



**THREE AFFILIATED TRIBES
NATURAL RESOURCE COMMITTEE
JANUARY 15, 2014
MEETING NO. 14-001-FF**

CALL TO ORDER:

Committee Chairman Fred Fox called the Natural Resources Committee Meeting to order at 10:00 am.

INVOCATION:

Councilman Randy Phelan gave the invocation.

ROLL CALL: *Present: Rep. Fred Fox, Rep. V. Judy Brugh, Rep. Randy Phelan.*

NRC Staff: Claryca Mandan, NRC Administrator, Felicia Felix, Jack Rabbithead, and Dennis Fox, CEO, and Ed Fox.

01. APPROVAL OF AGENDA:

Councilman Randy Phelan moved to approve the agenda as presented. Councilwoman Judy Brugh seconded the motion.

VOTE: 3 Ayes. Motion carried.

02. APPROVAL OF TAT VETERANS SERVICE DEPARTMENT, T5257:

Councilman Randy Phelan moved to approve Business Lease T5257, subject to approval working with the CEO, Dennis Fox in identifying 8 Acres in the tract and forward to full TBC. Councilman Judy Brugh seconded the motion.

VOTE: 3 Ayes. Motion carried.

NOTE: Councilwoman Brugh reminded the Veterans Services to meet with the Four Bears Community. They should be aware of what is going on in their district.

03. MANDAREE CATHOLIC CHURCH/ELTON SPOTTED HORSE: Land Exchanges:

Mandaree Catholic Church – Lease # T690-B Update. Claryca will be working with Ken Danks to collect damages. The committee directed Jack Rabbithead to do a letter sighting damage letter signed by Claryca Mandan.

04. STATUS OF PENDING LAND EXCHANGES – BIA EMAIL 1/14/14:

05. NEIL CARLSON LAND EXCHANGE: Tabled

06. MALCOLM WOLF RELEASE

The appraisal ran out because the lease wasn't executed within the time frame. Move Fair value or inequitable value. TAT can lease Denny Wolf 2.5 although he was asking for 20 acres. If Denny wants a lease for horses give him a farm pasture lease and standard home site. Repossess and bring back to TBC.

07. APPROVAL HOMESITES, LAND EXCHANGES & LAND ACQUISITIONS:

A. KOTY BRUGH, RON BRUGH HOME SITE LEASE:



The ownership TRACT 1794 2 members own 25 %. Land exchange 2.5 acres for Koty and Brandy. Grazing permit perpetual —Oil and Gas pipeline Ron clarified next to home site where kids were raised. Robert Brugh Sr., gift deeded 20 acres to Koty Brugh.

Councilman Fred Fox said the Tribe went on record to partition its land. It would be a decision for the owners to partition.

B. ELTON SPOTTED WOLF:

Kenny Danks is trespassing on Elton Spotted Horse lease and never been able to contact him to collect damages or rent. Councilman Phelan reported that quite a few in Mandaree have been doing it. Got an industrial home site and they got away with that. Gloria went out and counted them Elton be allowed be able to cut that tract for hay.

Ed Fox said he surveyed and Elton Spotted Horse was supposed to fence it but NRC ran out of fencing materials so that's why it probably didn't get done. Ed will look at tribal acreage for more home sites.

**C. FARM / PASTURE LEASE APPLICATION:
HOME SITES**

D. JUNE 13, 2012 NRC MEETING: KATHERINE YOUNG BEAR:

Councilwoman Judy Brugh moved to rescind June 13, 2012 Natural Resources Meeting motion concerning Katherine Young Bear stating to award a year to year Business lease for five acres to Katherine Young Bear at described as 5.0 acres in NW1/4SE1/4, Allotment # Section 1 Township 148 N. Range. 95. Councilman Randy Phelan seconded the motion.

Councilwoman Brugh moved to rescind 716A motion. Councilman Randy Phelan seconded the motion.

VOTE: 2 Ayes, 1 Nay. Motion carried.

E. NATIVE ENERGY WIND TURBINE PURCHASE:

This matter was referred to Maynard Demaray with the Fort Berthold Rural Water after Legal review.

VOTE: 3 Ayes. Motion carried.

F. REBECCA CRONIS WATER REQUEST:

Councilman Randy Phelan moved to forward a request on a native wind turbine issue to Maynard Demaray who will work with Legal on a position paper as to what we can/can't do and bring back to TBC Meeting in February. Councilwoman Brugh seconded the motion.

VOTE: 3 Ayes. Motion carried.

08. AMENDING THE OIL AND GAS PRODUCTION STRUCTURE SETBACK ACT.

- Set Back Resolution addressing well pads, amended it now put pipelines on it
- Page (2) totally disagrees with this instead of moving away from house moving towards home.
- Well Pad is too close to Phelan's home and similar situations.
- Clear well pad expansion. Have it come to the committee before it goes to full TBC. Federally approved 200 feet. In case of existing well pads asked to settle what adequate compensation is.



For the record: to have MHA Energy to write a cease and desist order to WPX and present to full council.

09. **CREEK OIL FIELD SERVICES:** WPX Water negotiated with Edmund Baker more of a liability toward the company water sampling out of existing wells. Administrator has no approved signature authority for him to sign in lieu of Chairman Hall. Why are they sampling water in spacing units and would they be able to tell if the water is contaminated. Mandaree serious concern/aqua firs.
10. **INVITED BIA PRESENCE TO NRC FEBRUARY 12, 2014 1:00 pm:**
Councilman Randy Phelan moved to send the BIA a formal invitation to the Bureau of Indian Affairs to attend the next Natural Resources Committee. Councilwoman Judy Brugh seconded the motion.
VOTE: 3 Ayes. Motion carried.
11. **RIGHT OF WAYS:** Public comment or the right of ways forms.
Councilwoman Judy Brugh moved to approve NRC can add as long as it's not on Thunder Butte Tract 1001A on behalf of Enterprise Resources well pad access road 148 95 –Tribal Fee properties in Dunn County by the Buffalo Ranch, document must reflect the footage and current rate, subject to Resolution. Councilman Randy Phelan seconded the motion.
VOTE: 3 Ayes. Motion carried.
12. **TRIBAL FEE:**
Councilwoman Judy Brugh moved to approve the document to reflect the 45,250 4,420 33,000 paying by the current rate. Councilman Randy Phelan seconded the motion.
VOTE: 3 Ayes. Motion carried.
13. **MCKENZIE RIGHT OF WAY:**
Councilman Randy Phelan moved to approve McKenzie Electric for a Right of Way to get to Darlene Whitman home site. Councilwoman Judy Brugh seconded the motion.
VOTE: 3 Ayes. Motion carried.
14. **MINUTES OF DECEMBER 09, 2013:**
Defer to next meeting.
15. **ADJOURNMENT**
The meeting adjourned at 1:45 PM.



CERTIFICATION

I, the undersigned, as Committee Chairperson of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Natural Resources Committee is composed of three (3) members of whom (3) constitute a quorum ____ were present at the Meeting thereof duly called, notice, convened and held on the ____ day of _____, 2014; that the foregoing Minutes were duly adopted after amendments and/or corrections at such meeting by the affirmative vote of ____ members; ____ members opposed; ____ members abstained; ____ members not voting.

Dated this ____ day of _____, 2014.

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

ATTEST:

Member NATURAL RESOURCES COMMITTEE
TRIBAL BUSINESS COUNCIL, THREE AFFILIATED TRIBES

Member NATURAL RESOURCES COMMITTEE
TRIBAL BUSINESS COUNCIL, THREE AFFILIATED TRIBES