



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

A Resolution entitled, "A Request to Congress to Include the Three Affiliated Tribes in H.R. 109 entitled 'The Tribal Parity Act.'"

- WHEREAS,** This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and
- WHEREAS,** The Three Affiliated Tribes Constitution authorizes and empowers the Mandan, Hidatsa & Arikara Tribal Business Council to engage in activity on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and
- WHEREAS,** The Fort Berthold Reservation and other Indian reservations were flooded as a result of the Flood Control Act of 1944; and
- WHEREAS,** The Tribes whose home lands were flooded and forever lost received inadequate compensation for the taking of their lands and sought additional compensation from the federal government; and
- WHEREAS,** In 1992, under P.L. 102-575, 106 Stat. 4731, entitled the Three Affiliated Tribes and Standing Rock Sioux Tribe Equitable Compensation Act (Equitable Act), the federal government authorized \$149.2 million in additional compensation to the Three Affiliated Tribes for the taking of 156,000 acres of its most valuable and life sustaining acres, historic properties, community infrastructure, and sacred burial sites when Lake Sakakawea was created; and
- WHEREAS,** The federal government flooded approximately 15,000 acres on the Crow Creek Reservation and compensated the Crow Creek Tribe \$27,500,000 under the Crow Creek Sioux Tribe Infrastructure Development Trust Fund Act of 1996; and
- WHEREAS,** The federal government also flooded approximately 22,000 acres on the Lower Brule Reservation and compensated the Lower Brule Sioux Tribe \$39,300,000 pursuant to the Lower Brule Sioux Tribe Infrastructure Development Trust Fund Act in 1997; and

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Family Act
432 million

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Increase to two tribal trust funds sought

MITCHELL, S.D. (AP) — Legislation introduced by U.S. Rep. Stephanie Herseth, D-S.D., would increase payments to two American Indian trust funds by a combined \$226 million.

The Tribal Parity Act would add money to the trust funds established nearly 10 years ago for the Crow Creek and Lower Brule Sioux tribes. Interest earned by the funds is paid to the tribes as compensation for land lost to reservoirs created by the Missouri River dams.

Herseth and tribal leaders say the government used the wrong formula to calculate damages. As a result, Herseth told House members, the Lower Brule and Crow Creek funds are "unfair and inadequate" when compared to similar funds established for

other tribes.

Each fund was created with a one-time payment: \$39 million for Lower Brule, and \$28 million for Crow Creek.

Herseth's bill would add \$147 million to the Lower Brule payment, bringing the total to \$186 million. For Crow Creek, \$79 million would be added, bringing the total payment to \$106 million.

Federal law stipulates how the tribes can spend the money.

Duane Big Eagle, Crow Creek tribal chairman, said payments from the tribe's fund already have funded a community center, a building for the Crow Creek school and numerous other projects.

"That's the type of development we're

reaching out for," he said. "To help people live a little better life."

The bill awaits action by the House Committee on Resources, of which Herseth is a member. South Dakota's other two congressional delegates each support the effort.

When the Fort Randall and Big Bend dams were built, reservoirs inundated about 15,000 acres of land on the Crow Creek Reservation and about 22,000 acres on the Lower Brule Reservation.

Big Eagle said the trust funds, while appreciated, can never fully compensate the tribes.

"Lives, families — they were destroyed along with all their livelihoods," he said. "I don't know how that can ever be replaced."



04. **FY- 2003 TAT AUDIT, FEES/RIBAIL & STAUFFER:**
Councilman Wells moved for approval to pay FY-2003 audit fees of \$104,500, to Ribail and Stauffer, Associates, excluding the additional fees of \$47,900, and bring back a report on the extra work claimed by Ribail so the full Council can review it. Councilman White Calf seconded the motion.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

05. **RESOLUTION NO. 05-10-NH, TRIBAL PARITY ACT:**
Councilman Hale moved for approval to request that Representative Earl Pomeroy amend the Tribal Parity Act legislation to include the "Three Affiliated Tribes." Councilman Wells seconded the motion.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

06. **NATIONAL PUBLIC HEALTH PERFORMANCE STANDARDS ASSESSMENT, FORT BERTHOLD RESERVATION MHA NATION:**
Madonna Azure gave a presentation to the Tribal Business Council regarding the National Public Health Performance Standards Assessments.

07. **RESOLUTION NO. 05-11-NH, ENROLLMENT:**
Councilman Hale moved for approval to accept 49 applicants to the membership of the Three Affiliated Tribes. Councilman Wells seconded the motion.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

08. **RESOLUTION NO. 05-12-NH, RELINQUISHMENT OF TYSON WHITE**
Councilman Hale moved for approval of the relinquishment of Tyson White.
Councilman Wells seconded the motion.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

09. **RESOLUTION NO. 05-13-NH, RELINQUISHMENT OF TYRONE WHITE Jr. VALLENE M. BELL:**
Councilman Hale moved for approval of the relinquishment of Tyrone White, Jr.
Councilman Wells seconded the motion.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

10. **RESOLUTION NO. 05-14-NH, RELINQUISHMENT OF JOANNE ROASTING STICK:**
Councilman White Calf moved for approval of the relinquishment of Joanne Roasting Stick.
Councilman Hale seconded the motion.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

11. **RESOLUTION NO. 05-15-NH, RELINQUISHMENT OF VALLENE M. BELL:**
Councilman White Calf moved for approval of the relinquishment of Vallene M. Bell.
Councilman Hale seconded the motion.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.



WHEREAS, Congresswoman Stephanie Herseth recently introduced H.R. 109 entitled the "Tribal Parity Act" which proposes to increase the compensation to the Lower Brule Sioux Tribe to a total of \$186,822,140 and the Crow Creek Tribe to \$105,917,853 for the taking of their lands; and

WHEREAS, the purpose of the Tribal Parity Act is to ensure that all the Missouri River Indian tribes that suffered injury as a result of one or more Pick-Sloan Projects receive adequate compensation that is consistent among all the Tribes; and

WHEREAS, the Tribal Business Council believes that the compensation it received under the Equitable Compensation Act was inconsistent and inadequate as compared to the compensation received by the other Missouri River Tribes and therefore desires to request that the Tribal Parity Act be amended to provide additional compensation to the Three Affiliated Tribes so that it also receives compensation that is consistent with the other Missouri River Tribes.


NOW, THEREFORE, BE IT RESOLVED, the Tribal Business Council hereby request that Congress amend the Tribal Parity Act to include additional compensation in an amount of \$411.8 million (present valued at 2005 dollars as was recommended by the Joint Tribal Advisory Committee in 1992) so that the Three Affiliated Tribes is also justly compensated for the 156,000 acres of prime home land that were flooded as a result of the Flood Control Act of 1944.

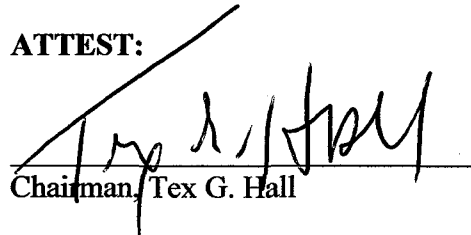
CERTIFICATION

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 seven (7) members of whom five (5) constitute a quorum, 7 were present at **Regular** Meeting thereof duly called, noticed, convened and held on the 24 day of **January**, 2005, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 7 members, 0 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman [] Voting. [] Not Voting.

Dated this 24 day of **January**, 2005.


Executive Secretary, Nathan Hale

ATTEST:

Chairman, Tex G. Hall