

**OSAGE MINERALS COUNCIL
REGULAR MEETING
JUNE 15, 2016
OSAGE COUNCIL CHAMBERS
PAWHUSKA, OKLAHOMA
MINUTES**

Call to Order:

Chairman Everett Waller called the regular meeting of the Osage Minerals Council to order at 10:02 A.M.

CHAIRMAN WALLER: ...We pray that we forsake our menial task of our days, that we call to that Wah-Nah-Ki in asking that prayer that overlooks us on our shortcomings. But it helps every family, not only mine, but all the families involved. And just like the Grayhorse family, today, when we get where we look at a paper and think that it's something that's more important than the prayer to God, I suppose we are nothing. God is everything. Our Creator has given us a chance to be here today, and be Wah-Zha-Zhi. The lives that we have today is only through the grace of God. We have created nothing. We ask that we help every family that's going through it, because my blood relative has that drum. We hold six positions on it. (00:56) honor for us. They laid their grandma down to get here. My aunt, Irene LaZelle, I wanted to announce her name. To go through that and to start up tomorrow was going to be hard on me, because we're going to pay for that drum, and then it moves on. I was told that none of us mattered. Only that drum moving matters. That's why we took it. That's why we laid down the Headhunters Society, because they didn't want their children to live under that environment. It was so strict that your parents decided what you were, and what you do. In closing, I want to ask my brother to make a short announcement.

UNIDENTIFIED PERSON: Yes, I've been told that we need to send our condolences to just a long-time lessee that's been in the County for as long as we've been around, and longer, Wayne Inlow.

CHAIRMAN WALLER: Alright. Send out our prayers, love and affection to the family. Wayne was a wonderful person that had a lot to deal with a lot of us. I appreciate that, brother. The closing remark I have, on a lighter note. We're going to have a statue put up next Wednesday for Mr. Bigheart, Chief. My great-great-grandfather picked him after we went to a genocide in Kansas. They say they needed someone who could get us home. They'd already decided that. They had many to pick from, but they picked him, because he had grown up in our society. But then, he knew the ways we're going to be facing. So, on behalf of the family here, today, I wanted to honor him, and tell you is that, we wouldn't be here, without him, and that his life his bloodline was the prayer that we had always asked for. There's no defeats in battle to protect that bloodline. That I couldn't lay any more on you, I ask you to pray. Please stand.

Opening Prayer:

Chairman Waller asked Councilman Talee Redcorn gave the opening prayer.

Roll Call:

Minerals Council Executive Administrative Assistant Lacey Reynolds called the roll. Osage Minerals Council Members present were Cynthia Boone, Joseph Cheshewalla, Galen Crum, Stephanie Erwin, Kathryn Red Corn, Talee Redcorn, Everett Waller and Andrew Yates. A quorum was declared.

Visitors to the meeting were: Teresa Bates Rutherford, Linda Jackson, Beverly Brownfield, Sharon Long, Florence Bigheart Trantum, Gene Bowline, Tony Benavides, Linda Heskett, Leigh Kuykendoll, Bob Knoppe, Rosaline Karlin, Joe Hall, Don Williams, John J. Allen, Steve McNamara, Julie Wilson, Jim Kunard-BGI, Scott Heskett, Joy Ledbetter-OST, LeeAnn Ammons, Keli Mashburn and Jill Jones.

CHAIRMAN WALLER: I'd like to ask Mr. Swan, where you're seated, to give us our Accounting report, please.

JIM SWAN: OK. What I want to give, this morning, is a production for February, March and April. In February, we produced gross barrels producing oil for 352,229; royalty barrels 54,514. That gives us a daily production of 12,146 barrels. Royalty barrels or gross barrels was 16.48%. Our average price of oil for February was \$28.55 a barrel. Oil revenues collected in March was –

CHAIRMAN WALLER: Excuse me, Mr. Swan. That's not in there. We'll have everything in by Friday, and I've asked that we do that segment. Thank you. Go ahead and complete.

JIM SWAN: Alright. Oil revenues collected in March is \$1,560,529.01. Gas revenues was \$189,545.92. Our tank and battery tank bottoms was \$688.39, which gives us a total of oil and gas revenue, \$1,750,763.72, and our bonus for February was \$1.43 cents per barrel average.

In March, we had gross barrels produced of 370,096 barrels, royalty barrels 56,977, which gives us a daily barrels produced 11,939 barrels. Our average price of oil in March was \$35.91 a barrel. Total in our bonus for March was \$1.28 a barrel.

Our oil revenue collected in April was \$2,046,274.72. Our gas was \$156,386.24. Our tank bottoms was \$342.65, gives us a total of \$2,203,003.61. In April, we had gross barrels of \$349,204.00. Royalty barrels was 53,724 barrels, which gives us a daily production of 11,640 barrels per day. Our average price of oil was \$39.17. Our oil revenue was \$2,126,084.14. Gas revenue \$150,783.98. Tank bottoms was \$431.71. It gives us a total of \$2,277,299.83 of oil and gas revenues for April for that time.

CHAIRMAN WALLER: Yes, sir, and was I correct on the reports not being ready, yet?

JIM SWAN: Yes. I just haven't got them typed.

CHAIRMAN WALLER: Yes, sir. As soon as you have them available, dispense it to the Council. We appreciate all you do.

JIM SWAN: Thank you.

CHAIRMAN WALLER: Any questions from the Council? Seeing none, thank you, sir.

JIM SWAN: Oh, let me add one note. The bonus for April was \$1.60 per barrel.

CHAIRMAN WALLER: Yes, sir. Thank you. Way-we-nah.

SUPERINTENDENT'S REPORT:

CHAIRMAN WALLER: Seeing no more questions, I'd like to go into the Superintendent's Report, please.

DEPUTY SUPERINTENDENT WINLOCK: On the Superintendent's Report, we had 2,095 purchase tickets were being scanned, we had 94 lease inspections, 28 leases checked for production primary term, and 9 drilling permits issued, Hensfield mediation letter prepared, 11 trucks stopped for permit check, and 46 calculations, 15 gas meter calibrations improving witnessed. We had assignments – 37, 32 division orders approved, and 75 lease terminations. On the leases that sold the most in May was APAC, Candy Creek Pressure, and Casey Hinman. On the drilling permits, in May, we had 5 workover permits approved, in May we had 12 drilling permits approved in May, we had one drilling permit being reviewed and approved and the documents being approved and prepared, we have 3 drilling permits being referred by lessee, and we have two workover permits approved and now in the 30-day appeal period, we have 7 drilling permits approved in a 30-day appeal period, and out of those 7, I signed 5 of those, and approved them today. Then we've got 7 drilling permits that the EA is being prepared by the BIA. We have 4 workovers being

reviewed and improvement documents being prepared. We have 5 plugging permits being reviewed and approved, and documents being prepared for that. That's it.

CHAIRMAN WALLER: Thank you. Council? Councilman Cheshewalla.

COUNCILMAN CHESHEWALLA: Yes, Richard, are any of the horizontal wells, up north, flared?

DEPUTY SUPERINTENDENT WINLOCK: Not that I'm aware of.

COUNCILMAN CHESHEWALLA: Not that you're aware of. Alright, thank you.

COUNCILWOMAN ERWIN: May I ask where the Superintendent is, today?

DEPUTY SUPERINTENDENT WINLOCK: She's on travel.

COUNCILWOMAN ERWIN: She's on travel?

DEPUTY SUPERINTENDENT WINLOCK: Yes.

COUNCILWOMAN ERWIN: I'm hoping it's in regards to our business.

DEPUTY SUPERINTENDENT WINLOCK: All I know is that she's on travel.

CHAIRMAN WALLER: Councilman Redcorn.

COUNCILMAN REDCORN: Thank you, Chairman. I appreciate the reports we're getting from you and Ms. Phillips. It seems like we're getting a little more information. I like the sub-station report, the production stuff that we're getting, so Mr. Brock will communicate with the media to try to get and try to decide what we want to get out there, but again, keep this in mind, whatever you're doing, I would encourage you to highlight some of the folks that are doing well out there. You can get a lot of information on, maybe, folks that aren't doing so well. I like the people that keep our royalties paid, we can somehow come up with Lacey and show case data.

CHAIRMAN WALLER: Are there any more questions? Councilwoman Erwin.

COUNCILWOMAN ERWIN: No, I don't have any more, except that you may tell the Madam Superintendent that I did miss her today. I did notice her chair being empty, and maybe she'll be able to come next month.

DEPUTY SUPERINTENDENT WINLOCK: I will sure relay that to her.

COUNCILWOMAN ERWIN: Thank you.

