



THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
NATURAL RESOURCE COMMITTEE
MAY 2nd, 2018 MINUTES
[NO CLOSED SESSION CONTENT]

CALL TO ORDER:

Councilman Randy Phelan moved to call the meeting to order at 11:05am.

ROLL CALL:

Present: Councilman Frank Grady, Councilman Fred Fox, Councilman Randy Phelan.

Quorum established.

I. APPROVAL OF AGENDA

Motion: Councilman Fred Fox moved to approve the agenda. Councilman Frank Grady seconded the motion. Vote: 3-0-0. Motion carried.

II. APPROVAL OF MINUTES:

- February 27th, 2018 Natural Resource Committee Minutes.
- April 4th, 2018 Natural Resource Committee Minutes.
Item deferred.

III. NEW BUSINESS - H. Texx Lone Bear, Director

A. Henry Almit Breuer, Jr – Land Exchange

Was approved at council, Henry Breuer added another T track. The wrong land exchange was put in the booklet, T872. Allotment No. 301-3112. Allotment No. 301-142A. Allotment No. 301-500A. Allotment No. 301-T872.

Motion: Councilman Fred Fox moved to forward to next Tribal Business Council Meeting. Councilman Frank Grady seconded the motion. Vote: 3-0-0. Motion carried.

B. Allotment 1794 Partitionment - Resolution

Spoke with Darryl Laddiser he will put on hold until he gets a resolution. Can present the resolution in June TBC.

Motion: Councilman Fred Fox moved to forward to June Tribal Business Council Meeting. Councilman Frank Grady seconded the motion. Vote: 3-0-0. Motion carried.

Discussion: Subject to resolution and Legal. Forward to full council in June.

C. B.I.A. Bid Sale

Bid sale is scheduled and advertised for May 11th. Farm and Farm pasture lease sale.

D. B.I.A. – Ted Lone Fight – RU231 & RU429



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Ted Lone Fight requested to look at this issue. Due to legal action, he can get it back if the tribe wishes to. Will drop 429 if he gets 231. Son owns 42 acres in range 429. Councilman Randy Phelan said it was an issue, can still get 231.

Motion: Councilman Fred Fox moved for Range Unit 231 to run in common with Ted Siers, and forward to next Tribal Business Council meeting. Councilman Frank Grady seconded the motion. Vote: 3-0-0. Motion carried.

Discussion: Caleb Dog Eagle asked if Ted Siers was awarded Range Unit 231 and contacted and in agreement.

E. B.I.A. Range Units RU17/93/913

Casey Fredericks RU17. Councilman Randy Phelan had Kayla Danks, B.I.A. Superintendent; look at the letter Casey brought forth. Kayla Danks received a letter yesterday, he would like his permit issued. Still need clarification. It was not an equal split on the resolution. Need clarification to make sure it's an even split. Need to modify the resolution. Casey Fredericks teleconferenced in. Kayla Danks informed Casey Fredericks they need to clarify the resolution with Angus and Casey. Casey Fredericks needs to give Kayla Danks the acres amount. Casey Fredericks referred back to the first meeting and noted that at that meeting it was not an equal split. NRC told him they can't make that adjustment and requested that the BIA verify the acreage with GPS. Kayla Danks noted that they have to go by the Tribal resolution. Councilman Randy Phelan reminded the Superintendent that this is trust land, a range unit, and it's your responsibility not ours. Kayla Danks states there are ordinances already in place and will sit down with Texx Lone Bear and his staff and work thru this. The Committee suggested this has to happen in the future with other cases like this. Casey Fredericks wants to put his cattle in there on May 15th. Casey states it's not a 50-50 split, it's an a. and b. split. The November TBC minutes should clarify and clear it up and listen to the audio, Councilman Fred Fox recommended contacting Mike Stevens. If they just do the acreage's Casey Fredericks will be satisfied. BIA will work on it and then Casey Fredericks will only need to pay for it. Should be resolved today.

RU93. Leo Cummings paid for the lease and an elderly home development was placed on the land. It was recommended to take the land out of the unit. Leo Cummings hasn't been able to use the land for two years. Councilman Frank Grady will work on this issue and bring it back with a resolution. The engineer will need to work on it.

