



**THREE AFFILIATED TRIBES  
NATURAL RESOURCES COMMITTEE  
No. 06-02-DSB  
FEBRUARY 28, 2005**

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**CALL TO ORDER:**

Committee Chairman, Daylon Spotted Bear called the meeting to order at 10:15 a.m.

**ROLL CALL:**

Members present: Councilman Daylon Spotted Bear, Councilman Frank Whitecalfe, Councilman Marcus D. Wells, Jr., Councilman Malcolm Wolf and Councilman Nathan Hale.

**01. APPROVAL OF THE AGENDA:**

Councilman Wolf moved for approval of the agenda as amended. Councilman Hale seconded the motion.

VOTE: 5 Ayes. Motion carried.

**02. SOLID WASTE PROGRAM- PHASE ONE:**

- Purchased three new trucks revenue for services -- maintenance of equipment --homeowners will be charged for a 97-gallon garbage bin. Garbage Dumpster Program. Pilot Program --the dumpsters will be placed out in the community a target date hasn't been set. Implementing a \$15 User Fee- may have resistance but nothing is free. McKenzie County Landfill garbage no longer meets the standards.
- User fees: \$660 yearly charge--could revamp program monthly or quarterly basis. The collection fee was sent prior to the Directors knowledge. Phase one of the Solid Waste Clean-up will be managed a little bit differently. Herb Geving began a landfill solid waste program Division and made a lot of money. The Tribe has to come up with a plan for an advanced solid waste.
- Ted Siers is working with Environmental-- certification test for truck drivers and haulers. Reimbursements help with the white goods. She will send Ted Siers to training with Indian Health Service. Environmental is regulatory -- enforcement is signage--need to pass an ordinance and code. Receives points in ranking process
- Indian Health Service could help with the Phase Two--former Treasurer wanted to give money to the program to purchase the equipment. They could help with the equipment and are looking at some alternative routes. EPA is always trying to come down-- Brownsville Program is used to clean up abandoned old dumpsters -- clean areas up as the refuse runs down into the creeks and contaminates water. Standing Rock Reservation and other construction company charges 1% which comes directly to Solid Waste as the price of fuel has increased.

**03. WATER QUALITY ACT:**

- Water Quality Standards (EPA)
- Proposed Clean Field Refinery
- State application was submitted into EPA
- Don Morton to visit with the Tribal Business Council on March 9, 2006
- Legal Brief-very important issue.

- Red River Valley issues-- low lake our rights supersede prior rights--need stronger stand point.
- Quantification of the water shouldn't charge any less than New Town.
- New Town has treated processed water. Right now, its \$.40 cents a gallon. Invest intake and line water injection wells. Get a contract with New Town—
- Ryan Exploration, Inc. Drill Title opinion
- If they were to mine that pit right by the lagoon and by the lake they could crush gravel for as long as it's at the going rate \$1.50.

**07. BEAR DEN CREEK-**

Councilman Hale moved for approval of funding Bear Den Creek at \$4,000 from the tribe as it is the oldest and largest, and to prepare a Resolution. Councilman Whitecalfe seconded the motion

VOTE: 4 Ayes. Motion carried.

**08. BUFFALO PROJECT/FIGURE FOUR RANCH:**

Walter Deville stated he's been working with Paul White Owl and the program for a number of years under the management of Peter Hale. He stated that the staff has been daily scrutinized and worked for years under intimidation. Right now we use our own vehicles and pay for our own gas.

We are requesting that the project be given some stability by giving it back to the Natural Resources under the supervision of Nathan Hale. Our buffalo have been starving—need to look at the alternative and put the horses in another unit. At least rest with 904 pasture land. Buffalo have been in the 904 pasture

Councilman Hale stated that he disagrees with the 250 wild horses placed in the Buffalo Pasture as they eat three times more than a cow. In the spring, the staff needs to get rid of those horses. There are three vehicles purchased for the Buffalo Project that are driving everywhere except there.

Councilman Wells stated that he met with Randy Schmidt who wants to market and purchase our buffalo. “When I went down there to pick up some donated meat, Walter showed me the horses. They were old and wild running around and around in circles.

Al Spotted Horse stated that the tribe has put a huge investment in this program that's been operating for 15 years; nothing came back to our people other than a buffalo to the Pow-wow committee. It is taking away from the people --it would be nice if the West Segment would overlook the program to would benefit our district.

Marcus reminisced that back in 1989 the Buffalo Project was self sufficient until Chairman got involved and said not to sell--- that the tribe was using buffalo as collateral—that was a directive from the Chairman- One of the Directors at that time wanted to be transferred because he no longer had any control over the program. They liked being self sufficient-- taking control --notes were paid in full. It ended up as a political position as the Chairman decided to hold everything up which was a tough decision.

