



THREE AFFILIATED TRIBES  
TRIBAL BUSINESS COUNCIL  
NATURAL RESOURCE COMMITTEE  
AUGUST 2<sup>nd</sup>, 2017 MINUTES  
[CLOSED SESSION CONTENT EXCLUDED]

**CALL TO ORDER:**

Councilman Randy Phelan called the meeting to order at 11:30PM.

**PRAYER:**

Prayer by Councilman Fred Fox.

**I. ROLL CALL:**

***Present:*** Councilman Randy Phelan, Councilman Fred W. Fox, Councilwoman Monica Mayer. *Quorum established.*

**II. APPROVAL OF AGENDA:**

***Motion:*** Councilwoman Monica Mayer moved to approve the agenda. Councilman Fred Fox seconded the motion. Vote: 3-0-0. Motion carried.

**III. APPROVAL OF MINUTES:**

- **April 18, 2017 Natural Resource Committee Meeting Minutes**

***Motion:*** Councilwoman Monica Mayer moved to approve April 18<sup>th</sup> 2017 minutes subject to corrections. Councilman Fred Fox seconded the motion. Vote: 3-0-0. Motion carried.

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**IV. TEXX LONE BEAR**

**A. Land Exchanges:**

**1) Richard White Bear**

Needs to be appraised yet but provided estimated values. He is applying to exchange lands. Two tracks of land in Bear Den Creek area for one time family allotment. 100% tribally owned. Richard White Bear will pay for the appraisal himself.

***Motion:*** Councilman Fred Fox moved land exchange for Richard White Bear, forward to August Tribal Business Council meeting. Councilwoman Monica Mayer seconded the motion. Vote: 3-0-0. Motion carried.

***Discussion:*** Richard White Bear asked if he would get reimbursed for the appraisal. Councilman Randy Phelan stated if he paid for it himself, it would go faster. BIA takes a while, and it would need to get approved by the BIA. Texx Lone Bear will look into it. It will come out of the land exchange according to Texx Lone Bear.

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**2) Keith Mandan**



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Two land exchanges requested. The first land exchange was filed in 1987, and was acre for acre, but now they go for value of land. Keith Mandan is requesting acre for acre. 2237-C (\$38K estimated)

*FTR: Councilman Frank Grady joined the meeting.*

**Motion:** Councilman Fred Fox moved to forward to August Tribal Business Council meeting. Councilwoman Monica Mayer seconded the motion. Vote: 4-0-0. Motion carried.

**Discussion:** 2237-C its value for value. It's the same.

The second land exchange is for T-631A-A undivided interest, 12 partials, tribal 32 ½ acres to trade for 14892 near his house in the Heart Butte area. Keith Mandan will pay for the appraisals for this land exchange too. Councilman Randy Phelan approved to proceed.

**Motion:** Councilman Fred Fox moved to approval appraisal value for value and to return to the Committee. Councilwoman Monica Mayer seconded the motion. Vote: 4-0-0. Motion carried.

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Texx Lone Bear discussed an exchange of fee land for fee land between a member and a non-member for the parking lot development of the Average Joes in Parshall on Main Street. This happened in 2013, but nothing has happened since. Caleb Dogeagle noted that it was already approved by resolution in 2013 and would just need the title. The Committee has the right to wait on it, if they want. If the resolution has been signed, we really don't need to do anything today. Councilman Randy Phelan recommended Texx Lone Bear meet with Councilman Mervin Packineau on it.

**B. Easements – Shaylane Miller**

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**1) Charles Fox**

ROW for T-119-B. Map shows as G track but attached TSR showing that it is a T track.

**Motion:** Councilman Fred Fox moved to forward to August Tribal Business Council meeting. Councilman Frank Grady seconded the motion. Vote: 3-0-0-1. Motion carried.

**2) Leanna Nation**



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**Motion:** Councilman Fred Fox moved to forward to August Tribal Business Council meeting. Councilman Frank Grady seconded the motion. Vote: 4-0-0-0. Motion carried.

- 3) **William Lone Bear**  
ROW for T238. Has been legally reviewed.

**Motion:** Councilman Fred Fox moved to forward to August Tribal Business Council meeting. Councilman Frank Grady seconded the motion. Vote: 3-0-0-1. Motion carried.