RU913. Leo Cummings also has this one. They want to take 913 out and turn it into farm pasture. T3022. Leo said there was controversy on this, would like to take this out of 913 and maybe somebody can use the lower half.



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Motion: Councilman Fred Fox moved to remove, and forward to next Tribal Business Council meeting. Councilman Frank Grady seconded the motion. Vote: 3-0-0. Motion carried.

RU1 has been canceled. They will need to stick around and they will be coming back to this RU. Joleen Steele spoke about her brothers issue (Ted Siers). We don't want him to have this range unit. My mom doesn't want to shoo cows out of the way, in her yard. The Committee asked for a letter from her mom. CJ arrived to the meeting and spoke to the committee. He wasn't able to put his cattle out to pasture. Needed to pay the lease. Paid the past 4 months. 2018 permit wasn't approved yet. Asking for an extension to pay for the lease, didn't know, he had a short time frame to pay when he found out. Kayla Danks provided a status update of the range unit and is still working on it.

F. Trespass Status 1794/T 861A-C

#17-94 resolution. Merval Halls old place. There are cows and steel panels on tribal land.

G. Rosie White Owl Homesite Concerns

Rosie White Owl informed the Committee that she has someone's cattle in her yard and is requesting that her homesite be fenced off to keep them out. Councilman Randy Phelan suggested continued research and to bring it back. The Committee asked Valorie to have Texx Lone Bear work with her to mark it off, and have it surveyed.

Motion: Councilman Frank Grady moved to have land surveyed by NRD and forward to next Tribal Business Council meeting. Councilman Fred Fox seconded the motion. Vote: 3-0-0. Motion carried.

Discussion: Rosie White Owl also requested an additional 2 ½ acres because her daughter's house is big. The Committee suggested an amendment to the resolution.

H. U.S. Army Corps of Engineers

Discussion of Corps areas and the stipulations on the use of those lands. The various projects that the tribe has in Corps areas will be approved until their requirements are met. The Corps informed the Tribe of a number of violations that need to be addressed at the Twin Butte's Pow-wow grounds and the road by the water. They did provide a check list last year for what they wanted fixed. CEO there will be a meeting with the Colonel of the U.S. Army Corps of Engineers and this issue should be put on that agenda. CEO along with the CFO states we will need to figure this out and determine where the funds for this will come from.



I. Fire Management – Marle Baker

Mr. Baker handed out a resolution, entitled “*Approval of the 2018 Fort Berthold Reservation Burn Ban*”. Mr. Baker informed the Committee that there have been 8 fires already this year. Committee would like to see an exemption for the 4th of July events. Mr. Baker noted that they are always geared up for any events. Last year we had 87 acres burned.

Motion: Councilman Fred Fox moved to ratify the resolution if necessary for the 4th of July, as long as Fire Fighters are there. Forward to next Tribal Business Council meeting. Councilman Frank Grady seconded the motion. Vote: 3-0-0. Motion carried.

J. Jim Mossett

1) Land Exchange

Approved last month, but he wanted to add more tracts. He will give the tribe 60. Agreed to a waiver.

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

2) Quality Assurance Project Plan

Updated, now need approval. Edmund Baker concurs.

Motion: Councilman Frank Grady moved for the approval of the pesticide project plan. Forward to next Tribal Business Council meeting. Councilman Fred Fox seconded the motion. Vote: 3-0-0. Motion carried.

3) Pesticides Program

Motion: Councilman Fred Fox moved to have Tribe cover the \$200.00 fee and forward to next Tribal Business Council meeting. Councilman Frank Grady seconded the motion. Vote: 3-0-0. Motion carried.

Submitted a grant for Pouch Point, it will come up to \$2,500. Requesting approval pending Legal review. Will have a dock, bathrooms. Committee asked if North Segment Representative assist in paying for the dock and bathrooms. The CEO noted that it could be taken it out of recreation fund, if we can’t take it out of there, we will have to take it out of 380. Need to find out where to take it out of.



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Motion: Councilman Fred Fox moved to cost share for the dock and toilet and forward to next Tribal Business Council meeting. Vote: 3-0-0. Motion carried.

