

Resolution No. 89-71-76

**RESOLUTION OF THE GOVERNING BODY
OF THE
THREE AFFILIATED TRIBES
OF THE**

FORT BERTHOLD INDIAN 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 Tribal Business Council of the Three Affiliated Tribes desires that the natural resources of the Fort Berthold Indian Reservation be utilized in a manner which benefits members of the Three Affiliated Tribes; and
- WHEREAS,** Based upon the final report of the Joint Tribal Advisory Committee the Senate Select Committee on Indian Affairs directed the U.S. Army Corps of Engineers to undertake a study of the Garrison Reservoir project lands within the Fort Berthold Indian Reservation to determine what lands are excess to project needs; and
- WHEREAS,** The study completed by the U.S. Army Corps of Engineers identified 7,583 acres of project land as being outside the 1971 Guide Acquisition Boundary; and
- WHEREAS,** of the lands identified approximately 1,290 acres are within the "Homestead Area"; and
- WHEREAS,** by virtue of P.L. 87-695 the Tribes manage all of the agricultural lands in the taken area except those situated within the "Homestead Area"; and
- WHEREAS,** by virtue of P.L. 98-602 the Tribes own and manage all the mineral resources in the taken area except those situated within the "Homestead Area"; and
- WHEREAS,** the lack of adjoining trust land would make access to and tribal real property management of the 1,290 acres identified in the "Homestead Area" difficult; and

Chairman (voting) (not voting).

Dated this 23rd day of March, 1989.

Acting Jim M. Massie
Secretary, Tribal Business Council

ATTEST:

[Signature]
Chairman, Tribal Business Council

WHEREAS, the Three Affiliated Tribes have actively and vigorously promoted the development of public recreation areas in the area of the Fort Berthold Indian Reservation not opened to homesteading.

NOW THEREFOR BE IT RESOLVED, That because of the difficult property management problems and the precedents set by Congress the Tribal Business Council of the Three Affiliated Tribes hereby adopts a position of not asking for the return of the excess lands in the "Homestead Area" but only seeks the return of excess lands outside of the "Homestead Area"; and

BE IT FURTHER RESOLVED, That Tribal Business Council of the Three Affiliated Tribes believes that the ownership of those excess lands encumbered by any license, lease, or other outgrant be restored to the Three Affiliated Tribes and any outgrant be allowed to expire on its own terms; and

BE IT FURTHER RESOLVED, That Tribal Business Council of the Three Affiliated Tribes is adapting this policy in order to expedite the return of the excess lands and in no manner whatsoever is waiving any right to the assertion of tribal jurisdiction in the "Homestead Area"; and

BE IT FURTHER RESOLVED, That Tribal Business Council of the Three Affiliated Tribes hereby reaffirms its policy of developing public use recreation areas on Lake Sakakawea.

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 Indian Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitutes a quorum, 4 were present at a Special Meeting, thereof duly called, noticed, convened, and held on the 23rd day of March, 1989; 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.