



CALL TO ORDER:

Councilman Fred Fox called the meeting to order at 11:35 AM.

ROLL CALL:

Present: Councilwoman Monica Mayer, Councilman Cory Spotted Bear (*conference call*), Councilman Fred Fox. *Quorum established.*

I. APPROVAL OF AGENDA

Motion: Councilwoman Monica Mayer moved to approve the agenda. Councilman Cory Spotted Bear seconded the motion. Vote: 3-0-0. Motion carried.

II. APPROVAL OF MINUTES

- **June 1, 2022 Natural Resource Committee Minutes.**

Motion: Councilwoman Monica Mayer moved to approve June 1st, 2022 Natural Resource Committee Minutes subject to minor corrections. Councilman Cory Spotted Bear seconded the motion. Vote: 3-0-0. Motion carried.

III. NEW BUSINESS

A. Ed Hall

Indian Self Determination Act. Ed can't get a land exchange for the tribe. Ed was told BIA has to call the meeting, why can't the Tribe call a meeting to trade land. Ed would like to consolidate his land. Ed can't get a call back from the BIA, they won't answer his calls. Councilman Fred Fox suggested to go see Lone Bear and the Council can approve this. Ed will work with Texx Lone Bear. Lone Bear can present this at the next NRC meeting.

B. Fort Berthold Land & Livestock Association – Ed Danks, Ethan Hall, Jesse Baker, & Gary Danks

See Closed Session.

C. Jackie WhiteCalfe

Item deferred.

D. Financial Request - Nellie Boyd

Item deferred.

E. Derrick Howell

Item deferred.



F. Antonino Brugh

Item deferred.

G. Game & Fish Division – Antoine Smith, Director

Submitted proclamations & resolution for review.

Blanket Motion: Councilwoman Monica Mayer moved to proclamations and forward resolution entitled "*Approval of the 2022-23 Hunting Proclamations.*" to TBC. Councilman Cory Spotted Bear seconded the motion. Vote: 3-0-0. Motion carried.

H. GIS Program – Tanya Sand-Driver, Director

1) Data Request

Data request from GIS. There are 3 requests that need approval. Carly Griffith is doing research, she is a Ph.D. Candidate in the Department of Geography at the University of Wisconsin-Madison and have conducted research in western North Dakota over the past two years. She works with the Minerals and the allottee on the lake bed. Her doctoral dissertation research looks at the legal and environmental history of mineral rights to the Missouri riverbed and is broken into three different areas: the Missouri riverbed within the Fort Berthold Reservation of the MHA Nation; the flooded uplands beneath Lake Sakakawea outside of Fort Berthold; and the Little Missouri National Grassland. In April 2022, I presented my research proposal to the MHA Nation Executive Committee for the work that would take place within Fort Berthold. As part of this research for my doctoral dissertation, I'd like to submit a data request to the MHA Nation Natural Resources Committee and GIS Office. The data request includes: Shapefile for the historical Missouri River channel before the Garrison Dam was built Shapefile property boundaries and tract numbers for the surface and mineral estates to the flooded uplands below Lake Sakakawea and the Missouri River. In this research for my doctoral dissertation, I want to focus on the historical and cultural uses of the riverbed by the Three Affiliated Tribes that informed the recent Department of Interior Solicitor Opinion (February 2022), which affirmed MHA Nation's ownership of the Missouri riverbed within Fort Berthold. The research would also discuss the longer history of the Missouri riverbed dispute: After the Garrison Dam flooded 150,000 acres of the most fertile lands at Fort Berthold and forcibly displaced hundreds of families, MHA Nation invoked the federal government's fiduciary trust obligations to MHA Nation -as established in the Fort Laramie Treaty of 1951 -to restore mineral rights below the flooded uplands of Lake Sakakawea to the Tribe under the Fort Berthold Mineral Restoration Act of 1984. However, in 2017 the state of North Dakota claimed the Missouri riverbed minerals within the exterior boundaries of the Fort Berthold Reservation, and the dispute went to the Department of Interior for resolution. Over the next five years, there were a total of four Department of Interior Solicitor Opinions, issued under different presidential administrations, that went back and forth on whether the Missouri riverbed within Fort Berthold belonged to MHA Nation or the state of North Dakota. The most recent opinion from Solicitor Anderson, which affirmed MHA Nation's ownership of the Missouri riverbed, relied on extensive historical evidence of the many cultural uses of the riverbed by the Three Affiliated Tribes over the past 150 years. My research looks at how this historical and cultural evidence was



used to affirm MHA Nation's sovereign ownership of the Missouri riverbed. The research includes legal and archival research, such as oral histories on the impacts of the Garrison Dam, and interviews with members of MHA Nation. As part of this research, it would be very helpful to read portions of the historical report prepared by Dr. Michael Lawson and his firm to inform the 001 Solicitor Opinions, if partial or full access to the document is approved by MHA Nation's legal counsel. Have her fix it and say 'lake bed' not river bed (*see in hand out*). Carly would like to do the research for her dissertation. Requesting to do research.

