



**CALL TO ORDER:**

Councilman Randy Phelan called the meeting to order at 1:40PM.

**ROLL CALL:**

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

**I. APPROVAL OF AGENDA**

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

**II. APPROVAL OF MINUTES:**

- **June 4<sup>th</sup>, 2019 Natural Resource Committee Minutes**
- **August 6<sup>th</sup>, 2019 Natural Resource Committee Minutes**
- **November 6, 2019 Natural Resource Committee Minutes**

*Motion:* Councilman Fred Fox moved to approve the presented NRC Minutes subject to minor amendments. Councilwoman Monica Mayer seconded the motion. Vote: 3-0-0. Motion carried.

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

**A. North Dakota Highway 73 Project - KLJ**

Texx Lone Bear presented KLJ for the expansion of Hwy. 73 going toward Watford City near Bear Den Creek. Project goals: Safety Improvements (Wider Shoulders, Flattened in-slopes, improved curve geometry), Pavement improvements, Structure Replacements. Potential traffic detour: Evaluation will be made to determine the cost and feasibility for Maintaining two-way traffic, temporary one-way pilot car, detouring through traffic. Currently working with landowners and tribal officials to obtain the necessary permissions to complete field surveys.

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

**B. Energy/Environmental MOU – Edmund Baker**

Edmund Baker states if there is a change that needs to be made to the MOU it would be difficult with three major investigations currently in progress. Recommended that Carson Hood Jr. for his input from Energy. Would need clarification on jurisdictional scoop in place. If the council would like to wait, we all have our portions we are working on right now. Noted that it started in 2015, when we had budget concerns and that Environmental could address all the work and we decided to share duties with Energy. The MOU reduced my work load so



I could work more in depth on issues. Will come back with a recommendation as to when to proceed.

**C. Funding for Lakeview Aggregate – Edmund Baker & Texx Lone Bear**

Texx Lone Bear noted that they would like additional funds to continue on with the reclamation of the gravel pit. Edmund Baker explained that Four Bears Segment asked me to speed things up in June. With contractors already onsite there was change in oversight on the project going to Environmental. EPA noted a lack of a berm to prevent stuff getting to the lake and would like it fixed. There are 2 bids on this project. Project is in winterization now. Administrative Order of Consent is still being drafted between John Fredericks and the EPA-Region 8 legal. Would need to submit benchmark reports to stave off penalties and satisfy EPA that nothing gets into the water. Bids are coming in at about \$41,000. He wants to make things are done right so requiring bonding is preferred. Committee recommended that it be part of the contract. Councilman Randy Phelan expressed the need to make sure we follow the guidelines. The committee will seek Councilwoman V. Judy Brugh's input before any decision.

**D. 638 Weed Control Program – Jim Mossett**

*Item deferred.*

**E. New Way Energy Services - Jerome Hutchison**

Delvin Foote introduced two friends non-members from New Way Energy Services. Related some experiences with oil field waste being handled incorrectly on the reservation. His company has operated an injection well on his lands just off the reservation near Tobacco Gardens (20 mile from the boundary Centrally located off Hwy 1806 and County 10) and is offering to sell the land and the business for the recycle site. Permitted to accept inert waste. Engineering would need to be modified to hold additional capacity Waste recycling, processing and treatment generate \$160 million in revenues per year in the Bakken. Over 25% of drilling is currently taking place on the reservation. Facility: Recycling and treatment plant. Waste is processed into three groups: Solids (for disposal at landfill), Liquids (for reuse), Oil (for resale). Current Waste: Waste is currently transported from the Reservation to Non Tier-One Facilities. Limited oversight into final disposal of the waste. No standards for truck wash outs before return to duty after hauling contaminated loads. Possibility of contamination returning in "clean" loads. Environmental Oversight: Take complete control over washout procedures of hydrovacs and vac trailers working on the reservation, Ensure proper disposal of all waste affiliated with tribal wells, with end to end documentation, Avoid gray area of proper disposal locations or on site dumping. Process: Hydrovac loads at site : Hydrovac dumps at the facility : Tribe charges \$2,500 (\$40 per barrel plus



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washout) : Hydrovac returns to field, typically doing multiple loads per day.  
Revenue Forecast: Estimated 35 hydrovac loads of waste per day. Estimated  
5 vac trailer loads of waste per day. \$113,000 per day in revenue. \$20  
million in profit annually.