CHAIRMAN WALLER: Thank you, Deputy Superintendent. Do we have any questions from the Council? Seeing none, thank you.

NEW BUSINESS:

BGI:

CHAIRMAN WALLER: I'd like to go to BGI. Mr. McNamara.

BGI: Thank you, Mr. Chairman. Steve McNamara for BGI. I appeared on Friday, and our request is for an extension of the BGI concession. We had previously appeared on the Council's meeting of April 20 and

asked for an extension, and that was rejected by the Council at that time. So, we've gone back and reassessed our situation and tried to bring in the comments that we've received from the Council on April 20. Our new proposal to the Council is in exchange for a two-year concession, which is set to expire February of '17. We would drill one additional vertical well before February of '18, and we would drill two additional vertical wells before February of '19. If we were to go out and drill two or three wells right away, those would be a credit towards our obligations.

When I was here on Friday, the question was asked of me, I can't remember which Council member what the concession provided for us to the rate that we would pay dollar for lease, and I've determined that's \$50 per acre, as set forth in the concession, and I've confirmed that with BGI. So, it's approximately \$8,000 per quarter section to retain a lease. That is all.

CHAIRMAN WALLER: Councilman.

COUNCILMAN CRUM: We're talking about a concession, as anyone on this Council can see. When we're doing other concessions with closer time frames, whether they're terminated for rules, the minimum lease bonus that we were doing was \$100 with those folks, and we actually did some for \$150 and higher. I feel that we ought to. You all are going to be leasing three wells between now and February of '19. They may or may not be three separate leases. We talked about that a little bit. They may be doubled up. Tell me what your business practice that shows up on which one will favor, that you're holding a sizable chunk of acreage all that time. So, I'd be reluctant in the times I look at it in terms of the current economic situation, all these kind of things, but just extend this lease to this concession. One thing, for myself, I'd like to see at least \$100 an acre bonus raised as far as the new agreement on the extended concession, and I think that's pretty minimal, considering the number of wells we're talking about, so I'll just throw that to the rest of the Council. If you wish to make comment on it, you certainly can. None of them had this small drilling agreement.

CHAIRMAN WALLER: Councilman.

COUNCILMAN REDCORN: Thank you. I thank you for the report. You came to us in April, it's June. The last time we, for some of us, proposed, you guys are going to work to see what you can do. We're still three months past that. Now we learn you have nine more months to try to figure what's going on out there. So, I'm kind of in the same boat. I was hoping we would give you that year and help you with your finances. If it doesn't work, we're out of it. As of today, we move in nine months, so that's why I think we were thinking sometimes a timeframe, you think 'good', but never could do it. What I thought was best, now we're looking at tying up a lot of land for a little bit. So, anyway, just a kind of different twist.

COUNCILMAN CHESHEWALLA: Yes, sir. What's your current production up there, right now?

BGI: Right now, it's right around 98 a day.

COUNCILMAN CHESHEWALLA: Right around 98 a day?

BGI: Yes, sir.

COUNCILMAN CHESHEWALLA: OK. What did that horizontal well ever do for you?

BGI: It did nothing. It cost us lots of money, sir.

COUNCILMAN CHESHEWALLA: OK. Well, I know one thing. Y'all have been up there now, gosh, a good 15 years or whatever, right there in that field. I don't think y'all are going anywhere. You've got a yard up there. You're the only business up in Foraker, really.

BGI: That's right.

COUNCILMAN CHESHEWALLA: That's the way you look at it. Yeah. OK. Thank you.

BGI: Joe, do you know how many total wells we have done?

JOE: I do not, because I came in about five years ago, but I don't know exactly which ones they drilled and what was already there. Since I've been there, we've drilled about 40 – about 40.

BGI: Six. Six or seven, I can't remember off the top of my head. I'd just point out to the Council that I don't believe that BGI has drilled many wells up there. At least 20 or 30, but that's my speculation. I'm not saying –

CHAIRMAN WALLER: Approximately 20 to 30?

BGI: We would like to get the extension so that we can start making commitments and tracking capital to come in and invest. I understand that the Councilman's concern about that we need to get something going, quickly. But, unfortunately, the price of oil is, I believe, that the reason BGI is requesting this is to attract capital that they can say, 'Well, if this project works, we drill this well, we have these other prospects,' and if the entire concession is going to end in February, 2017, that makes it exceedingly difficult to attract those kind of investors. So, that's why we're here for the extension. If the Councilman's suggestion of increasing the bonus rate, I know my boss isn't going to be happy about that, but I'd rather –

CHAIRMAN WALLER: You've got to make that side work out.

BGI: I understand, and my point is, if that's what you want, if that's the will of the Council, then so be it. But, I don't want to be coming back and forth, and make efficient use of your time, or anyone's time. If that's the Council's will, we'll abide by it.

CHAIRMAN WALLER: We live in the same world. There's no problem money can't fix. Councilman.

COUNCILMAN REDCORN: Experience in the oil business, is get it done fast or get out, and you hold a lot of acres for a long time, what are we getting out of it? When oil comes back up – We're looking better than, even what Jenna said, and is it going up? I don't know, but you'll have a mighty sweet deal that we could looking for people instead of you all, but I don't know. But, you'll get the money and not us. I guess the end result is that we want activity out there.

BGI: Yes, sir.

COUNCILMAN REDCORN: So, that's why I was in favor of giving you guys a quick turnaround. It's a whole different ballgame, given three months. So, you've got to move. That's my feeling.

CHAIRMAN WALLER: Councilman Yates

COUNCILMAN YATES: I'll make a motion to accept his proposal for a two-year extension with a first-year drilling a vertical, is that correct? In the second, drilling two?

BGI: Yes, sir. I don't think they're going to want to drill a horizontal any time, soon.

CHAIRMAN WALLER: Don't cut it out, but, yes, sir, we understand.

COUNCILMAN CHESHEWALLA: And I second it.

CHAIRMAN WALLER: Very good. Any discussion? I have a motion on the floor by Councilman Yates, second by Councilman Cheshewalla. Floors open for discussion. Councilwoman Red Corn.

COUNCILWOMAN RED CORN: In our discussion, we had agreed that we would get the seismic information from that?

CHAIRMAN WALLER: Yes, ma'am.

BGI: I'm sorry? We discussed that in April, and that is still agreeable to BGI, both to base seismic and interpretation of the seismic.

COUNCILWOMAN RED CORN: And that went on the question?

CHAIRMAN WALLER: Yes, ma'am.

COUNCILWOMAN RED CORN: Production's gone down a little bit, because last time, you said it was 100 barrels a day.

BGI: Yeah, it's steadily declining. We haven't been able to do any work.

COUNCILWOMAN ERWIN: Imagine that. We're glad you're here.

CHAIRMAN WALLER: Add that to our motion, the seismograph information will be delivered to the Osage Minerals Council for our benefit.

COUNCILMAN REDCORN: I believe Dr. Edith Wilson was going to make your interpretation?

BGI: Yes.

CHAIRMAN WALLER: That report is what we want. Councilman Crum.

COUNCILMAN CRUM: I have a quick question for the Council. The seismic, itself, is, already ours, as previously stated?

CHAIRMAN WALLER: That is correct.

COUNCILMAN CRUM: The interpretation, I don't know, whether or not you're doing the interpretation. Second, I wanted to ask Councilman Redcorn, have you thought about this as a one-year or a two-year extension? Is that what I hear?

COUNCILMAN REDCORN: Well, that's what we proposed, I think two of us voted for it, and shot it down. In that timeframe, you know, taking commitments on drilling to the bank, we've heard several producers tell us the story of the inability to lock in financing, which I think they've made that abundantly clear, so that's why I think, at that point, we're looking at that atmosphere. So I thought you guys are successful, we give you a year. Maybe you can make it happen. That is the gamble that I was willing to make. Now, Mr. Swan's showed us, we're going upstairs on the price of oil. Now, we're in a different game. So, that's my thinking. Councilman Crum?

CHAIRMAN WALLER: Call for the question?

COUNCILMAN YATES: Just add to the discussion that normally we negotiate the lease. We give them the two-year lease, and if we do, we get a minimum bid, so it's about half, .375. That's all I have.

CHAIRMAN WALLER: Any other? Call for the question.

MOTION FAILED¹: CYNTHIA BOONE-YES, JOSEPH CHESHEWALLA-YES, GALEN CRUM-NO², STEPHANIE ERWIN-ABSTAIN³, KATHRYN RED CORN-ABSTAIN, TALEE REDCORN-NO, EVERETT WALLER-YES⁴, ANDREW YATES-YES

CHAIRMAN WALLER: With that, I'd like to go to 7b. Grants. Councilman Crum.