Motion: Councilwoman Monica Mayer moved to forward to TBC (request for research proposal). Councilman Cory Spotted Bear seconded the motion. Vote: 3-0-0. Motion carried.

2) Map Requests - Debora Chase Bell & RTC

Debora Chase Bell an allottee that lives in Wolf Point Montana is requesting maps of gathering lines from EOG, Targa, Bear Claw. Councilman Fred Fox states, she could get a map as requested. Allotments 571A-C, 2188, 2008 in Dunn & McKenzie counties..

RTC is requesting land ownership maps. Tanya states she told them they need approval from NRC to do this. Tanya states they give them maps of allotment numbers and not the names.

BIA 17 found leafy spurge (by drone) by Moccasin Creek. Is there something we can do for the leafy splurge, there is also some coming up in White Shield. Someone is also camping there without permission on tribal land, along BIA 17, 25298.

I. Warriors of the Plains Challenge – Laci Schettler

Also known as Saddle Butte Challenge. Total amount for the event needed is \$25,100. Have been fundraising, and seeking donations from local businesses, Oil Field Companies, and the College. There will be a Women's Ultimate warrior race, running 3 miles, Swimming 1 mile, and 3 horses/3women. There will be a flat race cowboy and cowgirls 45 years old and over. Also, a flat race for little cowgirls and cowboys 16 and under. This is also known as Saddle Butte Challenge, will be held out by Saddle Butte area.

Motion: Councilwoman Monica Mayer moved to forward to TBC. Councilman Cory Spotted Bear seconded the motion. Vote: 3-0-0. Motion carried.

IV. NATURAL RESOURCE

A. Home Site Applications July

Issue, house did not hold up, requesting Lot 3 & 4. Councilwoman Monica Mayer states they will demo the building down. Joan Mandan's old house on Sanish, want to also.

- 1) **Justice Rabbithead**, an Enrolled Member, requesting a home site on Tribal Land T 3168, Lot 3 & 4, Block 6, Original Townsite of Van Hook, Section 32, T. 152 N., R. 91 W., Mountrail County, 5th PM of North Dakota, more or less.



Motion: Councilwoman Monica Mayer moved to forward resolution to TBC. Councilman Cory Spotted Bear seconded the motion. Vote: 3-0-0. Motion carried.

- 2) **Brianna Foote**, an Enrolled Member, requesting a home site on Tribal Land 56-00061385, outlot 14 of Govt Lot 10 of SE, New Town City, Section 7, T. 152 N., R. 92 W., Mountrail County, 5th PM of North Dakota, more or less.
- 3) **Brooke Filesteel**, an Enrolled Member, requesting a home site on Tribal Land T 1438, Lot 2, Section 7, T. 150 N., R. 92 W., Mountrail County, 5th PM of North Dakota, more or less.

Motion: Councilwoman Monica Mayer moved to forward resolutions for both Brianna and Brook to TBC. Councilman Cory Spotted Bear seconded the motion. Vote: 3-0-0. Motion carried.

B. Indian Health Service Easement – Sewer Corridor

Resolution presented. *See documents.*

Motion: Councilman Cory Spotted Bear moved to forward sewer line resolution to TBC. Councilwoman Monica Mayer seconded the motion. Vote: 3-0-0. Motion carried.

C. MEC Bobby Big Lake Service Line

Need to list all allotment going across. Would like to add the easement to the amendment.

Motion: Councilwoman Monica Mayer moved to forward amendment to TBC. Councilman Cory Spotted Bear seconded the motion. Vote: 3-0-0. Motion carried.

D. Land Sale – 2 North Segment

Old MWEC building on Main street. next to the post office, put in a bid but have not received anything yet, its one lot. Lots 10-12 are already owned by North Segment. \$120,000 sale price, Councilwoman Monica Mayer offered \$125,000. If they accept the bid, we will find something to put there. So far we bid on it only.

Motion: Councilwoman Monica Mayer moved to forward bid to TBC. Councilman Cory Spotted Bear seconded the motion. Vote: 3-0-0. Motion carried.

Sunny R Hall would like to sell this property. She has an appraisal for the lot already. Councilwoman Monica Mayer would like to put a day care center there.

Motion: Councilwoman Monica Mayer moved to forward Home Purchase to TBC. Councilman Cory Spotted Bear seconded the motion. Vote: 3-0-0. Motion carried.

