

Resolution No. #01-221 MWJK

**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; and,
- WHEREAS,** The Three Affiliated Tribes was unable to complete construction of the lagoon for the Four Bears district this year as planned; and,
- WHEREAS,** The Fort Berthold Housing Authority cannot bring its 36-unit project on-line without provision of adequate wastewater disposal; and,
- WHEREAS,** It is therefore incumbent upon the Authority to rebuild an abandoned lagoon in Four Bears to temporarily provide adequate wastewater disposal so that the 36-unit project expected to be completed in November 2001 can come on-line in a timely manner; and,
- WHEREAS,** The Fort Berthold Housing Authority does not have the funds to finance on a permanent basis the lagoon facility; and,
- WHEREAS,** The Three Affiliated Tribes granted by Tribal Resolution No. 00-87-DSB an annual allocation to the Fort Berthold Housing Authority in the amount of \$750,000 of which \$300,000 has been received this fiscal year; and,
- WHEREAS,** Given the benefits to be realized by the Tribe and the tribal membership from this lagoon facility as described within the attached proposal;
- NOW THEREFORE BE IT RESOLVED,** That the Three Affiliated Tribes Tribal Business Council hereby approves reimbursement to the Fort Berthold Housing Authority pursuant to its request for \$94,200 which constitutes the total of the Lagoon Project Year 1 costs; and,
- BE IT FURTHER RESOLVED,** That the reimbursement be made available to the Fort Berthold Housing Authority immediately upon approval of this Resolution; and,
- BE IT FURTHER RESOLVED,** That the Fort Berthold Housing Authority may request assistance for future expenditures on this project annually over the balance of the term of this project per the attached proposal; and,

Amendment

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BE IT FURTHER RESOLVED, That the reimbursement be made available to the Fort Berthold Housing Authority immediately upon approval of this Resolution; and,

BE IT FURTHER RESOLVED, That the Fort Berthold Housing Authority may request assistance for future expenditures on this project annually over the balance of the term of this project per the attached proposal; and,

Trust responsibility Reg. 1715 FY 2002

RESTORATION, USE, AND RECLAMATION OF THE DRAGSWOLF VILLAGE LAGOON

NEED

2-21

The Fort Berthold Housing Authority is finalizing construction of a 36-unit project in the Four Bears District. In order to bring these housing units on-line this Fall upon completion, adequate sewage disposal must be provided. The Tribe had planned to have a new lagoon facility on-line in July of this year, but was unable to proceed. Therefore the Housing Authority was faced with two options: find an alternative way to provide for wastewater disposal, or let the 36 units sit vacant until possibly July 2002. Given the need for housing reservation-wide and in particular in the area where 4-Bears Casino employment placed an even greater burden on housing needs, this could not be an option if at all possible.

PROJECT BACKGROUND

When it became apparent that the Tribe would not be able to realize its planned lagoon, the Fort Berthold Housing Authority organized a meeting with the Indian Health Service on July 24, 2001, to discuss all options that ranged from enlarging the present lagoon to temporarily pumping and hauling from the present lagoon to an off-site location. It was during this meeting that it was determined that of the two best options, we would first proceed with the possibility of revamping the abandoned Dragswolf lagoon located northwest of the Dragswolf Village.

Although it involved negotiating and completing a lease agreement with landowners, surveying, accomplishing an environmental assessment, developing a scope of work with the Indian Health Service, seeking EPA approvals, negotiating a Memorandum of Agreement (MOA) with Tribal Roads, locating additional lease equipment, and securing the large quantity of bentonite (sealer), the project was under construction on August 15, fifteen working days later. The attached pictures show the daily progress through last Friday, August 24, seven working days into the project.

CONSTRUCTION TIME FRAME

The project was planned on a three-week construction schedule from beginning to end. The lagoon is scheduled to go on-line on September 7, 2001. Despite setbacks including the need to "pick rock" from the base of the lagoon to ensure the seal and the need to replace and restore hardware that did not make grade, the project remains on schedule to within one-half day as of Friday, August 24. On August 27, grade will be set and reached, and the foundation clay bed will be brought in and laid. At midnight that night (necessary because there can be no wind during application), bentonite, a fine powdery substance used as a sealer, will be incorporated into the top three inches of the foundation clays. Depending on the wind, an additional night may be required to complete this part of the project. A final 3-inch layer of clay will be placed over the bed, compacted to specification, and then all pre-use testing will be completed.

It is critical that the lagoon go on-line as soon as possible so that it is substantially filled before freeze-up to prevent system freeze-up and so that any operational problems can also be addressed before winter makes it more difficult.

PRODUCT

Upon completion, the valves will be switched to return the Dragswolf Village to the revamped lagoon and enable the 36-unit project to test lines and come on-line this Fall as planned. This will reduce the load of the present lagoon substantially, assisting the 4-Bears Casino to prevent any pending EPA Enforcement sanctions for the massive overload on the present system.

