

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

WHEREAS, This 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 Three Affiliated Tribes authorizes and empowers the Tribal Business Council to engage in activities for the welfare and benefit of the Tribes and tribal members; and

WHEREAS, The Three Affiliated Tribes desires to contract the Statute of Limitations 2415 Land Claims Program under the authority of P.L. 93-638; and

NOW, THEREFORE BE IT RESOLVED, that the Three Affiliated Tribes contract with the Bureau of Indian Affairs for a one year period beginning May 1, 1981 for \$30,000.00; and

BE IT FURTHER RESOLVED, that any executive committee member shall be allowed to negotiate and sign on behalf of the Three Affiliated Tribes Tribal Council.

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

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 11 members of whom 7 constitutes a quorum, 10 were present at a Regular meeting thereof duly called, noticed, convened and held on the 14 day of May, 1981; that the foregoing resolution was duly adopted at such meeting by the affirmative vote of 10 members; 0 members opposed, 0 member abstained, 0 members not voting, and that said resolution has not been rescinded or amended in any way.

Chairman (Voting) (~~Not Voting~~)

Dated this 14 day of May 1981

Ellie Haller
SECRETARY, TRIBAL BUSINESS COUNCIL

ATTEST:

Dean A. Davine
CHAIRMAN, TRIBAL BUSINESS COUNCIL

28 USC 2415 INDIAN LAND CLAIMS RIGHT OF WAY
RESEARCH PROJECT PROPOSAL

INTRODUCTION

The Three Affiliated Tribes have yet to accomplish identification and documentation of land claims that fall under 28 USC 2415.

Land transactions occurring during the time frame delineated within the statute number in the hundreds. Until each transaction is investigated in it's entirety, all are suspect and as such, potential claims.

The claimant, whether it be the Tribes as a whole or an individual landowner, has a right to compensation for lands improperly removed from their ownership.

The initial 2415 Claims Program existed for a period of three months (June-August, 1979) and encompassed the entire spectrum of potential land claims. Given the enormity of the undertaking and the time period allowed, research could not even begin to address the tremendous number of potential claims.

Preliminary investigation -- at least identification -- of potential claims will be a major step in assuring landowners of proper compensation.

Documentation of an improper transaction is only one simple step beyond identification. The compilation of documents will occur in the investigation process and need only be summarized before submittal as a potential claim.

WORK PROGRAM NARRATIVE

I. Office Organization and Researcher Orientation

The Researcher will be responsible for accomplishing general organizational activities such as supply purchase, equipment rental, etc. Also during this time the Researcher must familiarize himself with the various people and agencies with which he will be working. Initial contacts must be made and the Researcher will be responsible for acquiring the necessary technical assistance agency/people he will utilize during the course of his investigations.

II. Identification Process - Initial Organization

All claims involving court house record research must be organized by county to allow for title tracing on a county-by-county basis. Research in any way other than the county-by-county approach would result in excessive travel.

The Researcher must compile all relevant ownership and land transaction data housed within the Bureau of Indian Affairs (Fort Berthold Agency and Aberdeen Area Office) and since some of these records may well reach back beyond the twenty years the BIA retains them, it may be necessary to request records from the Washington Archives.

III. Title Search

Title Search is the body of the investigation procedure and will consume the majority of allotted time. Hundreds of transactions must be researched.

Potential claims will be separated from legitimate transactions. Throughout this process, copies of all relevant documents will be made and filed accordingly.

IV. Documentation

Each potential claim will be summarized by a short narrative with supporting documentation attached. The injured parties (owners at the time of the transaction) must be noted and present claimants must be identified.

V. Program Conclusion

All identified transactions will be accounted for according to progress and result. The final report will be submitted.