COUNCILMAN CRUM: I was given the task, provided by the Chairman, to contact Fredericks' law group about the grants that we were asking them to develop for us. Actually, I had only really talked about one, but I do have a report to do it on the other.

I didn't talk to Tom Fredericks, himself. I left him a message to call me at his convenience, and he had Rebecca Shearer call me, who has taken the lead, I believe, on developing this, along with a couple of other people. So, when I told Rebecca the same thing I told you guys that Steven Manydeeds with the Office of Indian Energy and Economic Development and I had had conversations and talked about the problem over here with Osages. We have a whole lot of information, and it's all paper, and so people on the outside started to research and be able to use that data information on all our hundred years of development. But even, this BIA was able to solve the problem digitizing all of this information, they still ran into the problem of FOIA, that when people tried to get it to read back the information that is important to them. So he wondered if, maybe, we would want to look at taking possession of copies of all the information, so we would have in our possession, and we could find a way to put on-line, somewhere or other, make it available to do with it what we want with it. When we talked with Rebecca, we emphasize the importance of taking possession of that, leaving the BIA out of having to worry about such things such as distribution, or how to distribute. That was a great idea, and she would start working on that. I suggested that I told Mr. Manydeeds that if somebody from their office may be contacting them, if not this particular proposal, but about some proposal they would be making to him to get the data. She said that she would do that, and then they tried to send a scope of how much information needed to be transferred from paper to digital, and try and make some judgements of how to go about doing that.

Some of the Council had mentioned that doing the whole thing was too big of a scope, and the first thing to do was to study the problems. I threw that out there so that there was no vote to do, except to give them information and have them evaluate it. She said she would do that and said that the scope of getting the data might be more than one, and the work would have to be done in a timely fashion, once we got the grant. So, you have to look at a company could be brought in to do the entire work in that timeframe, and they are to get back with us about their recommendation.

Also, along the other grant, which would be the one in my mind that creates infrastructure, they said that they were working on that, and they would have some proposals for us. Prior to my call, they were working on both proposals for us.

CHAIRMAN WALLER: It hasn't hurt this deadline?

COUNCILMAN CRUM: I'm not sure about that.

CHAIRMAN WALLER: Not sure? Any questions? Councilman.

¹ In "Roberts Rules of Order," using the 50% + 1 rule, if there are eight people voting, then the clear evidence is that it needs five people to say, 'Yes' for the motion to pass. In this instance, with two abstentions and two 'no' votes, the motion failed.

² Councilman Crum had a question during the vote, "Is it the \$100 bonus we're talking about? Because his statement made it sound like it's twice as much," and the answer was that it was not. BGI stated that it was \$50 an acre for a minimum.

³ Councilwoman Erwin said that she was confused now, and asked if they were voting on the \$50 or the \$100.

⁴ Chairman Waller said, "When we make a deal, we stick with it."

COUNCILMAN REDCORN: Thank you, Chairman. I appreciate your report, Councilman Crum. The only thing I'd like to, moving forward, is we had a similar process going when I was on "Minerals 1". We were trying to get this information out. We split the task between the Minerals Council folks and the new Nation people, like that type. To my understanding, we got our piece done, but I'm finding out that the new Nation, through the ENR, did not get it done, so I just want our attorneys 'digest' it, because when we got into it, in "Minerals 1", all I kept seeing was hands raised, "Oh, we can do this. Oh, we can do that," over here, and so it was hard to negotiate against what the Bureau or anybody else what the new Nation kept telling us they could do all these things for us, and at the end of the day, it never really happened. So, if that's OK with the Council, I'd just like if I ask myself and Mrs. Boone, who was on that Council, I feel like they need to know that, Tom Fredericks and all that, because they're going to call here and the Nation going to say, "Yes, we can do this, and we've done it." But to my knowledge, those 139s were stacked this high on the desks over there with that information never got encoded, so, I'm a little leery if I hear about a result that will come back and say, "Hey, the solution is..." and these guys are going to take the bulk of it, which kind of what we were dragged into. It's a little bit of learning, but I like what I'm hearing here. Thank you for your work on that, Councilman Crum.

COUNCILMAN CRUM: I think I can give a little follow-up that might sound even better. In our discussion, I did talk about the good work that we had those older production reports, but they were in a form that wasn't searchable. So, part of our discussion was, from the very beginning, we had it in the right format. That's the reason I think she said that they're trying to develop this and contact companies who perhaps who did this, instead of us. I'd like to do it right the first time. We have a company that whatever scope we decide to go with, whatever data we have from that will be ready to go, and able to disseminate how we choose to do it.

COUNCILMAN REDCORN: There's two types of information. 160-acre production histories, we got that and we got it done. The well specific information, the Nation took it. That didn't get done. I know we keep talking about this production history and 160 and we can talk about this matter all day, but it's done. The 139 information was never completed. That's my point. We've got to ensure that that's the bulk of the information that these producers want is that electronic log information, all those daily reports that Mr. Winlock, is now going to relaunch that effort that was killed, I think, ten years ago. I like that. Bill Linn says that's very important to help them interpret what went on, what changed, and maybe they can try a different trick with those well-specific information out of the 139s, is what I'd like to get my hands on, so we can hand it over to these producers, and at that time, we'll be handing it to the Nation, and to my knowledge, I asked Mr. Yates last time and it hadn't got done. To my knowledge, it has not been done. So, I don't want to try that route again, somehow, to get that information out of here, and over here. The second thing, Mr. Winlock, I'd like to ask is, when we did that, I asked Ms. Phillips, I believe we covered FOIA (Freedom of Information Act), because it didn't happen overnight. It took about eight months and finally got the blessings, and then that 139 stack starts going over there. I'm assuming the FOIA had been done at that time. So, I'm hoping that's still the case that we don't have to go through this FOIA again. I want clarification if it's all possible that we can use that old FOIA. What I heard was the now deceased engineer was the one that gave the go-ahead.

DEPUTY SUPERINTENDENT WINLOCK: Do you still have the copy of the old FOIA request?

COUNCILMAN REDCORN: That's where I don't know. We –

DEPUTY SUPERINTENDENT WINLOCK: Is he –

CHAIRMAN WALLER: Excuse me. You're the Federal Government. It's always in triplicate. Go find it.

DEPUTY SUPERINTENDENT WINLOCK: Yeah. What I can do, I can check with the Solicitor's office –

COUNCILMAN REDCORN: OK.

DEPUTY SUPERINTENDENT WINLOCK: -- and see if they've still got it.

CHAIRMAN WALLER: Yes, sir.

COUNCILMAN REDCORN: In fact, the case, then, Mr. Crum, your efforts on FOIA down here would be greatly improved if we can verify that that's actually had. Thank you, Chairman.

CHAIRMAN WALLER: Very good. Thank you, sir. Councilman.

COUNCILMAN CRUM: If it's somewhere that the ruling on FOIA is that they're working under now, is not valid. There'll be a change there. However, we weren't looking. This method, done properly, where we'll take possession of, because I think we should do, regardless of what comes out of the Court. I think it's a good project, and Rebecca's comment on it, was that we have to do it right to where you're taking possession, which is now your copies, and that eliminates the form that has to be done properly, because I guess there are some parts if we're acting as an agent for somebody else, and I'll be talking about that more in the other resolution. There is to be a ruling from the Government's side for it to be back in play. The whole idea of this, and Mr. Manydeeds indicates it is his position, is that if we took possession of it, FOIA would no longer count at the BIA. We want some FOIA concerns. This project could go on with or without the FOIA.

CHAIRMAN WALLER: Thank you, sir. Council, do we have anything else to add? Councilwoman Erwin.

COUNCILWOMAN ERWIN: (to Councilman Crum) What's your definition of "take possession"?

COUNCILMAN CRUM: We've asked for copies. They give us copies, and they're ours.

CHAIRMAN WALLER: Excuse me. Go right ahead.

COUNCILWOMAN ERWIN: The rest of that sits over there, that they're not going to do anything with that, that we're just getting copies? Digital copies?

COUNCILMAN CRUM: We were getting copies. We've had to make the digital, is the way I understand it, right now --

COUNCILWOMAN ERWIN: OK.

COUNCILMAN CRUM: -- from the BIA --

COUNCILWOMAN ERWIN: But they still keep all that information?

COUNCILMAN CRUM: Yes.

COUNCILWOMAN ERWIN: OK.

COUNCILMAN CRUM: Yeah, they keep a copy. Outdated information that they've shared with us.

