



CALL TO ORDER:

Councilman Cory Spotted Bear called the meeting to order at 12:26 PM.

ROLL CALL:

Present: Councilwoman Monica Mayer, Councilman Cory Spotted Bear, Councilwoman Sherry Turner-Lone Fight, & Councilman Fred Fox. *Quorum established.*

I. APPROVAL OF AGENDA:

Motion: Councilwoman Monica Mayer moved to approve the agenda. Councilwoman Sherry Turner- Lone Fight seconded the motion. Vote: 4-0-0. Motion carried.

II. APPROVAL OF MINUTES:

• **January 4th, 2023 Natural Resource Committee Minutes.**

Motion: Councilwoman Monica Mayer moved to approve January 4th, 2023 Natural Resource Committee Minutes subject to minor corrections. Councilwoman Sherry Turner-lone Fight seconded the motion. Vote: 4-0-0. Motion carried.

• **February 1st, 2023 Natural Resource Committee Minutes.**

Motion: Councilwoman Monica Mayer moved to approve February 1, 2023 Natural Resource Committee Minutes subject to minor corrections. . Councilman Fred Fox seconded the motion. Vote: 4-0-0. Motion carried.

III. NEW BUSINESS:

A. NDDOT

A resolution for Highway 73 was submitted to BIA for a Right a Way. Realized we had a 30-year easement in place and not a perpetual easement. Would like to make the change in the resolution to perpetual. Texx suggests to take it back to legal. Would like to put bid in in April.

Motion: Councilman Fred Fox moved to forward to TBC with Legal review, to resolve the 30-day perpetual easement. Councilwoman Monica Mayer seconded the motion. Vote: 4-0-0. Motion carried.

The other part to this project is special funding. Want to put in a bid in this year in April. The urgency was getting it corrected. Texx Lone Bear states, it's ready to go to bid.

Motion: Councilman Fred Fox moved to forward subject to Legal review & perpetual easement language. Councilwoman Monica Mayer seconded the motion. Vote: 4-0-0. Motion carried.

B. T.J. Plenty Chief

We are requesting that the Three Affiliated Tribes secure a surveyor to survey our road to our homesite. Our homesite was approved at tbc on august 13th,2020. The resolution number is 20-149-FWF. This lease was signed and recorded by then B.I.A. Superintendent, Kayla Danks on 9-9-2020. We have been waiting for the past 2 years for a road to be built to our homesite. To help



THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
NATURAL RESOURCE COMMITTEE
MARCH 1st, 2023 MINUTES
[CLOSED SESSION CONTENT EXCLUDED]

expediate the construction process we received a temporary right of way from the Pennington family to utilize the section line that crosses their land to gain access to our homesite. Our contractor White horse construction has been flexible in using this dirt road on the section line. They have excavated the site, poured the basement, framed the basement, framed the deck, and are working on framing the main floor. It was my understanding that this homesite road would be taken care of by the tribe. I have been informed by the tribal roads dept that they require a written easement from the B.I.A. to begin the construction on the road. Tanya Sand (GPS Dept.) did a survey of the road with longitude and latitude information but the bureau has informed us that the survey needs to be done by a certified surveyor. I have also been informed by Mountrail-Williams Electric Co-op that they will not start construction of any kind without a road. I believe this is something that could've been taken care of when the homesite was approved. We are now on our 3rd TAT Roads Director since we were granted our homesite. We are asking your help to achieve our dream of homeownership at our homesite. Can you please have our road surveyed. Texx states a BIA requirement they should provide a surveyor, it is up to the homeowner. Texx will look into it. Joe from FBRW states a map from a land surveyor, need to have a map or grant of easement. Councilman Cory Spotted Bear asked Texx how T.J. can get this road built. There were surveys going on the roads, there was a meeting last year. Councilman Fred Fox states, the ones in White Shield were done, why not in North Segment? Tanya Sands' maps will not work, or can be accepted. Joe states they use surveyor and map location and then 60 days to issue a grant ROW. Joe states, there needs to be a map of allottee land, Tanya Sands' maps will not work. T.J. states the road is 100% tribal needing to cross to get to his home site. TAT Roads needs an easement to put in a road. Roz Crows Heart works with the Roads Dept. T.J. feels he turned in all documents and all the information required. Councilman Cory Spotted Bear thinks his road should be able to get put in if he has everything required. T.J. kept copies of all the emails he was sent. I have reached out to Texx Lone Bear (natural resource Director). He referred me to Tony smith (Fish and Game Director) After a discussion with her on the phone she let me know that they decided the best recourse would be to approach NRC and then TBC. I am requesting a permit from the tribe to harvest firewood on TAT tribal lands. I am requesting that dead standing, laying or windblown be considered free. I am offering \$1.00 per stump per live tree with a -10% harvest in any tribal land. Dead trees would be cleared first and appropriate live trees would be surveyed at the same time. They would be harvested after the initial clean-up. This firewood would be used for 3 reasons. 1. Personal home use, our family has relied on wood heat for a number of years. Our future plans are to move to our new home in shell creek. We have a wood stove lined up for this new home. Being substantially larger than the space we are heating now, we will need more firewood. 2. Ceremonial use. We are very involved in our culture. The firewood would be used for prayer purposes. Including Medicine Butte Sundance, Native American Church and sweat lodge ceremonies. 3. The other purpose would be to sell. We were raised and taught to be self-sufficient people. I believe there is a small market in our area for firewood. T.J. believes he can provide a quality product for those who need firewood for whatever reason. I have the tools and equipment to succeed at this opportunity. Councilman Cory Spotted Bear states, maybe we should table this until we see what other tribes are doing. T.J.'s wife will look into see if there are permits required. Committee needs to give a directive to Roz to work on it, Councilman Cory Spotted Bear will call Roz.

