

RESOLUTION OF THE GOVERNING BODY OF  
THE THREE AFFILIATED TRIBES OF THE  
FORT BERTHOLD RESERVATION

- WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and
- WHEREAS, The Constitution of the Three Affiliated Tribes generally authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and
- WHEREAS, Article VI, Section 5(c) of the Three Affiliated Tribes specifically authorizes and empowers the Tribal Business Council to administer any funds within the exclusive control of the Tribes and to make expenditures from available Tribal funds for public purposes of the Tribes; and
- WHEREAS, Article VI, Section 5(i) of the Constitution of the Three Affiliated Tribes specifically authorizes and empowers the Tribal Business Council to lease Tribal lands and to otherwise manage Tribal lands, interests in Tribal lands, and property situated on such lands; and
- WHEREAS, Approximately two (2) years ago, Edwin Hall was lessee of 345 acres of Tribal land within tracts T538A-B, T549A, and T1853 (previously referred to as the "golf course pasture") and had constructed a fence approximately 2.5 miles in length on the leased tracts, the cost of which fence construction Mr. Hall personally incurred; and
- WHEREAS, Edwin Hall was subsequently approached by personnel with the Cattle Relending Program of the Three Affiliated Tribes with a request that he relinquish his lease of the Tribal acres identified herein, so as to enable the Cattle Relending Program to lease the Tribal acres for use as a cattle holding headquarters for the handling and processing of Program cattle; and
- WHEREAS, Edwin Hall complied with the request by effectively relinquishing his lease to the Cattle Relending Program and requested, in turn, that he be reimbursed for the reasonable cost of the construction of the fence which he had erected on the leased acres and which was to remain on the leased acres after his relinquishment of the lease; and

**WHEREAS,** The Natural Resources Committee of the Tribal Business Council, at its April 30, 1996 meeting, formally approved the prospective reimbursement to Edwin Hall of the reasonable cost of construction of the fence at issue and directed (1) the Natural Resources Department to perform an on-site inspection to determine the exact length of fence constructed by Mr. Hall and (2) the Cattle Relending Program to secure an estimate of the reasonable fencing costs (see attached copy of minutes of April 30, 1996 meeting of Natural Resources Committee); and

**WHEREAS,** Edwin Hall has requested that the Tribal Business Council approve payment to Mr. Hall in the total amount of Ten Thousand, One Hundred, Twenty and 00/100 Dollars (\$10,120.00), as and for reimbursement to Mr. Hall of the reasonable cost of construction of 2.5 miles of fence (see attached copy of October 31, 1996 statement of Kyle Baker, Natural Resources Department Administrator) at the rate of Four Thousand, Forty-Eight, and 00/100 Dollars (\$4,048.00) per mile of fence (see attached copy of November 13, 1996 fencing cost estimate submitted by Merlin Neumiller, NRCS Tribal Liason); and

**WHEREAS,** Based upon its review and consideration of the facts, circumstances, and documentation related to the reimbursement requested herein, it is the considered judgment of the Tribal Business Council that (1) Edwin Hall should be reimbursed by the Three Affiliated Tribes at this time for the reasonable cost of materials for the construction of 2.5 miles of fence at the rate of Two Thousand, Eight Hundred, and 00/100 Dollars (\$2,800.00) per mile and (2) the request of Edwin Hall for reimbursement of the reasonable cost of labor for the construction of 2.5 miles of fence should be referred back to the Natural Resources Committee for review, consideration, and specific recommendation to the Tribal Business Council;

**NOW, THEREFORE, BE IT RESOLVED,** That the Tribal Business Council of the Three Affiliated Tribes hereby authorizes and directs that payment be forthwith made to Edwin Hall in the amount of Seven Thousand and 00/100 Dollars (\$7,000.00), as and for reimbursement of the reasonable cost of materials for the construction of 2.5 miles of fence at the rate of Two Thousand, Eight Hundred, and 00/100 Dollars (\$2,800.00) per mile.

**C E R T I F I C A T I O N**

I, the undersigned, as Secretary of the Tribal Business Council of




the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 18<sup>th</sup> day of December, 1996; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 4 members, 0 members opposed, 2 members abstained, 1 not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 18<sup>th</sup> day of December, 1996.

