

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

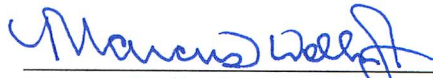
- WHEREAS,** This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and
- WHEREAS,** Pursuant to Section 16 of the Indian Reorganization Act the Three Affiliated Tribes (the "Tribe") has adopted a Constitution and By-laws which generally authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the welfare and benefit of the Tribe and its members, and Article VI, Sections 5(b) and 5(c) of which specifically authorize the Tribal Business Council to do business; and
- WHEREAS,** The Three Affiliated Tribes has assisted in securing \$35,000,000 in Federal funds which have been 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,** The 4 Bears Bridge provides a vital lifeline across the Missouri River between the two sections of the Fort Berthold Reservation separated by Lake Sakakawea created by the Garrison Dam which dammed the Missouri River downriver from the Fort Berthold Reservation, and replaced a previous bridge across the Missouri River that taken down, but which formerly was vital to the welfare of the Three Affiliated Tribes; 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
- WHEREAS,** The ownership of the new bridge and the old 4 Bears Bridge is in doubt, as the ownership issue was left in dispute as a result of a decision rendered on March 5, 1979 by Judge Bruce van Sickle of the U.S. District Court for the District of North Dakota in which he stated that he would not decide the ownership issue, since the State of North Dakota had already agreed to maintain the bridge in a series of agreements with the U.S Army Corps of Engineers, and therefore he did not need to decide the ownership question; and

- WHEREAS,** The Three Affiliated Tribes believes that at a minimum, the ACOE owns the bridge, both the new bridge and the old bridge, and the Three Affiliated Tribes and the U.S. Department of Interior, acting through the Bureau of Indian Affairs, have beneficial use of the new and old bridge because both the old and the new bridge are an integral part of the IRR system on the Fort Berthold Reservation; and
- WHEREAS,** The Tribe believes that the Bureau of Indian Affairs should be declared owner of the bridge, by the ACOE offering to the Bureau of Indian Affairs a quit claim deed or its equivalent, with the new bridge to be held in trust for the benefit of the Three Affiliated Tribes as an integral and fundamental part of the IRR system on the Fort Berthold Reservation; and
- WHEREAS,** With ownership of the new bridge would go the responsibility for maintenance of the bridge, in conjunction with the State in a shared relationship, since the bridge is part of the State of North Dakota's highway system; and
- WHEREAS,** With ownership of the bridge with the Bureau of Indian Affairs, the bridge will be eligible for additional IRR Bridge Program funds that will allow the bridge to be built according to context sensitive design criteria and will further allow the bridge to become a landmark known throughout the United States which will serve as a beacon for visitors from throughout the world; and
- WHEREAS,** The new bridge, when completed, 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 as a owned in trust for the Three Affiliated Tribes; and
- NOW, THEREFORE, BE IT RESOLVED,** that the Three Affiliated Tribes, acting through its Tribal Business Council, hereby requests that the U.S. Army Corps of Engineers and the State of North Dakota hereby quitclaim any and all interests they may have in ownership of the new bridge to be constructed across the Missouri River near New Town, North Dakota, as described above, to the U.S. Department of Interior to be held in trust for the benefit of the Three Affiliated Tribes as a part of the Indian Reservations Road program on the Fort Berthold Reservation, subject to the interest of the State, Tribe and Federal government in keeping the bridge part of the State Highway System of the State of North Dakota and subject to the proviso that the bridge shall always be open to the public for the benefit of all persons who have need to cross over the bridge.

CERTIFICATION

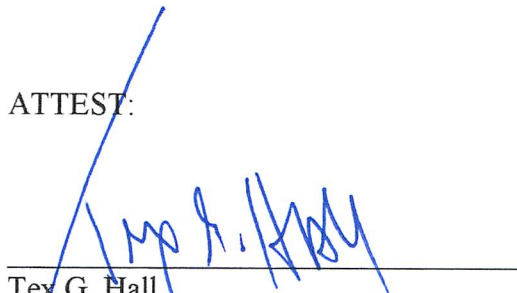
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 5 were present at a SPECIAL Meeting thereof duly called, noticed, convened, and held on the 19 day of DECEMBER, 2001; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 5 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 19 day of DECEMBER, 2001.



Marcus Wells, Jr.
Secretary, Tribal Business Council

ATTEST:



Tex G. Hall
Chairman, Tribal Business Council