



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

*A Resolution entitled, "Directing the Bureau of Indian Affairs and/or Bureau of Land Management to Conduct a Cadastral Survey of and Ensure that Reservation Trust Lands include the South Bank and Bed of the Little Missouri River"*

**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,** 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 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 Fort Berthold Indian Reservation was initially created as part of the 1851 Treaty of Fort Laramie ("Treaty"), which laid out territorial boundaries and hunting and fishing rights for several Indian tribes, including the Three Affiliated Tribes of the Mandan, Hidatsa and Arikara Nation; and

**WHEREAS,** The territory set aside for the Gros Ventre, Mandans, and Arrickaras Nations, which became the Three Affiliated Tribes, was described in the Treaty as follows:

commencing at the mouth of Heart River; thence up the Missouri River to the mouth of the Yellowstone River; thence up the Yellowstone River to the mouth of Powder River in a southeasterly direction, to the head-waters of the Little Missouri River; thence along the Black Hills to the head of Heart River, and thence down Heart River to the place of beginning; and

**WHEREAS,** Article 5 of the Treaty further provided: "[i]t is, however, understood that, in making this recognition and acknowledgement, the aforesaid Indian nations do not hereby abandon or prejudice any rights or claims they may have to other lands; and further, that they do not surrender the privilege of hunting, fishing, or passing over any of the tracts of country heretofore described."; and

**WHEREAS,** By Executive Order dated July 13, 1880, certain lands set aside for the MHA Nation under the Treaty of Fort Laramie south of the Little Missouri River were restored to the public domain, the revised portion of the affected southern boundary of the Fort Berthold Reservation being described as follows:



“Beginning at a point where the northern 40-mile limit of the grant to the Northern Pacific Railroad intersects the present southeast boundary of the Fort Berthold Indian Reservation; thence westerly with the line of said 40-mile limit to its intersection with range line, between ranges 92 and 93 West of the 5th Principal Meridian; thence north along said range line to its intersections with the south bank of the Little Missouri River; thence northwesterly along and up to the south bank of said Little Missouri River, with the meanders thereof to its intersection with the range line between Ranges 96 and 97 West of the 5th Principal Meridian; thence westerly in a straight line to the southeast corner of the Fort Buford Military Reservation; thence west along the south boundary of said military reservation to the south bank of the Yellowstone River, the present northwest boundary of the Fort Berthold Indian Reservation; thence along the present boundary of the said reservation and the south bank of the Yellowstone River to the Powder River; thence up the Powder River to where the Little Powder River unites with it; thence northeasterly in a direct line to the point of beginning ...” [emphasis added]; and

**WHEREAS,** The Executive Order of July 13, 1880 clearly includes the south bank of the Little Missouri River within the boundaries of the Fort Berthold Indian Reservation and thereby preserved the MHA Nation's ownership of the bed of the Little Missouri up to and along the south bank as described therein; and

**WHEREAS,** The United States has a trust obligation to protect and preserve the property rights of the MHA Nation; and

**WHEREAS,** The Business Council finds it in the best interest to direct the Bureau of Indian Affairs, consistent with its trust responsibility, to protect the MHA Nation's beneficial ownership of the bed and south bank of the Little Missouri River as part of the Fort Berthold Indian Reservation, consistent with the Executive Order of July 13, 1880.

**NOW THEREFORE BE IT RESOLVED,** the Business Council hereby directs the Bureau of Indian Affairs and/or the Bureau of Land Management to conduct a cadastral survey and ensure that the south bank and bed of the Little Missouri River remains in trust as part of the Fort Berthold Indian Reservation.

**BE IT FURTHER RESOLVED,** the Business Council hereby directs the Bureau of Indian Affairs to record the trust deed(s) or other appropriate evidence of trust title with the Office of Land Titles and Records covering the South Bank and bed of the Little Missouri River in the name of the United States in trust for the Three Affiliated Tribes of the Fort Berthold Indian Reservation, consistent with the Executive Order of July 13, 1980.

**BE IT FINALLY RESOLVED,** that the Chairman is hereby authorized to take such further actions as are necessary to carry out the terms and intent of this Resolution.




**CERTIFICATION**

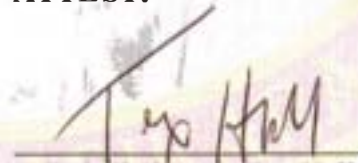
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 24<sup>th</sup> day of January, 2013, 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<sup>th</sup> day of January, 2013.

**ATTEST:**

  
Tribal Secretary, Judy Brugh  
Tribal Business Council  
Three Affiliated Tribes

  
Tribal Chairman, Tex Hall  
Tribal Business Council  
Three Affiliated Tribes