CHAIRMAN WALLER: Thank you, Councilman. Councilwoman Red Corn

COUNCILWOMAN RED CORN: In Ms. Phillips' report last Council meeting, she told us that she would give that to us, that it would be handed to us and we could do with it whatever we wanted.

CHAIRMAN WALLER: I would like to also add that we used to handle it upon request, but you're going to have to do it for you. We can't turn it over those division owners. We can't turn over certain documents. You can't turn them over, and I think the Council's got to realize we never did, but Councilman Redcorn's

correct. We've got to have what that Engineer needs as Joe and I handed out for many years to try and get someone in here to bring that drilling rig in a short-term block. Councilwoman, is there anything you'd like to add?

COUNCILWOMAN RED CORN: No, that's all I wanted to add.

CHAIRMAN WALLER: Councilman Yates.

COUNCILMAN YATES: (Could not understand his comments.)

CHAIRMAN WALLER: I concur. Councilman.

COUNCILMAN REDCORN: That's a good point. When we were talking about Minerals 1, we had I H S here. We had a small company out of Texas come up, and they were showcasing the things they do. I told Councilman Crum I was impressed with the ELO, which is, you know, the Electric Light, but they were the best company, because they weren't going to charge us much and they had geologists, yada, yada, yada, put the effort in – Whatever the Councilman comes up with, I'm fine. I just want to add that I'm encouraged that if Mr. Crum can get our attorneys involved in it, then that's going to help us with the hurdles on the FOIA. If there's any way, like Chairman saying Division Orders can't go out this and that, well, we've got a legal mind looking at all those '-isms' to make sure that we get those hurdles pulled over, before we get that information out there. Those are all little tricks and little things that's just been grandfathered in to this system over here, but an attorney's going to have to piece through. So, I'm encouraged that Rebecca's wanting to jump on this, so I think it's a good thing.

MEETING DATES:

CHAIRMAN WALLER: Council? Seeing none, I'd like to go to the next item. Meeting minutes? Oh, Meeting Dates?

COUNCILWOMAN ERWIN: Last Friday, I asked you all to consider maybe adding a few more days that we could have meetings, since we don't have telephone polls anymore, that we might have at least one more meeting date every month, having it called.

CHAIRMAN WALLER: Council, would you like to add anything to that?

COUNCILMAN CHESHEWALLA: Public, or...?

COUNCILWOMAN ERWIN: No, just like this.

CHAIRMAN WALLER: Councilwoman Boone.

COUNCILWOMAN BOONE: I would be in favor of adding another date for us having a meeting, just like we do now, because we've got a lot of stuff that comes up and now that we've done away with the telephone poll, I think it's going to be a necessity for us to carry on our business, and openness with some of the other Council members that requested.

CHAIRMAN WALLER: I think the target date would be approximately this month, two weeks from today. That's just my consideration. We could just look at that day to try to profile 'x' amount of days between our meetings.

COUNCILWOMAN BOONE: Mm-hmm.

CHAIRMAN WALLER: Of course, our special-called meeting can be done anywhere. But, maybe that's just my concern. Councilwoman Boone.

COUNCILWOMAN BOONE: I'm done.

CHAIRMAN WALLER: Councilman Crum.

COUNCILMAN CRUM: Well, we've dealt with this problem, already, before, and we talked about it, but we recall special meetings whenever we had to. If the Council wishes to have more meetings per month, how do we know that will be a meeting that is exactly something that couldn't have been done something that came up, during that time. We have a process right now to whereby when something does come up, you call a special meeting for here. You do it in the open. We're not doing phone polls to take care of it. I think we've already dealt with this problem, and deciding to have another meeting day would not do away necessarily, with needing have a special meeting for something to come up, because there's no way to know whatever it might be there to be dealt with on that extra day that we have. We are able to get through our agenda and talk to everybody that we know about to do on the two days that are here, and those days that are added are for things that come up, we can do that now.

CHAIRMAN WALLER: Councilwoman Boone, then Councilwoman Erwin.

COUNCILWOMAN BOONE: When we have a special meeting, we don't have the attendance that we have brought to date. And, by the way, I'd like to thank my Grayhorse people for showing up today.

CHAIRMAN WALLER: Wey-we-nah.

COUNCILWOMAN BOONE: But this is a regular meeting, and I can't say that the attendance wouldn't be as good if we would add an extra day. I know when we have special meetings, we don't get the attendance that we do on regular meetings – scheduled meetings. That's why I think it's important, because some of the Council members said our shareholders need to be involved and informed and this is another way of doing it, rather than having a special meeting called, where nobody would probably know about it. Thank you.

CHAIRMAN WALLER: Councilwoman Erwin.

COUNCILWOMAN ERWIN: I'd like to say that our phone call meetings are cut. But, you know, how many days, workdays, do we have 'til Wednesday? A lot of the issues that we have cannot be addressed because we have to do some research, maybe talk to some attorneys. We don't get that information back. I think those things that can't be addressed that day, whether we have the time or not, maybe should be addressed in two weeks at another meeting, a scheduled meeting. Thank you.

CHAIRMAN WALLER: Councilman.

COUNCILMAN YATES: We did away with phone polls, because we did it secretively and not discussed and the votes were not given. And a lot of those came up, within two or three days in the schedule. You wanted an answer in the regularly scheduled meetings. We do two or three days of scheduled meetings as a necessity. That's not my point. I think, is that a lot of our meetings don't last no longer than two hours, at least. I haven't had a meeting yet for four hours in several months, so I don't see the urgency for these meetings, and I'll read and agree when there are special meetings, but I'll be here. If there's something comes up to be loaded on to be discussed in open meeting, I will be here. I think the routine we've got set up for proposals to vote on. So, that's my opinion.

CHAIRMAN WALLER: Councilwoman Boone and then Councilwoman Erwin.

COUNCILWOMAN BOONE: The telephone polls were done because our attorney said we could do them, and it wasn't anything that was done in secret. We just discussed them at the next available meeting. We told them what the question was, we told them what the voting record was, and even though you would attend the special meeting if we added an extra meeting, wouldn't you attend that one, too, if we added an extra meeting date? Couldn't you come?

COUNCILMAN YATES: (to Chairman Waller) May I answer?

CHAIRMAN WALLER: You betcha', brother.

COUNCILMAN YATES: Of course.

COUNCILWOMAN BOONE: Oh, OK.

COUNCILMAN YATES: If we see the need for an extra meeting...

COUNCILWOMAN BOONE: Well, a lot of times, when the telephone polls were done, is because our attorney wanted something done, as soon as possible, as 'as soon as possible' to me doesn't mean wait 'til next week or wait three or four days. When our attorney wants something done, I think we need to do it right away, like he requested. Having said that, **I make a motion that we add an extra meeting date to our monthly meetings.**

COUNCILWOMAN ERWIN: I second.

CHAIRMAN WALLER: I have a motion on the floor by Councilwoman Boone, second by Councilwoman Erwin. Motion is to add another meeting date to the Osage Minerals Council. I'd like to open the floor up for discussion, and make it very quick. Councilman Cheshewalla.

COUNCILMAN CHESHEWALLA: I'd say to keep it like a – on a tentative schedule. If we really and truly needed it, yeah, at the end of the month. If they're like the women say, if there's something that came up with the lawyer, OK. Otherwise, there's nothing that we've already – if we've already taken care of it by this Wednesday, we should have no need for one, unless it's like an emergency situation. That's all I got.

CHAIRMAN WALLER: Councilwoman Erwin, did you want to add anything?

COUNCILWOMAN ERWIN: I just think we need more time to go over the information that we have Friday. You know, those two days between Friday and the Wednesday meeting, you know, that's not enough time to get everything put together and review the information that is given to us. If we can't do it on that Wednesday, maybe we can do it a week or two later, on another Wednesday, instead of waiting a full month before we get around to it, again, and they have to come back maybe the next month after that, because they keep changing or whatever, negotiating on these concessions and stuff. I think we need to move a little faster on what we do.

CHAIRMAN WALLER: Councilwoman.

COUNCILWOMAN RED CORN: Well, if Thomas called, what we need to do is change the Friday and make it open, then that would give Tom to review the information by that Wednesday. We could change it to a Wednesday, and that'd be a full week to review the information.

CHAIRMAN WALLER: Councilman, and then this will be shut, and call for the question.

COUNCILMAN CRUM: Yes, Councilwoman's to adjust is not part of this motion, so we will need to deal with that with the second one, and what sounds like what Councilman Cheshewalla was saying was exactly like what we have now, because, if necessary, we'd call a special meeting. That's what in my mind. Maybe

it's different than what he has, and then they'd have one and cancel it. It's going to be more confusing to the people that wanted that special meeting. So, let's call for the question. Oh, my other remark was Councilman Redcorn returning right away, which we'll be waiting on him.

