

**White Earth Reservation Tribal Council
Special Meeting
April 3, 2017 – 9:00 a.m.
White Earth, MN**

Chairman Terrence "Terry" Tibbetts called the meeting to order at 9:20 a.m., roll call was taken with a quorum present.

Present: Terrence "Terry" Tibbetts, Chairman
Tara Mason, Secretary Treasure
Kathy Goodwin, District II Representative
Eugene "Umsy" Tibbetts, District III Representative

Absent: Steven Clark, District I Representative

Others Present: Ken Fox, Executive Director
Michael Fairbanks, Deputy Director
Maria Bevin, Recorder

Agenda Approval with Additions

Motion made by Eugene Tibbetts to approve, Seconded by Tara Mason. Motioned carried, 3 for, 0 against.

RTC Meeting Minutes (3/27/17)

Motion made by Tara Mason to approve with changes, Seconded by Eugene Tibbetts. Motioned carried, 3 for, 0 against.

Calendar Review

Vehicle Registration Costs

Brief discussion on vehicle registration fees. Tara asked if Tribal fees will be the same as State fees. Ken referenced the DMV registration fee letter from Sheree Millage, DMV Coordinator. Which read as follows: The DMV staff researched the State of Minnesota registration fees, which are based on the fair market value and age of vehicle. Base values are calculated within a 12 month cycle with a depreciation percentage per month. In other words if you register your vehicle in January the fees are higher and the fees are reduced a percentage each month thereafter. We used the lower end base value (December), in comparison to our calculated fees.

Motion made by Tara Mason to approve, Seconded by Eugene Tibbetts. Motioned carried. 3 for, 0 against.

Wild Rice Donation (Mahnomen Indian Education)

Council approved 25 pounds in ½ lb bags for the Mahnomen Native American Youth Council School Powwow.

Motion made by Tara Mason to approve, Seconded by Eugene Tibbetts. Motion carried, 3 for, 0 against.

Housing Homes

Brief discussion on Housing Homes. Kathy stated the cost of redoing a home after it was damaged/destroyed costs up to \$5,000.00-\$6,000.00. The destruction of these homes cost are very high do to the tenants not taking care of the homes. Kathy stated that the tenants should go through state court when there is damage to a home. Table at a later date when Steven Howard, Housing director can be present.

Language Position

Tara stated she would like to see [REDACTED] hired for the language position. Tara understands this is outside of the White Earth Reservation Tribal Council hiring policy, however, [REDACTED] is very fluent in the language, also from the White Earth Reservation and an enrolled member. Terry was in agreement with hiring [REDACTED].

Motion made by Tara Mason to approve, Seconded by Eugene Tibbetts. Motion carried, 3 for, 0 against.

Meeting recessed at 10:14 a.m.

Meeting reconvened at 10:35 a.m.

Line 3 and Environmental Impact Statement (EIS)

Danielle Molliver, Tribal Liaison- MN Department of Commerce, Jamie MacAlister, Energy Environmental Review & Analysis- MN Department of Commerce, Anne O'Connor, Deputy Commissioner & Chief of Staff- MN Department of Commerce, Mike Rothman, Commissioner- MN Department of Commerce Present for discussion on Proposed Final Scoping Decision Document for Line 3 Replacement Project.

Mike stated the importance of Tribal involvement. Goals are to address questions, concerns, also receive input and open communication with community. Overview reminder; Company like Enbridge, by law it is the Public Utilities Commission (PUC) to make decisions, five members sit on this board. As of now they were holding off on filing testimony, which is due today. Reasons:

- Environmental Impact Statement (EIS)
- MN Department of Natural Resources (DNR)
- MN Pollution Control Agency (PCA)

Umsy asked about the spills caused by the pipelines. Jamie stated they are working with the Department of Human Rights. Jamie also stated maintaining pipeline safety is essential. Also questions are asked, what is the amount of oil released in a spill, transport of the oil, how far

did it go. There are recent case studies on these recent scenarios. (Refer to pg. 33 of handouts, 4.5.1 Large-Volume Spills Analysis).

