

Osage Minerals Council

**Special Meeting**

*August 31, 2015*

MINUTES

**Call to Order**

Chairman Waller calls the special meeting to order at 10:00 A.M.

**Opening Prayer and Reading of Deceased**

Mongrain Lookout gives the opening prayer.

**Roll Call**

*Lacey Reynolds calls roll.* Osage Minerals Council members present Councilwoman Boone, Councilman Crum, Councilwoman Erwin, Councilwoman Red Corn, Councilman Redcorn, Chairman Waller, and Councilman Yates

**Guests in attendance:**

Jinx Geurin, Julie Malone (for Betty Revard), Stephanie Penn, Brian Ross-OST, Janel Perry-OST, Dee Graham-OST, Patricia S. Bright, Nona Roach, Eddy Red Eagle, Jean Dennison, Florence Bigheart Trantum, Kugee Supernaw, Maria Whitehorn, Jamie Sicking, Joe Hall, Cynthia Cass Pradmore

**Announcement**

Chairman Waller took a moment to introduce Brian Ross, a former FTO officer for the Osage. Brian Ross introduced the new Fiduciary Trust Officer for the Osage, Janel Perry. Janel comes from Cherokee and has a law background, and realty and minerals. Janel speaks and state she is here to help the best she can and if they need anything at all she is available to assist in any way they can.

Councilwoman Erwin would like to go on record saying that anything we discuss today in her opinion that has to do with the US Congressional action that is connected to our lawsuit, they are not allowed to talk about.

Chairman Waller turns meeting over to the one who called for the meeting, Councilman Talee Redcorn.

Councilman Redcorn talked about the meeting he had with some gentlemen. Councilman Redcorn said, "Going away from that meeting he became very concerned with the direction that they could make a big impact on our estate." Councilman Redcorn would like to sit down and discuss this matter with the Council. Councilman Redcorn would like to go into executive session.

Motion was made to go into Executive by **Councilwoman Erwin** and seconded by **Councilman Redcorn**.

**Discussion:** Councilman Crum and Councilman Yates both state they are against taking this into executive. Councilwoman Erwin says it is in regard to what has been caused by the lawsuit, and there are two lawsuits against the BIA, and that is why they stopped by. Councilman Redcorn states that he would like the chance to discuss it amongst ourselves before we deal with the current process. Councilwoman Red Corn states she would like to hear from the Chief and Assistant Chief on their visit with them, before executive session.

**VOTING:** BOONE-**YES** , CRUM-**NO**, ERWIN-**YES**, K.RED CORN-**NO**, T.REDCORN-**YES**, WALLER- **NO**, YATES-**NO**

**MOTION FAILS:** **3**–YES **4**–NO

Councilman Redcorn talked about how he felt about the meeting he was in on Monday, August 24<sup>th</sup> with Senator Inhofe and Senator Lankford's representatives. Councilman Redcorn said it was alarming and how they wanted to help with the process in Osage County. He says they thought they could help with the TERA process. He states we found out zero tribes do the TERA in the United States. They started hinting about how they were going to treat the trust of the Osage, that's why I became concerned." Councilman Redcorn said he asked, "If they are talking about taking this and giving this to another entity besides the United States?" They concurred and thought that it was good idea until we are able to get a TERA through so we can take that responsibility back ourselves. Councilman Redcorn went to talk to the Chief on Tuesday. They both concurred about what that meant. Councilman Redcorn said, "The reservation under the feds goes. This is what the two senators are proposing, this process goes under the OCC, then we work on a TERA, and then we negotiate a TERA with the United States, through the Department of Interior." Councilwoman Erwin said, "Their proposal was that they are still writing on the TERA legislation, it hasn't even came out for them to vote on yet and that when it does get through they would like to see us do a personalized Osage TERA. In the mean time they want to contract it out using our gross production tax money to pay these people." Councilwoman Erwin said, "This is to help them not us." Councilman Redcorn didn't think it was clear that they were going to use gross production tax money. Councilwoman Boone clarifies for the audience that the gross production tax is covered in 1906 act that comes back to Osage county for the schools and roads in Osage county. Councilman Redcorn states he lived on trust property his entire life and non-Indian will not fight for our trust. We have to fight for it ourselves. Chairman Waller states that TERA first came up a long time ago and there is still not one. Councilman Crum states that twice since this council has been seated they have met with these congress people. It is their job to write legislation. He states he does not believe that Senator Inhofe is not a friend of Indians at all and that we need to be united in what we tell them to do or not do. He then states he is for them not writing anything for the Osage. Councilwoman Erwin states that they were here because another organization did not like the way business was being conducted. Councilwoman Boone states there is a reason that other Tribes have not done a TERA. She would be willing to write a

