



**NATURAL RESOURCES COMMITTEE  
Regular Meeting – Tribal Chambers  
September 11, 2013**

**CALL MEETING TO ORDER:**

The meeting was called to order by Councilman Fred Fox.

**ROLL CALL:** Present: Councilman Fox, Councilman Phelan and Councilwoman Brugh.

**01. INTRODUCTIONS OF ADDITIONAL NATURAL RESOURCES STAFF AND CONSULTANTS**

Frankie Lee Navajo came on board this week reviewing pipelines and row. He is located in the "Old Child Services Program" under consultant full-time.

**02. ENGINEERING SERVICES (SA NO. 2013-1 / SA NO. 2014-3)**

Councilman Phelan moved to approve the payment of 2013-1 to include the TERO Fees. Councilwoman Brugh seconded the motion.

VOTE: 3 Ayes. Motion carried.

Councilman Phelan moved to approve the payment of 2014-1 to include the TERO Fees. Councilwoman Brugh seconded the motion.

VOTE: 3 Ayes. Motion carried.

**03. ED HALL – LAND EXCHANGE**

Councilman Phelan moved to approve and forward Ed Hall's request for financial support in the amount of \$40,000 to the Tribal Business Council with Committee recommendations of transaction value for value appraisal. Councilwoman Brugh seconded the motion.

VOTE: 3 Ayes. Motion carried.

**04. DAVID WILLIAMS – MISSOURI RIVER RESOURCES / MARATHON ACREAGE**

Baker Hughes is already in the plans. Looking for approval to lease it out and paying for part of the drilling costs. Coming in for deals before Tribal Oil Companies percentages of money with 7.5% interest.

**05. HARLAN DEANE - Deane Environmental Services – Transfer Station  
Deferred not in the book and it says revised.**

**06. BILLBOARD LEASE OFFER: GREAT PLAINS OUTDOOR ADVERTISING PROPOSAL:**

Negotiate with each individual Council person for lease offer.

**07. QEP ACCESS ISSUE (FEE OWNER/SHELL CREEK) RON BRUGH**

Councilman Phelan moved to draft a position paper in support to approve access route Section 21, for QEP. Councilwoman Brugh seconded the motion.

VOTE: 3 Ayes. Motion carried.

**08. EDMUND BAKER – ENVIRONMENTAL CODE/PERMIT FEE SCHEDULE:**

Deferred.

**09. KALLIE HUGS - RANGE UNIT REPORT / RU RENTAL INCREASE**

- 180 days from permitted Person who withdraw land and then they don't fence it. Bring back to the next NRC. ROW Livestock on roads. Work with Tribal Easements or whoever has the GIS system.

**10. ALFREDA L. METRE – EPA REGION 8 ENVIRONMENTAL WORKSHOP – CONFERENCE CALL (866-299-9141) CODE: 88127007**

- Consultation Protocol no intent to create animosity/dialogue

**11. TED SIERS - ITBC BUFFALO PROJECT RESOLUTION**

This will be tabled until Ted can be available.

**12. BLAIN FLYNN – MHA TRANSPORTATION / LOT SITE FOR DOT BUILDING**

Blaine Flynn from the Department of Transportation is looking for a site to place a new office building. The City enacted an ordinance disallowing mobile homes to remain on Main Street. The department wants to be close to a route to afford them the ability to pull trucks over. Several recommendations included land next to Riverview Mobile Park – Piece of land adjacent to Ed's bar that could be donated to the Community as a Center for a home. Claryca Mandan was directed to work closely with Councilman Hall and Ed Fox for viable options.

**13. HALCON MAROON PAD/ SECTION 17 WATER SALES:**

Councilwoman Brugh moved to approve the request from Halcon Maroon Pad to purchase water and to apply the funds to Four Bears Community and White Shield Segment, subject to working with Section 17. Councilman Phelan seconded the motion.

VOTE: 3 Ayes. Motion carried.

**14. FARM PASTURE LEASES**

**A. RICHARD RISAN- RENEWAL ALLOT. #209A, #423A, #243A, #286A**

Councilman Phelan moved to approve RENEWAL ALLOT. #209A, #423A, #243A, #286A. Councilwoman Brugh seconded the motion.

VOTE: 3 Ayes. Motion carried.

**B. JAMES FOOTE-RENEWAL ALLOT. T318A-A/C**

Please check Item # 16 P for James Foote is this the same lease??

**A. YVETTE BLAKE-RENEWAL ALLOT. T.A.#10, T.A. TABLED**

The Committee might have to take more land for the Earth Lodges.

**B. MERVIN PACKINEAU-RENEWAL ALLOT. #TF006, T3135:**

Councilman Phelan moved to approve RENEWAL ALLOT. #TF006, T3135  
Councilwoman Brugh seconded the motion.