E. Land Exchange

1) West Segment – Howard Fettig

\$1,300 per acre appraisal. He wants to increase his share. 100% tribally owned. Value for Value. Councilman Cory Spotted Bear states, if its value for value we should be good, Texx Lone Bear can do that.



Motion: Councilman Cory Spotted Bear moved to forward land exchange to TBC for discussion. Councilwoman Monica Mayer seconded the motion. Vote: 3-0-0. Motion carried.

2) South Segment – Jim Mossett

Councilman Cory Spotted Bear is good with dollar for dollar.

Motion: Councilman Cory Spotted Bear moved to forward to TBC. Councilwoman Monica Mayer seconded the motion. Vote: 3-0-0. Motion carried.

3) East Segment – Dr. Angelita Felix

Tribe already owns some in this. \$27,000 is the Tribes share and she is asking for \$37,000. Councilman Fred Fox get recommendation from TBC, prepare 2 resolutions for TBC.

Motion: Councilwoman Monica Mayer moved to forward both resolutions to TBC. Councilman Cory Spotted Bear seconded the motion. Vote: 3-0-0. Motion carried.

Agnes Lockwood-Vondell – \$148,000. 160 acres

Motion: Councilwoman Monica Mayer moved to forward to TBC. Councilman Cory Spotted Bear seconded the motion. Vote: 3-0-0. Motion carried.

F. Agricultural Leases

Ivan Johnson and Wilbur Hunts Along.

Blanket Motion: Councilwoman Monica Mayer moved to forward resolutions to TBC. Councilman Cory Spotted Bear seconded the motion. Vote: 3-0-0. Motion carried.

G. Range Unit 208

Some people held 4th of July at Hale Marina. Liability issue with the relay race. There is no recreational lease for hale Recreation (Not an actual recreation area). Councilwoman Monica Mayer states, that is a trespass. Faye Moberg (her land) is worried about liability issue. This is not a recreational area. Corp gave this back to the tribe. Councilman Cory Spotted Bear states, we should get Legal to look at this. Councilwoman Monica Mayer states, there are 4-5 campers set up by the Interpretive Center. They should not be able to tear up that land, they should not be camping there. They stated they have been camping there for years, and Tourism lets them do it. This is a violation for the casino.

Motion: Councilman Cory Spotted Bear moved to have Texx Lone Bear check into these two areas. Forward to TBC. Councilwoman Monica Mayer seconded the motion. Vote: 3-0-0. Motion carried.

H. Fort Berthold Rural Water (FBRW)

• **Wolf Chief**

Resolution entitled, "*Consent to Certain Right(s) of Way across Tribal land.*",



Motion: Councilwoman Monica Mayer moved to forward the resolution entitled, "*Consent to Certain Right(s) of Way across Tribal land.*", to TBC. Councilman Cory Spotted Bear seconded the motion. Vote: 3-0-0. Motion carried.

- **Little Shell Intake**

Resolution entitled, "*Consent to Certain Right(s) of Way across Tribal land.*"

Motion: Councilwoman Monica Mayer moved to forward the resolution entitled, "*Consent to Certain Right(s) of Way across Tribal land.*" to TBC. Councilman Cory Spotted Bear seconded the motion. Vote: 3-0-0. Motion carried.

- **FBRW Building**

Motion: Councilwoman Monica Mayer moved to forward the resolution to TBC. Councilman Cory Spotted Bear seconded the motion. Vote: 3-0-0. Motion carried.

- **Rural Water Connection**

Mary Yeahquo needs a Rural Water connection (5 existing homes in South segment) – Councilwoman Monica Mayer asked if the Chairman has permission to approve rows. Tribe gives permission to do so.

Motion: Councilman Cory Spotted Bear moved to forward to TBC. Councilwoman Monica Mayer seconded the motion. Vote: 3-0-0. Motion carried.

- **IHS waiver of 1% resolution.**

In Mandaree They are willing to cover the cost and are asking the tribe to waive fees.

Motion: Councilman Cory Spotted Bear moved to forward resolution to TBC. Councilwoman Monica Mayer seconded the motion. Vote: 3-0-0. Motion carried.

- **New West Segment Water Treatment Plan**

Resolution authorization to fund construction of New West Segment Water Treatment plant. Total allocation is \$7 million. Councilman Fred Fox reminded Councilwoman Monica Mayer that there will need to be a big discussion on getting monies from the State, Standing Rock gets \$20 million, their whole Council goes to Washington, DC to lobby. Councilwoman Monica Mayer suggests, this committee should go to DC with FBWR and lobby.

