

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 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, HR1116 provides for substantial irrigation, as well as municipal, industrial, and rural (MIR) water development on the Fort Berthold Indian Reservation;
- WHEREAS, Such development must be carefully planned in order to ensure the greatest social and economic benefit to the Tribes as the result of such development;
- WHEREAS, The Legal Department at the direction of the Tribal Business Council, has negotiated a proposed Memorandum of Understanding (MOU), attached herein as Appendix A, with the Bureau of Reclamation regarding this proposed development;
- WHEREAS, That proposed MOU will guide the development of these projects, with the participation and advice of the Tribal Business Council, through the construction phase now expected to commence in 1990;
- WHEREAS, The Bureau of Reclamation will provide \$60,000.00 to fund the Tribes' participation in the wise development of these projects on the Fort Berthold Reservation;
- WHEREAS, The Legal Department has already identified various water resources economists and engineers to advise the Tribes on such development in a consulting capacity;
- WHEREAS, The Legal Department will also propose further legislative and administrative action to ensure that this development will return the maximum social and economic benefits to the Tribes;
- WHEREAS, The Legal Department anticipates that this MOU will be ready for signature on or about January 10, 1987; and



United States Department of the Interior
BUREAU OF RECLAMATION
Missouri Basin Region
P.O. Box 36900
Billings, Montana 59107-6900

IN REPLY
REFER TO: MB-780

DEC 12 1986

Memorandum

To: Area Director, Bureau of Indian Affairs, Aberdeen, South Dakota
From: **Acting** Regional Director, Billings, Montana
Subject: Funding of Tribal Input to Irrigability and Municipal, Rural, and Industrial Studies, Garrison Diversion Unit (GDU)

Enclosed is an Interagency Agreement between the Bureau of Reclamation and the Bureau of Indian Affairs to fund tribal coordination for the irrigability studies and municipal, rural, and industrial studies for the Fort Berthold, Fort Totten and Standing Rock Indian Reservations specified in the Garrison Reformulation Act (PL 99-294).

The Fort Berthold and Fort Totten Reservation funding requirements were discussed with the Tribes and have been approved by the Commissioner of Reclamation. We have been unable to agree on a coordination budget for the Standing Rock Reservation but have agreed to provide \$40,000 in FY 1987 and \$2,000 in FY 1988 to permit their study input as discussions continue. At this time, this is the limit we are authorized to make available for Standing Rock coordination under the Commissioner of Reclamation's authorization.

If this agreement is acceptable, please sign as the servicing agency and return the agreement to this office for execution. Upon signature of the agreement, an amount of \$97,000 will be transferred to you via SF 1081.

G. M. Wendler

Enclosure

cc: Mr. Charles Murphy, Chairman, Standing Rock Indian Tribe, P.O. Box 367,
Fort Yates, SD 58538
✓ Ms. Alyce Spotted Bear, Tribal Chairman, Fort Berthold Reservation,
P.O. Box 220, New Town, ND 58763
Mr. Carl R. McKay, Tribal Chairman, Devils Lake Sioux Tribe,
Fort Totten, ND 58335
(w/ cy. of encl. to ea.)

RECEIVED

DEC 15 1986

UNITED STATES
DEPARTMENT OF THE INTERIOR
INTERAGENCY AGREEMENT

Agreement No. IRA-86-00330
 Modification No. _____
 Agreement Period
 From: 12/5/86 To: 9/30/88

1. Project Title:
Garrison Diversion Unit - Indian Projects

2. AUTHORITY: Pursuant to the Economy Act of 1932, as amended, (31 U.S.C. 686).
Garrison Reformulation Act, Public Law 99-294

3. Requesting Agency Name and Address:
(Include Zip Code)
Bureau of Reclamation
Missouri Basin Region
P.O. Box 36900
Billings, MT 59107-6900

4. Servicing Agency Name and Address:
(Include Zip Code)
Bureau of Indian Affairs
Aberdeen Area Office
115 4th Ave. S.E.
Aberdeen, SD 57401

5. Requesting Agency: Program Director(s)
Name, Address (Include Zip Code), and
Telephone Number:
Robert H. Madsen (MB-700)
Bureau of Reclamation, MB Region
P.O. Box 36900
Billings, MT 59107-6900
(FTS) 585-6514

6. Servicing Agency: Principal Investigator(s)
or Program Director(s) Name, Address
(Include Zip Code), and Telephone Number:
L.W. Collier, Jr.
Bureau of Indian Affairs
Aberdeen Area Office
115 4th Ave. S.E.
Aberdeen, SD 57401 (FTS) 782-7343

7. Accounting and Appropriation Data:

8. Funding Sources:

Source	Amount
Garrison Diversion Unit, P-S MBP	\$ 112,000
	\$
TOTAL Funding	\$

9. Remarks:
Table 1 lists the work to be done
Table 2 shows the breakdown by Reservation
of 87 & 88 funds

10. Amount Obligated by this Action:
\$ 97,000

Upon signature of this agreement, an amount
of \$97,000 will be transferred to BIA via
SF 1081.