**FTR:** Councilman Cory Spotted Bear joined the meeting at 2:01PM.

Councilman Randy Phelan directed the presenter to work with Steve Gunderson to review, verify, & report back to the Energy Committee in Jan. or Feb.

**Motion:** Councilman Fred Fox moved to authorize Steve Gunderson to work with New Way Energy Services to review viability of their business offer and report back to the Energy Committee. Councilwoman Monica Mayer seconded the motion. Vote: 4-0-0. Motion carried.

#### **IV. NATURAL RESOURCE DEPARTMENT**

##### **A. Easements – Texx Lone Bear, Director**

In the packet on the first page list of properties listed of the tribes properties that the Hwy 73 project will cross. Widen road due to landslide.

FBRW Service line crossing 12 tracks. Consent to ROW

**Motion:** Councilman Fred Fox moved to forward to the next TBC. Councilwoman Monica Mayer seconded the motion. Vote: 4-0-0. Motion carried.

##### **B. Land Sales**

###### **1) Allotment 1257**

Land sale Allotment 1257(East Segment), 2 owners 50% each. Clarinda Moore and Robert Shepard. \$2,000 an acre, negotiated at 260,000 each or \$6,500 per acre. Crop land. Resolution entitled "*Clarinda Moore Land Sale to the Three Affiliated Tribes*"

**Motion:** Councilman Fred Fox forward to the next TBC. Councilwoman Monica Mayer seconded the motion. Vote: 4-0-0. Motion carried.

##### **C. Home Sites**

Erick and Larissa Danks Homesites. Ronald Mann. entitled: "*Approval of Home Site Leases and Utility Corridors for Home Sites*"

**Motion:** Councilman Fred Fox moved to approve subject to a concurrence letter from Councilwoman V. Judy Brugh. Councilwoman Monica Mayer seconded the motion. Vote: 4-0-0. Motion carried.



**D. Easements**

Four Bears segment requesting an easement with the NDDOT to put up a digital sign. Easement application on Hwy 23.

**Motion:** Councilman Fred Fox moved to forward to the next TBC.  
Councilwoman Monica Mayer seconded the motion. Vote: 4-0-0. Motion carried.

**E. Farm Pasture – Diana American Horse**

**1) Agriculture Leases**

Luke/Melissa Spotted Bear Tribal tract T310A-C : Wade Billadeau Tribal tract T1360-A : Stacey Roberts Tribal tract T4053 : Stacey Roberts Tribal tract T326A-A : Stacey Roberts Tribal tract T314A-A : Richard White Bear Tribal tract T170 A-D : Richard White Bear Tribal tract T1360-A : Richard White Bear Tribal tract T95A-B : Richard White Bear Tribal tract T170A-A ; Richard White Bear Tribal tract T936A : Austin Gillette Taken Area (T.A.) : Austin Gillette T828 described as SE1 /4SE1 /4, : Weston Schettler Tribal tract T3028 : Noreen Mossett Tribal tract T704A-A : Noreen Mossett Tribal tract T704A-B : Noreen Mossett Tribal tract T704A-C : Noreen Mossett Tribal tract T704A-D : Devin Johnson Tribal tract T285A : Chad Pennington Tribal tract T407A-A/A-B : Chad Pennington Tribal tract T3063 : Matthew Gilbertson Tribal tract T2277/T3044 : Matthew Gilbertson Tribal tract T317 A-A/A-C/A-E : Matthew Gilbertson Tribal tract T357A : Matthew Gilbertson Tribal tract T356A-A : Matthew Gilbertson Tribal tract T252A-A : Matthew Gilbertson Tribal Fee tract TF003.

**Motion:** Councilman Fred Fox moved to forward Leases to the next TBC.  
Councilwoman Monica Mayer seconded the motion. Vote: 4-0-0. Motion carried.