Daylon Spotted Bear  
Secretary, Tribal Business Council

ATTEST:

  
\_\_\_\_\_  
Chairman, Tribal Business Council

UNITED STATES  
DEPARTMENT OF  
AGRICULTURE  
TELEPHONE: 701-627-3627

NATURAL RESOURCES  
CONSERVATION  
SERVICE

FORT BERTHOLD OFFICE  
HC3 BOX 2  
NEW TOWN, ND 58763

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November 13, 1996

To: Natural Resources Committee  
Three Affiliated Tribes  
New Town, ND

From: Merlin Neumiller  
NRCS Tribal Liaison



Re: Fencing Costs

The NRCS will cost-share the following amounts for fence construction:

3-wire fence @ \$.47 per foot = \$2481.60 per mile  
4-wire fence @ .54 per foot = 2851.20 per mile

However, these amounts may be lower than actual costs incurred during construction. Actual costs for construction of one mile of 4-wire fence would approximate:

16 rolls of barbed wire	X	\$32.00/roll	=	\$ 512.00
320 steel posts	X	2.50/post	=	800.00
12 brace posts	X	8.00/post	=	96.00
<u>Labor (5280 ft)</u>	<u>X</u>	<u>.50/ft</u>	<u>=</u>	<u>2640.00</u>
<b>Total estimated cost</b>				<b>\$4048.00</b>

Again, this is an estimate that may be conservative, particularly considering the ruggedness of the Ft. Berthold Reservation's grazing lands. Labor costs may vary considerably based on the terrain and other factors.

I hope this information is of some assistance.

NATURAL RESOURCES COMMITTEE  
THREE AFFILIATED TRIBES  
APRIL 30, 1996

ITEM 1.       **CALL TO ORDER**

Meeting was called to order at 1:30 p.m.

ITEM 2.       **ROLL CALL**

**PRESENT:** Austin Gillette, Committee Chairman; Edwin Hall, Member; Eugene Voigt, Member; John Stone, Jr., Member.

**ABSENT:** Ivan Johnson, Member.

**OTHERS:** Tom Disselhorst, Legal Department; Kyle Baker, Natural Resources; Russell Mason, Tribal Chairman; Abigail Bingen, Assistant; Marcus Wells, Jr., TERO; Corps of Engineers Representatives: Joseph E. Hall, Lake Manager; Steve Gilbert, Archaeologist; Gary Leidletter, Natural Resources Specialist; Francis "Bud" Kuhn, Real Estate.

ITEM 3.       **MAHTO BAY ISSUE (CORPS OF ENGINEERS)**

Corps of Engineers gave an update on their position regarding the Mahto Bay Issue. They stated that they have not been contacted except for a letter dated April 8, 1996 from the States Attorney of Mercer County. There was no meeting date set, Mercer County just indicated that they wanted to have a meeting. Corps of Engineers have kept in contact with Kyle Baker regarding this issue.

Joseph E. Hall, Lake Manager for the Corps of Engineers stated that they have committed \$10,000.00 to fight leafy spurge this year. He gave a briefing on the areas they would be targeting. The Committee thanked the representatives from the Corps of Engineers for coming.

ITEM 4.       **DELVIN FOOTE - HOLE PLUGGING BONDING**

Marcus Wells, Jr., TERO Director, stated that he had been contacted by Mr. Kyle Baker, Natural Resources Department Administrator, about Oil & Gas contracting. He reported that they are going to be drilling 12,000 shotholes in the North East Quadrant, which includes Makoti, Parshall, Raub, and the deepwater areas. They have approximately 7 drills coming in, but these holes have to be plugged, and there is an opportunity there for an enrolled member to do this. Delvin Foote has gotten the forms from the State Industrial Commission on this. Mr. Foote first contacted TERO office on this, and then he asked why he would have to contact the State on this? He wondered why he couldn't get licensed and bonded by the Tribe, because this property is on the Reservation boundary line.

