time and Game Wardens to be certified to do the contract with the Corp of Engineers. To add the Fire Management Staff also to work with Noxious Weeds.

Councilman Gillette seconded the motion.

Discussion: Paul Danks of Natural Resources will work this out for the Noxious Weeds Contract.

In working with Noxious Weeds there is federal regulations with the spray you're exposed to chemicals and it is difficult to get individuals in working with this.

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

Water Intake – The Corp is pursuing to adding water intake in the Parshall area and are monitoring that and as for Mandaree hasn't come up yet, will follow up on it. A 10-foot elevation drop in the waterbed in the Mandaree will be in a danger area next spring. In the 8 to 10 elevation drop in the intake area causes a lot of problems one being ice cover and depending on the location if it gets a lot of winds and turbidity pulls in a lot of muddy waters this will require a lot of effort to filter and cleaning the water.

Councilman Gillette moved for approval to Declaration of Emergency for the whole reservation include Mandaree and Parshall and for all the intakes that are near the waterbed and to seek appropriate funding and solutions for this. Councilman Packineau seconded the motion.

Discussion: The Corp of Engineering does not have authority with the OMN Budget but the Corp does have authority to pursue emergency extensions and emergency water services through the Management Emergency Office. The emergency is contingent on a declaration of emergency from the associated government this was already made for Parshall by the State of North Dakota last winter. The Corp pursued an extension and followed up on this a few weeks and that extension is will no longer be adequate but continuing to pursuing emergency funding for Parshall area and the one for Mandaree has not been addressed.

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

Elmer's Point-Mandaree Area – The Tribe and Corp of Engineers need to enter into agreement and the Tribe can enter into the third party agreement. The Corp on concerns on Mr. Fredericks wanted to pursue cabins sites down below the 1850 line and the Corp have several regulations on this and will need to negotiate on this. Committee Chairman requested for a specific outline of the regulations to give to Mr. Fredericks.

Fencing – in Pouch Point there is a problem of animals getting suck in the mud trying to get to the water, there will need to be fencing in the Parshall area to prevent this. The Corp has received claims on this in the past and the claims have been denied for it's not the government responsible.

The Corp is currently submitting a proposal to the district office to cut their budget 20% over the next four years to deal with these problems. Todd is open to any ideas and suggest on a long term correction this for the lake is going to continue to up and down on the levels and if we had a fence up at the high water mark and had means to provide water along the shorelines this might help elevate a lot of the problems.

Lake drainage:

Councilman Wolf asked on the status of a proposal from Fargo draining water from the Lake and we as a Tribe won't benefit from this proposal. The State has not requested anything from the Corp of Engineers as for the State is building the waterlines from the North down towards the lake the proposal will probably come forward in a year or so. Todd does not know what the outcome will be and with the political pressure the Corp of Engineers will not refuse the request. Our lake is being pumped out of water from all the other little towns surrounding us and piping in for water and this is why the water is dropping so much. The volume of the intake and amount of water that is being drawn out of the lake is not being regulated and this is a few of the water rights have not been previous allocated, since there was a tremendous abundance amount of water here.

Todd will come back to bring back a report to the full tribal council and will coordinate this with Paul Danks.

06. OIL & GAS PROSPECTOR: (Kyle Baker)

Kyle is requesting that the Tribe requests the Corp of Engineers should finish an Archeologist Survey of our burial sites. The Oil & Gas that are to be drilled will be disturbing our burial sites, once we find out on how many graves are out there we won't want to drill there.

Discussion: Kyle Baker is to work directly with the Preservation Conservation Program of Corp of Engineers and to report to the committee or council.

Councilman Gillette moved to request for Archeological Survey be completed for under the lake for areas that contain burial sites before we drill for Oil & Gas Development. Councilman Wolf seconded the motion.

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

07. HOMESITES/LANDSALES/LAND EXCHANGES: (Ed Fox)

No one present

08. FARM PASTURE LEASES: (Lorry Little Swallow/Jack Rabbithead)

No one present

09. OTHER BUSINESS:

Esley Thornton/Old Drawings: is requesting for display drawings of all Tribal Leaders that served on the council, it is history for all our council members and is requesting for permission from the tribe. The committee forwards this on to Full Tribal Council for approval.

Land Exchange for Esley Thornton – Annette Young will follow up on this and present to the next Natural Resources Committee.

