



**THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
NATURAL RESOURCE COMMITTEE MEETING
07-18-NH
NOVEMBER 6, 2007**

I. CALL TO ORDER:

Meeting called to order at 9:10 a.m.

II. ROLL CALL:

Councilman Hale, Councilman Whitecalfe, and Councilwoman Brugh are present. A quorum is established.

III. APPROVAL OF MINUTES

Tabled until the next meeting.

IV. NATURAL RESOURCE DEPARTMENT-FRED FOX

A. CONTEXT ENERGY

Councilman Hale moved to approve of the negotiations with Context Energy to start at not less than \$500.00 an acre for 160 acres, seconded by Councilwoman Brugh.

Discussion: Councilwoman Brugh met a man in Green Bay, Wisconsin that originally worked for the BLM. He said the BLM should be down here telling us what the minerals are worth. He is willing to come down here and work with the tribe. Our minerals should be worth a lot more than what we are receiving right now. He is currently working with the Navaho tribe. Fred came up with the \$500.00 figure.

VOTE: 3 Ayes 0 Nays Motion carried.

**B. CATHERINE VANDERMERE-WATER & ENERGY
HOMELAND PROJECT PROPOSAL**

Councilwoman Brugh moved to approve of a consultant agreement with Catherine Vandermere and the Three Affiliated Tribes to work on the water & energy homeland project for \$115,650, seconded by Councilman Hale.

Discussion: This proposal has been passed by the full TBC but a price was never submitted. This is the budget that will be used to obtain her services. It is on the last page of the proposal and for the amount of \$115,650.00. This will come out of tribal funds to pay her. She has a grant of about \$46,000.00 that will be for training purposes to educate the tribal council and tribal members on water contamination.

She will develop a water management plan that has never been done before. She will set up a plan for the potential oil boom that may contaminate the water supply. This is a one year contract. On page number 6, there are two teams. It is the first, top team that needs to be changed. Chairman Wells Jr. and Dawn Charging need to be changed to Fred Fox and Barry Benson. On the seconded team, it is assumed that she included them into the budget. It says advisors for research. It says all consultants. Fred needs to make this clarified under professional services that these people maybe paid through that \$65,000.00. This does not have to go before the Tribal Business Council again.

C. CERT BOARD MEETING/MRRIC CHARTER TRAVEL

Councilman Hale moved to approve travel for Fred Fox to go to the CERT Board meeting and Bonnie Goodbird to go to the MRRIC meeting in November, seconded by Councilwoman Brugh.

Discussion: Fred Fox is on the CERT Board. He pays annual dues of \$1000.00. He has a meeting this weekend, November 9-10, 2007. Fred represents Chairman Wells Jr. on this board and needs approval because of the freeze on travel. Bonnie GoodBird represents Chairman Wells Jr. on the National MRRIC committee. It addresses the Missouri River Restoration Implementation. The meeting will be held at the end of November. The committee is almost complete. They are basically making a stance for all the stake holders in the Missouri River or the fluctuations in the levels of the River. They are coming up with a charter for all the stake holders. This is an influential group.

VOTE: 3 ayes 0 Nays Motion carried.

D. OIL & GAS UPDATE-FRED FOX NATURAL RESOURCE DIRECTOR

Discussion: They are currently moving into the Oil & Gas Office. A budget is being created by Horace Pipe for things that will be needed for the office. Horace Pipe and Fred Fox have been meeting with the Department of Energy-Minerals. During the next cycle the department will provide a field inspector that will be paid for through the BLM as a contract. They will provide training for him. MMS will approve a contract and training, for the next cycle. The Three Affiliated Tribes will have to take care of it for this year (2007). At the next