Motion: Councilwoman Monica Mayer moved to forward resolution to TBC for water treatment plant in Mandaree. Councilman Cory Spotted Bear seconded the motion. Vote: 3-0-0. Motion carried.

V. CLOSED SESSION:

A. Dayton Mandan

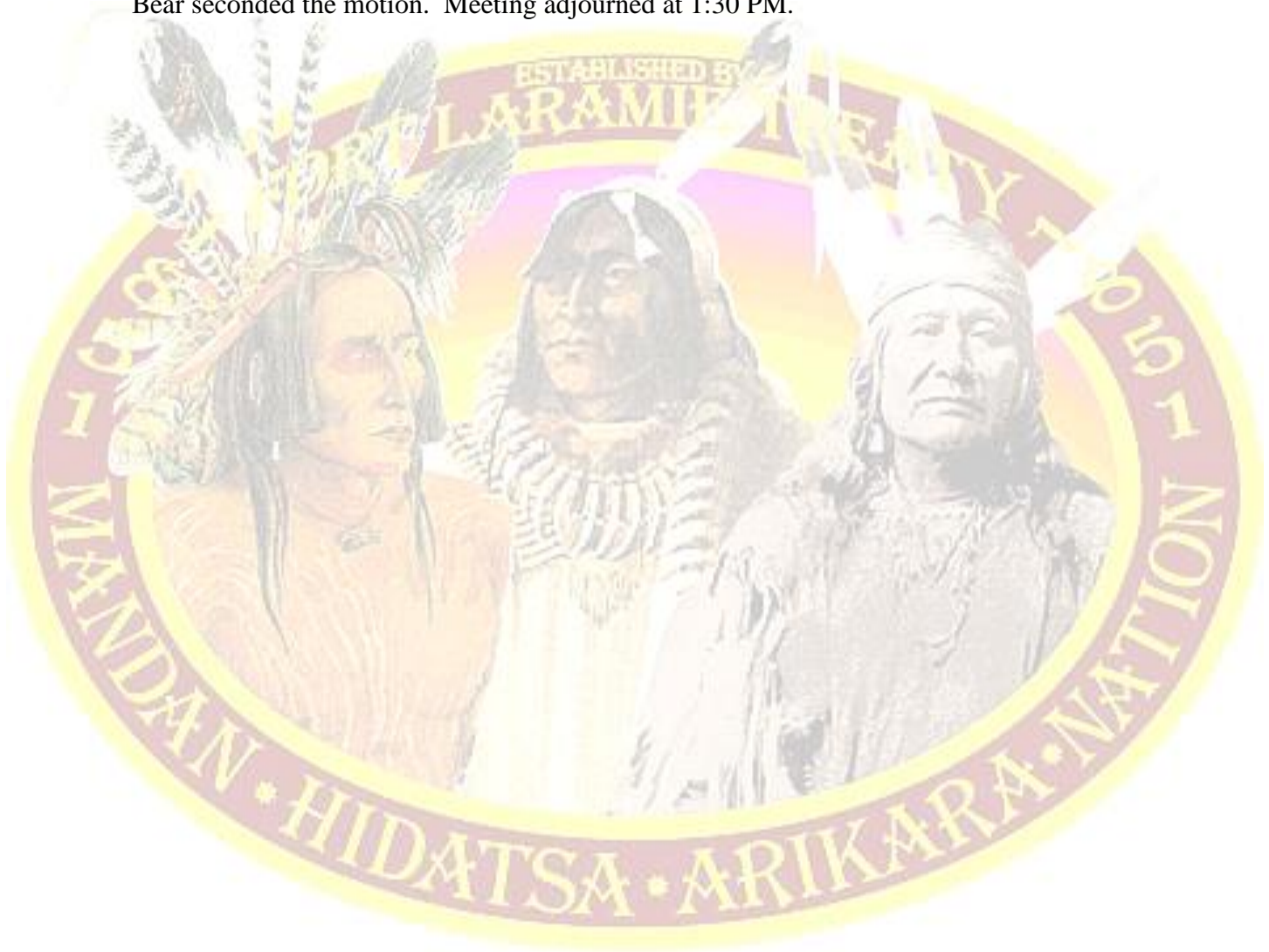
B. Fort Berthold Land & Livestock Association – Ed Danks, Ethan Hall, Jesse Baker, & Gary Danks



C. Jackie WhiteCalfe

VI. ADJOURNMENT

Motion: Councilwoman Monica Mayer moved to adjourn the meeting. Councilman Cory Spotted Bear seconded the motion. Meeting adjourned at 1:30 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 and of whom three (3) constitutes a quorum of 3 were present at the meeting thereof duly called, notice, convened and held on the 10th day of August, 2022, 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 10th day of August, 2022.

ATTEST:


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


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