

**REGULAR MEETING
TRIBAL FORESTRY COMMITTEE
AUGUST 25, 2009 – 3:00 P.M.
TRIBAL OFFICE BOARDROOM**

1. Chairman Randal Chevalier called the meeting to order at 3:00 p.m. Roll call was taken with a quorum present. MEMBERS PRESENT: Randal Chevalier, Myrna Warrington (late), Anthony Waupochick (late), Al Pyatskowitz, Walter Cox, David Grignon, Jeremy Pyatskowitz, Rick Warrington, and Susan Waukau. MEMBER ABSENT: None. Also present: John Reiter, Davey Jean Reiter, Audrey O'Kimosh, John O'Kimosh, Pete O'Kimosh, Mackenzie O'Kimosh, Amanda O'Kimosh, Rebecca Alegria, and Linda Peters, Recorder.

2. Moment of Silence. Randal Chevalier requested a moment of silence.

3. Approval of Minutes dated July 28, 2009

No corrections necessary.

Motion made by Jeremy Pyatskowitz to approve the minutes dated July 28, 2009. Second was by David Grignon. All those in favor of the motion signify by saying aye. Motion carried: 6 for, 0 opposed, 0 abstentions, and 2 absent (M. Warrington and A. Waupochick).

4. Ordinance # 02-22: Discussion and Recommendation

(Please note: Anthony Waupochick entered the meeting at 3:15 p.m.)

The Committee reviewed the draft Ordinances entitled, "Distribution of Forestry Profits", and "Severance Tax". At the last meeting, the Committee discussed some of the issues that are difficult to enforce and what the Committee can do to strengthen # 02-22. The Distribution of Forestry Profits states that at the end of MTE's fiscal year, MTE can review where they stand financially, and what the excess profits are for the year. This would become a formalized procedure. The previous formula that was enacted was never tested and the formula needs discussion on how this can be enacted. The Tribe has 638 contracts that are with the BIA and the Tribe subcontracts with MTE to do the work. Christopher Caldwell will correct the grammatical and numbering errors.

The Draft Severance Tax Ordinance is another mechanism to obtain some profits and is more of a governmental assessment of what has been harvested during the year. It was noted that the Legal Department has not reviewed either of these drafts.

(Please note: Myrna Warrington entered the meeting at 3:53 p.m.)

It was suggested to review the Menominee Stumpage Act to review historically how stumpage was calculated prior to Termination.

Motion made by Rick Warrington to send the Distribution of Forestry Profit Draft to the Legislature to recommend approving this as well as sending notice to the MTE Board of Director's Chairman for their input. Second was by Al Pyatskowit. All those in favor of the motion signify by saying aye. Motion carried: 6 for, 2 opposed (M. Warrington and Waukau), 0 abstentions, and 0 absent.

Myrna Warrington stated her opposition as follows: "These are very significant documents that are not listed on the agenda (number one) and the second one is not gone to legal and if this is a legal document ordinance, it has not gone for legal review. I am for going ahead with trying to do some type of timber severance pay, distribution of profits, but in a way that everybody knows what is going on, and this is not a good way to push something through without it being advertised, and generally there is someone from MTE here, whether they be on Board or a staff person, but no one is here."

Susan Waukau stated her opposition as follows: "Legal has not taken a look at this document. The other thing is you guys drafted these up and they came in our packets on Friday. I didn't even receive my packet, I didn't even have an agenda until today so without being able to look at them (the weekend would have been great), that is my comments and opposition."

Motion made by Anthony Waupochick to have the Committee look at 02-22, an include language from the Timber Severance Tax Draft to strengthen the Ordinance, to see if it is possible or necessary, and to have the Legal Department review the Draft. All those in favor of the motion signify by saying aye. Motion carried: 8 for, 0 opposed, 0 abstentions, and 0 absent.

5. Amendment to Ordinance # 05-22: Discussion and Recommendations

The Legal Department was not ready to present this document.

Motion made by Susan Waukau to table item # 5 – Ordinance # 05-22 until legal is ready. Second was by Anthony Waupochick. All those in favor of the motion signify by saying aye. Motion carried: 8 for, 0 opposed, 0 abstentions, and 0 absent.

6. Checklist Development: Discussion and Recommendations

Christopher Caldwell presented the checklist matrix to the Committee for approval. This checklist was developed as an internal notification tool to assist the Committee with the three documents that govern our forests (Tribal Constitution, Forest Management Plan and Trust and Management Agreement). Chairman Chevalier informed the Committee that the MTL motion dated July 1, 2009 gave the Committee 60 days to develop this checklist.

Motion made by Walter Cox to recommend to the Legislature to approve the Compliance Checklist as presented. Second was by David Grignon. All those in favor of the motion signify by saying aye. Motion carried: 8 for, 0 opposed, 0 abstentions, and 0 absent.

7. Compartment 223 Issue: Discussion and Recommendations

Audrey O'Kimosh reaffirmed that Compartment 223 holds sacred and religious significance for the Tribe and should not be touched and left alone. Chairman Chevalier explained that Resolution #07-02 placed Compartment 223 on restriction; however the resolution also placed restrictions on the full Wolf River Corridor which prevents any type of further development which would include, the Clinic and the Keshena Park area. David Grignon informed the Committee that any type of development must have an archaeological and environmental survey conducted.

Chairman Chevalier informed the Committee that this issue will be investigated further and reported back at the next meeting. It will also be rephrased to avoid confusion.

Motion made by to Susan Waukau to table the Compartment 223 issue and to rephrase this on the next agenda. Second was by David Grignon. All those in favor of the motion signify by saying aye. Motion carried: 8 for, 0 opposed, 0 abstentions, and 0 absent.

8. Trust and Management Agreement: Annual Determination Report

A letter was sent to the BIA to approve the Annual Determination Format and the Tribe has not received a response yet.

Motion made by Walter Cox to table this item until the next meeting. Second was by Al Pyatskowitz. All those in favor of the motion signify by saying aye. Motion carried: 8 for, 0 opposed, 0 abstentions, and 0 absent.

(Myrna Warrington left the meeting at 5:45 p.m. to attend another meeting.)

9. Forest Management Plan Updates

Chairman Chevalier updated the Committee on the Special FMP meeting that was held on August 24, 2009. The BIA deadline is December 2010 for completion of the Plan and the Tribe should have this approved well in advance.

10. Trust Resource's Director's Reports (June, July and August 2009)

There was no action taken on this document.

Motion made by Susan Waukau to accept the June, July and August 2009 Trust Resource Directors Reports. Second was by David Grignon. All those in favor of the motion signify by saying aye. Motion carried: 7 for, 0 opposed, 0 abstentions, 1 absent (M. Warrington).

11. Other Business

Chairman Chevalier informed the Committee that Legal needs for the next meeting the review of both the draft ordinances and the status of Ordinance # 05-22.

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12. Adjournment

Motion made by David Grignon to adjourn the meeting. Second was by Jeremy Pyatskowitz. All those in favor of the motion signify by saying aye. Motion carried: 7 for, 0 opposed, 0 abstentions, 1 absent (M. Warrington).

Meeting adjourned at 7:00 p.m.

Respectfully submitted by,

Linda Peters, Recorder/Transcriber
Recording Clerk – Chairman's Office