

Resolution of the Tribal Business Council
Of the Three Affiliated Tribes of the
Fort Berthold Reservation

WHEREAS, Certain tribal and allotted land was taken by the U.S. in 1949 to provide for the Garrison Dam Reservoir; and

WHEREAS, The reservoir has flooded some lands beyond the Take Area and thus the water is trespassing on said tribal and allotted lands this being due in part to survey errors in laying out the original Take Area; and

WHEREAS, The Corps of Engineers desires to enter the Reservation in order to survey and appraise the flooded tribal and allotted land, looking toward eventual acquisition of the land and payment of fair market value to the tribal or Indian owners; and

WHEREAS, The Tribes have a number of major objections to the present legal status of the Take Area and to the Corps of Engineers Master Plan for the Take Area, so far as Tribal rights are concerned, and desires to reach a comprehensive settlement with the Corps of Engineers looking toward changes in the Master Plan and in existing legislation pertaining to the Take Area,

NOW THEREFORE BE IT RESOLVED, That the Tribes will consent to the Corps of Engineers making surveys and appraisals of tribal and allotted land, and will support the transfer of lands needed to be added to the Take Area, on condition that the Corps of Engineers support the following tribal objectives to be achieved by changes in the Master Plan and in existing legislation:

1. It shall no longer be questioned, and shall be accepted, that the Take Area is part of the Reservaton for jurisdictional purposes, although owned by the U.S., subject to the paramount right of the Corps of Engineers (or its successor agency) to use such Area for project purposes (i.e. maintenance of the reservoir for flood and irrigation purposes) without tribal interference. This would mean that the federal; state and tribal governments would have the same jurisdiction within the Reservation in the Take Area, subject to such paramount right, as they have over federal land administered by the Interior Department for the benefit of an Indian Tribe.

2. The Tribes shall have the exclusive right to regulate and license hunting, fishing, boating, and other recreational activities, and con-

cessions and business within the Take Area, subject to the said paramount right of the Corps of Engineers to use the Area for project purposes.

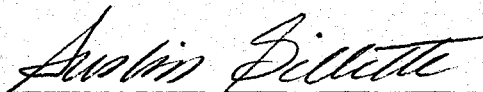
3. The U.S. shall transfer to itself in trust for the Tribes all surplus lands within the Take Area not directly needed for project purposes, including particularly the land at the Four Bears Recreational site.

4. The U.S. shall transfer to itself in trust for the Tribes all mineral rights in the Take Area, provided that such rights shall be subordinate to the paramount right of the Corps of Engineers to use the Area for project purposes.

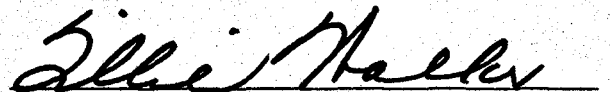
5. The Corps of Engineers will in good faith use its best efforts to cooperate with and support the Tribes, to the extent reasonable and not inconsistent with project purposes, in a number of other problems pertaining to the Take Area requiring resolution, such as water rights. To this end a joint advisory commission will be established to consider and try to resolve such problems, to consist of representatives of the Corps of Engineers, the Bureau of Indian Affairs, and the Tribes.

C E R T I F I C A T I O N

The undersigned hereby certifies that the foregoing resolution was approved at a meeting of the Tribal Business Council duly noticed and convened with a proper quorum on the 30 day of May, 1979, by a vote of 7 in favor and 0 against.



Austin Gillette, Chairman
Tribal Business Council



Tillie Walker, Secretary
Tribal Business Council