

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,** Article VI, Section 5(a) of the Constitution of the Three Affiliated Tribes specifically authorizes and empowers the Tribal Business Council to manage all economic affairs and enterprises of the Three Affiliated Tribes; and
- WHEREAS,** Article VI, Section 5 (d) of the Constitution of the Three Affiliated Tribes specifically authorizes and empowers the Tribal Business Council to negotiate with agencies of the United States Government on behalf of the Three Affiliated Tribes; and
- WHEREAS,** After having devoted a substantial amount of time, effort, and money in developing their claims arising out of the impoundment of waters under the Pick-Sloan Missouri Basin Program on the Fort Berthold Reservation, the Three Affiliated Tribes have finally reached the ultimate stage of the process and are currently undertaking the preparation of their final presentation to the United States Congress in support of the recommendations made by the Garrison Unit Joint Tribal Advisory Committee; and
- WHEREAS,** Said Joint Tribal Advisory Committee has recommended that Congress enact legislation granting to the Three Affiliated Tribes an allocation of low-cost preference power from the Garrison Dam hydroelectric power facility sufficient to meet their energy related needs on the Fort Berthold Reservation, in addition to the power needs for irrigation and water systems; such recommendation was based, in part, on the finding by the Committee that the grant of such preferential power is essential, "(i)f the Tribes are to ever attain some degree of economic self-sufficiency;" and
- WHEREAS,** In order to prepare an adequate and comprehensive presentation to Congress in support of the recommendation of the Committee relating to preferential power, the Three Affiliated Tribes have determined necessary the retention of technical assistance to perform, in an expeditious manner, a

study of the feasibility of the proposed Tribal provision and operation of public utility services on the Fort Berthold Reservation, which study would address the following items:

1. The fair and equitable share of Pick-Sloan hydroelectric power to which the Tribes are entitled.

2. The fair and equitable share of preferential power to which the Tribes are entitled.

3. The alternative methods of transmission of power to and on the Fort Berthold Reservation.

4. The potential increase in the preference rate to compensate for the transmission cost inherent in the allocation of preferential power to the Tribes.

5. The potential positive impact on the social and economic environment of the Reservation and on Tribal self-sufficiency derived from the proposed Tribal provision and operation of public utility services, including the enhancement of Tribal employment and income.

6. The elements inherent in the development of a governmental administrative structure necessary for the proposed Tribal provision and operation of public service utilities on the Reservation; and

WHEREAS, Certain representatives of the Three Affiliated Tribes have recently conferred with officials of the Council of Energy Resource Tribes (hereinafter referred to as "CERT") on the matter of the necessary feasibility study and such CERT officials have expressed their willingness and desire to provide the technical assistance capabilities of CERT in the performance of the study on behalf of the Tribes; and

WHEREAS, Such CERT officials have proposed to undertake the performance of the feasibility study by means of an amendment to the February 27, 1987 grant proposal submitted by CERT to the Administration for Native Americans (hereinafter referred to as "ANA") in response to ANA Program Announcement No. 3612-861, wherein CERT made application for an ANA grant to provide to Indian tribes technical services in finance, marketing, management, and negotiations in pursuit of the enhancement of tribal natural resource development, business development, and management capabilities; and

WHEREAS, The Three Affiliated Tribes could make application, pursuant to the regulations set forth in 45 CFR Part 1336, for their own independent grant from ANA for the proposed feasibility study; however, the Tribes have been informed by ANA that a

period of approximately one hundred and twenty (120) days typically elapses between the closing date of an ANA Program Announcement and the date of the award of a grant to an approved applicant, as a result of the considerable time required to complete the various phases of the process of application review; and

WHEREAS, It is considered judgment of the Tribal Business Council, based upon the temporal urgency involved in the completion of the feasibility study as part of the preparation of the Tribes' final presentation to Congress in support of the recommendations of the Joint Tribal Advisory Committee, that the Tribes should pursue and support the amendment to the ANA grant proposal previously submitted by CERT as proposed by CERT officials, in lieu of the submission to ANA by the Tribes of an independent grant proposal;

NOW, THEREFORE, BE IT RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes hereby authorizes and directs the appropriate Tribal officials and representatives to provide assistance and support to the Council of Energy Resource Tribes in the negotiation with the Administration for Native Americans of the proposed amendment of CERT's February 27, 1987 ANA grant proposal enabling CERT to perform the above-identified feasibility study on behalf of the Three Affiliated Tribes.

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 7 members of whom 5 constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 9th day of April, 1987; 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 9th day of April, 1987.

[Signature]
Secretary, Tribal Business Council

ATTEST:

[Signature]
Chairman, Tribal Business Council