

U m R I A A

Resolution

07102-VJB

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

WHEREAS, the Mandan, Hidatsa, and Arikara Nation (Nation) is a sovereign government and federally recognized Indian Tribe existing pursuant to its inherent and retained sovereignty; and

WHEREAS, the Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and

WHEREAS, the Constitution and By-Laws of the Nation 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 Nation and of the enrolled members thereof; and

WHEREAS, in 1948, the majority of adult members of the Three Affiliated Tribes approved a Contract with the United States to take 156,000 acres of tribal and individual lands, vital to the social and economic welfare of the individual tribal members, for the Garrison Dam and Reservoir Project; and

WHEREAS, in 1949, under P.L. 81-437, 63 Stat. 1026, the federal government unilaterally amended major portions of the 1948 Contract excluding rights expressly reserved by the Three Affiliated Tribes; 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 in authorizing further compensation to the Tribes admitted that the compensation from the 1949 Act did not pay just compensation for the property taken, but neglected to provide compensation for individual Tribal member landowners and/or their heirs; and

WHEREAS, in 2007, under H.R. 155 and S. 160, 110th Cong., entitled the 'Lower Brule and Crow Creek Tribal Compensation Act', Congresswoman Stephanie Herseth and Senator John Thune proposed a bill to provide additional compensation to the Lower Brule and Crow Creek Sioux Tribes of South Dakota for damages caused to tribal lands by the Pick-Sloan projects along the Missouri River; and

WHEREAS, the Sakakawea Landowners Association is a nonprofit entity organized by members of the Mandan, Hidatsa, and Arikara Nation who are either

individual landowners or family members of deceased landowners of allotted trust and fee land taken by the United States for the construction of the Garrison Dam and Reservoir Project; and

WHEREAS, the Upper Missouri River Intertribal Allottees Association (UMRIAA) is a non-profit entity organized by a group of tribal members from the Fort Berthold, Standing Rock, Cheyenne River, Crow Creek, Lower Brule, Rosebud, Santee and Yankton Indian Reservations who are either original allottees or heirs of allottees whose lands were taken by the United States for flood control and other purposes under the Flood Control Act of 1944 and the Pick-Sloan projects; and

WHEREAS, the UMRIAA, in order to effectively address the issues shared in common by the numerous allottees and their heirs affected by the Flood Control Act of 1944 and the Pick-Sloan projects and to obtain just compensation and related damages from the United States for the taking of allotted lands, has adopted a Charter and Bylaws and is incorporated under the authority of the Three Affiliated Tribes of the Fort Berthold Reservation; and

WHEREAS, the purpose of the Sakakawea Landowners Association is to investigate, individually and in cooperation with the Upper Missouri River Intertribal Allottees Association, all available remedies concerning land loss claims and just compensation for the allotted lands lost under the Garrison Dam and Reservoir Project and to seek appropriate remedies and to obtain just compensation for the allottees and/or their heirs; and

WHEREAS, the landowners and their heirs through the Sakakawea Landowners Association have requested the Tribal Business Council to support the landowners and their heirs in an effort to get additional just compensation for the allotted lands taken by the United States for the Garrison Reservoir.

NOW, THEREFORE, BE IT RESOLVED, the Tribal Business Council does hereby authorize and direct its Chairman and/or Treasurer to cause \$100,000 to be expended for the purpose of hiring any and all ^{Bob McGowan & Bob McGaughlin} experts necessary to research a comprehensive study identifying the level of compensation still owed to the Three Affiliated Tribes and the allottee landowners and their heirs to be provided under a Three Affiliated Tribal Parity Act; and

BE IT FURTHER RESOLVED, the Tribal Business Council does hereby authorize and direct its Chairman and/or Treasurer to allocate \$25,000 in funding for Fort Berthold UMRIAA Representatives to attend UMRIAA meetings and to engage in oversight of any and all activities undertaken to advance the interests of the Three Affiliated Tribes and the landowners with respect to getting additional funding so as to get just compensation and special damages for and on behalf of the Three Affiliated Tribes and the allottee

landowners with respect to the direct losses and the emotional harm caused to the Three Affiliated Tribes and the allottee landowners with the taking of the reservation lands, including, but not limited to developing and providing testimony at hearings concerning the Parity Acts or any other legislation related to the just compensation of allottees for the lands that were taken and other related losses pursuant to the Flood Control Act of 1944 and the Pick-Sloan projects in the upper Missouri River Basin;and

BE IT FINALLY RESOLVED, the Chairman and/or Treasurer of the Three Affiliated Tribal Business Council are hereby authorized and directed to take any and all actions necessary to cause the intent of this resolution to be consummated including entering into appropriate contracts to develop the necessary studies contemplated herein.

CERTIFICATION

I, the undersigned, as Secretary of the Mandan, Hidatsa and Arikara Nation Tribal Business Council, certify that the Council is composed of ____ members, of whom ____, constituting a quorum, were present at a meeting duly called, noticed, convened, and held this ____ of _____, 2004, and that the foregoing resolution was duly adopted at such meeting by an affirmative vote of ____ for, ____ against, ____ not voting, and ____ absent.

Secretary
Tribal Business Council
Mandan, Hidatsa and Arikara Nation