C. Marita Abe



Roger White Owl presented for Marita Abe. A proposed new site for new Community building. Requesting to forward for final approval for the new site. Will work with Natural Resources to get a resolution ready to present. According to the engineers the drainage is okay.

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

D. Game & Fish – Antonia Smith, Director

Co-op service agreement with USDA, pertains to predator control, mostly around live stock lots. In the past they have had tribal members call in with problems. Most complaints are from East Segment. USDA will assist with aeriels. Councilman Cory Spotted Bear asked if Twin Buttes could be included, Toni states, it is for the whole reservation.

- **Eagle Retention Permit**

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

Eagle Retention Permit Eagle Feathers or Parts. Permit has to come from Denver. Tribes now can get permits and they can distribute in their Tribe. Will put in for a permit and put a plan together after putting in for the permit.

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

- **Small Fur Bearing and Fishing Proclamations**

Proclamation for small fur bear and fishing. A potential study to study habitat. Would be in conjunction of other Big Horn Sheep.

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

Proclamation 2022-2024

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

Animal control will need to push forward towards Law Enforcement, so they can issue citations. Councilwoman Monica Mayer states, we should forward to Executive Committee to make a decision. Animal Control and Conservation should be separate/standalone Program.

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

Discussion: Councilwoman Sherry Turner-Lone Fight states, there is a dog issue in White Elk. A man was bitten. The dog situation is getting out of control again.



E. Daryl Fry Proposal

This land used to belong to a Mathews family, and they sold the land in question to the Tribe. This is the official request to work the land. Lot is located in Minot ND. Bought lot in 2012, Family sold it to the Tribe. Mr. Fry is offering \$15,000 for the lot. Texx Lone Bear will look into it more. Haven't done anything with this since purchased.

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

F. Carey Dreher

Carey has been working with Pete Fredericks on his livestock water pipeline ROW for a pasture tap, need a survey from a certified surveyor. The land in question is on 100% tribal land. Add to the Tribe, Pete's Fredericks's contract. Councilman Cory Spotted Bear states, this will help the Bison Project in South Segment, even if we have to use some Segment funds. Councilman Cory Spotted Bear wants this to get done.

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

G. Mobil Home Tax

The Tribe acquired lots located mostly in Lincoln Burleigh County area. They send the billing to Texx Lone Bear and last year they paid them so no one would lose their property. Some of the bills might belong to Home Mortgage. Councilman Cory Spotted Bear suggested, bringing to Executive Committee and the Executive Committee will assign this to the CEO.

IV. NATURAL RESOURCE:

A. Home Site Applications:

Three Home Site Applicants. 2 Resolutions.