VOTE: 3 Ayes. Motion carried.

**C. HOLLIS BLAKE – T531A-B (HAY CUTTING - 2013), F/P2014 –2018 LEASE:**

Councilman Phelan moved to approve 2013), F/P2014 –2018 LEASE  
Councilwoman Brugh seconded the motion.

VOTE: 3 Ayes. Motion carried.

**B. HOME SITES/LAND EXCHANGES/LAND ACQUISITIONS**

**A. LOU ANN PHELAN/TAYLOR – MANDAREE (UPDATED)**

Councilwoman Brugh moved to approve Lou Ann Phelan-Taylor Allot.  
Mandaree/T690A-B /update. Councilman Fred Fox seconded the motion.

VOTE: 2 Ayes. 1 Abstention. Motion carried.

**C. HOME SITES/LAND EXCHANGES/LAND ACQUISITIONS:**

**A. FAWN FETTIG – VAN HOOK (UPDATED)TABLED**

**B. JAKE RESCHER – CLARKS CREEKS / T1856 TABLED**

**C. TYLER WELLS – THUNDER BUTTE (UPDATED) TABLED**

**D. BEARSTAR PERKINS – WHITE SHIELD T87A –**

Councilman Phelan moved to partition the tract of 1794 and then partition will be used for a home site for Bear Star Perkins. Councilwoman Brugh seconded the motion.

VOTE: 3 Ayes. Motion carried.

**E. CARSON HOOD – NEW TOWN, BLOCK 18, LOT 19 & 20 (HOUSING) TABLED**

**F. LYLE WALKING HAWK – NORTH SEGMENT / HIDATSA HILLS TABLED**

**G. BRENDA WHITE TAIL – PARSHALL TRAILER LOT TABLED**

**H. MARGARET A. GRADY/WINANZ – VAN HOOK TABLED**

**I. CHRIS MCLAUGHLIN – CLARKS CREEK / 4 BEARS TABLED**

**J. JESSICA WHITE BODY – PARSHALL TRAILER LOT FOR FEMA TRAILER TABLED**

- K. MICHAEL MEYERS – PARSHALL TRAILER LOT FOR FEMA TRAILER  
TABLED**
- L. MARTINA BROWN – THUNDER BUTTER/BAKERSFIELD/4 BEARS TABLED**
- M. ELDRED “JOHN” GRANT TABLED**

- N. KOTY AND BRANDEE BRUGH PARTITION TRACT 1794 – LAND EXCHANGE**  
Councilman Phelan moved to Partition Tract 1794 whereas it will be a home site for Koty Brugh. Councilwoman Brugh seconded the motion  
VOTE: 3 Ayes. Motion carried.

- O. FRITZ BIRD BEAR – LAND EXCHANGE**  
Councilman Phelan moved to recommend to the Tribal Council to table a land purchase from Fritz Bird Bear. Councilwoman Brugh seconded the motion.  
VOTE: 3 Ayes. Motion carried.

NOTE: Tribe would own acres in McKenzie County West of Blue Buttes. Tribe would own 60 acres and tract T710A North of Mandaree Lagoon. Bird Bears wants to trade for 1058A development of well site plus access road.

Note: **JAMES FOOTE-RENEWAL ALLOT. T318A-A/C**

- P. LAND EXCHANGE THREE AFFILIATED TRIBES AND JAMES FOOTE, JR.**  
Councilman Randy Phelan moved to forward James Foote’s request for a land trade Allotment 321A Legal Description SW1/4 Sec 2. T. 149N R.90W FPMND, County McLean, total acres 160.00 Land Type Pasture, Value estimate per acre \$526, no tribal interest, Individual Interest 1.0000000000, Individual Acres 160.00. Actual Land Value \$84, 160.00 for possible land exchange  
Councilwoman Brugh seconded the motion.

Councilman Phelan said the land is too close to the Taken Area and a standing Resolution is in place shouldn’t be approved because of stipulations on how Stated in Resolution.

**Allotment T318A** Legal Description S1/2NW1/4NW1/4SW1/4 S1/2NW1/4SW1/4SW1/2NE1/4NW1/4 SW1/4Sec.11 T 149N R 90W FPMND, McLean County, Total acres 27.50, Land Type Pasture Value Estimate Per Acre\$526, Tribal Interest100%, Tribal Acre27.50 Individual Interest 100%, Tribal Acre27.50, Individual Interest 100%, Individual Acres 27.50, Actual Land Value \$14,465.00

**Allotment T318A-C** McLean County, Total acres 172.50, Land Type Pasture Value Estimate Per Acre\$526, Tribal Interest100%, Tribal Acre 172.50 Individual

Interest 100%, Tribal Acre 172.50, Individual Interest 100%, Individual Acres 172.50, Actual Land Value \$90,735.00

VOTE: 3 Ayes. Motion carried.