Jamie stated this is a 2 year project. The MN Public Utilities Commissioners (PUC) consists of five commissioners appointed by the governor to six year staggered terms. By-law, no more than three commissioners can be of the same political party and at least one commissioner must reside at the time appointment outside the seven-county metropolitan area.

Tara asked what is the time line for this. Jamie stated sometime in June, late summer, early fall. Tara also asked the draft process support of permitting. Jamie stated the preparation of Environmental Impact Statement (EIS) begins with scoping, which provides the public, government agencies interested parties, and tribal government an opportunity to participate in the development of alternatives and significant issues to be analyzed in the Environmental Impact Statement (EIS). Modified Designs and Layouts: Routes Alternatives (Refer to pg. 13 of handouts, 3.3.3).

The process:

- Environmental Assessment Worksheet (EAW) and draft Scoping Decision Documents released for comment
- Public information and Scoping Meetings
- Final Scoping Decision Approved by Public Utilities Commission (PUC)
- Environmental Impact Statement (EIS) Preparation Notice Issued (Begin 280 days)
 - You are here
- Draft Environmental Impact Statement (EIS) Released
- Decision on Route Permit and Certificate of Need (CN)
- Contested Case Hearings (Office of Administrative Hearing)
- Determination of Environmental Impact Statement (EIS) Adequacy
- Final Environmental Impact Statement (EIS)
- Draft Environmental Impact Statement (EIS) Public Meetings

What goes into the development of Environmental Impact Statement (EIS):

- Local, state and federal government
- Tribal government
- Public and other interested parties
- Department of commerce
- MDNR MPCA (Assisting agencies to commerce)

The Environmental Impact Statement (EIS) analyzes the following Route Alternatives (RA) and route alternatives: Applicants preferred route. The Environmental Impact Statement (EIS) analyzed the following alternatives for the Certified of Need (CN):

- **No Action:** Line 3 continues to operate at reduced capacity levels and continues existing maintenance digs
- **Other Pipelines:** are there other pipelines that could meet the need?

- **Truck:** can delivery by truck meet the need?
- **Rail:** can delivery by rail meet the need?
- combinations of rail, truck, and pipeline, any other ways to meet the need?

Tribal Resources:

- Cultural Resources
- Sacred Sites and Places
- Natural Resources

Commerce recognizes Usufructuary Rights within the coded territories. Brief discussion on historical issues and boundaries. Tara stated the Pipeline will go through the reservation boundaries. Look at the route from Sandy Lake. We have our own Trail of Tears. We need to consider what may be on these areas of interest. Historically, sacred places and the possibility of burials in these areas that we do not know about, our wild rice that is an important resource and a huge part of the Ojibwe culture. Also the 1854 treaty that could impact our natural resources. Tara stated to look at the state and federal parks.

Tribal Concerns and Interests currently indentified:

- Spills Analysis
- Ground Water
- Surface Water Resources
- Wild Rice
- Treaty Rights
- Climate Change
- Pipeline Abandonment
- Other?

Cultural Resource chapter:

- Method: The way in which knowledge is acquired or discovered
- Guiding Values: Understanding the importance of receiving the privilege information we are asking you to share
- Respect for and protection of the rights, interests, and sensitivities of sovereign tribal government in MN
- Accountability
- Make sure they follow these guidelines
- Anticipating Route permitting Schedule

Terry stated to do our own Environmental Impact Statement (EIS) here at White Earth. White Earth Tribe is taking a lead, multiply issues and voices haven't been heard. Terry also purposed alternative routes. Terry would like to meet again when legal can be present for consultation and for further discussion.

Enterprise Financial Report

Liz Foster-Anderson present for Information on Financial Report. Overall White Earth Enterprises, in 2016 has reduced the net loss previous experiences by the White Earth Nation in 2010.

Strategic Plan Summary

2015-grant to expand enterprises, White Earth Business Products. Retail store front to have a retail home for business products, promotional products, wild rice & native arts.

