



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

**A Resolution entitled, “*Approval of the Trespass Settlement with Norman Adrian Bird Bear.*”**

**WHEREAS,** This Mandan, Hidatsa and Arikara Nation (the "MHA 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 under said Act, and

**WHEREAS,** The Constitution and By-laws of the Three Affiliated Tribes was adopted by Membership of the Tribes on May 15, 1936 pursuant to the Indian Reorganization Act of 1934 and duly approved by the Secretary of Interior; and

**WHEREAS,** Pursuant to Article III, Section 1 of its Constitution and By-Laws, the Tribal Business Council is the governing body of the MHA Nation; and

**WHEREAS,** The Tribal Business Council has authority to engage in activities on behalf of and in the interest of and for the welfare and benefit of the Tribes and of the enrolled members thereof; and

**WHEREAS,** The MHA Nation Tribal Employment Rights Ordinance (“TERO”) governs the MHA Department of Transportation (“DOT”) and is ultimately responsible for securing properly executed Right of Ways; and

**WHEREAS,** Mr. Norman Adrian Bird Bear is an enrolled member of the Three Affiliated Tribes and owns the following property on the Fort Berthold Indian Reservation: Allotment #771A, Section 36, Township 149 North, Range 93 West, Dunn County, North Dakota; and

**WHEREAS,** Approximately five years ago, the MHA Nation DOT installed or directed the installation of a truck weight scale on the property of Mr. Bird Bear without his consent, causing disturbance to approximately one acre along Highway BIA 14; and

**WHEREAS,** Mr. Bird Bear and the MHA Nation wish to resolve this trespass matter through a one-time monetary payment and an agreement to remove the weight scale and restore the disturbed land; and

**WHEREAS,** On February 28, 2018, at a duly held meeting of the Natural Resources Committee ("NRC"), representatives for Mr. Bird Bear discussed the parameters of an agreement to resolve this trespass matter and agreed to a one-time payment



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of Fifty Thousand U.S. Dollars (\$50,000.00), the removal of the weight scale, the restoration of the disturbed land, and a release of claims against the MHA Nation, tribal department, entities and contractors; and

**WHEREAS,** On March 15, 2018, legal counsel for Mr. Bird Bear submitted a Release of Claims and a draft Resolution approving the terms of a settlement for the trespass, described herein, upon Mr. Bird Bear's property; and

**WHEREAS,** The Release of Claims has been reviewed by the MHA Legal Department for execution by the MHA Nation.

**NOW THEREFORE BE IT RESOLVED,** That the Tribal Business Council hereby approves, payment of Fifty Thousand Dollars (\$50,000.00) to Mr. Norman Adrian Bird Bear to resolve the MHA Nation DOT's trespass on Mr. Bird Bear's property, described herein; and

**BE IT FURTHER RESOLVED,** That the Tribal Business Council agrees to the removal of the weight scale on Mr. Bird Bear's property and to the restoration of the disturbed property within twelve (12) months of the passage of this Resolution and further directs the MHA Nation Department of Transportation to undertake the responsibility for these matters; and

**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.

(SIGANTURE PAGE TO FOLLOW)




**CERTIFICATION**

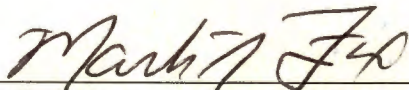
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 6 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 10<sup>th</sup> day of May 2018; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 6 members, 0 members opposed, members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman [ X ] voting. [ ] not voting.

Dated this 10<sup>th</sup> day of May 2018.

**ATTEST:**

  
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Tribal Secretary, Fred W. Fox  
Tribal Business Council

  
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Tribal Chairman, Mark N. Fox  
Tribal Business Council