



Council of the Cherokee Nation

Meeting Minutes Resource Committee

Monday, September 14, 2009

4:00 PM

Legislative Conference Room

CALL TO ORDER

Chair Snell called the meeting to order at 4:03 p.m.

INVOCATION

Councilor Crittenden gave the invocation.

ROLL CALL

Ex - Officio Member John Masters was in attendance.

Present 13 - Bill John Baker; S. Joe Crittenden; David Thornton Sr. ; Don Garvin; Cara Cowan Watts; Buel Anglen; Jack D. Baker; Tina Glory Jordan; Janelle Fullbright; Harley Buzzard; Curtis Snell; Chris Soap and Julia Coates

Absent 2 - Bradley Cobb and Chuck Hoskin, Jr.

Late Arrival 2 - Meredith Frailey and Jodie Fishinghawk

APPROVAL OF MINUTES

Councilor Jack D. Baker made a motion to approve the August 10th regular session minutes. Councilor Garvin seconded the motion. Motion carried.

REPORTS:

1. Management Resources - Angela Drewes

Mr. Pat Gwin offered to answer questions from the report provided by Angela Drewes. Councilor Crittenden gave appreciation to Mr. Gwin for the Georgia Candy Roaster. He stated he is saving seeds. Mr. Gwin announced they may have more in a few weeks. Councilor Buzzard requested an update on the Dewey Alberty issue. Mr. Gwin stated we are purchasing ten acres from Mr. Alberty and Ms. Donelson is working on a land assignment on old 33. Ms. Donelson stated there may be some issues with the ownership of the ten acres. Councilor Glory-Jordan inquired if the pictures in front of the Council Chambers had been put back. Councilor Cowan Watts provided a point of information stating the original pictures have been put back. Councilor Fishinghawk requested a map of Adair County's trust land. She inquired about a video being placed in the entry of the Complex that is approximately \$250,000 in cost. Mr. Gwin stated he would have someone provide a response. Councilor Glory-Jordan inquired if the test case had been found for the hunting and fishing laws. Mr. Gwin stated that is a question for Attorney General Hammons.

Chair Snell requested maps be provided to all Council members showing trust land. Mr. Gwin stated he would research and provide maps. Not all districts have hunting land. Councilor Glory-Jordan requested Ms. Hammons address the question regarding the test case. Ms. Hammons stated they do have a test case in Sequoyah County. They have filed a motion to dismiss and are awaiting the District Attorney's response. Councilor Bill John Baker requested additional information regarding the test case. Ms. Hammons stated it is a fishing case South of Brushy Lake where the young man was fishing with his family and approached by a Game Ranger. When asked to provide his Oklahoma fishing license he presented his blue card and then was given a citation. Mr. Gwin requested, once the county maps of the trust land are provided, to please notify constituents it is very difficult to tell your location on the map. He suggested contacting his office for a more detailed map of a specific area.

2. Real Estate Services - Linda Donelson

Ms. Donelson offered to answer questions from the report provided. Councilor Fishinhawk inquired about the status of the federal certified surveyors. Ms. Donelson announced she has spoke to a certified surveyor and requested some cost estimates. Councilor Fishinhawk inquired about the policy and procedures for trespassing. Ms. Donelson stated they follow the federal regulations. Two trespassers have received letters to vacate the property within a certain amount of time or they will be turned over to the Department of the Interior. Councilor Fishinhawk inquired about the Ramona property and the landowners being restricted Indians. Ms. Donelson stated this is at the Central office in Washington DC. They have requested assistance from Ross Swimmer to see why it is not moving forward. Councilor Thornton inquired if we have hunting leases. Ms. Donelson stated there are hunting leases on restricted land. Councilor Thornton if a blue card holder could hunt on the restricted land hunting leases. Ms. Donelson stated they can not without the consent of the lease holder. Councilor Thornton stated this information needs to be provided to the Council as to where tribal members can not hunt. Councilor Glory-Jordan inquired if the property in Ramona is allotment land. Ms. Donelson stated it is a restricted tract which is the allotment of William Shawnee. Councilor Glory-Jordan inquired if the property is for a casino. Ms. Donelson stated it was for a casino. Councilor Glory-Jordan inquired if a casino had ever been placed on an allotment sight. Ms. Donelson replied this would be the first. Councilor Glory-Jordan inquired as to why other land wasn't purchased as it has been at the other facilities. Ms. Donelson stated they could but it would take years to obtain the trust status. This tract is right on the highway at a junction and close to the Wal-Mart distribution plant. Councilor Glory-Jordan inquired as to the type of lease. Ms. Donelson stated it is a ten year lease with the intent to place a modular structure that can be moved. Ms. Donelson stated there is a substantial lease amount and a signing bonus. Councilor Glory-Jordan requested to review the lease. Ms. Donelson stated she would inquire to see if it could be done. Councilor Glory-Jordan inquired if the improvements to the infrastructure would remain on the property at the termination of the lease agreement. Ms. Donelson stated everything would remain except the modular buildings.