11. Submit Vouchers to Block:

12. Requesting Agency Acceptance

13. Servicing Agency Acceptance

(Signature)

(Signature)

(Date)

(Date)

Name B. E. Martin

Name Dr. Jerry Jaeger

Title Regional Director

Title Area Director

Phone No. (Include Area Code): _____

Phone No. (Include Area Code): _____

TABLE 1
WORK OUTLINE

- I. IDENTIFY STUDY AREA FOR LAND CLASSIFICATION
 - A. Establish Gross Limits As Per JTAC Investigation
 - B. Identify Ownership
 1. Trust Acreage
 - a. Tribal Trust
 - b. Allotted
 1. List Of Allottees By Allotment Number
 2. Acreage
 3. Address/Phone Number
 2. Fee Patent Lands
 - a. List of Owners As Per Assessors Records
 1. Legal Description/Acreage
 2. Identify Ownerships Exceeding Acreage Limits
 3. Document Lessees By Ownership
 3. Map Ownership
 - C. Document Indication Of Interest In The Project
 1. Develop Basic Informational Packet
 - a. Coordinate With USBR
 1. Farm Budgets/Costs
 2. Project Drainage
 3. Power
 - b. Indian Perspective
 - c. Non-Indian Perspective
 2. Develop Expression Of Interest Form
 - a. Do You Want To Irrigate? How Much Acreage?
 - b. Do You Own More Than 960 Acres In Federal Irrigation Projects? Identify.
 - c. Would You Be Willing To Sell Your Property? Under What Terms?
 3. Prepare For/Hold Public Meeting
 - a. Tribal Interests
 - b. Non-Indian Interests
 4. Send Out Forms.
 5. Make Follow-up Contacts For Delinquent Forms
 - D. Modify Configuration Of Project
 1. Delete Owners Who Have No Interest
 2. Evaluate Excess Lands Problem
 3. Research In Lieu Of Lands
 4. Develop Modified Study Area Boundaries
 - E. Obtain Access
 1. Develop Form
 - a. Access For Identified Multiple Purposes
 - b. Write Damage Clause
 2. Trust Land Case
 - a. Tribal Resolution
 - b. Letter From BIA
 - c. Identify Contact Person
 - d. Troubleshoot Problems

3. Non-Indian Ownership Case
 - a. Send Out Form
 1. Owner
 2. Lessee
 - b. Make Follow-up Contacts
 1. Telephone
 2. Visit By Appointment
4. Map Study Area For Land Classifiers
- F. Coordinate Programs/Schedule With USBR
 1. Meetings
 2. Scheduling
 3. Contact Person Coordination

II. MR&I PLAN COORDINATION

- A. Work With Tribes To Document Needs
- B. Identify Master Plan/Alternatives
- C. Coordinate With USBR
 1. Work Session On █████ JTAC Plan
 2. Share Information
- D. Identify Priorities/Select Preferred Alternative
- E. Coordinate With Tribe
 1. Study Progress
 2. Work Session On Results

III. IRRIGABILITY INVESTIGATION

- A. Coordinate With Tribe
- B. Review USBR Standards
- C. Field Review
 1. Field Visitations During USBR Investigations
 2. Develop Familiarity With Techniques
- D. Evaluate USBR Findings
 1. Resolve Problems
 2. Review Conclusions
- E. Tribal Work Session On Results

IV. APPRAISAL LEVEL FEASIBILITY STUDY

- A. Coordinate With USBR
 1. Work Session on █████ JTAC Plan
 2. Share Technical Information
- B. Provide Input Into Farm Budgets
- C. Review Findings
- D. Make Initial Conclusions
- E. Work Session With Tribe

Table 2

TRIBAL COORDINATION BUDGET

	<u>1987</u>	<u>1988^{2/}</u>
Fort Berthold Affiliated Tribes	50,000	10,000
Devils Lake Sioux (Fort Totten)	7,000	3,000
Standing Rock Sioux ^{1/}	<u>40,000</u>	<u>2,000</u>
	97,000	15,000

1/ Commissioner has authorized an Indian coordination budget of 7% of total currently estimated at \$600,000.

2/ FY88 funds are subject to availability of appropriation of funds.

NOW, THEREFORE, BE IT RESOLVED, That:

1. The Legal Department is directed, in conjunction with the Bureau of Reclamation and the BIA, to develop the final MOU for execution by the Tribes as a signatory to that agreement;
2. The Legal Department is directed to prepare the various consultant contracts that are necessary to ensure that the Tribes will obtain the expert advice necessary to ensure their informed participation in this development; and
3. The Legal Department is further directed to prepare such proposed legislative and administrative action as is necessary to ensure the maximum social and economic benefits to the Tribes from this development.

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 constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 11 day of December, 1986; 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.

Dated the 11 day of December, 1986.

Lillie Walker
Acting Secretary, Tribal Business Council

ATTEST:

Alyce A. Gollid
Chairman, Tribal Business Council