**Discussion:** Councilman Fred Fox asked if a walk thru was done on these. Councilman Fred Fox will only approve if a walk thru is done.

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- 4) **BIA 12 Construction Conflict**  
T3136 on the seconded half of BIA 12 construction conflict around the Clarissa Mandan home site.

**Motion:** Councilman Fred Fox moved to forward to August Tribal Business meeting subject to Legal review. Councilwoman Monica Mayer seconded the motion. Vote: 4-0-0-0. Motion carried.

**Discussion:** It was noted that the project was already approved.

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- 5) **McKenzie Electric – Tim White Body Home Site**

**Motion:** Councilman Fred Fox moved to forward to August Tribal Business meeting. Councilwoman Monica Mayer seconded the motion. Vote: 4-0-0-0. Motion carried

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- 6) **Rural Water Service Line – Texx Lone Bear**  
Resolution for the hook up of (10) homes to be connected to FBRW was presented.

**Motion:** Councilwoman Monica Mayer moved to forward to August Tribal Business meeting. Councilman Fred Fox seconded the motion. Vote: 4-0-0. Motion carried.

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- C. **Game & Fish – Antoine Smith & Kristen Mason**  
1) **Big Game Proclamation**



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Elk and Moose proclamations presented with the latest survey on elk. There is a herd in Mandaree. 2 moose and 2 elk tickets. Elk season will be for Unit 1. Moose, all except in Twin Buttes for hunting. We are allowing our moose hunters to hunt a week early. Councilman Randy Phelan doesn't like the State to coming in and deciding what we do on our land. Councilman Randy Phelan stated it is in Councilman Fred Fox's segment and he should make the decision. Antoine Smith will work with Caleb Dogeagle to work on a resolution opposing the State imposition of hunting units within the reservation. Councilwoman Monica Mayer stated the MOU between the State and the Tribe has been in place since the Levings administration and should be looked at again. It is a sovereignty issue.

**Motion:** Councilman Fred Fox moved to forward Resolution entitled, "Approval of the 2017 Tribal Moose & Elk Proclamations" to August Tribal Business Council meeting. Councilman Frank Grady seconded the motion. Vote: 4-0-0. Motion carried.

Committee directed Legal to draft a resolution objecting to the State Fish and Game boundary.

**Motion:** Councilman Fred Fox moved to have legal draft a resolution objecting to the new State Fish and Game boundaries within the reservation. Councilman Frank Grady seconded the motion. Vote: 4-0-0. Motion carried.

**Discussion:** Councilman Fred Fox directed Caleb Dogeagle to look into abolishing the old MOU with the State. Antoine Smith states if it's on tribal land (fee land) you have to have a tribal license. If a deer is on fee its ok, if on trust the tribe has to have a license. The State can't sell tickets for tribal land. If a white guy has a state license, he can come on fee land and hunt. The compensation is \$30,000 that the State gives us. The Corp land is valid for State hunting. The Committee asked if there are issues with animal control? Councilman Randy Phelan informed Antoine Smith that the Buffalo Ranch is having mountain lion problems. Game and Fish needs to go there and set traps. Calf's have been coming up missing. Antoine Smith informed the Committee there are issues with dog bites and the owners are complaining they can't get their dogs back right away. Councilwoman Monica Mayer expressed the seriousness of dog bites and rabies.

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**D. Missouri River Resources (MRR)**  
**1) Ground Lease**



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Jason and Laci Schettler presented a ground lease for a production yard. Seeking a Lease on a tribal track T714-A for 5.04-acres for 5 years at \$2,500/ month.

**Motion:** Councilman Fred Fox moved to forward to August Tribal Business Council meeting. Councilwoman Monica Mayer seconded the motion. Vote: 4-0-0. Motion carried.

**Discussion:** Councilman Randy Phelan stated it would be good to earmark this revenue and put it back into the general fund.

2) **Assignment**

Resolution for MRR and XTO entitled, “*Assignment from Missouri River Resources to XTO Energy of Portion of BIA Lease No. 7420A42649*”. Lease was done in 2014. Will retain 14% of the unit and still be able to drill 4 wells.