**F. Game & Fish – Antione Smith, Director**

**1) Report**

Drafted a proclamation for the buffalo season/hunt, don't know if we really need it. Recommending 5 enrolled an 5 non-enrolled raffle. Could sell tickets for \$5,000 or another amount in revenue. Should be no minimum or maximum on the raffle. Kristen Mason gave a report on the big horn sheep. Councilman Fred Fox noted some allottees don't want it in their development area due to the effect on their leases. WPX. There is one big family that will be affected if they put the sheep in that area. Have Antione Smith meet with the allottees in that area. Brandon Harris will meet with Antione Smith. Councilman Cory Spotted Bear would like them all in Twin Buttes. They will not be fenced but GPS collared. All the sheep were tested on December 1<sup>st</sup> with no concerns. The date for the sheep pick up will be in Jan. 2020.



**2) Animal Control**

Had a demo crew show up and wanted to demolish the kennel, but it is still in use. Would like to extend the services. Antione Smith will put together a plan for another kennel. \$1.5 - 3 million to build with a possible location behind the present kennel. Councilman Randy Phelan feels we need to put money into this department. \$2.5million and 2.5 acres would be sufficient to plan on having a kennel. Councilwoman Monica Mayer the area we are thinking on could possibly be over by the old North Segment building by the Department of Transportation. Antione Smith will meet with Lexi Taft or Colter Werlinger from the North Segment office. Antoine Smith states once an animal is put down they could use the land fill but is has to be properly bagged or we will get fined. Patrick Dubois states they can't use the landfill anymore because the tribe will get fined by the State which could jeopardize out permit. New Town takes their trash to the industrial site in Sawyer, but New Town won't pick them up. Councilman Randy Phelan recommended having Antione Smith go to Watford City or Sawyer and work with them and put a schedule together. Councilwoman Monica Mayer states she will pitch in to help out.

**G. Fort Berthold Rural Water – Pem Hall, Director**

Would like to have a site to work with. Handed out a resolution, The site is 2 miles west of the Tribal building. Relocation of their office on land to the west of the tribal building for a shop & equipment yard.

**Motion:** Councilman Fred Fox moved to forward to the next TBC. Councilman Cory Spotted Bear seconded the motion. Vote: 3-0-0. (MM-NV) Motion carried.

Currently working on resolution on the intake area by Mandaree to stabilize access lines. The access road to get there is not safe due to ground movement, need to make it safe to get there. Would like to put up a gate and signage there to restrict access. Bruce Fox is the Operations Supervisor/Water Operator is retiring this Friday after 20 years and the dept. would like to recognize him at the next TBC.

**H. Tribal Utilities – Patrick DuBois, Director**

Want to authorize wage deductions for tribal employees to deduct for rental fees. Patrick recommended doing away with residential fees if the tribe is going to continue to support their budget. Presented two resolutions.

**Motion:** Councilman Fred Fox moved to forward both items to the next TBC. Councilman Cory Spotted Bear seconded the motion. Vote: 3-0-0. (MM-NV) Motion carried.



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- **Solid Waste Departmental Pay Raises.**

**Motion:** Councilman Fred Fox moved to forward to the next TBC.  
Councilman Cory Spotted Bear seconded the motion. Vote: 3-0-0. (MM-NV) Motion carried.

V. **ADJOURNMENT:**

**Motion:** Councilman Cory Spotted Bear moved to adjourn the meeting. Councilman Fred Fox seconded the motion. Meeting adjourned at 2:55PM.

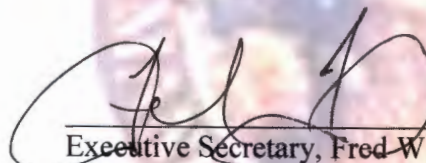





## CERTIFICATION

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 October 2020, that the foregoing Minutes were duly adopted at such meeting by the affirmative vote of 0 members; 0 members opposed; 0 members abstained; 0 members not voting.

Dated this 27<sup>th</sup> day of October, 2020.

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

ATTEST:

  
Committee Chairman, Cory Spotted Bear  
Tribal Business Council  
Three Affiliated Tribes