ITEM 8. **JIM HECKMAN-OPEN DUMPING-NORTH SEGMENT/FOUR BEARS**  
Clean-up is needed in the North Segment and Four Bears areas. In the North Segment, a trailer had burned down (S1/2 Blk. 2, Lot 18) and the property was abandoned. The Tribe needs to clean this up. Jim will handle. In Four Bears, clean-up is needed, and the issue of open dumping needs to be addressed. There are large chunks of cement, and other debris that needs to be picked up. There is also a lot of housing materials that were dumped in the area behind the village. There is also a big wash-out below the spill way that needs filling, and a fence needs to be built around this water access area above the dome for safety. Jim reported that in the past, Elizabeth reported a shortage of money because of people not paying their water bills. Austin asked how much the community has contributed, and said it is important that this be done, because if a child is hurt, people will blame the Tribe. Edwin said he will bring the fence issue before the Community. This is also a health hazard that needs to be addressed because of the safety hazard of being able to tap into the water. Austin said that this could be a reservation wide clean-up. Discussion also included the possibilities of fining the Communities \$500 to have the communities enforce NO OPEN DUMPING. Jim Heckman will coordinate with Patti Jo Thomas and the Legal Department and draft a resolution claiming the water access area above the dome a health hazard, and open dumping on Tribal or private property, and forward to the Tribal Business Council. Kyle will work with Texx Lone Bear building a chain-link fence around the water access area, utilizing Operation-Maintenance money, and also filling in the area beneath the spillway.

ITEM 9. **CATTLE RELENDING PASTURE**  
The area otherwise referred to as the "golf course pasture", containing 345 acres within T538A-B, T549A, and T1853, was last year designated as the Cattle Relending pasture. Edwin Hall was the previous permittee, and this year he was billed for the area. The lease for Edwin Hall will be canceled, and redesignated to the Cattle Relending Program as it was last year. Edwin Hall is not liable to pay for the lease for this year, as Cattle Relending Program is the designated permittee. Motion to approve by John Stone, Jr., second by Eugene Voigt.

VOTE: Three in favor, One abstained. Motion passed.



Edwin Hall put in 2.5 miles of fence. Kyle Baker Natural Resources Administrator will do an on-site inspection to determine exactly how much fence was put in. Cattle Relending Program will come up with the material and labor cost to replace the 2.5 mile of fence. Eugene Voigt made a motion for Cattle Relending to reimburse Mr. Hall to replace the cost of materials and labor. Motion seconded by John Stone, Jr.

VOTE: Three in favor. One abstained. Motion passed.

ITEM 10. IMPROVEMENT LEASE

Abigail Bingen applied for an improvement lease on T666-S1/2N1/2NW1/4 Sec. 34, R. 150 T. 94. John Stone, Jr. made a motion to approve a lease for a 5 year term (to the year 2000). Motion second by Eugene Voigt.

VOTE: Unanimous. Motion passed.

ITEM 11. RANGE UNIT 39

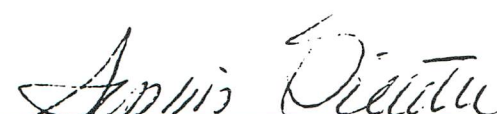
Range Unit 39 was discussed. Buddy Bell will take up where Jason Two Crow left off on Pesticides Enforcement. Mr. Eugene Voigt was speaking for Stanley Charging. After the bid is out for this tract, he was requesting that the area around Mr. Chargings homesite be removed from the unit, and adjust the bid accordingly. Austin will visit with Adeline Brunsell, Acting Superintendent about this.

ITEM 12. ADJOURNMENT

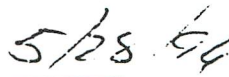
Chairman Gillette adjourned the meeting at 4:15 p.m.

APPROVED

DISAPPROVED



Austin Gillette, Chairman  
Natural Resources Committee

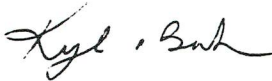


Date

\*Approved by Committee Action Vote.

October 31, 1996

Earlier this past summer I accompanied Ed Hall on an inspection of the Cattle Relending pasture around the Dragswolf Village area. The fence was in good shape and it was composed of approximately 2 1/2 to 3 miles of fence. Also, earlier this year the Natural Resources Committee voted in favor of assigning this pasture to the Cattle Relending Project and compensating Mr. Hall for the fencing materials.

A handwritten signature in cursive script that reads "Kyle Baker".

Kyle Baker