

**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 implementation of the massive federal water project, known as the Pick-Sloan Project, on the Fort Berthold Indian Reservation in the 1950's inflicted severe social and economic costs on the tribal people for which they have been adequately compensated by the federal government; and
- WHEREAS,** The adverse impacts of the implementation of the Pick-Sloan Program on Fort Berthold, included the loss of a significant portion of the Tribes irrigable land base, as well as the displacement and dispersion of the tribal population for from adequate supplies of fresh and potable water;
- WHEREAS,** The Tribes' testimony before the Garrison Diversion Unit Commission (GDUC) regarding these adverse impacts resulted in the GDUC recommending the substantial irrigation, as well as other benefits, be awarded the Tribes as partial compensation for losses inflicted by the implementation of the Pick-Sloan Program on the Fort Berthold Reservation; and
- WHEREAS,** Congress, as a consequence of the GDUC's recommendations, authorized \$60 million for irrigation development and \$20.5 for Municipal, Rural and Industrial (MIR) development on Fort Berthold under the terms of Pub. L. 99-294; and
- WHEREAS,** Congress emphasized in its committee report accompanying Pub. L. 99-294 that the purpose and intent of these authorizations is to partially compensate the Tribes for their losses associated with the taking of their lands as the site for the Garrison Dam; and
- WHEREAS,** The Three Affiliated Tribes deem the prompt implementation of the developments called for by Pub. L. 99-294 to be of critical importance to the Tribes; and
- WHEREAS,** The Tribal Council believes that the proposed and MR&I developments--if properly designed constructed, and managed--can substantially aid the Tribes in recovering from the substantial adverse social and economic effects of the Garrison Dam on the tribal people of the Fort Berthold Reservation; and

WHEREAS, It is in the best interests of the Three Affiliated Tribes to build the Phase I GDU MR&I system on the Fort Berthold Reservation in the least expensive and fastest manner possible; and

WHEREAS, The Bureau of Indian Affairs has the authority to grant additional rights-of-ways.

NOW THEREFORE BE IT RESOLVED, that:

1. Where it is cost-effective and feasible, the Three Affiliated Tribes request that this MR&I system be allowed to be sited under a secondary easement inside the BIA approved rights-of-way system without the consent or permission of the land owners.
2. The Three Affiliated Tribes will waive compensation associated with acquiring right-of-way on Tribal trust lands for the Phase I GDU MR&I system.
3. The Three Affiliated Tribes request that individual Indian land owners be allowed to waive compensation for right-of-way because these individuals are individually receiving a safe, potable water supply and/or are accommodating a similar level of benefits for other Tribal residents.
4. The Three Affiliated Tribes request that non-Indian fee patent land owners be given the opportunity to hook up to the Phase I GDU system (under conditions imposed by USBR) if they grant right-of-way to the project at no cost.

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 6th day of February, 1989; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 0 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 6th day of February, 1989.

Ed Lou Fisher
Secretary, Tribal Business Council

ATTEST:

Edward Lou Fisher
Chairman, Tribal Business Council