

**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 has assisted in securing \$35,000,000 in Federal funds which have appropriated to the U.S. Department of Transportation by the United States Congress for the construction of a bridge (hereinafter the "Bridge") across the Missouri to replace or add to the existing Four Bears bridge on State Highway 23 between Mountrail and McKenzie Counties, which bridge is located entirely within the Fort Berthold Reservation and which bridge is part of a roadway that is already designated as part of the Indian Reservation Roads (IRR) system on the Fort Berthold Reservation ; and
- WHEREAS,** Federal law provides, in Title 23 of the United States Code, Section 204, that funds appropriated for highway projects located entirely within an Indian reservation that are part of the Indian Reservation Roads program may be allocated to the Secretary of the Interior for use within the IRR program, and that such projects within the IRR program may be contracted for by the Tribe on whose reservation the project is being constructed under the Indian Self Determination and Education Assistance Act, Title 25, United States Code, Sections 450 et seq. (ISDEAA); and
- WHEREAS,** The Three Affiliated Tribes is interested in contracting for the design and construction of the new Bridge pursuant to the ISDEAA and is fully capable of carrying out a contract for the construction of the Bridge, which will be done in cooperation with the State of North Dakota under a an agreement now being negotiated; and
- WHEREAS,** The benefits of having the Three Affiliated Tribes contract for the design and construction of the new Bridge are substantial, and include, among other things: 1) ensuring, to the maximum extent possible, that the Tribe itself, Tribal members and Tribal contractors, Tribal businesses, and other Tribal entities and businesses contractors are employed or utilized in all phases of Bridge design and construction; 2) maximizing Federal dollars that may be available under the IRR bridge program for construction of the Bridge and maintenance of the Bridge after it is completed; 3) ensuring that the Bridge is constructed in conformance with the cultural, historical and other interests of the Three Affiliated Tribes, who will be the prime beneficiary of the Bridge; 4) improving

the infrastructure of the Three Affiliated Tribes; and 5) improving the ability of the Tribe and the State to work together on projects of importance to both the Tribe and the State; and

WHEREAS, The Tribe is capable of managing the large amount of money needed to construct the Bridge, and is willing to have the funds for construction held in escrow to be paid out as needed to contractors and any other entities involved with the bridge design and construction project, with State funds handled only through the State under State law for that portion of the funding to be provided by the State; and

WHEREAS, The Bridge will be an important link along the Lewis and Clark Expedition Trail, which will see a significant increase in tourist visitors during the Bicentennial of the Lewis and Clark Expedition between the years 2003 to 2006, and its value as a part of the entire celebration of the Lewis and Clark Expedition Bicentennial will be enhanced if the Bridge is being constructed through a contract with the Three Affiliated Tribes;

NOW, THEREFORE, BE IT RESOLVED, that the Three Affiliated Tribes, acting through its Tribal Business Council, hereby seeks to have the funds appropriated by Congress to the U.S. Department of Transportation for a new Bridge across the Missouri River to replace the existing Four Bears Bridge be placed within the Indian Reservation Roads program administered through the U.S. Department of Interior and further authorizes its Chairman or his designee to take such action to accomplish the above objective; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Three Affiliated Tribes, acting through the Tribal Business Council, hereby authorizes the Chairman or his designees to negotiate an agreement with the Federal government pursuant to the Indian Self-Determination and Education Assistance Act (ISDEAA) for the design, planning, and construction of a new Bridge across the Missouri River to replace the existing Four Bears Bridge, subject to the approval of the Tribal Business Council; and

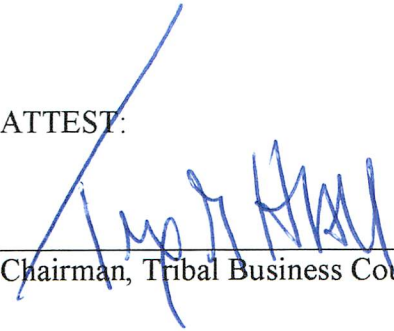
NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Three Affiliated Tribes, acting through the Tribal Business Council, hereby authorizes the Chairman or his designees to negotiate a cooperative agreement with the State of North Dakota for the design, planning, and construction of a new Bridge across the Missouri River to replace the existing Four Bears Bridge, subject to the approval of the Tribal Business Council, which agreement shall, if the Tribe becomes the contractor for the new Bridge, become a part of the Federal contract under the ISDEAA.

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 Special Meeting thereof duly called, noticed, convened, and held on the 23rd day of January, 2001; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 6 members, 0 members opposed, 0 members abstained, 1 members not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 23rd day of January, 2001.

ATTEST:



Chairman, Tribal Business Council



Secretary, Tribal Business Council