We now need to make sure that we have adequate range units for the Buffalo Project. Right now, Four Bears Community asks me for inventory – elks-bulls—buffalo—The Council never issued directives to the Director to let the staff go. There is a Resolution in the year 2000 which states “each councilman will be responsible for any entity located in their district.”

Councilman Nathan Hale stated, “these three gentlemen do the bulk of the work—I would recommend replacing Manager who is giving these three gentlemen stress—I am honored that they

asked me to be their supervisor, but because I am closely related to all three of them --it would be a conflict—I question the action of putting Bill Hale over there as he has very little experience in supervision.

My choice would be to put Paul White Owl in as the supervisor and later on if need be that I could put this program under the Mandaree Segment. They need more than just vehicles—there's a tractor—need other things to carry out the goals of the program, to keep that herd manageable. The tribe has supplemented that. Paul Danks was directed to draft a position description and make available to NRC who will then give direction to the program. Immediate needs are diesel and hay. Paul White Owl has been using his own truck and own fuel.”

**Note: The committee recessed for lunch at 1:00 p.m. to 1:10 p.m.**

**09. RECREATION MANDAREE ROAD PROJECT:**

- Doyle Bell and Councilman Nathan Hale is going to meet with the Aberdeen Area staff regarding the Transportation Improvement Program funds and will come back to make a proposal to the Council
- The Recreation Committee is having a meeting in Killdeer, North Dakota- The question to support the tribe is getting the “Taking Area,” back by draft a letter or entering into a MOA that will be comparable to everyone. They want to discuss this issue tomorrow night. Tribe thinks that the Corp is going to keep the taken area, and reluctantly show support and going to have a conflict. Aberdeen would like for somebody from the tribe to attend a meeting on Integrated Mineral Development. While in Aberdeen, South Dakota, Nathan Hale will discuss negotiating with the counties to provide the funding to pave the roads. He will challenge them to the fact that Bureau's money is spread throughout the United States. Counties have oil impact money for their projects. It will cost approximately \$50,000 to pave roads. Cooperative resistance from “Friends of Lake Sakakawea,” to “taking area.” It's a win--win situation for everybody—make every attempt to work with the counties to goes ahead and use excess money without disturbing tribal TIP.

**10. DAKOTA-3, MEMORANDUM OF AGREEMENT:**

Councilman Whitecalfe moved for approval to recommend to the full Tribal Business Council to accept the proposal for a Memorandum of Understanding with Dakota -3, Inc., a company that is 51% tribal member owned. Councilman Wells seconded the motion.

Discussion:

- Promote Indian Preference
- Tax
- Dakota -3, Inc. will pay a bonus of \$37.50 per net mineral acres (negotiable)
- Dakota-3, Inc will pay 18% of royalties.
- Dakota -3, Inc will agree to a two well per year drilling commitment
- Dakota-3, Inc will pay the tribe \$25,000 for the Dragswolf Well #1

Paul Danks recommendations:

- Dragswolf Drilling Contract-- March 9, 2006
- April 11 brought to NRC
- Something together for the April 13, 2006
- Tax always a benefit if tribally owned
- If and when everything is in place all aspects of the lease do we have to follow the BIA process for fee patent and allottees.

- Horizontal drills blocks of land in sections educated answer by Friday.
- Solicitor is acting on behalf on the basically talking about this on Friday holding up development on the reservation. Last year we passed was last year and the solicitor is asking for a 50 page brief.

VOTE: 5 Ayes. Motion carried.

**11. TEMPORARY HIRE OF SECURITY POSITION:**

Councilman Wells moved for approval to hire Kevin Grady temporary as a Security Officer at \$10.00 per hour until advertised and filled. Councilman Wolf seconded the motion.

Councilman Wells amended his motion to: “moved for approval to hire temporary, Kevin Grady in the security officer position previously held by Royce Heart at \$10.00 per hour, until advertised and filled.” Councilman Wolf concurred with the amendment.

DISCUSSION: Vicki Clairmont submitted a resignation letter as a Security Officer but she is interested in a transferring to the PBX department. The Tribal Council members present all agreed and reiterated that only the full Tribal Business Council can accept resignations, hire and fire employees of the tribe.

VOTE: 5 Ayes. Motion carried.

There will be a Special Council Meeting on March 16, 2006 at 10: 00 a.m. The agenda item will be the Oil Refinery Project.