At 3:25 p.m. Councilman Packineau left the meeting.

FIS -FORESTRY INVENTORY ANALYSIS:

Is doing a survey on every 2,000 acres random pick a point on the photo and set up 424 foot radius circle which represents 1 acre in size and measure all the tree within that circle. To comply all the data for the county and the state on a running total of what type of forest is out there, the size and how it is being managed. Record if its been logged or burned, is it on grazing land, and also looking at wild life damage, and records insect and weather damage reports for the State.

The Forestry is requesting for easement permission to go on the reservation to do the survey, on the reports will give the reports of heights, damage, diameters with basic data. In five years the whole report will be available.

Councilman Gillette moves for approval of the Forestry Inventory Analysis to do the survey on tribal land. Councilman Wolf seconded the motion.

Discussion: The survey is to be done on tribal land; if they go on individual private landowners they must request permission from the landowners.

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

FENCING MATERIAL REQUEST:

John Danks, Sr. is requesting for fencing material from Natural Resource Dept. and Paul Danks didn't feel comfortable on approving his dads' request and therefore brought it before the committee. The policy is a mile per range unit.

Councilman Wolf moves for approval of fencing material for John Danks, Sr. Councilman Gillette seconded the motion.

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

Ted Lone Fight III

Ted Lone Fight went into agreement with Natural Resources Conservations Service in requesting to do DUG OUT on tribal land on Range Units. The NRCS is requesting for easement to do dugouts on tribal land are on Tribal Tract T-624-AE, E-624A.

Councilman Gillette moves to approve for permission on easement for dug out on tribal land. Councilman Wolf seconds the motions.

Discussion: At no cost to the tribe.

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

Councilman Packineau returns to the meeting.

USDA LOAN GRANT APPLICATION:

Resolution is authorizing the application for USDA Loan that needs the Committee Chairman signature the deadline for this application is June 18th, 2004 and will deliver it on June 15th, 2004. The Legal Dept. is working a letter of support for the application needs to be approved by the committee.

Councilman Gillette moves for the letter of intent for the USDA grant application. Councilman Wolf seconded the motion.

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

The Resolution authorizes execution of Architectural Engineering in Legal Services Agreements. and to forward it to full council.

Councilman Packineau move for approval of Resolution and to forward to full council. Councilman Wolf seconded the motion.

Discussion: Patti Jo Thomas is to draft a letter and Committee Chairman Phelan will sign it.

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

MOUNTRAIL COUNTY ELECTRIC: (Ken Onsted)

Is requesting for easement to go on tribal line to put up extra distribution lines for increase of power to be available down at Pouch Point. In talking with Annette Young Bird she stated that the Tribe is putting home sites in the area and the power line will come in. Annette will provide the drawing of the lots so when the distribution lines get put it will have the lots on hand.

WHITE SHIELD DISTRICT:

Councilman Gillette move to request from the Roads Dept. for 10 working days to White Shield District for a Scraper in working condition so a Homesite area and be finished and approaches to exiting home sites recondition. Councilman Wolf seconded the motion.

Discussion: To start next Monday on June 21st, 2004 and the information will passed on to Roads Department.

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

LAND SALE – (Kelly Fox)

Councilman Gillette moves for approval to purchase land from Kelly Fox with a letter of intent and appraisal. Allot# 387, Section 8 this is located right next to the buffalo pasture with 160 acres of land. Councilman Wolf seconded the motion.

Discussion: To authorize Committee Chairman to write a letter on behalf of Kelly Fox to who ever he owes the money to that we are in the process of purchasing his land and he will be getting his money.

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

10. ADJOURNMENT:

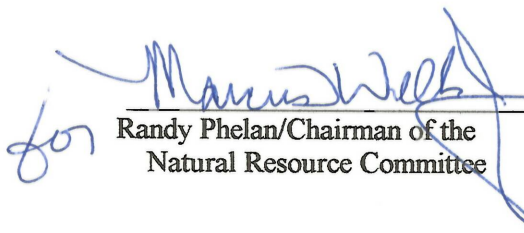
Councilman Gillette moves to adjourn the meeting at 4:00 p.m. Councilman Wolf seconded the motion.

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

Minutes were approved this date 10 of August, 2004.



Connie Fox/Committee Secretary

 8-24-04
for _____
Randy Phelan/Chairman of the
Natural Resource Committee