- Northeast Segment - Sevant S. Taft, a Tribal member, is requesting a Home Site on Tribal Fee Patent Tract 58-0044800, City of Parshall, Lot 16, Block 016, Couch's Addition, within Section 25, T.152., R.90 W., Mountrail County, 5th PM of North Dakota, more or less.
- West Segment – Kathy Lone Fight, a Tribal Member, is requesting a 2.5-acre home site on T 710A SW1/4SE1/4SE1/4SE1/4, Section 2, T. 149 N., R. 94 W., McKenzie County, 5th PM of North Dakota, more or less.
- West Segment – Adriana Young Bird, a Tribal member, is requesting a 2.5-acre home site on T 690A-B, NW1/4NW1/4NW1/4SW1/4, Section 16, T. 149 N., R. 93 W., Dunn County, 5th PM of North Dakota, more or less.

Motion: Councilwoman Monica Mayer moved to forward resolutions (93) to TBC. Councilman Fred Fox seconded the motion. Voted: 4-0-0. Motion carried.

B. Land Sales:

- **Patiently Martinez Land Sale.**



This is located in the White Shield area by the Episcopal Church. Approval to get appraisals on this land. There are 2 allotments, 1141 and 552A. Councilman Fred Fox requested that it be forwarded to TBC. Texx Lone Bear will get an appraisal and bring back to NRC Committee.

- **Jeremy Young Wolf Property Sale.**

In Bakersfield, 10 acres. Requesting an order for an appraisal.

Motion: Councilman Fred Fox moved to move forward with appraisal value. Councilwoman Monica Mayer seconded the motion. Vote: 4-0-0. Motion carried.

- **Territorial Inn Property Sale**

Location of property is by Scenic. Workers need a place to stay while building the casino hotel.

Motion: Councilman Fred Fox moved to move forward with appraisal. Councilwoman Monica Mayer seconded the motion. Vote: 4-0-0. Motion carried.

- **Allotment 301-568A-Return to Trust Request**

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

C. Land Exchanges:

1) **Maxine Buffalo**

Texx Lone Bear would like appraisals redone. Need updated appraisals.

Motion: Councilman Fred Fox moved to get a new appraisal. Councilwoman Monica Mayer seconded the motion. Vote: 4-0-0. Motion carried.

2) **James Mossett Land Exchange**

They have been working with Mr. Mossett in regards to the land and they have come to an agreement. In the previous approvals that were passed, some of the land information was wrong. Because of this the approved appraisal amounts have changed.

Councilwoman Monica Mayer suggests to forward to Executive and Review at TBC. Councilman Cory Spotted Bear wants the old and new appraisals.

3) **Matt Mason**

Would like to exchange for land around his house.

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

D. Agriculture Leases:

- **Tom Bruer**



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

- **Richard White Bear**

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

V. TRIBAL UTILITIES

Item deferred.

VI. FORT BERTHOLD RURAL WATER (FBRW) – *Joseph Silveria, Director*

Report submitted for the record. Washington DC Trip for National Rural Water Rally (February 2023). Delegation visit regarding DWRA: Senator Hoeven aware of TAT/FBRW reached ceiling limit. Asked us to work with Dakota Area Tribes and State of ND on plan for unified action and Reauthorization and Ceiling increase. Senator Cramer Staffers to Coordinate with Senator Hoeven's Office. Congressman Armstrong will meet with Senator's Hoeven and Cramer on DWRA. North Dakota House Bill 1385 Adds "And Federally Recognized Tribes" into Century Code for Department of Water Resources funded projects passed house with no opposition. Previous law made Tribal Nations ineligible for funding due to law being silent on Tribes being an eligible sponsor. 20% of Oil Taxes collected from MHA Nation goes into Rural Water Funding for the State. (2) Engineering Firms (AE2S & Moore Engineering) lobbied under Gov. Dalrymple administration to exclude Tribal Nations saying Tribes were a Federal Obligation. House Bill 1385 now goes before Senate for a vote. Recreational Areas (Van Hook) Refusal of Right of Ways for Enrolled members living within Rec Area. Rec areas are a consecutive system and served by FBRW only. No responsibility after point of delivery. FBRW Cannot operate within some areas, Cannot connect to another unregulated PWS. Federal Funding Applications: FBRW Submitted 12 O&M Projects totaling \$53,000,000.00 to the Bureau of Reclamation under the Bipartisan Infrastructure Law (BIL). Determination by Bureau of Reclamation on March 6th, 2023, Aging Infrastructure projects in each Segment. HUD Application for Mandaree Water Treatment Plant \$20,000,000.00 reimbursement possible to MHA for Tribal Contribution. I.H.S SDS list using (IIJA) (BIL), Money received for applications for 4 projects for FY22 & FY23. Elbowoods Master Plan: Consultant to City of New Town called EPA questioning serving campus with FBRW and City of New Town. EPA will Consider Elbowoods its own Public Water System if served by both. Recommend Served by city with ability to terminate agreement at any time. Allow time for FBRW to build infrastructure to support whole campus. Acquisition of Parshall Water Treatment Plant. City Council Meeting March 8th. Propose \$8,000,000.00 purchase, lower water bills for Segment. Extend Parshall Water to Elbowoods. There are currently 75 projects currently going on in the FBRW Department.

