

**RESOLUTION OF THE GOVERNING BODY OF  
THE THREE AFFILIATED TRIBES OF THE  
FORT BERTHOLD RESERVATION**

- WHEREAS,** This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and
- WHEREAS,** The Constitution of the Three Affiliated Tribes generally authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and
- WHEREAS,** The Three Affiliated Tribes (the Tribe) controls and regulates hunting and fishing on Tribal lands within the Fort Berthold Reservation pursuant to its sovereign status as an Tribal Nation recognized by the Fort Laramie Treaty of 1851, deemed ratified by a decision of the Court of Claims, *Indians of the Fort Berthold Indian Reservation v. United States*, 71 Ct. Cls. 308, (U.S. Court of Claims, 1930); and
- WHEREAS,** The Fort Laramie Treaty gave the Three Affiliated Tribes the right to hunt and fish within the lands described in the Treaty; and
- WHEREAS,** As a consequence of the promises made in the Fort Laramie Treaty, the Tribe has established a Game, Fish and Recreation Code, Chapter 18 of the laws of the Three Affiliated Tribes; and
- WHEREAS,** Pursuant to that Code, the Chairman of the Three Affiliated Tribes, as an honoring gift to certain officials of Government Capital Corporation who assisted the Tribe in obtaining the funds needed to purchase the Figure Four Ranch, on October 14, 1999, requested the Director of the Fish and Game Division of the Three Affiliated Tribes, Todd Hall, to issue special permits for hunting an elk, deer and wild turkey within the Fort Berthold Reservation; and
- WHEREAS,** The officials of Government Capital Corporation did use those permits to hunt elk and deer on the reservation, and the person with the elk permit, Tim Temple, was reported to have shot an elk on trust land within the reservation just prior to the official opening of the elk season on the reservation pursuant to Tribal law; and
- WHEREAS,** Section 18-2-4(11) of the Three Affiliated Tribes Game, Fish and Recreation Code specifically provides for the issuance of a special permit for “ceremonial purposes on a need basis only” (emphasis in original); and
- WHEREAS,** The issuance of a special permit is within the sound discretion of the Director of the Fish and Game Division of the Three Affiliated Tribes; and

**WHEREAS,** The Director of the Fish and Game Division of the Three Affiliated Tribes determined in his professional opinion that no harm would come to the population of wild elk, deer and turkey by the granting of the permits mentioned above for the hunting of elk on Tribal lands one week earlier than the official start of the season for such elk hunting and for the hunting of the other animals for which permits were issued;

**WHEREAS,** It is the fundamental right of the Three Affiliated Tribes to control, on trust land, who hunts and fishes on the trust lands within the Fort Berthold Reservation; and

**WHEREAS,** Pursuant to Article VI, Section 3, of the Constitution of the Three Affiliated Tribes, duly approved on June 26, 1936, the Tribal Business Council of the Three Affiliated Tribes has "all necessary sovereign authority – legislative and judicial – for the purpose of exercising the jurisdiction granted by the People in Article I of this Constitution.", and pursuant to Article VI, Section 5(j), the Tribal Business Council has the power to "protect and preserve the property, wildlife, and natural resources of the Tribes; to regulate hunting and fishing on all lands with the jurisdiction of the Tribes;" and

**NOW, THEREFORE, BE IT RESOLVED,** that the Tribal Business Council of the Three Affiliated Tribes hereby declares, any other provision of Title 18, the Game, Fish and Recreation Code of the laws of the Three Affiliated Tribes notwithstanding, that as a matter of Tribal law the permits issued to Tim Temple and Joe Henderson for hunting of elk, deer and wild turkey in October, 1999, are considered and hereby deemed to be valid under Tribal law, and that the permits were granted for valid and needed ceremonial purposes as an honoring gift to the individuals that had assisted the Tribe pursuant to Section 18-2-4(11) of the Game, Fish and Recreation Code of the laws of the Three Affiliated Tribes; and

**NOW, THEREFORE, BE IT FURTHER RESOLVED,** that as a matter of Tribal law, Section 18-2-4(11) is hereby amended, effective October 1, 1999, to read as follows:

"Issue special permits in or out of season and issue such regulations as may be necessary for the taking of fish and wildlife for disabled persons, for subsistence, and for ceremonial purposes, including as honoring gifts presented by the Tribe acting through its Tribal Business Council or Chairman, on an as needed basis, provided that such a special permit will only be issued when, in the sound discretion of the Director, the issuance of the permit will not harm the overall management goals for the type of wildlife for which the special permit is issued."



**CERTIFICATION**

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 13<sup>th</sup> day of July, 2000; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 3 members, 0 members opposed, 4 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 13<sup>th</sup> day of July, 2000.

Daylon Spotted Bear  
Daylon Spotted Bear  
Secretary, Tribal Business Council

ATTEST:

Tex G. Hall  
Tex G. Hall  
Chairman, Tribal Business Council