

**RESOLUTION OF THE GOVERNING BODY
OF THE
THREE AFFILIATED TRIBES
OF THE
FORT BERTHOLD INDIAN 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 does authorize and Empower the Tribal Business Council to enact laws on behalf of, and in the interest of the welfare and benefit of the Tribes and the enrolled members thereof; and
- WHEREAS, Article VI, Section 5(d) of the Constitution of the Three Affiliated Tribes specifically authorizes and empowers the Tribal Business Council to negotiate with the Federal and State governments on behalf of the Three Affiliated Tribes ; and
- WHEREAS, Article VI, Section 5(j) of the Constitution of the Three Affiliated Tribes specifically authorizes and empowers the Tribal Business Council to protect and preserve the natural resources of the Three Affiliated Tribes; and
- WHEREAS, Pursuant to Chapter 18-2-4 (2) of the Game, Fish and Recreation Code of Laws, the Game and Fish Director will plan, propose for enactment, and enforce tribal regulations relating to game, fish, and recreation resources; and
- WHEREAS, Pursuant to Chapter 18-2-4 (4) of the Game, Fish and Recreation Code of Laws, the Game and Fish Director will formulate and publish the respective proclamations annually, according to information gathered from census and studies; and

- WHEREAS, In accordance with the Chapter 18 Code of Laws and those respective proclamations, the Three Affiliated Tribes offers recreational hunting and fishing opportunities to non-members and non-member non-Indians within the exterior boundaries of the Fort Berthold Indian Reservation as allowed by law; and
- WHEREAS, The State of North Dakota does not recognize any type of license or permit issued by the Tribe to non-Indians (resident or non-resident); and
- WHEREAS, The State of North Dakota requires that all non-Indians hunting or fishing on Tribally controlled lands be licensed by the State and follow all State regulations; and
- WHEREAS, An individual may be arrested by North Dakota State Game Wardens, even though legally licensed by the Tribe to hunt or fish on the Fort Berthold Indian Reservation; and
- WHEREAS, The United States Supreme Court Case *New Mexico vs. Mescalero Apache*, 18 U.S.C. 1165, and other related federal litigation and legislation have affirmed that a State cannot enforce State Game and Fish Laws on Indian Reservations; and
- WHEREAS, Tribal officials have met diligently with State Game and Fish Department representatives to establish a mutually beneficial Memorandum of Understanding to administratively resolve Tribal/State conflicts as applied to Tribal Fish and Game resources, issues of reciprocity, as well as others; and
- WHEREAS, Both parties have been unable to administratively resolve those conflicts; and
- WHEREAS, The United States Department of Interior, Bureau of Indian Affairs has primary fiduciary responsibility to Native American Indian Tribes, including the Three Affiliated Tribes of the Fort Berthold Indian Reservation; and
- WHEREAS, Prior Executive Orders and Memorandums from the office of the President of the United States have established that all federal agencies have a trust responsibility to Native American Indian Tribes; and
- WHEREAS, The United States Fish and Wildlife Service recognizes its trust responsibility and has made a commitment to foster and assist Native American Indian Tribes, as defined in its own *Native American Policy of the United States Fish and Wildlife Service*.

NOW THEREFORE BE IT RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes does hereby respectfully demand that the United States Department of Interior, Bureau of Indian Affairs, Fish and Wildlife Service, and other related agencies pursue all administrative and/or legal processes necessary to protect Tribal regulatory authority especially those related to hunting and fishing on Tribal lands and/or waters within the State of North Dakota.

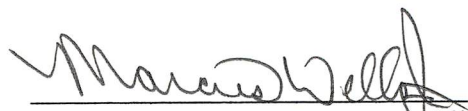
BE IT FURTHER RESOLVED, that the Three Affiliated Tribes further requests that those agencies will proceed ensuring that consultation, cooperation, coordination with the Three Affiliated Tribes be observed and maintained at all times. Concurrence would also be considered necessary, especially prior to those agencies pursuing any action/s that may possess the potential to adversely affect the established Hunting and Fishing Treaty rights and responsibilities of the Three Affiliated Tribes. For all practical purposes, the Three Affiliated Tribes Game and Fish Director shall serve as the point of contact for the Tribes.

CERTIFICATION

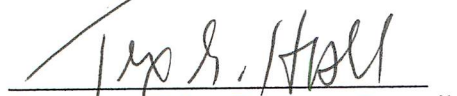
I the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitutes a quorum, 7 were present at a Regular Meeting, thereof duly called, noticed, convened, and held on the 11th day of April, 2002; That the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 5 members, 0 members opposed, 0 members abstained, 2 members not voting and that said Resolution has not been rescinded or amended in any way.

Chairman voting (not voting).

Dated this 11th day of April, 2002.


Secretary, Tribal Business Council

ATTEST:


Chairman, Tribal Business Council