**Motion:** Councilman Fred Fox moved to forward to August Tribal Business Council meeting. Councilwoman Monica Mayer seconded the motion. Vote: 3-0-0-1. Motion carried.

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E. **Fort Berthold Rural Water (FBRW) – Pem Hall**

Pem Hall and Zack Ruquirk from Bartlett and West presented two funding agreements. Al Nygard, CEO stated that after a review of the 2 Annual Funding Agreement’s (AFA) no problems were found on the Construction supplement that would have effected Federal funding. Storm Construction out of Mandan was awarded the bid. Councilman Randy Phelan reminded Pem Hall to make sure there is a bid opening. We need to be notified when a bid is going out so our native companies have a chance to bid. Elizabeth Morsette knew about the bid letting, but she wasn’t there for the opening. Al Nygard informed the Committee this was already in process. We asked for a bid delay to make sure they were ok. Wilbur Wilkinson expressed concern that the Bureau of Reclamation and Bartlett & West where hindering native companies from getting work. They are coming on our turf and taking work away from us. We need to make them accountable. Alva Hall has been waiting for water hook up for 6 years. This AFA should have been done a long time ago. Can we expedite for our people to get water?

**Annual Funding Agreement**

**Motion:** Councilman Fred Fox moved to forward the Annual Funding Agreement to August Tribal Business Council meeting. Councilwoman Monica Mayer seconded the motion. Vote: 3-0-0-1. Motion carried.



### **Construction RFQ**

Meyer Construction, a native owned company was in the bid for the project. The bid was advertised in the newspapers. Pem Hall insured that there were qualified companies that bid on the project.

*FTR: Chairman Mark N. Fox joined the meeting.*

Councilman Randy Phelan requested if they could have Storm Construction look at some of our subs to work on the project too.

**Motion:** Councilman Fred Fox moved to forward to August Tribal Business Council meeting without approval. Councilwoman Monica Mayer seconded the motion. Vote: 3-0-0-1. Motion carried.

### **Projects Update**

Twin Buttes Area II Construction Project is going well. Water treatment is out for comment and expected for bid in September.

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### **F. Declaration of Drought Emergency - Lisa Redford**

Declaration presented. Resolution, “*Declaration of drought emergency for the Mandan, Hidatsa and Arikara Nation, Fort Berthold Indian Reservation*”.

**Motion:** Councilman Fred Fox moved to forward to August Tribal Business Council meeting. Councilwoman Monica Mayer seconded the motion. Vote: 3-0-0-1. Motion carried.

**Discussion:** Lisa Redford researched USDA assistance to get ranchers feed and hay and found none. She also asked for a person of contact from each segment for the emergency hay. The Tribe may want to purchase hay before the prices skyrockets. She was asked to bring in a \$100,000 budget. Lisa recommended that FBRW send out their future RFQ’s to TERO to be emailed out.

**Motion:** Councilman Fred Fox moved to forward to the August Tribal Business Council meeting with a proposed budget of \$100,000 for the hay purchase. Councilwoman Monica Mayer seconded the motion. Vote: 3-0-0-1. Motion carried.

### **G. Minot Satellite Office Lease - Dawn Yeahquo**

Presented a new updated lease for the Minot Satellite Office Lease.