White Earth Business Supply

Hardware destination store. [REDACTED]

White Earth Builders

Continue to construction manage projects and implement startup or acquire construction firm 2012 strategic plan. [REDACTED]

White Earth Sanitation

Goals-Transfer Station to be built and taking over in the spring. Continue to expand individual and commercial accounts and with grant support to implement new recycling programs. Looking at Becker County for grant. Currently exploring a sentence to serve program with Mahnomon County.

White Earth Market

Wind Turbine, additional revenue. Tara stated \$11,000.00 to bring in Dallas to redo wires on the Turbine, also budgeting in with line items.

Trying to find a place for wild rice, move out of the RTC, finding space at Ojibwa Office Supplies.

White Earth Business Products

[REDACTED] To improve situation, White Earth Business Products needs to be less independent on White Earth programs for sales.

White Earth Building Supply

[REDACTED] Adding hardware such as; rakes, shovels and miscellaneous supplies. Open 7:30 a.m. - 5:30 p.m. Monday-Saturday. With this White Earth building supplies will be less independent on RTC programs and more dependent on community.

White Earth Builders, LLC

[REDACTED] Carpentry-rough; concrete-foundation sidewalks. White Earth Builders was formed with business plan to start their own construction company. Financial plan-sub to major crimes.

Projects

Looking for guidance. Lots of projects, what are their priorities. To name a few projects; Mahnomen Head Start, Mahnomen Drum Hall, NTW Sports Complex, Jeri Jasken six additional projects. Terry also stated the NTW Health Service Clinic. Kathy said this project needs to happen very soon. Tara stated it is a go on the NTW clinic. Liz stated construction will start in the fall, 13-16 months is a time line on this. Pine Point School needs renovations soon do to programs being in the building.

Tara stated White Earth Builders is a business, they need to consider the time line for each project. What does the business do. White Earth Builders should not have to come back to the council to have decisions made for them, they are a business and they need to take responsibility to make their own decisions as a business prospective. Liz stated they do not have the builder's capacity to meet the needs of projects, realistically cannot get to every project. Tara stated that White Earth Builders should be able to conduct business and where they need to be to get projects completed. As a business they need to prioritize projects, timelines and the ability to do the job, what they can and cannot do if they are spread too thin. They need to hire more people.

White Earth Sanitation

Impacting White Earth Nation, breaking even. [REDACTED]

[REDACTED] Need the truck to meet the needs of communities. Expand recycling, meets our mission and reduce the cost of solid wastes. Expand individual waste accounts and acquire new equipment. [REDACTED]

[REDACTED] however, they send notices after 60 days if not paid and will stop services if they do not pay their bill. Umsy asked if there is a limit on housing accounts. Liz stated no, housing pays for this. Liz also stated they are working with Becker County, sharing resources. Mahnomen County stopped recycling, see what White Earth can pick up. Meeting with Mahnomen County regarding this matter. Also picking up Callaway bid. Looking at the line going towards west portion of the White Earth Reservation to pick up more accounts.

Renewal Energy

Wind Turbine; Wind Turbine has not been working get this working again

Final Request

Set up CD for Orgill storage and establish credit for new store
Table Resolution at next work session

Meeting recessed at 12:35 p.m.

Meeting reconvened at 12:51 p.m.

SAMSHA

Tara stated she did a presentation and speaking at the SAMSHA conference February 6th, 2017. She received two checks in the amount of: \$343.18 (Reimbursement did not take TA) and \$450.00 (Presentation and Speaking). Tara will donate checks to COLA Booster Club for letterman's jackets.

Water & Sewer

Eugene Vivier, Mike Bowman, Bucky Tibbetts and Betsy Smith present. Brief discussion on Water & Sewer. Homes are ready to go. Home owners list for District I, II, III was provided to tribal council. 2015-2016 serve around 70-75 people. Water & Sewer is one time. After construction of a project is complete, it is a homeowner's property and responsibility to keep it up. Betsy stated trailer homes need to be blocked and skirted with electricity before being referred to program. Homeowners are not completing this and say they do not have money to have this completed before.