LIFT MORTIUM ON LAND PURCHASES:

**SEPTIC SERVICES INDIAN HEALTH SERVICES:**

Councilman Phelan moved to approve the 11 applications submitted for septic services.

Councilwoman Brugh seconded the motion.

NOTE: Recording Secretary was not given any documents.

VOTE: 3 Ayes. Motion carried.

- Q. MERVAL HALL:** No water permits Sell Industrial use for sale. Table until the next Committee Meeting. Due Diligences.

**D. CLARYCA MANDAN – NRD ADMINISTRATOR REPORT**

**A. SHASTA MANDAN:**

Councilman Phelan moved to direct Councilman Fox draft a letter to McLean Electric and BIA Superintendent regarding expediting easements for Shasta Mandan's home site lease. Councilwoman Brugh seconded the motion.

VOTE: 3 Ayes. Motion carried.

**B. TRIBAL HOUSING MASTER LEASE**

Councilman Phelan moved to do a 50 year Business Lease on Tract 714A and the Black Estates takes in portions needs the right description. Councilwoman Brugh seconded the motion.

VOTE: 3 Ayes. Motion carried.

- C. REQUEST OF BIA TO PRIORITIZE RIGHT OF WAYS APPROVAL FOR MORTGAGED HOMES :** Requesting assistance from Security to maintain safety for homes.

**D. BLACK EAGLE ESTATE / BLACK EAGLE COMMERCIAL BUSINESS LEASE:**

Councilman Phelan moved to approve a 50 year commercial lease of 714A and 716A for the Black Eagle Estates. Councilwoman Brugh seconded the motion.

VOTE: 3 Ayes. Motion carried.

**E. LYDA YOUNG WOLF – SCORIA PIT<sup>1813</sup>**

Cross 1890 to test the Scoria right on the Reservation. They did develop some Scoria Pits Certified Surveyor requesting ROW to cross the land. Produce a test first and its tribal surface and Allotted Minerals. Get legal opinion. This item was tabled until more research can be done.

**F. LIVESTOCK TRESPASS / COMMUNITY SECURITY DETAIL**<sup>1819</sup>

The Game and Fish, Animal Control will assist with the Livestock on the road. This item was tabled until more research can be done.

**G. FENCING PROGRAM**

- In some cases you got running a cross fence in some range units
- Inventory sees where the needs are for cattle guard. \$3,000
- Fencing resolutions would solve a lot of issues.
- If an allottee withdraws their land from the range unit they are required to fence it off within 180 days.
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**E. MICRO-SEISMIC PERMIT APPLICATION – FEE INCREASE**

**F. SILVER SAGE CONSULTANTS, LLC:**

This item was tabled until more information is received.

**G. WATER PERMITS – AGRI INDUSTRIES –COMMERCIAL WATER WELL:**

**H. FRACK SOC ORDINANCE:** Councilman Phelan moved to instruct NRC to do a draft Ordinance for Frac Socs and bring back to Committee to review. Councilman Brugh seconded the motion.

VOTE: 3 Ayes. Motion carried.

**22. WHITE SHIELD WASTE PIT REMEDIATION**

Councilman Phelan moved to direct the NRD to draft a Resolution regarding this matter and submit to the TBC for action. Councilwoman Brugh seconded the motion.

VOTE: 3 Ayes. Motion carried.

**23. NORTHWEST WATER TRANSFER – BRENT VARNER**

Presentation.

**24. ARROW/ONEOK – PIPELINE ROWS – BOOMER PERMITS/JOSH MALLORY ZONING FOR FUTURE DEVELOPMENT:**

**25. APPROVAL OF MINUTES:**

Councilwoman Brugh moved to approve the August NRC minutes as corrected.  
Councilman Phelan seconded the motion.

VOTE: 3 Ayes. Motion carried.

**23. ADJOURNMENT:**

Councilwoman Brugh moved to adjourn the meeting. Councilman Phelan seconded the motion. The meeting adjourned at 7:00 pm.

VOTE: 3 Ayes. Motion carried.

**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 Resources Committee** is composed of three (3) members of whom three (3) constitute a quorum \_\_\_\_\_ were present at the Meeting there of duly called, notice, convened and held on the day of \_\_\_\_\_, 2013; 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 \_\_\_\_\_, 2013.

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**Chairperson, Fred Fox, NATURAL RESOURCES COMMITTEE  
TRIBAL BUSINESS COUNCIL-THREE AFFILIATED TRIBES**

**ATTEST:**

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**Member, NATURAL RESOURCES COMMITTEE  
TRIBAL BUSINESS COUNCIL - THREE AFFILIATED TRIBES**

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**Member, NATURAL RESOURCES COMMITTEE  
THREE AFFILIATED TRIBES**