December full Tribal Business Council meeting, Fred will have the policy, procedures, rules, and regulations on oil and gas. Councilman Whitecalfe added that the Bureau stopped signing all leases. He then started getting calls from oil companies. They discussed it with the acting superintendent Neumiller. Neumiller was signing the leases but stopped because one oil company went to Aberdeen and discussed the \$400.00 an acre so they stopped signing all the leases and they already put it in writing that they were going to sign right up to the bid sale of November 9, 2007. What they were letting this company do is go back in time and starts letting this company take over some of the leases. While other oil companies that had invested a lot of time and money on those leases. They filed a document that said they were going to sue the Bureau for all the time and money that they spent obtaining those leases. They told the Bureau that they were becoming an agent for that oil company by stopping all the rest of the oil companies. So Councilman Whitecalfe contacted the area director. The director was in Washington talking to his superiors. Councilman Whitecalfe talked to him while he was there about it. The whole thing about it was that if it ever hit the paper that the Bureau was being sued by the oil company, it would drive the oil industry completely off the reservation. That is what Councilman Whitecalfe was hearing from the oil industry. So he talked to him about it and within two hours they started signing leases. This happened last week. The Bureau is going to have a meeting Thursday at Prairie knights. The head guys are coming down from D.C. They are going to discuss issues about the oil and gas and how the Bureau is handling it, because it is not very business orientated. People sign the leases, which is binding and they are trying to go back and break those leases. It's at the point were the next company will offer \$600.00 and another company will offer \$800.00 and you will never get any oil drilled. They got to come up with some consistency here when they sign the leases. If the individual wants to come in and change the lease, that is fine. But they were stopping the signatures. A lot of the individuals wanted the leases signed by the Bureau even though there was a higher rate. If the state doesn't want to talk about taxation, then we need to talk to the BLM to get something resolved.

E. GARRETT GILBERTSON-RENEWAL-Allot. T1336-A

Councilman Hale moved for approval of Allot. No. T1336-A for Garrett Gilbertson described as crop land only SE ¼ NE ¼ Section 30, Twp. 148, Rge. 89 W., Fifth Principal Meridian,

North Dakota, containing 34.4 cultivated acres for the cash rent of \$38.00 per acre for a total of \$1,307.00 for a period of 5 years. RENEWAL LEASE seconded by Councilwoman Brugh.

Discussion: No discussion.

VOTE: 3 Ayes 0 Nays Motion carried.

F. BYRON HOLTAN-RENEWAL-Allot. 1071

Councilman Hale moved for approval of Allot. No. 1071 for Byron Holtan described as hay land within NE ¼ NE ¼, Section 24, Twp.148, Rge.90 W., Fifth Principal Meridian, North Dakota, containing 38 hay cutting acres for the cash rent of \$10.00 per acre for a total of \$380.00 per year, for a period of 5 years. Beginning 2008 and ending 2012. Motion is seconded by Councilwoman Brugh.

Discussion: No discussion.

VOTE: 3 Ayes 0 Nays Motion carried.

G. LEE VOIGHT/ED HALL-TAKEN AREA ISSUE

Tabled until further notice.

V. EPA/NARF CONTRACT-ELTON SPOTTED HORSE

Councilman Hale moved to forward to full Tribal Business Council a consultant agreement with Don Horton, seconded by Councilwoman Brugh.

Discussion: A few changes have been made to the contract. Legal has looked it over. The start date has been changed from August 22, 2007 to September 1, 2007. To add to the contract a few more items. To add on No. 5, Existing Coal plants across the river causes fallout to end up in Lake Sacagawea. No. 6 should read as, the chemicals that farmers put on the ground washes in Lake Sacagawea. Elton will add on these two items and discuss them with Don. There is talk of Mercury coming out of the coal plant that ends up in the Lake. Water Quality and Elton will do a full presentation to the Tribal Business Council in December 2007. This has been here ever since the Pick Sloan Act of 1944. We can pick it up or agree with the state. We can utilize the states standards. Elton will have a couple of options to present. The EPA fully stands behind the tribe.

VOTE: 3 Ayes 0 Nays Motion carried.

VI. FUNDING FOR AIR MONITORING TECH II/AIR MONITOR SITE-ELTON SPOTTED HORSE

Councilman Hale moved to forward to budgeting committee the funding match of Burton Bell as Air Monitor, seconded by Councilwoman Brugh.

Discussion: The EPA is funding this part-time for \$19,000.00 and the Three Affiliated Tribes will match that \$19,000.00 to make it a full time position. Next year, it will be paid for fully by the EPA.

VOTE 3 Ayes 0 Nays Motion carried.

VII. ADJOURNMENT

Councilwoman Brugh moved to adjourn the meeting, seconded by Councilman Hale.

Meeting adjourned at 10:15 a.m.

CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Tribal Business Council's Natural Resource Committee is composed of three (3) members of whom three (3) constitute a quorum ____ were present at the Meeting thereof duly called, notice, convened and held on the ____ day of _____, 2007; that the foregoing Minutes were amended and duly adopted at such meeting by the affirmative vote of ____ members; ____ members opposed; ____ members abstained; ____ Members not voting.

Dated this ____ day of _____, 2007.

ATTEST:

Carmen Halvorson/Committee Secretary

Barry Benson, Chairman of Natural Resource
Committee