2415 Land Claims Research Project

Budget

May 1, 1981 - September 30, 1981

I. PERSONNEL		
A. Researcher		
\$7.00/hr. x 872 hrs.	\$ 6,104.00	
Fringe Benefits @ 15%	<u>915.60</u>	
Total Personnel		\$ 7,019.60
II. TRAVEL		
Local Travel		
2,000 miles/mo. x 5 mos.	2,250.00	
@ 22.5¢/mi.	<u>2,250.00</u>	
Total Travel		2,250.00
III. OFFICE COSTS		
A. Equipment Rental	750.00	
B. Consumables		
\$50.00/mo. x 5 mos.	250.00	
C. Building Maintenance and Repair		
151 sq. ft. @ 38¢/sq. ft. x 5 mos.	286.90	
D. Telephone		
\$75.00/mo. x 5 mos.	375.00	
E. Postage		
\$50.00/mo. x 5 mos.	250.00	
F. Printing/Copying	<u>1,000.00</u>	
Total Office Costs		2,911.90
IV. TECHNICAL ASSISTANCE	<u>17,800.00</u>	
Total Technical Assistance		<u>17,800.00</u>
TOTAL BUDGET		<u><u>\$29,981.50</u></u>

BUDGET NARRATIVE

I. Personnel

One Researcher position at a salary of \$7.00 per hour will be responsible for all aspects of the 2415 research and claims documentation.

II. Travel

Title searches and all related activities will require research at six Reservation county courthouses. Average mileage round trip to the various county seats is about 120 miles. Due to the distances the researcher will be required to travel for on-site research, 2,000 miles was allocated per month at the Tribal travel rate of 22.5¢ per mile.

III. Office Costs

Office expenditures reflected within the budget are costs calculated relative to projected needs.

IV. Technical Assistance

In the course of title search, the interpretation of the largely varied transactions that can occur surrounding land ownership exchanges may many times require technical expertise. Money allotted for technical assistance will meet those requirements.

THREE AFFILIATED TRIBES
JOB DESCRIPTION

POSITION: 2415 Indian Land Claims Researcher

LOCATION: Fort Berthold Indian Reservation, New Town, North Dakota 58763

SALARY: \$14,560.00/Annum

INTRODUCTION - The 2415 Indian Land Claims Research Program consists of title searches relative to land transactions occurring between the early 1950s and June 18, 1967.

DUTIES AND RESPONSIBILITIES

Researcher responsible for all aspects of research and documentation including but not limited to:

1. Initial office organization such as supply purchase, equipment rental, filing system organization, etc.
2. Making contact with agencies/people with which Researcher will be working.
3. Contacting and utilizing necessary technical assistance agency/people.
4. Must organize investigation process to be utilized for project.
5. Must conduct title searches at the six Reservation county courthouses.
6. Must compile all relevant land ownership and transaction data relative to claims.
7. Must utilize filing system to assure that all records are properly kept and are easily accessible.
8. Must write summaries of findings in a concise manner.
9. Will be responsible for fulfilling periodical report requirements.

SUPERVISION

Immediate supervision will be provided by the Three Affiliated Tribes Office of Natural Resources and Energy Development (ONRED) Associate Planner.

QUALIFICATIONS

1. High school graduate or GED equivalent.
2. Must have familiarity with and be able to utilize basic office filing procedures.
3. Must be able to write clearly and concisely.

QUALIFICATIONS Cont.

4. Must be able to type at a rate of not less than 40 words per minute.
5. Must possess valid drivers license and own his own vehicle.
6. Must be willing to travel extensively.
7. Must be mature responsible person able to work without constant supervision.
8. Must be punctual and reliable.
9. Familiarity with title search procedure preferred but not required.

APPLICATION REQUIREMENTS

1. General Application.
2. Written Resume'.
3. Any recommendations in letter form signed by recommending party.
4. If applicant claims Veterans Preference, a DD-214 must accompany application.

SUMMARY

Research of potential land claims falling under the 28 USC 2415 Statute of Limitations must be accomplished to insure remedy to the Tribes and Tribal members for lands improperly sold.

Each transaction must be investigated to insure that it was legitimate and proper. There are literally hundreds of these transactions that must be investigated. Although it is possible that only a handful of potential claims may be identified, the program will have accomplished its mission.