CHAIRMAN WALLER: Lacey, go get him. He's out there, taking care of some other business. No excuses. Bring him back. Please call for the question.

COUNCILMAN YATES: Could you read it, again?

CHAIRMAN WALLER: Yes, sir. Clarity. Motion on the floor for an extra meeting date for the Osage Minerals Council. That's the motion on the floor. Question's been called. Call.

MOTION FAILED: JOSEPH CHESHEWALLA-YES, GALEN CRUM-NO, STEPHANIE ERWIN-YES, KATHRYN RED CORN-NO, TALEE REDCORN-NO, EVERETT WALLER-NO, ANDREW YATES-NO, CYNTHIA BOONE-YES.

RESOLUTION FOR WORKAROUND ON FOIA PROBLEM:

CHAIRMAN WALLER: Thank you. On our next agenda item, Councilman Crum, Resolution for Workaround on FOIA Problem.

COUNCILMAN CRUM: OK. As part of our discussion is that we have a draft proposal in talking about further that meant to be that we have an opportunity to make a procedure that will fit with these somewhat cumbersome – We will still be able to get information for people who want to come in and check on data with us. We would have data that we could decide how we want to make available. There's a resolution in your book with the main 'whereas's' and 'therefore's' that Lacey put together for me this morning, and just kind of an idea. It says that the Minerals Council can ask for pockets of the data, production data, drilling data and leasing data, as stated in there from the BIA, for specific leases. That way, we can ask for this. I had to leave this perfectly vague, partly to the Superintendent and from talking to our attorney who was sure that we were just asking for data. We were asked for copies of the data on whatever we were asking. The Superintendent said she needed a resolution to do this with, and once we've asked her, possession of that data, that it becomes ours, much like in the practical, however, specifically vague, because in this resolution, if we get it away, right away, it brings up calls for BIA in terms of them looking at it. So, my resolution is for us to be able to request specific information that we determine it, and then we have that data to be dealt with by us, in the way we wish to. We will need to have some discussion among ourselves and our attorneys, just what you brought up earlier on terms of what material if we decide to release this material how we remove the information, my understanding is, bulk, is whatever we get. This would give us a tool by which we could get that information and get it out to someone, and use it in such fashion as we wish them to develop the Mineral Estate.

CHAIRMAN WALLER: Is that in a form of a motion?

COUNCILMAN CRUM: Yes, I have a resolution there, and just need a second.

CHAIRMAN WALLER: Can I have a second?

COUNCILMAN YATES: I second it.

CHAIRMAN WALLER: Yes. I have a motion on the floor by Councilman Crum, second by Councilman Yates. Open for discussion. Councilwoman Boone, Councilwoman Red Corn, and Councilwoman Erwin.

COUNCILWOMAN BOONE: Well, the 1906 Act gave us the Trust responsibility through the Department of Interior, Bureau of Indian Affairs. This information that is – I saw a change in the way the business was

handled. This is my third term. In the past, it wasn't any problem, but now that we have this new Superintendent, Ms. Phillips, we've had all kinds of problems. The mission of the Bureau of Indian Affairs is to manage the estate and to promote activity here. Now, if she's done something that's discouraging promoting activity here, then she needs to clean up her own mess. This is the Trust responsibility, and that's how I feel about this whole issue. The Highest Posted Price lawsuit was based on the results of transparency. I've sit here in many meetings, and asked the Superintendent for information, she has given it to me, sometimes, not as quickly as I like, but she has given it to me. We don't need a resolution for that, and I think if there's any information from the Bureau, we should be able to get it without having a resolution. I don't see a need for it.

My other question is if she's going to give us all this information, whatever it is, I don't think it's clearly defined in this resolution. But, how many employees is she going to give us, to do all this?

DEPUTY SUPERINTENDENT WINLOCK: I didn't ask her that. I don't know –

COUNCILWOMAN BOONE: See? Because we would be entitled to part of her budget for doing this. Correct?

DEPUTY SUPERINTENDENT WINLOCK: I would assume, but I'd have to ask her to perform that, whether it'd be contracted to do that, or whether she's got some other idea on how she's going to do it.

COUNCILWOMAN BOONE: Well, and based on this other thing about the grants we're going to have and discuss before you, I would just assume we not even vote on that, but the motion's already been made. I'd be voting 'no' on this, because that's part of your Trust responsibility. It's not ours. Thank you.

CHAIRMAN WALLER: Councilwoman Red Corn.

COUNCILWOMAN RED CORN: No. No.

CHAIRMAN WALLER: Councilwoman Erwin.

COUNCILWOMAN ERWIN: OK, I would like to say, if you will recall at our last semi-annual meeting, I call them the 'do-better meetings,' anyway, they brought a gentleman down here from Washington, D.C., who was the head of FOIA. He was an attorney, I don't recall his name, right now.

CHAIRMAN WALLER: Kendall?

COUNCILWOMAN ERWIN: Well, whatever. Anyway, and he told us, he even insinuated we couldn't have FOIA. So now, after six months, we're going to turn all around and say, 'Ah, we have this way,' and I think he used the word, 'workaround'. Don't you think that's a little bit deceptive? I mean, what has happened over here that they're now willing to say, 'Oh, we can give you these records, and you can give them to the oilmen, but don't let anybody know. I think that's very deceptive. What's right is right. Are we breaking the law?

CHAIRMAN WALLER: Ma'am, ma'am, is that it?

COUNCILWOMAN ERWIN: No.

CHAIRMAN WALLER: Go ahead.

COUNCILWOMAN ERWIN: Are we breaking the FOIA law by doing it this way? Then how come they didn't give it back to us, six months ago? Why did they bring all that to our semi-annual meeting and tell us? That we weren't going to be able to do this.

CHAIRMAN WALLER: That's a good point.

COUNCILWOMAN ERWIN: Why did they do it there now and say, 'It's OK.' Now, I'm through. Thank you.

CHAIRMAN WALLER: Councilman.

COUNCILMAN CRUM: First off, to the point of the resources, yes, I did not make this as part of the resolution for getting the information, because we would need another set of policies on how we access. And, yes, we would have to be sensitive to the amount of work it would take. That's the reason I say that was specific information. If we feel that knowing about this particular leasing area at this particular range, legals, that we request it to ask for the legals for a proposed lease or two. We wish to study those and deal with the people that we have the right to do that. As for whether they offered it to us, they did not offer it to us. I'm going to speak a little about in Executive Session. I've come up with what happens if we just ask for it.

COUNCILWOMAN ERWIN: Oh!

COUNCILMAN CRUM: You remember that the answer was, 'Yeah, you could do that.' When the information I received, last week, that brought about my discussion last time was that it was pointed out that we could ask for that information. I thought it was a very temperamental kind of cumbersome. This may solve the problem. It may take a few years to do. Who knows? That, right now, a gentleman talked to us the other day. He wanted to research a couple of leases next to where he actually went ahead and took a chance, and came to us. He wasn't able to do that. Others have had the same problem. They literally want to research something, then even when they fill out the FOIA information, well, they get is a reacted version that doesn't give them the specific information they used to be able to get. Not what you were talking about. So, this would give us a chance to decide what we want to do with our information, not the BIA. That's what I'm saying here is that we get it on request of ours to do those specific ones, and then we decide what to do will be a whole different discussion on how we do that. That's it.

CHAIRMAN WALLER: Councilwoman...excuse me, Councilman.

COUNCILMAN REDCORN: Thank you, Chairman. In my experience with dealing with information in Minerals 1, the same kind of information we're trying to pull Minerals 3, the conversation I had with the Bureau, was, I believe, Charles Hurlburt was making some local decisions on releasing FOIA information. However, due to the lawsuits, and lawsuit after lawsuit after lawsuit, I think maybe a gentleman's agreement that we get information through the Bureau had changed, and that's why I instructed this person to come up here that came up and talked to us and said, 'Well, you also will need to talk to the folks that represent your activities in Osage County, too, because any action we do, there could be some reaction. So, that's why I'm thinking now we've got problem with getting information, and now the Bureau's crossing their T's and dotting their I's before they release certain information. So, we've got to think a different one. So, the only thing is I think I would like to wait to hear from what our attorneys come up with after they kind of look at, all the players involved. Maybe they need a resolution that will say something different. Yeah, I'm through, thank you, Chairman.

CHAIRMAN WALLER: Councilwoman.

