

North Dakota Indian Affairs Commission  
State Capitol  
600 East Boulevard Ave. Dept 316  
Bismarck, ND

October 20, 2021  
1:00 p.m.  
TEAMS Meeting/In Person

### **Call to Order**

#### **Attendees**

Governor Doug Burgum, Chairman Mark Fox, Three Affiliated - MHA Nation; Chairman Doug Yankton, Spirit Lake Nation; Chairman Delbert Hopkins, Jr, Sisseton Wahpeton Oyate Tribe; Commissioner Dr. Viola LaFontaine, Commissioner Erica Thunder, Commissioner Leander McDonald, Executive Director, Nathan Davis, North Dakota Indian Affairs Commission

#### **Other Attendees**

Reice Haase, Tammy Miller, Leslie Oliver, Senator Rich Wardner, Kyle Iron Lightning, Marietta Kemmet, Cynthia Monteau, Lt. Governor Brent Sanford

### **Welcome and Update from Governor Burgum and Director Davis**

Dr. McDonald led the group in a prayer.

Governor Burgum shared news from the governor's office. A welcome was extended to all members as well as a thank you to those who have served in the past. The meetings that have been held around the state with Tribal Nations has been successful in many ventures:

- The water project at Turtle Mountain
- Transportation MOU with Spirit Lake
- Mutual aid agreement with MHA, counties and highway patrol entities
- Alcohol and tobacco sharing
- Gaming issues and the difficulty of regulation
- Thanks to tribes for participation and support of recovery reinvented

Each meeting will have a cabinet member representing that office. Today's will be Dr. Nizar Webhi, State Health Officer and Dr. James Leiman, Commissioner of Commerce.

Commissioner Davis welcomed the group and thanked the group for the support given to the office of Indian Affairs Commission. Future meetings are being planned a year out in advance and will enable those involved to be able to attend.

Motion was made by President McDonald to include all opening remarks prior to roll call, no votes were taken was reached, 2<sup>nd</sup> by Chairman Yankton; motion carried.

### **Approval of minutes from last meeting**

Motion made by Chairman Yankton to approve the minutes from January 7 and March 25, 2021. Motion seconded by President McDonald; motion was approved.

## **Tribal Leader Updates**

### Chairman Fox, MHA:

- Tribal Energy association is being formed
- Natural gas partnerships - Pipeline to capture natural gas and send to west coast
- Alcohol tax agreement
- Gaming, losing jobs in casino, e-tabs situation
- Cybersecurity agreements on next agenda
- MHA farmers and ranchers need assistance buying hay and feed for animals. Drought caused significant shortage of hay crops

### Chairman Yankton, Spirit Lake Nation:

- Missing and Murdered Indigenous Women (MMIW)
- Boarding School grave repatriation
- Larimore incident with volleyball team
  - Comments on dress, residential signina worn by the players/fans
  - Calls from parents, school administration, opposing team principal
- 1940s, ND state legislature complained to Federal Indian Bureau about conditions on Spirit Lake
  - History of State helping tribes
  - Monetary assistance
  - Book about Spirit Lake from Indian Wars until late 1990s
- Tribal ARPA Funds
  - Investing in better clinical facility
    - Dialysis, 16-20 chairs
- COVID numbers holding at 20
  - Lost 1 or 2 members over the weekend
  - Testing when requested
  - Vaccination percentage close to 70%
- Gaming revenues down
  - Lakota, ND Sunlac Inn slot machines (e-tabs) taking over
    - Slot tournaments
    - No checks for cash-out tickets, no monitoring, no security
    - Bartenders cashing out
    - Potential IRS violation
    - Impossible to regulate large number of e-tabs with one central location
    - Tribes should get a piece of the revenues
- Tribe maintains section line roads, but still are required to pay county taxes on fee land
- Spirit Lake restricts alcohol licenses to only casino
  - Based on referendum vote
- 1904 Dawes Act, 64,000 acres taken from western end of reservation
  - Distributed to homesteaders
  - Doesn't matter if tribe is compensated for it

- Don't recognize boundary change with it
- Contemplating lawsuit against BIA for lack of trust responsibility
- Minnewaukan, Maddock, Oberon should also be included
- Buying back farmland on reservation, over \$5 million has been allocated
- Tribe bought small hotel in Devils Lake, renovating and investing  $\frac{3}{4}$  of a million dollars
- Recreational marijuana, hoping to legalize banking at Federal level
- Brian Newland, Assistant Interior Secretary
  - Former Michigan tribal chairman
  - Bay Mills
- Concerns about drug trafficking
- Created outdoor venue for events
  - Competing for employment, increased starting pay to \$15/hr.
  - Employment is best gift a tribal leader can provide
- Developer leasing land for two 50-home developments on reservation
  - Housing
  - Employment
  - Revenue for tribe
- Birth to death ratio is 4:1
  - Project to increase from 7,500 to over 20,000 in next 20 years
- Natural gas:
  - Northern are of reservation has service
  - Rest of reservation is on propane
- Lagoon system are at max capacity and Tribe unable to expand
- Cost is \$2 million for a new lagoon