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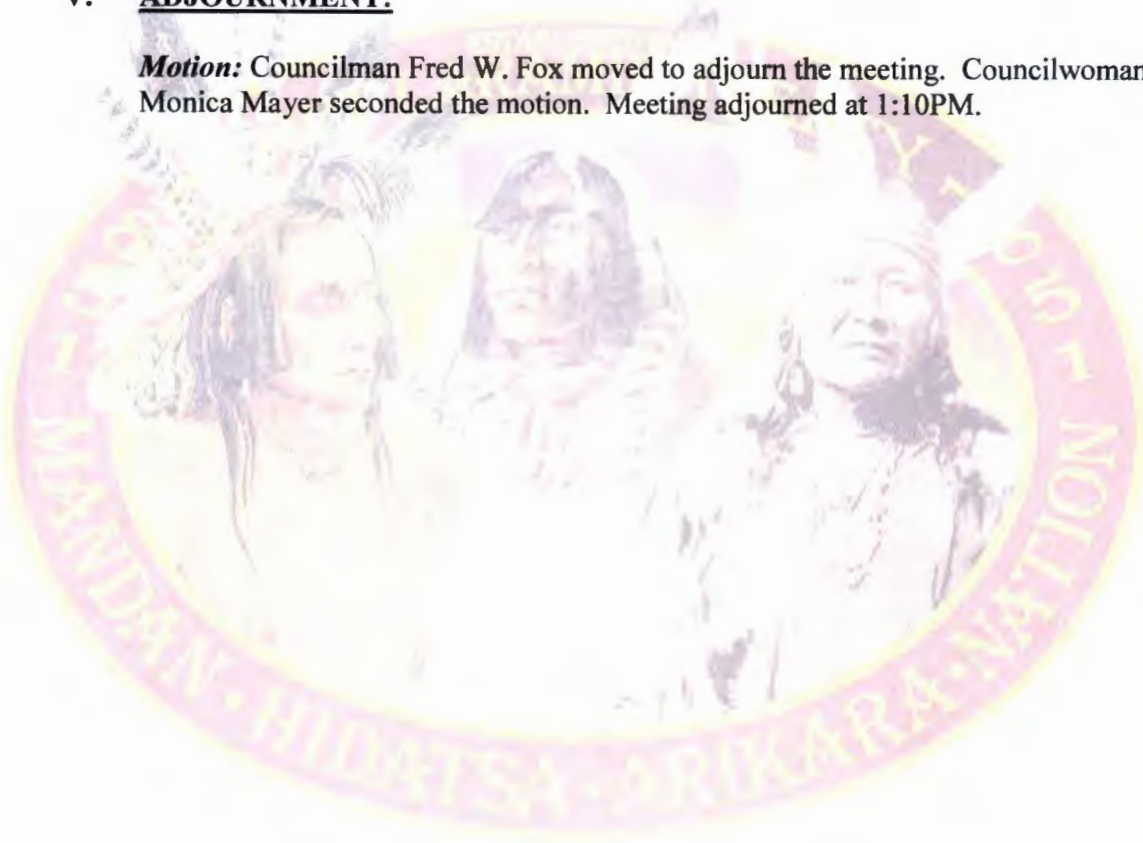
**Motion:** Councilman Fred Fox moved to forward to August Tribal Business Council meeting. Councilwoman Monica Mayer seconded the motion.  
Vote: 3-0-0-1. Motion carried.

**Discussion:** Lisa Redford would like to have an office for a senior center at the Minot satellite office.

**H. Bill Hale Jr.**  
*Item deferred*

**V. ADJOURNMENT:**

**Motion:** Councilman Fred W. Fox moved to adjourn the meeting. Councilwoman Monica Mayer seconded the motion. Meeting adjourned at 1:10PM.



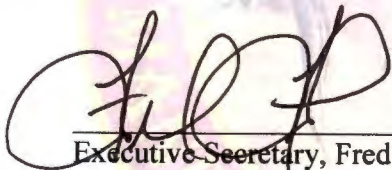


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**CERTIFICATION**

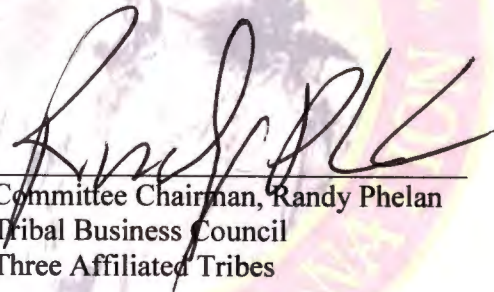
I, the undersigned, as Committee Chairperson of The Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Natural Resources Committee is composed of three (3) members and of whom three (3) constitutes a quorum of 3 were present at the meeting thereof duly called, notice, convened and held on the 27<sup>th</sup> day of February, 2018 that the foregoing Minutes were duly adopted at such meeting by the affirmative vote of 3 members; 0 members opposed; 0 members abstained; 0 members not voting.

Dated this 27<sup>th</sup> day of February, 2018.



Executive Secretary, Fred W. Fox  
Tribal Business Council,  
Three Affiliated Tribes

ATTEST:



Committee Chairman, Randy Phelan  
Tribal Business Council  
Three Affiliated Tribes