

**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 recommendations 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 recommendations of the Committee relating to preferential power, the Three Affiliated Tribes deem it necessary to determine, in an expeditious manner, the feasibility of the proposed tribal provision and operation of public utility services on the Fort Berthold Reservation, which 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 development 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, It is considered judgement of the Tribal Business Council, based upon the temporal urgency involved in the completion and determination of items (1) through (6) of the above paragraph as part of the preparation of the Tribe's final presentation to Congress in support of the recommendations of the Joint Tribal Advisory Committee; and

WHEREAS, Certain representatives of the Three Affiliated Tribes have recently conferred with officials of the Council of the Energy Resource Tribes, (hereunder referred to as "CERT"), on the matter of the necessary analysis and such CERT officials have informed us that they have already included in

their 1987-88 ANA grant program activity a detailed analysis and negotiations leading to the establishment of a Tribal Utility Authority and the resolution of same issues relating to a power purchase agreement with the Western Area Power Administration (WAPA),

NOW, THEREFORE, BE IT RESOLVED, That the Three Affiliated Tribes make application, pursuant to the regulations set forth in 45 Part 1336, for an independent grant from ANA for the proposed project; and hereby authorizes and directs the appropriate Tribal officials and representatives to pursue negotiations with the Administration for Native Americans of this proposed tribal grant application to perform the above-identified activities.

CERTIFICATION

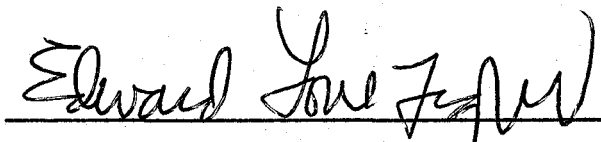
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 6 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 8th day of October, 1987; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 6 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 8 day of October, 1987.



Secretary, Tribal Business Council

ATTEST:



Chairman, Tribal Business Council