3. Environmental Programs - Tom Elkins

Mr. Elkins provided a handout of how they plan to use the Department of Energy funds. Councilor Cowan Watts inquired about the recycling facility. Mr. Elkins stated they have the bulb crusher and have ordered two bailers in addition to the one currently on sight. They also have plans for a compressed natural gas forklift and the building itself. Councilor Garvin stated the well was approved and a hearing will be held this Thursday in Vian with Senator Wilson. He requested the attendance of Mr. Elkins department at the meeting. Councilor Buzzard inquired when natural gas

would be available at the Outpost. Mr. Elkins stated he had just received an email requesting additional information on the retro fits. They are in the process of reviewing contractors and will bid once the funding arrives. He estimated completion at the first of the calendar year. Councilor Buzzard inquired if they are trying to acquire compressed natural gas GSA vehicles. Mr. Elkins stated they are in the process of review now.

OLD BUSINESS

None pending.

NEW BUSINESS

1. A RESOLUTION AUTHORIZING A GRANT OF EASEMENT FOR RIGHT OF WAY OVER, IN, UPON & ACROSS USA IN TRUST LAND IN MAYES COUNTY BETWEEN CHEROKEE NATION AND KAMO ELECTRIC COOPERATIVE INC. FOR AN ELECTRICAL LINE EASEMENT
Councilor Frailey made a motion to approve. Councilor Garvin seconded the motion. Motion carried.
2. A RESOLUTION AUTHORIZING A GRANT OF EASEMENT FOR RIGHT OF WAY AND LINE SERVICE AGREEMENT OVER, IN, UPON & ACROSS USA IN TRUST LAND IN DELAWARE COUNTY BETWEEN CHEROKEE NATION & ARKANSAS OKLAHOMA GAS CORPORATION FOR A NATURAL GAS LINE EASEMENT
Councilor Bill John Baker made a motion to approve. Councilor Crittenden seconded the motion. Motion carried.
3. A RESOLUTION RATIFYING INTERVENTION IN LITIGATION IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA
Councilor Cowan Watts moved to approve and requested it be forwarded to Full Council tonight. Councilor Garvin seconded the motion. Councilor Glory-Jordan requested assurance this is the case we want to enter into regarding our water rights. Ms. Hammons stated no, it isn't a case they wanted to get involved with. She stated in regard to this lawsuit and any other anything said in open discussion will be subject to discovery. She offered to give more in depth information in a private meeting. She stated they didn't want to be a part of this lawsuit. Julian Fite decided to not become involved in this lawsuit in 2005. This is a water quality or pollution case and is not a water rights case. A motion to dismiss, filed by the poultry companies, was granted on several of the claims. The judge's ruling held the Five Civilized Tribes and how the water was obtained. She stated this is the first time a judicial decision has given this information. The Stated filed a motion to reconsider which they lost. Ms. Hammons announced they asked both sides if we could participate in settlement negotiations with them and have a final settlement conference before trial which is set for September 21st. Both sides agreed to allow the participation however the settlement negotiations fell through on the 26th of August. She stated it became apparent that we had to at least try to get involved in this lawsuit to protect the Illinois River and the finding of our interest. Councilor Glory-Jordan inquired if the State is in agreement that we own the waterways. Ms. Hammons stated they are trying to save the superfund actions. Councilor Glory-Jordan inquired if the end result would be that we own the waterways. Ms. Hammons commented probably not. The State has given assurance and agreed to a final journal entry of judgment that at least finalized Judge Frizzell's July opinion where it stated "substantial interest in". Councilor Glory-Jordan voiced concern that this is a big chance on a big issue that could have

had a cleaner lawsuit had we brought it ourselves without the extra issues involved. Ms. Hammons stated we are not going to litigate who owns the water. She stated everyone who has an interest in the water are now plaintiffs therefore the case should be able to move forward on the water quality issues. Councilor Cowan Watts stated we can't exercise our sovereignty if we don't protect our resources. Councilor Bill John Baker stated he will support the resolution but voiced concern that it may be too little too late.

The motion to approve and forward to Full Council tonight carried with no opposition.

ANNOUNCEMENTS

Councilor Fishinghawk requested to ask Mr. Elkins a question. She inquired as to the outcome of the EPC meeting regarding the waste permit. Mr. Elkins stated the permit was amended to have Cherokee Nation Waste Management under the Cherokee Nation rather than Cherokee Nation Businesses. She questioned why something was needed to give back the landfill but nothing was needed to give it to CNB. Mr. Elkins stated the permit was originally with the Cherokee Nation then was amended to Cherokee Nation with Indian Country Investments. He stated it was then amended to removed Indian Country Investments and add Cherokee Nation Businesses as the permit holder.

Chair Snell announced the next meeting is tentatively scheduled for the 19th of October at 4:00 p.m.

ADJOURNMENT

Councilor Bill John Baker moved to adjourn. Councilor Thornton seconded the motion. Motion carried at 4:45 p.m.

STAFF PRESENT:

Pat Gwin Tom Elkins Linda Donelson
Diane Hammons Chrissi Nimmo

VISITORS PRESENT:

Todd Hembree Shirley Crowder

APPROVAL / DISTRIBUTION

Minutes submitted by: Shelli Brittain, Legal & Legislative Coordinator

Motion to approve minutes made by:

Don Marvin

Minutes attested and concurred by:

Christi A. Powell

Date:

10/19/09