**12. NORTH DAKOTA STATEWIDE STRATEGIC TRANSPORTATION PLAN: Ron Henke, P.E.**

- Overview
  - Transaction
  - District Priorities
  - District Priorities
    - Investment Strategy
    - Spreadsheets
  - Timelines
  - Concerns/Comments

• **Statewide Transportation Improvement Committee:**

Councilman Wells moved for approval to assign Doyle Bell, Director of Roads to replace Ed Hall on the Statewide Transportation Improvement Planning Committee. Councilman Hale seconded the motion.

VOTE: 5 Ayes. Motion carried.

Discussion:

- Districts Priority
- Performance Classification
- Highway location
- STIP Year - Timelines
- Near collisions -Entryway in the Four Bears Area-drainage problems
- Money set-aside for safety Improvement Projects
- Engineering study - Speed Limit from Newtown to the Four Bears Casino changed from 40 mph to 55 miles per hour.
- Twin Buttes roads are bogged out. Doyle Bell will get something in writing to the transportation department regarding the need to fix the roads in the Twin Buttes area.

13. **ALLOCATION OF RANGE UNITS:**

Paul Danks read the letter received from the Bureau of Indian Affairs regarding the Allocation of Range Unit. Informational

This action took place at the February 2, 2006 meeting.

- Resolution states March 1, but allocation process late – change to March 15, 2006
- Bona-fide rancher or beginning rancher define-
- Paul Danks authorization to send the letter out- set time lines

14. **638-CONTRACT –GENERAL FUND ROADS DEPARTMENT:**

Listen to the tapes.

15. **LYON WOLDING LAND:**

Councilman Spotted Bear represented Lyon Wolding in his request to remove his land from trust status and putting it in fee. He would like to mortgage his land in order to purchase cattle. The committee decided to refer this agenda item request to the full council for a final resolution.

Councilman Whitecalfe will also call Lyon and see if he can negotiate the land value, and to see who his creditor is.

16. **UTILITIES PROGRAM:**

Councilman Wolf moved for approval of the request from Fort Berthold Rural Water to turn over the grave digging responsibilities to the Utility Program and to have the \$20,000 follow the program.

Councilman Wells seconded the motion. No retro-active pay.....

VOTE: 5 Ayes. Motion carried.

17. **POSITION DESCRIPTION:**

Councilman Whitecalfe moved for approval of the request from the Natural Resources Director to upgrade the position that Fred Fox occupies assigning additional duties that Kyle Baker was responsible for before he resigned. Councilman Wells seconded the motion.

VOTE: 5 Ayes. Motion carried.

18. **IVA DEANE LANDSALE:**

Councilman Whitecalfe moved for approval to accept the authorization to purchase from Iva Deane- Individual Allotment #1849 for \$56,000, accepted at estimated value and to pay her a partial payment of \$5,000 with the remainder paid when the funds from OTFM become available, and to forward to the full council for approval. Councilman Wells seconded the motion.

**Legal Description of Land:** *Allotment No. 1849, 1/1 interest within the S1/2 Section 23, T151N, R94W, Fifth Principal Meridian, McKenzie County, North Dakota containing 320 acres.*

VOTE: 5 Ayes. Motion carried.

19. **JUNE NICHOLSON LANDSALE RECOMMENDATION FOR PURCHASE:**

Councilman Whitecalfe moved for approval to accept the recommendation of the Natural Resources Director of a Landsale purchase of a total 152.70 individual acres of June Martin/Nickelson, in the amount of \$13,754.67. Councilman Wells Jr. seconded the motion.

**Legal Description of Land:** *Allotment No. 963A*, Legal Description being S1/2NW1/4, Lots 3 & 4 of 5 & SW1/4 of 32-147-90, Individual Interest 1/30,-10.66 Individual acres at an actual value of \$2,132.27; *Allotment No. 964A-B*, Legal Description being NW1/2SW1/4 14-147-90, Individual Interest, 2/5-16.00 Individual acres, at an actual value of \$2,800.00; and *Allotment No. 967A*, Legal

Description being E1/2NW1/4 NE1/4, Lots 1 & 2 7-146-90; Individual Interest 2/5-Individual Acres 126.04 at an actual value of \$2,800.00. Councilman Wells seconded the motion.

VOTE: 5 Ayes. Motion carried. Next meeting is scheduled for March 7, 2006

**20. ADJOURNMENT:**

Councilman Hale moved for approval to adjourn the meeting at 2:00 p.m. Councilman Whitecalfe seconded the motion.

VOTE: 5 Ayes. Motion carried.

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**CERTIFICATION**

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

**ATTEST:**

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**Britnee J. Fox/Committee Secretary**

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**Daylon Spotted Bear-  
Chairman of Natural Resource Committee**