The Corps of Engineers put signs near the Twin Buttes Pow-wow that there is no fires or camping. That means they can't hold the pow wow there. The council needs to address the Corps on ceremonial places. The Committee asked for pictures to take to the Corps Meeting on the May 29th. Jim Mossett asked to be informed when these meetings take place so the recreational people can attend. Edmund Baker (MHA EPA Director) informed the Committee that he is getting garbage complaints and asked if there was an ordinance for this. The Committee directed Mr. Baker to put a resolution in place to address this. Councilman Frank Grady's housing program might have some more information on this.

K. West Segment Land & Livestock

Charlie Vigen provided an update and informed the Committee that they have gotten their board in place and are ready to start purchasing cattle. The group also wants to establish a mobile butcher shop.

L. Steve Kelly

I have a place down by Pouch Bay, have lots there which increases our annual rent. There are concerns by the people out there about the contract. We have a contract for the lease agreement. There are no services out there. Committee asked Jim Mossett if he has a process plan for Pouch Point. Working on electrical out there. Steve build a large Quonset and that is not in compliance with living out there. We need about \$60,000 to finish up electrical. We need Steve to get caught up on his lot(s). His lease is due in May. People are complaining about the 5% in the lease. Committee asked to have Texx Lone Bear work on this.

Motion: Councilman Fred Fox moved to have Ken Danks be the Recreation Director of Skunk Bay. Councilman Frank Grady seconded the motion. Vote: 3-0-0. Motion carried.

Discussion: Steve Kelly states there in an enforcement problem out there also.

M. South B.I.A. Road 20 – Marty Young Bear

Went to a meeting for road conditions. Want to pave BIA road 20. Have 2 contractor bids. Councilman Randy Phelan requested 3 bids.

Motion: Councilman Fred Fox moved to bring in one more bid and forward to the next Tribal Business Council meeting. Vote: 3-0-0. Motion carried.



N. TRILEAF – Verizon Tower

Item deferred.

O. Public Works – Justin Spotted Bear

Justin gave update.

P. Lease/Right-A-Way Concern – Wendi Wells

Kayla Danks spoke about a couple tracts. There are two sites they wanted us to look at. Councilman Frank Grady handed out a map. There are several people who don't have leases in Thunder Butte. Also, a building was put up that doesn't have a lease. Committee recommends Kayla work with Texx and find out about the leases. Wendy states there was a trespass by our house, there was someone hiding in the trees. There is a subletting going on out there, and worry about who actually is living in some of those houses. Wendy requested the Committee look into it, Councilman Frank Grady is working on the situation and similar situations currently.

Q. Mandaree Head Start Bill

Councilman Randy Phelan states that there is a bill of \$28,100 bill at the Mandaree Head Start that needs to get paid. Committee directed CEO to look at it and make sure it gets paid.

IV. FARM PASTURE – Diana American Horse

A. 4 Applicants

1) Donavon Dixon

Has been approved for 4 tracts already.

2) Brenda Housers

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

3) Richard White Bear Pasture Request

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

4) Louis Simenson Crop Request



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

V. **EASEMENTS** - *Shaylane Miller*

A. **Resolution ROW – Rural Water**

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

B. **West Housing Line Conflict**

Motion: Councilman Fred Fox moved to forward the resolution entitled, “*Consent to Certain Right(s) of Way across Tribal Land*” to next Tribal Business Council meeting. Councilman Frank Grady seconded the motion. Vote: 3-0-0. Motion carried.

C. **Four Bears Water Park Utility Corridor**

Motion: Councilman Fred Fox moved to forward the resolution entitled, “*Consent to Certain Right(s) of Way across Tribal Land*” to next Tribal Business Council meeting. Councilman Frank Grady seconded the motion. Vote: 3-0-0. Motion carried.

VI. **ADJOURNMENT:**

Motion: Councilman Fred Fox moved to adjourn the meeting. Councilman Frank Grady seconded the motion. Meeting adjourned at 1:40 pm.



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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 6th day of June, 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 6th day of June, 2018.

A handwritten signature in black ink, appearing to be 'Fred W. Fox'.

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

ATTEST:

A handwritten signature in black ink, appearing to be 'Randy Phelan'.

Committee Chairman, Randy Phelan
Tribal Business Council
Three Affiliated Tribes