

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, The Legal Department has advised the Tribal Business Council that there is \$70,000.00 available from the BIA for the evaluation of the water related and other needs of the Three Affiliated Tribes;

WHEREAS, The Joint Tribal Advisory Committee (JTAC) has issued a comprehensive set of recommendations that address the adverse social and economic impacts of the Pick-Sloan Program on the Fort Berthold Reservation;

WHEREAS, The purpose of the JTAC recommendations is to assist the Three Affiliated Tribes, through water development and other projects on Fort Berthold, in their economic recovery from the adverse effects of the Pick-Sloan Program in the tribal population;

WHEREAS, The Tribal Business Council recognizes that substantial additional research and analysis will be necessary to document the need for administrative and/or legislative action in order to implement these recommendations on the Fort Berthold Reservation;

WHEREAS, The Legal Department, at the direction of the Tribal Business Council has developed a plan, attached herein as Exhibit "A", for the full documentation of the need for prompt administrative and/or legislative action to implement the JTAC's recommendations on the Fort Berthold Reservation;

WHEREAS, Exhibit "A" also details the technical phases of research and analysis encompassing all the recommendations contained in the JTAC report;

NOW THEREFORE BE IT RESOLVED THAT, the Tribal Business Council hereby:

1. Requests the BIA to enter into a Public Law 93-638 contract with the Three Affiliated Tribes in the amount

"EXHIBIT _____"

The Tribes recognize that substantial additional research and analysis will be necessary to document the need for administrative and/or legislative action to implement these recommendations on the Fort Berthold Reservation. This further research and analysis will be developed in the following technical phases that encompass all the recommendations contained in the JTAC report:

Stage I of Analysis/Research:

- o Research, analyze and document the basis for the implementation of JTAC Recommendation #8. The JTAC recommended that the Secretary make available an allocation of Pick-Sloan preference power sufficient to meet the energy related needs of the Reservation, not to exceed ten megawatts (excepting tribal irrigation and MR&I projects authorized under Public Law 99-294).
- o Action will include consultation with public power marketing authorities such as the Western Area Power Authority (WAPA) to determine whether such preference allocation may be included in future utility marketing plans and/or meetings with the Secretary of Energy regarding a set aside of a preference allocation.
- o Research and design of tribal power authority to administer the development on a reservation wide basis of such a preference allocation.

Stage II of Analysis/Research:

- o Research, analyze and document the basis for the implementation of JTAC recommendations #3 and 4. The JTAC recommended that the Tribes be given a preferential opportunity to develop, for both tribal and public benefit, the shoreline recreation potential of Lake Sakakawea. Additionally, the JTAC recommended that the Corps of Engineers be urged to restore the shoreline to tribal ownership subject to easements for project purposes and the reasonable protection of existing valid leases on such lands.
- o Action will include consultation with the COE to determine the extent and purpose of the COE's authority over the taken area and/or meetings with the Secretary of the Army regarding a plan for the phased implementation of these recommendations.
- o Research and design of a tribal shoreline development plan, including the development of a Tribal fisheries management capability, consistent with the JTAC's recommendations.

Stage III of Analysis/Research:

- o Research, analyze and document the basis for implementation of JTAC recommendation #7. The JTAC recommended the replacement of certain items of infrastructure that was destroyed by federal action including health care facilities, bridges, school dormitories, and adequate secondary access roads.
- o Action will include consultation with the Indian Health Service (IHS), the North Dakota Department of Transportation and BIA/Roads Department to achieve adequate implementation of this recommendation.
- o Research and development of the Tribal health needs inventory as well as the other needs arising under this recommendation.

Stage IV of Analysis/Research:

- o Research, analyze and document the basis for the implementation of JTAC recommendations #1, 2 and 5. These recommendations call for the development of the full potential for irrigation on the Reservation as well as the protection of tribally reserved water rights.
- o Action will include consultation with the Water Resources Division of the BIA, the State Water Commission, as well as other public agencies to determine the appropriate strategies to implement these recommendations.
- o Research and design of a tribal water administration authority in order to develop and manage the objectives set out in JTAC's recommendations #1, 2 and 5.

Stage V of Analysis/Research

- o Research, analyze and document the basis for the implementation of JTAC recommendation #9. That recommendation calls for adequate compensation to the Tribes for the loss of the economic base of the Fort Berthold Reservation due to the implementation of the Pick-Sloan Program on the Fort Berthold Reservation.
- o Action will include consultation with the appropriate federal agencies and authorities.
- o Research and design of a tribal economic recovery program consistent with the recommendations of the JTAC.

"Exhibit _____"

BUDGET

The Legal Department will be the lead tribal agency that will provide over all direction to this project. The budget will be allocated as follows:

STAGE I

ALLOCATED AMOUNT

Technical and related analysis of the Tribes' right to a preference allocation of Pick-Sloan Missouri Basin Power through legislative or administrative action. Research and design of a tribal power authority to administer the development of such power on the reservation.

\$15,000

STAGE II

Technical and related analysis of the Tribes' right to restoration and/or preferential development of the shoreline recreation potential of Lake Sakakawea Research and design of a tribal shoreline development plan, including the development of a tribal fisheries management capability.

\$15,000

STAGE III

Technical and related analysis of the Tribes' entitlement to the replacement of certain items of infrastructure that was destroyed by federal action. Research and development of tribal health needs inventory, access needs inventory, and other issues arising under this recommendation.

\$10,000

STAGE IV

Technical and related analysis of the development of the full potential for irrigation and the protection of tribally reserved water rights. Research and development of a tribal water administration authority.

\$15,000

STAGE V

Technical and related analysis of the basis of the Tribes' right to adequate compensation due to the losses inflicted on the Tribes by the implementation of the Pick-Sloan Plan on the reservation.

\$15,000

STAGES I-V

TOTAL

\$70,000

The project work associated with Stages I-V will be completed by September 30, 1987.


of \$70,000 for the purpose of evaluating the water related and other needs of the Three Affiliated Tribes;

2. Directs the Legal Department to submit the appropriate documentation necessary to support this request consistent with the plan attached herein as Exhibit "A"; and
3. Authorizes the Tribal Chairman to execute, on behalf of the Tribal Business Council, all the formal documents necessary to complete this request.

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 Special Meeting thereof duly called, noticed, convened, and held on the 23 day of February, 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 23rd day of February, 1987.


Secretary, Tribal Business Council

ATTEST:


Chairman, Tribal Business Council