resolution stating we are against what they proposed. Councilman Crum states he would like to hear from Chief Standingbear.

Chief Standingbear states his meeting was set with Luke Holland in Bartlesville. He states that he met Mr. Holland a few months ago; when he heard the Oklahoma Corporation Commission was going to take over our mineral estate. He said Mr. Holland was going to be in Oklahoma and he wanted to speak with him of the relationship of the Minerals Council and the Osage Nation government. He states that they had a table at Sterling's and four gentlemen appeared. Chief Standingbear says it was definitely a strange meeting, but he did not feel threatened. He says that the Osage Nation government and the OMC are now speaking with each other. They then began discussing the TERA. He says it is similar but more independent than the self-governing compacting process. It allows a tribal entity to create their own authority to conduct operations. Chief Standingbear said somebody is driving it. It came from either the Minerals Council or the Producers. He said that Derek Osborne said he can guarantee sovereignty will be protected. He then stated that Pandora's Box has been opened and the forces are in motion and we need an intelligent response. The chief states he is more than willing to work with the Minerals Council. He does not have a solution but he does have resources. He says there is no question about it, they are looking for a function to replace the BIA, that the BIA, in the eyes of the Senate is no longer functional. Chief Standingbear states Mr. Black is coming to talk on September 9<sup>th</sup> at the Business Development Center. He states again that he is all for working together and that it is the Minerals Council decision and the Nation will follow their lead. Councilwoman Erwin states maybe we should have our attorney contact David Mullen, the chief's attorney and come up with a global settlement. Councilman Yates the Producers are not our friends. They are our business partners and if you think they are your friend they will take advantage of you because that is just good business. The producers would love for this to take place because that would allow the state to have control. Chief Standingbear states the logical part of it is; if there is no BIA action, then there is no Federal action, and if there is no federal action, then NEPA does not apply. He states he does not think it is evil intent he thinks a lot of people are trying to find solutions and a lot of people are zeroing in on the overregulation of NEPA as a big problem. He states that what will be on the other side of this is tribal control without federal action and maintain tribal sovereignty. He states it is a dangerous game. Councilman Yates states he is not stating all operators are evil, but they want to get rid of NEPA the EIS and all that and in order to achieve what they want then we would have to lose our minerals estate. Osage Minerals Council will contact their attorney and have him contact Chief Standingbear's attorney David Mullen to discuss strategy moving forward.

Chief Standingbear states that any movement from the feds or the states has to be viewed in terms as how does it work with the water. He states the battle is bigger than everybody in the room. So when they are talking this way don't forget the water.

Councilman Redcorn thanks everyone for coming and that we need to get moving quickly with this problem, and that our attorney will contact the Osage nation attorney.

Motion was made to adjourn by *Councilwoman Erwin* and seconded by *Councilman Crum*.

VOTING: CRUM -YES, ERWIN-YES, K.RED CORN -YES, T. REDCORN-YES, WALLER-YES, YATES-YES,  
BOONE-YES

MOTION PASSES: 8 - YES 0 - NO

(Adjourned at 11:28 a.m.)

Minutes by: cr/lr

Submitted by: Jace Reynolds  
APPROVED by: SW