### **Commission Member Updates**

#### Dr. Leander McDonald, President UTTC

- Attorney hired to assist in reorganization of the Tribal Colleges and rename it North Dakota Tribal College
  - Look at the system bylaws
  - Address transfer of credits between tribal colleges
  - Currently working with the North Dakota University System to ensure transfer between Tribal Colleges and State institutions
- Minimum wage at UTTC has been raised to \$14/hour
- Masks are mandated, but vaccination rate for employees is 87.5% and students 74.2%
- Weekly testing continues
- Previous Friday first student lost to COVID
- Conflict between state-tribal jurisdictions in foster system and child protection
- Appointed to the Alyce Spotted Bear and Walter Soboleff Commission on Native Children
  - First face-to-face will be February
  - First hearing will take place in June 2022

- Tribal gaming and the inequities in today's atmosphere
- Failure of Federal Government to adequately fund services
- UTTC is working with NDSU and Chancellor Hagerott on Cybersecurity and training

Dr. Viola LaFontaine, Professional Development Coordinator, Northwest North Dakota

- Education is key for progressive future
- How do we deal with poverty
  - Need to start with education, high school degree
- Department of Public Instruction's Indian Education Summit
  - Used to have Indian Education Association
  - Need to have collaboration and integration into existing associations, not a separate entity
- Strategies used for ESL can be used for all students
- More engagement from tribes with participation in innovation academy

Erica Thunder, Commissioner Department of Labor

- Office is a neutral civil law enforcement agency
  - Both state and federal labor and human rights laws
  - Wage and hour primary issue
- No jurisdiction over tribal territories
  - Exception: public school districts in the exterior boundaries
  -
- Upcoming Indian Law Symposium at UND
  - March of 2022, first of its kind
- HB 1417: Tribal Cybersecurity bill
  - Intended to be mutual aid agreement
  - Language changed to allow IT to share resources with tribes for cybersecurity events
  - Attorney General's office has different re-interpretation
  - Unable to collaborate before a disaster
- Sergeant Clawson Huibregtse should join future meetings for NDIAC
- Bismarck Public Schools has a new Indian Education Director and there has been great feedback

Senator Rich Wardner:

- Public Safety
  - Drug and human trafficking and involve law enforcement more fully
  - Possible need for hazard pay for law enforcement in the Rolla area
- Workforce
  - Need for a trained workforce
  - Currently \$70 million set aside, could be more after special session
  - Need for industries on the reservations

- Gas pipeline running west to east would be of benefit especially to Turtle Mountain and Spirit Lake
- City incorporation
  - If not incorporated no Prairie Dog funds will be available
  - Funding could go through the Tribes with strings attached
  - Currently Parshall and New Town receive funding
- Tribal curriculum
  - Too late for American Rescue Plan Act (ARPA)
  - Discussion to be held after special session
- Next steps: meet with State Agencies
  - Ascertain connections with Tribal governments
- Federal government has left tribes in limb
- State legislators don't know what to do

### **New business**

#### Dr. Nizar Wehbi, State Health Officer

- Highlighted mission statement for the ND Department of Health and services offered by the department
- Medical marijuana was discussed
- Goal to make everyone healthy in the state is the start of long-term collaboration
- Department is available for all areas dealing with COVID

#### James Leiman, Commerce Commissioner

- Leverage manufacturing and infrastructure
- Looks to grow workforce development on the reservations
- Develop a joint path and understand strengths and weaknesses
- Curate and individualize plans

#### Discussion

- Chairman Yankton invited Commissioner Leiman to visit Spirit Lake Nation
- Spirit Lake has new ideas for development, but all contingent on lagoon upgrade
- A loan is pending from a bank in Devils Lake which will allow expansion of convenience store
- Trust land is not available to be used as collateral
- High unemployment rates within the reservations are in pockets, only life known within this small community
  - Look to partner in economic, healthcare, workforce – where is it needed the most
- Recommendation to have tribes share resources available with the planned visits suggested by Dr. McDonald
- Fund raiser currently being held at UTTC to finance construction of buildings in master plan

- Need to improve economically to be able to provide socially
- Housing is vitally important to economic development
- Governor Burgum requested action items from the group regarding the visits to the Tribes by departments from state agencies
- Explore assets from each Tribe to expand their level
- Support Senator Wardner and his ideas for economic development

Motion by Dr. LaFontaine to adjourn, 2<sup>nd</sup> by Dr. McDonald motion carried.

Meeting adjourned at 6:15 p.m.