COUNCILWOMAN ERWIN: First of all, we have a Nation-to-Nation relationship with the Bureau of Indian Affairs. If we make any requests to them whatsoever, we should get that information. We shouldn't have to do a resolution to say what this information – we already have that ability to do it. I don't like the word, 'workaround'. That's deceptive to me.

COUNCILMAN CRUM: It's not in the resolution --

COUNCILWOMAN ERWIN: I know, but it's right here on this piece of paper.

CHAIRMAN WALLER: Ma'am, we heard you.

COUNCILWOMAN ERWIN: But we still have that relationship with them that we can already ask for this stuff. If the oil men come up here, today, and ask for that information from us, don't you think we could get it? Ask for it?

COUNCILMAN CRUM: Are you asking me?

CHAIRMAN WALLER: Are you directing that to Councilman?

COUNCILWOMAN ERWIN: Yes, I'm directing that to him. Would you not do that for?

COUNCILMAN CRUM: I'm not understanding. What would I what for what?

COUNCILWOMAN ERWIN: For the oil men. Would you not try to get that information for them?

COUNCILMAN CRUM: I don't have that information.

COUNCILWOMAN ERWIN: Would you not try to get it?

UNIDENTIFIED GUEST: She's just saying –

CHAIRMAN WALLER: Ma'am, Ma'am? (*Gavel raps.*)

COUNCILMAN CRUM: I can't get the information. I have to get the information from them. They're working under, what I think are strange FOIA requirements. It's causing things they don't want to do, either. So, if we have a resolution that says that we're going to ask for the specific information, I'm pretty certain that they will be able to do it. I don't know if they'll do it, you know, before, or ask what we would do with it. This will let us get it and use it for what we see fit to develop the Mineral Estate, and what I didn't ask the attorneys for language in doing it, was discussed on how to ask it be done in terms of maybe just a request to have a copy of the information.

CHAIRMAN WALLER: Councilwoman Boone.

COUNCILWOMAN BOONE: Whenever I made my comments known to the Deputy Superintendent about a budget and positions, he said he'd have to talk to the Superintendent about it. That tells me we don't need to pass this resolution today. We just need to take a step back, let him find the information for us and come back and more discussion. We're also discussing the stuff in the grants, so I'd be in favor of not doing anything with this – not rushing into approving this resolution today, pending additional information we need. Thank you.

CHAIRMAN WALLER: Call for the question.

MOTION FAILED: GALEN CRUM-YES, STEPHANIE ERWIN-NO, KATHRYN RED CORN-NO, TALEE REDCORN-ABSTAIN, EVERETT WALLER-YES, ANDREW YATES-YES, CYNTHIA BOONE-NO, JOSEPH CHESHEWALLA-NO.

CHAIRMAN WALLER: It failed?

LACEE REYNOLDS: Motion fails.

DAVIS OPERATING COMPANY: *(Tony Benavides representing the company.)*

CHAIRMAN WALLER: Thank you. Let's move on to the next agenda item. I'd like to have Davis Operating Company. Please, make yourself at home.

TONY BENAVIDES: Chairman, Council –

CHAIRMAN WALLER: Go right ahead.

TONY BENAVIDES: Thank you for the opportunity. I'll be brief. I was here, last week, in respect to an oil and gas lease proposal that we made concerning a one 160-acre tract in NW/4 of 36, T-22-N, 7-E. At that time, I made our proposal concerning a lease bonus from the royalty, and I'll certainly make myself available for questions that anyone has for me to go over that matter.

CHAIRMAN WALLER: Yes. Councilwoman Boone.

COUNCILWOMAN BOONE: Would you repeat your offer, because we need to include it in our resolution?

TONY BENAVIDES: Yes. It was \$6,000.

COUNCILWOMAN BOONE: Thank you.

CHAIRMAN WALLER: For a two-year term, less coal bed methane at 20%?

TONY BENAVIDES: Yes, sir.

CHAIRMAN WALLER: Councilman.

COUNCILMAN YATES: Did I understand it was two years?

TONY BENAVIDES: Yes, sir.

CHAIRMAN WALLER: I'd like to have a motion.

COUNCILWOMAN BOONE: So moved.

COUNCILWOMAN ERWIN: Second.

CHAIRMAN WALLER: I have a motion on the floor by Councilwoman Boone, second by Councilwoman Erwin. Without further discussion, I'd like to call for the question.

MOTION PASSED: STEPHANIE ERWIN-YES, KATHRYN RED CORN-YES, TALEE REDCORN-YES, EVERETT WALLER-YES, ANDREW YATES-YES, CYNTHIA BOONE-YES, JOSEPH CHESHEWALLA-YES, GALEN CRUM-YES.

TONY BENAVIDES: Thank you.

CHAIRMAN WALLER: Thank you very much. With that, I'd like to ask if you need an Executive Session.

COUNCILMAN REDCORN: Chairman, thank you. I'd like to waive the Executive and move this on to the open meeting.

CHAIRMAN WALLER: Yes, sir. We'll take a short break.

COUNCILMAN REDCORN: I'd rather move forward.

CHAIRMAN WALLER: Move forward?

SEVERAL COUNCILMEMBERS: Yeah.

COUNCILMAN REDCORN: Thank you, Chairman. In Minerals 1, when I was on the Minerals Council, we had a resolution that failed, that when I supported calling for the Osage Minerals Estate belongs to the Headright Holders, and at that time, the vote was three, four, five against and the 'Fors' were myself, Cynthia Boone, and John Mashunkashey. 'Against' was Bob Martin, Jewell Purcell, Kathryn Red Corn, Dave Dubler and Kenny BigHorse. So, at that time, I felt like our effort to establish trust was taken back, and that the Nation roll forward with their activities to make that happen that. And, that's where we find ourselves, today, in my mind. So, recently, we communicated with the United States, regarding the EIS. At that time, they finished up a draft copy – it's about an inch-and-a-half thick. When you go through that, it talks about the Osage Nation and the EIS. However, brochures that were handed out in the pre-scoping meeting – just to let you know, this Minerals Council rejected that EIS. Now the brochure material we're getting back from the United States to re-scope this, it had the term 'Osage only' left everything off behind Osage Nation, Minerals, whomever. So I communicated with Attorney Babst. The intent of that – why we got a brochure, why is the language this certain way. The conversation I got – the feeling I got from Babst is they're pulling back. They're saying, 'OK, we're assuming this Nation, maybe.' It's not the Nation we need to be talking – and I got a call from Mr. Winlock, Monday. I asked – he said, 'Can we?', per my request, which I appreciate. You were going to look into it. I asked you to hold off because I think this is an important point, and I want to shift that question between our attorneys and Mr. Babst. I believe is he in Muskogee or...?

DEPUTY SUPERINTENDENT WINLOCK: He's in Tulsa.

COUNCILMAN REDCORN: He's in Tulsa. OK. This is important concept in my mind. I appreciate Mrs. Boone – Councilwoman Boone, and your three terms here, that you have stood solid, that this Mineral Estate belongs to the Osage Headright Holders.

COUNCILWOMAN BOONE: Yes.

COUNCILMAN REDCORN: And, I appreciate that. I feel like you're alone, a lot, and you've stood by that premise, and so I thank you as a Mineral Headright Holder. I feel the same way. So, I propose we do a resolution that any government we deal, be it the United States, be it any local governments or even the Indian Tribes surrounding us that this Trust belongs to the Osage Headright Holders. So, I'm going to shift my conversation to Mrs. Erwin –

CHAIRMAN WALLER: That's Councilwoman Erwin. Councilwoman.

COUNCILWOMAN ERWIN: We actually need to establish the beneficiary of the assets of the Osage Minerals Trust. I can think of several reasons, but one I'll point out right now is that we have a P.L. Account. We can't seem to draw down on it, because they can't identify who it belongs to. I think if they were told we're the beneficiaries of the Trust, and that's our asset, I don't think there'll be any problem with that. There's other problems that come up for this reason. I mean, we need to identify all the other things we have. Our property, you know, what about the headrights? I think we need to identify what actually belongs to the Minerals Estate. Anyway, I'm through.

CHAIRMAN WALLER: Council, do we have any other comments? Councilman.

COUNCILMAN REDCORN: Thank you. Again, this is launched by the United States covering us for two different documents, and I think it's time that we stand up for the Osage Headright Holders, and demand that the United States look to us as the beneficiary, as the decision maker, as the inheritant group of the

Osage Mineral Estate. Does that question move forward with the assets? Yes, I believe it does. And I say if you don't stand up for your property, and I'm an Indian property owner – I have a home on Indian land – If you don't state this is yours, it belongs to you, or whatever, somebody will take over. I'm going to take it. That the State of Oklahoma, another Indian Tribe, or whomever, we've got to stand firm for our Headright Holders on this deal. So, I'm in favor of having our attorney looking at this to help us interpret in the right way.

