

Tribal Concerns and Discussion Points
North Dakota Legislative Management
Tribal and State Relations Committee
March 26, 2012
Tex “Red Tipped Arrow” Hall, Chairman
Mandan, Hidatsa, and Arickara Nation
Fort Berthold Indian Reservation

Chairman O’Connell and Members of the Tribal State Relations Committee, my name is Tex Hall, or Ihbudah Hishi, which means “Red Tipped Arrow”. I am providing the following concerns on behalf of our tribal Nation.

Oil and Gas Impact. The Oil and Gas Development or “Boom” in western North Dakota has severely affected the health and welfare of our land and the residents of the Fort Berthold Reservation. Our tribal nation is in dire need of resources to contend with the negative impacts of this Oil and Gas “Boom”. Prior to the oil and gas impact, our tribal nation suffered from severe hardship, such as forced taking of our land, disease and health disparity, and destruction of our economic base. With the onset of the explosive oil and gas development, our difficulties have multiplied. Despite new revenue from oil and gas development, our tribal nation is still faced with applying limited resources to address both the negative impact and other continuous needs of the Fort Berthold Indian Reservation. Our Tribe needs resources and funding to address these important impacted areas:

- a. **Road Repair:** Road conditions are deplorable and dangerous. Our Reservation highways need the necessary repair on ALL impacted roads and not just Highways 22 and 23. Traveling roadways on our Reservation now, more than ever, is a matter of life and death.
- b. **Law Enforcement and Traffic Safety:** Increase in criminal activity, such as illegal drug trading, violence, and driving under the influence, has made our Reservation a very difficult place to live and protect our families. Our Tribe needs help from State and Federal governments to combat this situation.
- c. **Housing:** Prior to the rapid oil growth, our Tribe had an established need for more than 400 homes to be built. The negative impact of oil development has compounded this situation today, where available housing is either too expensive or severely limited. State assistance to plan and develop new housing on Fort Berthold would greatly help alleviate the stresses caused by a shortage of affordable housing that is rampant in our area.

- d. Environmental Protection: The tribal government and its environmental departments are currently developing laws and regulations to better protect our Reservation. But with limited resources, pro-active and response measures will continue to be inadequate in this area. We need State resources to match our own to better protect our lands and water on Fort Berthold.
- e. Resource Development: Two very important issues are critical to our safety and need for resources:

- 1. **Unshared State Resources.**

We are deeply concerned with the State's failure to provide State assistance directly to the Mandan, Hidatsa, and Arickara Nation to help us address the negative effects of the Oil and Gas "Boom". Despite an appropriation of \$1.2 Billion by the Legislature in 2011 to be utilized for impacted areas of Oil and Gas development in the State, our Tribes' request for assistance have been ignored or denied, leaving us without adequate resources to protect the health and welfare of the residents of the Fort Berthold Reservation, who are also citizens. Furthermore, Since July of 2008, the State has received more than \$150 Million in tax revenue under the Tribal-State Tax Agreement, wherein a significant amount stems from tribal trust lands and wells! Yet, when requested, the State of North Dakota continuously asserts that these funds are restricted from usage as we request and need them. It is our hope and expectation that the State will appropriately re-apply and re-invest revenue realized by the State for oil and gas development on the Fort Berthold Reservation.

- 2. **Inequitable Tax Agreement:**

Since July of 2008, the Tribal-State Tax Agreement while accomplishing the important purpose of spurring development on Fort Berthold by having a single tax rate for the oil industry to rely on, has resulted in an inequitable split of tax revenue provided to our government. Our Tribal Business Council has passed a Resolution (Resolution #11-116-VJB) that strongly states our position that the Agreement must be amended so as to provide increased revenue to our tribal nation to contend with the ill-effects of oil and gas development on the Fort Berthold Reservation. As Chairman of the Mandan, Hidatsa, and Arickara Nation, I am committed to amending and changing this inequity in which the State receives nearly double the amount of tax revenue as our Tribe.