

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(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, such as the Bureau of Indian Affairs, and to advise and consult with representatives of the Department of the Interior on all Department actions which may affect the Fort Berthold Reservation; and
- WHEREAS, Article IX, Section 6 of the Constitution of the Three Affiliated Tribes specifically authorizes and empowers the Tribal Business Council to acquire by purchase, exchange of Tribal land, relinquishment, or other means any lands or interests in land for and on behalf of the Tribes, subject to the approval of the Secretary of the Interior; and
- WHEREAS, Section 5(b) of the Charter of the Three Affiliated Tribes provides that the Tribes have the power to purchase, take by gift, bequest, or otherwise, and own property of every description, real and personal; and
- WHEREAS, Section 5(f) of the Charter of the Three Affiliated Tribes provides that the Tribes are empowered to make and perform contracts and agreements of every description with any agency of the United States; and
- WHEREAS, Section 1 of the Charter of the Three Affiliated Tribes provides that one of the purposes for which the Tribes were chartered pursuant to Section 17 of the Indian Reorganization Act is to provide for the proper exercise by the Tribes of various functions currently performed by the Department of the Interior; and

- WHEREAS, The Three Affiliated Tribes entered into a P.L. 93-638 Contract (No. A00C14202597) with the Bureau of Indian Affairs for the purpose of performing a comprehensive Tribal transportation planning study for the Fort Berthold Reservation, which study would address various needs of the Three Affiliated Tribes in the proposed assertion of their sovereign authority and jurisdiction over vehicular travel and the system of roads traversing the Reservation; and
- WHEREAS, The performance of said transportation planning study has been completed and included in the final study report are numerous factual findings, legal conclusions, and recommendations relating to the jurisdiction and authority of the Three Affiliated Tribes in the areas of taxation, business regulation, land use planning and zoning, Indian preference in employment and contracting, and traffic and highway regulation; and
- WHEREAS, The most sweeping recommendation made in the study report provides for the ultimate ownership by the Tribes of all roads and highways traversing the Reservation, so as to enable the Tribes, among other things, to provide for improved maintenance of the Reservation roads and highways and exclusive control over vehicular access to Lake Sakakawea; and
- WHEREAS, Such recommendation proposes that, in the initial phase of the implementation of the Tribal plan to assume ultimate jurisdiction over and ownership of all highway systems on the Reservation, the Tribes pursue the actions necessary to secure exclusive jurisdiction over and ownership of the current Bureau of Indian Affairs road system; and
- WHEREAS, The authority of the Bureau of Indian Affairs to transfer to the Tribes its road system lying within the boundaries of the Fort Berthold Reservation is implied in the federal regulatory provision codified at 25 C.F.R. Section 170.5(b); and
- WHEREAS, The Tribal Business Council has reviewed and considered the various factual findings and legal conclusions set forth in the final study report supportive of the recommendation referenced herein and has determined that the best interests of the Three Affiliated Tribes would be subserved by pursuing the specific actions recommended;

NOW, THEREFORE, BE IT RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes hereby requests that the Bureau of Indian Affairs enter into a formal agreement with the Tribes whereby the Bureau would transfer to the Tribes the roads currently comprising the Bureau of Indian Affairs road system within the exterior boundaries of the Fort Berthold Reservation, which transfer would be accomplished by transferring title to all perfected rights-of-way and easements previously acquired in conjunction with the construction and maintenance of such roads.

BE IT FURTHER RESOLVED, That said proposed transfer agreement shall expressly provide that the Bureau of Indian Affairs shall continue to assume exclusive responsibility for the maintenance of the roads subject thereto and shall continue to assume exclusive liability for any and all legal claims for monetary damages or other relief arising out of said maintenance, with the specific provision that the Three Affiliated Tribes shall be held harmless therefrom.

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 Special Meeting thereof duly called, noticed, convened, and held on the 29 day of January, 1988; 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 29 day of January, 1988.


Secretary, Tribal Business Council

ATTEST:


Chairman, Tribal Business Council