CHAIRMAN WALLER: Councilman Crum, Councilwoman Erwin, Councilwoman Boone.

COUNCILMAN CRUM: I have a couple of questions for the Councilman. First off, I believe he was tasked to also ask our attorneys what they felt was the – Just thinking upon this, and after I'm finished, I'd like to report on how that turned out – and, I'm a bit confused about the question that we have an established beneficiary of the Osage Mineral Trust, and I think that is beyond dispute with the Osage Headright Holders, the beneficiaries of the Mineral Trust. When it comes to ownership, then it gets a lot more in the lingual weeds, because any of us that can read know that it's owned by the Federal Government, and held by the Federal Government for the Osages. I believe that the owners of the Minerals Estate are the exact same ones that was in 1906, and that's the Osage people. When I say owners, I behoove in holding that Trust for, for the Osage people, the 2,229, and their descendants. That's who it is, the same that was in 1906, but it's been held by the Federal Government in Trust for us. So, I think there's two different questions popping up here, and with slightly different answers. So, you say you want to have Tom, or you want to have our attorneys look into this and deal with that, and see what's going on there. That's what I got to need. For us to vote today, before we even ask them, whether we should be taking ownership, establishing, more firmly, who the resolutions are for, who the beneficiaries are, and who they should be working on behalf of, is a different thing than ownership, and I think it is obvious that the beneficiaries of the Osage Headright Holders are the BIA's responsibility is to maximize the benefits we receive from the Osage Mineral Trust for the benefit of the Headright Holders. That part, there, should be well established. That's who it is. But, when we confuse it with the term 'ownership', which is not in your question here, well it's more complicated and would be helpful to hear from our attorneys expand on that.

CHAIRMAN WALLER: Thank you Councilman. Councilwoman Erwin.

COUNCILWOMAN ERWIN: I think that we need to kick this on up and have our attorney give us an opinion. Apparently, there's – I agree with you, but for some people who don't, they don't actually know who the beneficiaries are of the assets, and I think that needs to be taken care of. That's why we need a legal opinion from Mr. Fredericks. Case in point, a P.L. Account, OK? We have other issues that have come up in the past. I'm just saying, I understand what you're saying. But there's other people who don't. The people who are holding our Trust here, they don't recognize. Maybe it's the Superintendent that doesn't understand, but it needs to be kicked on up to him, so that we can get an opinion, so, you can take care of it.

CHAIRMAN WALLER: Councilman.

COUNCILMAN REDCORN: Thank you, Mr. Chairman. Councilman Crum, I appreciate your questions. Thinking back since last Friday, you got three Mineral Council that live on Trust land. You've got the gentleman setting to your right (*indicating Councilman Yates*) who's established a home on his traditional-owned, the people that peace come through. Very impressive. You've got Councilwoman on her original allotment, and the home there. You've got Joe – Councilman Cheshewalla producing and improving his Indian properties out southwest of Pawhuska. You've got Councilwoman Boone – I'm sorry, Councilwoman Erwin with big properties in the Big Bend area. So, I think the seven of us are Indian landowners, and we are very alarmed when somebody says, at least in my mind, that the United States own our properties. We want clarification, and to me, that also rolls in, I guess that – and I don't mean to be negative here – I apologize, but to roll out neg-reg and EIS, as presented before May 6th that you believe the United States should control all those things. We've taken those two things out of the jaws of the United States, and put them back under our wing, and that took some work. I mean, I just got chastised from Councilwoman Erwin,

saying, 'Look, we have done some things', because I said, we're not doing enough, and just like I've talked from Mrs. Boone, she's fighting hard for three consecutive Minerals Councils saying this property belongs to the Osage Headright Holders. When we muddy this water, they're going to take over. If they don't take over, the State's going to take over another Indian Tribe. It's already happened out west in our reservation. So, this is some things that we learn as we live on Indian land. I was very fortunate to go to Chairman Waller's property, walk in, but it's with the utmost respect I walk in there and say, 'Thank you for inviting me into your home.' Those kind of ideas is an Osage way of doing things, and now we have the new entities that mar my understanding of things. But, you only get that kind of knowledge when you live and you work and you get your hands deep into Indian property, and that's why it's so deep in my heart, because I grew up on Trust land, and I want to live on Trust land, and when I live there, we've got different issues than if you live on fee simple, say out west in Oklahoma. You don't have those issues. Well, they're very real to me. So, that's why I say that, with all due respect, it's something that I have learned by continuing to fight for this Trust property. It belongs to a certain people, and their names are on that title, and they have been treated very roughly, very hard for over a hundred years, because of it. But they deserve their stance removed – the United States, and that's what I appreciate what you give, Mrs. Boone, for fighting for that. We need more. We need more. We want to communicate. We want to fly our flag equal to the United States, just like Texas does. Sometimes, they put it underneath it, but I think we have negotiated our way to the Osage Reservation, as Chairman Waller says, when he goes out west, and tells those Indians out there, this is how the Osage handle it, and we are proud. But we cannot do it, if we say, 'You actually own our property'. We own it, whatever the wording is, Mrs. Erwin's going to say. But treat us like this belongs to the Osage Headright Holders. It's ours, and it's been paid for. It's been a hard road, but we want to keep that in focused to you and we appreciate you sitting here with us. We've been allies since '06, 1806 to 1906. So, I want to continue that, and look at that, Mr. Chairman, fly our flag, equal to the United States, here on this campus.

CHAIRMAN WALLER: Thank you, Councilman.

COUNCILMAN REDCORN: Thank you, Mr. Chairman.

CHAIRMAN WALLER: I'd like to have Councilman Crum, and then I'd like to go to Councilwoman Boone, then Councilwoman Erwin, quickly, please.

COUNCILMAN CRUM: Well, quickly, I don't believe anybody's ever accused me of not expressing my opinions of myself. I don't need anybody else expressing what I believe, in our forum. So, I appreciate it if you not do that. As for one of the examples you used in working on the daily regs, we won a 14-year court battle, in which they were forced to sit down with us to change the neg-regs. That was part of what we want, and the Osages presented 99% of what was changed on that, was presented by the Osage side of the picture. All Council members were involved in picking out those subjects. So, when I was a part of that, I was exerting how we were given to make the BIA change what they did. I wasn't giving in to the BIA, and I was born on Trust land, myself. It's not that I don't understand, it's that I can read, and I know what the title says (*laughter*). So, (*laughter*) if you –

CHAIRMAN WALLER: (Gavel raps) Ladies, let him finish.

COUNCILMAN CRUM: -- if you – All the things that Councilwoman Erwin said, if people don't understand who the beneficiaries are, we need to work at that. If we wish to exert something by way of a legal claim, which have the attorneys already tell us what we should be exerting, so it will be successful, and it will be met without origin and lawsuits or whatever else we might be getting in to. None of this stuff am I arguing about, other than the one term, the ownership part. Yet, the attorneys get it in for us. I thought you were going to do that. In the meantime, you need to. But, today, we're doing this out in the open without the benefit of what was asked of us to do what Mrs. Erwin – Councilwoman Erwin, has said about the attorneys tell us what we should be doing. I'm all for that. I'll vote for that in a second.

COUNCILWOMAN ERWIN: Can we call for the question, then? (*laughter*)

COUNCILMAN CRUM: But I don't know what the question exactly is.

COUNCILWOMAN ERWIN: Right here. Right here

COUNCILWOMAN BOONE: It brings it up to me.

CHAIRMAN WALLER: (Discussion all at once) Excuse me. Are you done?

COUNCILMAN CRUM: No. I would like to ask the Chairman if what we're referring on is to establish the beneficiary and assets of the Mineral Trust, on forth. If we're doing something else, then tell me what we're doing, and have the attorneys explain to us what we're doing.

CHAIRMAN WALLER: Councilwoman.

COUNCILWOMAN BOONE: I just wanted to add to this neg-reg thing. I was the only Council member, at the time, that was not listed as part of the neg-reg process. I wasn't an alternate, nor was I a member. What I would like to ask is, Councilman Redcorn, if you would put your conversation into a motion, I'd be glad to second it. We'll call for the vote, and move on.