A. **Twin Buttes Tank Funding Request**

Motion: Councilwoman Monica Mayer moved to forward to TBC. Councilwoman Sherry Turner-Lone Fight seconded the motion. Vote: 4-0-0. Motion carried.

B. **FBRW Office/Shop Land Acquisition Resolution**



Motion: Councilwoman Monica Mayer moved to forward resolution entitled *"Approval and Authorization of Fort Berthold Rural Water to Proceed with South Segment Water storage capacity upgrade, Not to Exceed \$5,000,000.00 for the Immediate Needs of the South Segment and The Three Affiliated Tribes."* to TBC. Councilwoman Sherry Turner-Lone Fight seconded the motion. Vote: 4-0-0. Motion carried.

C. 16.5 million Request to Build New Building.

Have some monies for infrastructure.

Motion: Councilwoman Sherry Turner-Lone Fight moved to forward resolution entitled *"Authorizing Funding to Construct A New Operations Facility For The Fort Berthold Rural Water Program."* to TBC. Councilwoman Monica Mayer seconded the motion. Vote: 4-0-0. Motion carried.

D. BIA Subdivision for Four Bears Resolution

Motion: Councilwoman Sherry Turner-Lone Fight moved to forward resolution entitled *"Consent to Certain Right(s) of Way across Tribal land."* to TBC. Councilwoman Monica Mayer seconded the motion. Vote: 4-0-0. Motion carried.

E. ROW for Water Tank in Mandaree Resolution

Motion: Councilwoman Sherry Turner-Lone Fight moved to forward resolution entitled *"Consent to Certain Right(s) of Way across Tribal land."* to TBC. Councilwoman Monica Mayer seconded the motion. Vote: 4-0-0. Motion carried.

F. Recreation, Industrial & Commercial Charge

Recreational, Industrial and Commercial will be charged.

Motion: Councilwoman Sherry Turner-Lone Fight moved to send a letter out for people who will be charged with Recreational, Industrial and Commercial use. Councilwoman Monica Mayer seconded the motion. Vote: 4-0-0. Motion carried.

G. Dakota Water Resources

No action taken.

H. Issue with Recreation and Termination and Discontinue Service.

Having a hard time with termination and discontinued service, would like to address this at Executive. Councilwoman Monica Mayer suggests to put together a meeting, vet it out and bring back to Committee.

VII. CLOSED SESSION

A. Koty Brugh

B. GIS – Tanya Sand, Director

VIII. ADJOURNMENT:



THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
NATURAL RESOURCE COMMITTEE
MARCH 1st, 2023 MINUTES
[CLOSED SESSION CONTENT EXCLUDED]

Motion: Councilwoman Monica Mayer moved to adjourn the meeting. Councilwoman Sherry Turner-Lone Fight seconded the motion. Meeting adjourned at 2:21 PM.



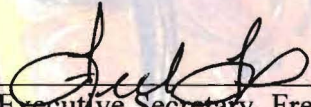



CERTIFICATION

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 25th day of April, 2023, 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 25th day of April, 2023.

ATTEST:


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


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