The FBHA foresees routine and extraordinary maintenance expenses included in the Indian Health Service's budget. They would also provide ongoing monitoring responsibilities during the life of the lagoon, as is the case with like existing facilities.

COORDINATION

The Fort Berthold Housing Authority has teamed with the following entities and individuals:

- Three Affiliated Tribes Tribal Roads Department – Manpower, Equipment, Operators, Coordination
- Indian Health Service – Feasibility Reviews, Technical and Budget Development, On-site Monitoring
- Three Affiliated Tribes Environmental Division – Environmental Compliance Assurances, On-site Monitoring
- 4-Bears Casino - Equipment
- Landowners – Easements/Rights-of-Way
- Tribe – MOA Approvals

REQUEST FOR FINANCIAL ASSISTANCE

This project (infrastructure) was unplanned and was not within the scope of the Authority's mandate. But it was vitally necessary, and "somebody" had to do it. Therefore the Fort Berthold Housing Authority Board of Commissioners sanctioned the project so that it could be accomplished in a timely manner to the benefit of the tribal members needing homes, the community, the 4-Bears Casino, and ultimately the Tribe.

The FBHA, however, had to utilize funds earmarked for the completion of other construction, renovation, and operational items. Therefore, we are, at this time, requesting reimbursement from the Tribe for Year 1 of this project in the amount of \$94,200.

BUDGET NARRATIVE

A detailed Project Budget is attached. The annual cost breakdown is as follows:

Line Items	Year 1	Year 2	Year 3	Totals Per Line Item
Lagoon Rebuild	\$79,200	\$0	\$0	\$79,200
Leases & ROW	\$15,000	\$15,000	\$15,000	\$45,000
Abandonment & Reclamation	\$0	\$0	\$19,800	\$19,800
Totals	\$94,200	\$15,000	\$34,800	\$144,000

Because Abandonment & Reclamation is projected for Year 3 but is estimated based on today's dollar, it is possible that this figure could increase due to inflation.

**PROJECT BUDGET FOR THE
RESTORATION, USE, AND RECLAMATION
OF THE
DRAGSWOLF VILLAGE LAGOON**

I. LAGOON REBUILD (Year 1)		
Mowing & Tree Removal	\$2,000	
Stripping & Grubbing	\$5,000	
Haul, Spread & Compact Foundation Clays	\$5,000	
Bentonite Sealing	\$45,000	
Pressure Testing	\$1,000	
Piping & Valves	\$2,000	
Manhole Inlet Replacement	\$5,000	
Equipment Rental/Leasing	\$5,000	
Fencing and Security	\$2,000	
Subtotal Lagoon Rebuild		\$72,000
II. LEASES AND ROW (@ \$15,000/Year X 3 Years)		
Subtotal Leases and ROW		\$45,000
III. ABANDONMENT & RECLAMATION (Year 3)		
Sludge Removal	\$5,000	
Fence and Structure Removal	\$2,000	
Strip Topsoil From Berms	\$500	
Level Berms with Dozer & Loader	\$6,000	
Grade Area for Drainage	\$2,000	
Spread Topsoil & Seed	\$2,500	
Subtotal Abandonment & Reclamation		\$18,000
Contingency 10% on Items I. And III.		\$9,000
Grand Total		\$144,000



Lagoon Site August 14, 2001
Looking from North to South



Lagoon Site August 24, 2001
Looking from North to South

BE IT FINALLY RESOLVED, That the Three Affiliated Tribes hereby directs the Indian Health Service to assume monitoring responsibilities and maintenance of this facility immediately upon completion.

C E R T I F I C A T I O N

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 seven (7) members of whom five (5) constitutes a quorum, _____ were present at a _____ Meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2001; that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of _____ members, _____ members opposed, _____ members abstained, _____ members not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this _____ day of _____ 2001.

Signed:

Secretary, Tribal Business Council

ATTEST:

Chairman, Three Affiliated Tribes

BE IT FURTHER RESOLVED, That the Three Affiliated Tribes hereby directs the Indian Health Service to assume monitoring responsibilities and maintenance of this facility immediately upon completion; and,

BE IT FINALLY RESOLVED, That the Indian Health Service be requested to recognize its trust responsibility in the provision of these services to the Three Affiliated Tribes and reimburse the Three Affiliated Tribes from their Fiscal Year 2002 budget for the cost of this project.

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 seven (7) members of whom five (5) constitutes a quorum, SIX were present at a SPECIAL Meeting thereof duly called, noticed, convened, and held on the 30th day of AUGUST 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 30th day of August 2001.

Signed:

Marcus Wells
Secretary, Tribal Business Council

ATTEST:

[Signature]
Chairman, Three Affiliated Tribes