COUNCILMAN REDCORN: I want to answer some questions. I appreciate your comments, Mr. Crum, but I want to tell you, I stand by what I say (*laughter*). When I go to that arbor, this weekend, I'd see a certain people out there, and I have total respect for them. Now, I can understand if you're not out there, that's fine. But those are the people that endear to my heart, and the people that hang on to their property. And now, I've got somebody coming in, saying they own this thing, and they have rights, to it, I have a problem. I'm not going to apologize to you.

COUNCILWOMAN BOONE: Here, here.

COUNCILMAN REDCORN: You're going to have to hear what I've got to say. I appreciate what you said to me. But these people are dear to my heart, and I'm going to hang on to what I'm going to do to present to the United States, that they need to be treated fair, and that's why I rejected the EIS. That's why I rejected neg-reg. Because, somewhere in that, to me, is hidden, I'll just say it. Are we talking about distribution of the property? In my mind, I'm asking a question. I'm not saying that's happened. No, I'm not asking you. But I talked to Mrs. Erwin about this, and I said we're not being strong enough in this state to what's written here. I'm going to vote for it, but she said, go ahead and say what you got to say. These people are coming in and they're taking our property. They're coming in and telling us what to do with our property, and I'm going to stand by my feeling from Minerals 1 all the way to today. I hadn't changed. This is their property. This belongs to the Osage Headright Holders, and I don't want to muddy the water, and I'm going to reluctantly vote for this today, because I'm afraid it won't pass, if we don't.

COUNCILWOMAN ERWIN: Is that –

CHAIRMAN WALLER: Is that in a form of a motion?

COUNCILMAN REDCORN: Your motion's on –

COUNCILWOMAN ERWIN: Can I make a motion?

CHAIRMAN WALLER: I'll call on you. Councilwoman.

COUNCILWOMAN ERWIN: I'd like to make a motion in that we – it would be in the best interests of our Headright Owners that the Osage Minerals Council, with the assistance of its legal counsel,

Fredericks, Peebles and Morgan, prepare an opinion to establish the beneficiary and the assets of the Osage Minerals Trust. That's a motion.

COUNCILWOMAN BOONE: I second.

CHAIRMAN WALLER: I have a motion on the floor by Councilwoman Erwin, second by Councilwoman Boone. I'd like you to repeat just what you said, dear.

COUNCILWOMAN ERWIN: You want me to say it, again?

CHAIRMAN WALLER: Please.

COUNCILWOMAN ERWIN: That it would be in the best interests of our Headright Owners that the Osage Minerals Council, with the assistance of its legal counsel, Fredericks, Peebles and Morgan, LLP, prepare an opinion to establish the beneficiary and the assets of the Osage Minerals Trust.

CHAIRMAN WALLER: Thank you, dear. Any other discussion? Councilwoman Red Corn.

KRC: Well, it's right here in our books, and the main part of it, is, 'prepare an opinion to establish the beneficiaries and the assets of the Osage Minerals Trust'. That's all it says.

CHAIRMAN WALLER: Let's call for the question.

MOTION PASSED: KATHRYN RED CORN-YES, TALEE REDCORN-YES, EVERETT WALLER-YES, ANDREW YATES-YES, CYNTHIA BOONE-YES, JOSEPH CHESHEWALLA-YES, GALEN CRUM-YES, STEPHANIE ERWIN-YES.

COUNCILWOMAN ERWIN: Thank you, all.

CORRECTION OF LAWCO RESOLUTION:

CHAIRMAN WALLER: Thank you. I'd like to go on to the next. Correction of LAWCO Resolution. Councilwoman Erwin.

COUNCILWOMAN ERWIN: Some time ago, in the past, in the last 30 – 40 days, two months, whatever, we received a memo from Kelly Corbin that he was going to be out, reviewing everybody's books and agendas, meetings and whatever else that they had. I think that's part of the Open Meeting Records. But, anyway, sometimes, he does come, we don't get to be able to waive our sovereignty or whatever, immunity, but anyway. I went through the records to make sure all the records were in order, in case we have to, you know, whatever, and I found that there was a letter there that – a question about the LAWCO, and that we actually need a correction of the LAWCO Resolution, and all I had put on here was that we actually would just make a formal request to LAWCO to come here, so we can take care of this, unless it's already been taken care of. I don't know if it has or not.

CHAIRMAN WALLER: Ma'am, I'll take care of it. We've been waiting on the response, so I can sign it.

COUNCILWOMAN ERWIN: OK. So, I'm just trying to get over it, in case we have to...

CHAIRMAN WALLER: Yes, dear.

COUNCILWOMAN ERWIN: OK. So, it's been taken care of. OK, thank you.

CHAIRMAN WALLER: From our side.

COUNCILWOMAN ERWIN: From our side. We're still waiting on them.

CHAIRMAN WALLER: We –

COUNCILWOMAN ERWIN: That'd be –

CHAIRMAN WALLER: Months ago. How long ago has that been we sent that back? Months?

LACEE REYNOLDS: March 15

CHAIRMAN WALLER: March 15th we had that done. First time I could get back up here to sign it, we sent it.

COUNCILWOMAN ERWIN: And they haven't responded to this?

CHAIRMAN WALLER: Ma'am? We're going to mail them a letter.

COUNCILWOMAN ERWIN: OK. I'm assuming I have the final copy of the MOU, here, somewhere.

CHAIRMAN WALLER: Thomas Fredericks, Peebles, Morgan's on it.

COUNCILWOMAN ERWIN: Yeah, and I think it's probably time. I didn't see much that was wrong with it, myself. I think there were some corrections that's still on it, and that **I'd like to make a motion that we approve this MOU as submitted by Fredericks and with the corrections be made by him, because I think they've been red-lined. Does that need to be put in there?**

CHAIRMAN WALLER: You have the last version that he fixed without the red-line. It's on our emails. That's the one we'll have to vote on, brought to us on Friday.

COUNCILWOMAN ERWIN: OK. Well, I didn't get it last Friday. I asked for it. This is what I've been given. So, this is all I have.

CHAIRMAN WALLER: Ma'am.

COUNCILWOMAN ERWIN: Sorry.

COUNCILMAN CRUM: Does the motion stand?

COUNCILWOMAN ERWIN: Y'all would like to make a motion to pass on the MOU.

CHAIRMAN WALLER: Just a second. I have a motion on the floor by Councilwoman Erwin, second by Councilman Crum to send the MOU, the last version sent to us by Fredericks, Peebles & Morgan. Let's move on it, as written, and before we vote, the second, if it fails, move. But if it passes, I'm going to call Jeanine Hale as soon as we get done, and she's going to set our dates after waiting on this. The United States Government. And remember, you've got to keep talking DOI. You're Trustees, United States of America. Call.

MOTION PASSED: TALEE REDCORN-YES, EVERETT WALLER-YES, ANDREW YATES-YES, CYNTHIA BOONE-YES, JOSEPH CHESHEWALLA-YES, GALEN CRUM-YES, STEPHANIE ERWIN-YES, KATHRYN RED CORN-YES.

MEETING MINUTES:

CHAIRMAN WALLER: I'd like to go to Minute Meetings. Are they in your books to review? Have you had any comments? Councilwoman Boone.

COUNCILWOMAN BOONE: I haven't had a chance to go through every –

CHAIRMAN WALLER: Can we please table these?

COUNCILWOMAN BOONE: I make a motion we table these.

COUNCILWOMAN ERWIN: I second.

CHAIRMAN WALLER: I have a motion on the floor to table minute meetings by Councilwoman Boone, second by Councilwoman Erwin. No discussion. Call for the question.

MOTION PASSED: EVERETT WALLER-YES, ANDREW YATES-YES, CYNTHIA BOONE-YES, JOSEPH CHESHEWALLA-YES, GALEN CRUM-YES, STEPHANIE ERWIN-YES, KATHRYN RED CORN-YES, TALEE REDCORN-YES.

COMMITTEE REPORTS:

CHAIRMAN WALLER: Committee Reports. I'd like to go to the floor for an update of the Council. With that, I'd like to have a motion to adjourn.

COUNCILWOMAN ERWIN: I make the motion that we adjourn.

COUNCILWOMAN BOONE: I second.

CHAIRMAN WALLER: I have a motion on the floor by Councilwoman Erwin, second by Councilwoman Boone motion to adjourn. No discussion. Call for the question.

MOTION PASSED: ANDREW YATES-YES, CYNTHIA BOONE-YES, JOSEPH CHESHEWALLA-YES, GALEN CRUM-YES, STEPHANIE ERWIN-YES, KATHRYN RED CORN-YES, TALEE REDCORN-YES, EVERETT WALLER-YES.

Adjournment – 11:47 A.M.

Approved:


Chairman

Attest:


Executive Administrative Assistant