



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

A Resolution entitled, "Three Affiliated Tribes Request to Assume Transportation Planning Services Including A Long Range Transportation Plan and a IRR Inventory Update from the Bureau of Indian Affairs, Great Plains Regional Office, Transportation Division Pursuant to 25 CFR Part 170.402."

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act and having duly adopted a Constitution and By-laws pursuant to said Act; and

WHEREAS, Article III of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council is the governing body of the Tribes; 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, Article VI, Section 5 (d) of the Constitution provides that the Tribal Business Council has the power to negotiate with the federal government on behalf of the Tribes; and

WHEREAS, The Indian Self Determination and Education Assistance Act (ISDEAA), 25 U.S.C. § 450 (f), provides that Indian Tribes may request by tribal resolution to enter into self-determination contracts with the Secretary of Interior to administer programs or portions thereof, which the Secretary is authorized to administer for the benefit of Indians under the Act of November 2, 1921 (25 U.S.C § 13) and any Act subsequent thereto; and

WHEREAS, 25 CFR Part 170, the Program Final Rule for the Indian Reservation Roads Program, specifically sub-part 170.402, authorizes Indian tribes with ISDEA contracts to assume from the Bureau of Indian Affairs, transportation planning activities including IRR Inventory updates and the development of short and long range transportation plans; and

WHEREAS, 25 CFR § 170.401 provides that the Bureau of Indian Affairs is responsible for transportation planning including preparation of IRR Inventory updates and ~~log~~ long range transportation unless and until a tribe contracts such services, and the Great



Plains Regional Office Transportation Division has failed to meets its responsibilities; and

WHEREAS, Long range transportation plans and IRR Inventory updates are a necessary and critical component for the Tribes budget allocations under the Safe, Accountable, Flexible and Efficient Transportation Equity Act's Indian Reservation Road Program; and

WHEREAS, The Tribal Business Council has determined that it would be in the best interests of the Tribes and its members to assume from the Bureau of Indian Affairs, Great Plains Regional Transportation Division, transportation planning activities including the preparation of the Tribe's Long Range Transportation Plan and IRR Inventory Update.

NOW THEREFORE BE IT RESOLVED, that the Three Affiliated Tribes Tribal Business Council, pursuant to the authority granted by the Constitution and By-laws of the Tribes and the Indian Self Determination and Education Assistance Act and 25 CFR Part 170, hereby requests to assume from the Bureau of Indian Affairs, Great Plains Transportation Division, responsibility to prepare the Tribe's Long Range Transportation Plan and IRR Inventory Update as authorized by 25 CFR 170.402; and

BE IT FURTHER RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes pursuant to such contract requests funding to assume such services in an amount equal to the proposal received by Interstate Engineering, Inc. and duly accepted by the Tribe for the completion of the Long Range Transportation Plan and IRR Inventory.

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, 6 were present at a TBC Meeting thereof duly called, noticed, convened and held on the 9th day of March, 2006, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 6 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 9th day of March, 2006.

ATTEST:

Tex G. Hall
Chairman, Tex G. Hall
Tribal Business Council

Nathan Hale
Executive Secretary, Nathan Hale
Tribal Business Council