



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

A Resolution Entitled: *“Authorization for Funding for the Upper Missouri River Intertribal Alotees Association in the Amount of \$125,000”*

- WHEREAS,** This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act and having 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 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 (l) of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council has the power to adopt resolutions regulating the procedure of the Tribal Business Council and other Tribal agencies and Tribal officials on the Reservation; and
- WHEREAS,** Article VI, Section 5 (c) of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council has the power to administer any funds or property with the exclusive control of Tribes and to make expenditures from available tribal funds for public purposes of the Tribes; and
- WHEREAS,** In 1948, the majority of the adult members of the Three Affiliated Tribes approved a contract with United States for the taking of 156,000 acres of tribal and individual lands, which were vital to the social and economic welfare of the Tribe and its members, for construction of the Garrison Dam and Reservoir Project; and
- WHEREAS,** In 1949 pursuant to Public Law 81-437, the federal government unilaterally amended major portions of the 1948 Contract excluding certain rights which had been expressly reserved by the Three Affiliated Tribes; and
- WHEREAS,** in 1992, the United States Congress enacted Public Law 102-575, Entitled the Three Affiliated Tribes and Standing Rock Sioux Tribe Equitable Compensation



Act whereby the federal government acknowledged that the compensation to the Tribes for the Garrison Dam takings under the 1949 Act was not just compensation and provided additional compensation to the Tribes for taking of the tribal lands, however the 1992 Act did not provide additional compensation for individual allottees or their heirs for their losses; and

WHEREAS, In 2007, Congresswoman Stephanie Herseth and Senator John Thune proposed a bill, H.R. 155 and S. 160, to provide additional compensation to the Lower Brule Tribe 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 Three Affiliated Tribes who are either 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 nonprofit entity organized by a group of tribal members from the Fort Berthold, Standing Rock, Cheyenne River, Crow Creek, Lower Brule, Rosebud, Santee and Yankton Sioux 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 UMMRIAA, in order to effectively address issues shared in common by the numerous allottees and their heirs affected by the Flood Control Act of 1944 and to obtain just compensation and related damages from the United States for the taking of allotted lands, has adopted a Charter and By-laws and is incorporated under the laws of the Three Affiliated Tribes of the Fort Berthold Indian 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 financially 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; and



WHEREAS, The Tribal Business Council has previously appropriated funds to the UMRIAA and the Sakakawea Landowners Association for the purposes set forth above pursuant to a Tribal Business Council Resolution; and

WHEREAS, The Tribal Business Council believes that it would be in the best interest of the Tribes and its members to provide additional funding to the UMRIAA to pursue its goal of seeking additional compensation through the United States Congress for individual allottees provided that any and all amounts provided by the Three Affiliated Tribes shall be re-reimbursed to the Tribes from any amounts awarded as compensation pursuant to any act of Congress or otherwise; and

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 experts necessary to research a comprehensive study identify 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 FURTHER RESOLVED, That the amounts hereby authorized to be expended shall be subject to the availability of tribal funds; and

BE IT FURTHER RESOLVED, that all amounts expended and appropriated by the Tribes pursuant to this resolution and previously expended pursuant to any other resolutions for the purposes set out in this resolution shall be reimbursed to the Three Affiliated Tribes by any amounts awarded as compensation to the Indian Allottees pursuant to any act of Congress; 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 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 Regular Meeting thereof duly called, noticed, convened, and held on the 12th day of June 2008; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 5 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 12th day of June 2008.

ATTEST:

Acting Tribal Secretary, Mervin Packineau
Tribal Business Council
Three Affiliated Tribes

Tribal Chairman, Marcus Wells Jr.
Tribal Business Council
Three Affiliated Tribes