Kathy stated how many people have Arsenic testing done or when can it be done. Eugene stated this can be done anytime a charge of \$25.00 for lab testing. Eugene stated that they will keep council updated with a list for Water & Sewer and monthly meetings with council, 1st one in June. Jeff stated IHS approves; applications and qualifications. Tribal approves construction and has authority, however, need to follow the guidelines. Projects start in June. Pumping tanks and fixing tanks. Average 25-35 Water & Sewers a year. 1/2 million dollars total.

Brief discussion on Roads Construction. Tara stated growing and expanding Hwy 200 to be our priority. Jeff stated they will be widening Hwy 200, raising road, lighting and turning lights. Tara also stated a lot going on in Mahanomen. Also Industrial park in Callaway, transportation with expansion of Bagley Casino, also economic development and housing development. Tara would like to see TIGER grant and see what it brings in. This is a huge opportunity and would mean a lot to get it. Jeff stated if they receive grant they would look at expansions. TIGER grant would provide opportunity for DOT to invest in Roads & Transit.

Mike stated MNDOT is time and money in this project \$200,000.00 to help with cost / match. Tara stated how long until the Long Range transportation plan. Mike stated the TIGER grant was already spent. TIGER grant to re-apply will be \$30,000.00. Tara stated looking at the Long Range transportation grant, will 200 be the best road to do. Mike stated 3 million dollars needed to upgrade everything over the next 20 years time frame.

Driveway Construction Program. Training dollars for employees to be trained in. Kathy would like Mike Neusser at the next meeting for Driveway construction. To be tabled April 24th. Council consensus approval for this.

Tara left meeting at 1:47 p.m.

Agriculture Resolutions

Megan Bakken and Will Adam present for Agriculture Resolutions. Brief Discussion on Agriculture Leases. Adam stated they are at the pilot stage of Hemp, looking at 6 -8 varieties. Terry asked how many acres we have in Agriculture. Research plots 2 acres in Mahnomen if the lease goes through about 5 acres, on the docket for this summer. Terry asked what do you do with test plots. Adam stated used for vegetation studies, seed production and fiber. Goal is find what you can use the plant for, usable crop. Kathy asked about Hempcrete. Kathy would like to look into that or would like information on this. Adam stated this is a bio-composite material used as a material for construction and insulation. Hemp Production: Housing and having owning products. Documents for approval is as follows:

Rescind Resolution # 056-17-075: Motion made by Kathy Goodwin to approve, Seconded by Eugene Tibbetts. Motion carried, 2 for, 0 against.

Resolution #056-17-076: Motion made by Kathy Goodwin to approve, Seconded by Eugene Tibbetts. Motioned carried, 2 for, 0 against.

Other

Resolution-USDA Rural Business Development Grant Application

Motion made by Tara Mason to approve Resolution #016-17-008, Seconded by Kathy Goodwin. Motion carried, 3 for, 0 against.

Resolution-Minority Health Grant

Tara stated that she will accept resolution, however, evidence base models don't always work best in Indian Country. No one ever does research on us and when nothing is ever done. Terry referenced 4th paragraph on resolution.

Motion made by Tara Mason to approve Resolution #016-17-007, Seconded by Kathy Goodwin. Motion carried, 3 for, 0 against.

MCT Liquor License

Brief discussion on Liquor License. Terry referenced Joe Plumer's statement on Signatory Request form.

Motion by Kathy Goodwin to approve, Seconded by Tara Mason. Motion carried, 3 for, 0 against.

Wild Rice Donation- (1) JOM/Title VI Banquet (2) Parent Teachers Conferences
Approved 20 pounds

Motion made by Kathy Goodwin to approve, Seconded by Tara Mason. Motion carried, 3 for, 0 against.

Adjourn

Motion made by Kathy Goodwin to adjourn meeting at 3:17 p.m., Seconded by Eugene Tibbetts. Motioned carried, 2 for, 0 against.

Tara Mason, Secretary/Treasurer