

Resolution No. 90-20-74

**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, Article VI, Section 5 (j), of the Constitution of the Three Affiliated Tribes specifically authorizes and empowers the Tribal Business Council to protect and preserve the property, wildlife and natural resources of the Three Affiliated Tribes; and

WHEREAS, The Tribal Business Council of the Three Affiliated Tribes desires to protect and preserve historic properties on the Fort Berthold Indian Reservation; and

WHEREAS, The Tribal Business Council of the Three Affiliated Tribes believes a Tribal Historic Preservation Ordinance (THPO) to would strongly help protect and preserve historic properties on the Fort Berthold Indian Reservation; and

WHEREAS, The National Park Service has notified the Three Affiliated Tribes that historic preservation funds are being made available to Indian tribes; and

NOW THEREFORE BE IT RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes hereby approves the submission of the proposal to develop a Tribal Historic Preservation Ordinance to the National Park Service for Category I funding.

Three Affiliated Tribes
Tribal Historic Preservation Ordinance Proposal
for
National Park Service
Category I - Historic Preservation Funding

1 Introduction

The Three Affiliated Tribes, have received notification from the National Park Service that \$500,000 is available in 1990 for grants to Indian tribes for historic preservation. The Tribal Business Council, which is the governing body of the Tribes, has reviewed the information provided by the NPS and determined that utilizing a portion of the funding available to develop a Tribal Historic Preservation is consistent with goals of the Tribes.

The Three Affiliated Tribes are the Mandan, Hidatsa, and Arikara Tribes. Like most tribes, each is unique and has a rich cultural history to maintain. The Tribal Business Council believes that it has a formal obligation to preserve their cultural and historic heritage for this and future generations. The Tribal Business Council also believes quite strongly that cultural and historic preservation activities on the Fort Berthold Reservation can only be undertaken successfully by the Tribes.

The Tribes also realize that because of their relationship with the federal government, many projects require compliance with laws and regulations which encompass aspects of cultural and historic preservation. The Tribes are therefore proposing to develop and implement a Tribal Historic Preservation Ordinance. This proposal sets forth how such an ordinance can be developed and successfully implemented on the Fort Berthold Indian Reservation.

2 Project Objectives

2.1 A Preservation Program Shaped By Tribal Goals

In order for the program to be successful it has to be meet the goals and objectives of the Three Affiliated Tribes. Therefore, when developing the THPO the active participation of the tribal population is essential.

At this point the Tribes have yet to articulate the goals they hope to achieve by implementing adopting a THPO. However, from experience with past activities involving compliance with Section 106 of the National Historic Preservation Act it can be said with certainty that the current state and federal process does not meet the needs of the Tribes.

The first objective of the program will be to clearly define the Tribes reason for developing the THPO and the goal that is hoped to be achieved by its adoption. This will involve the active involvement of the Reservation public.

Certain elements of the THPO can however be identified at this point. For example, one element which will have to be addressed is the identification of as of yet undiscovered cultural or archeological resources. Another necessary element will be how these and previously identified resources are preserved or cataloged. The following two sections discuss those elements. However, until work is begun on researching federal requirements, existing programs, and articulating tribal goals it is premature to expound on other THPO elements.

2.2 Identification Of Cultural And Historic Resources

The THPO will set forth a permitting and review procedure for activities which are federally or tribally licensed, funded, or otherwise sanctioned and can be reasonably expected to possibly impact cultural or historic properties. The review procedure will at a minimum will require that the method for undertaking the proposed activity be thoroughly explained and the submission of a map identifying the area to be impacted by the project.

The THPO will set forth survey standards, mitigation standards, etc., that are as least as stringent as those of the federal laws and regulations. However, until the research is undertaken on those subjects it is premature to speculate on how they will be dealt with. It is however reasonable to say however that they will taken into consideration the cultural and historic heritage of the Tribes and area.

2.3 Preservation Of Resources

Another component of the THPO which can be identified at this time is the necessity for development of procedures which set forth how resources will be preserved. Procedures would be developed which would address the collection, archiving, curation, and other necessary components of a resource preservation plan.

3 Workplan

3.1 Identify Tribal Needs And Goals

The first two elements of the work plan will take place concurrently. Currently, the Tribes have enough experience in dealing with cultural and historic preservation to know that the THPO should at a minimum meet federal requirements in order that a tribal entity can assume the role of the State Historic Preservation Officer.

Much however remains to be determined precisely what the Tribes own goals are in the areas of cultural and historic preservation. In order to work towards the wishes of the tribal members the Tribes will utilize the local media and community meetings to inform tribal members of the project. Two way communication will be encouraged in order that a program can be developed which fulfills the desires of the tribal membership. The results of this public participation will be used to formulate tribally specific goals for the program.

It is anticipated the present curator of the Tribal Museum will undertake this component of the project. This work will taken one month and proceed concurrently with the next two work elements.

3.2 Research Applicable Federal Statutes

At the same time as the public participation program is being formally formulated, research will be undertaken to determine precisely what federal statutes and regulations are applicable and need to be conformed with. This information can be obtained from course materials on historical preservation and the Tribes Legal Department Library and Natural Resources Department Library.

This work will be undertaken by a paralegal. A summary paper will be prepared identifying specific elements which, at a minimum, should be included in the THPO. This work will taken approximately one month and proceed concurrently with the previous and following items.

3.3 Examine Other Ordinances Of Other Tribes

The supervisory attorney of the Tribes has obtained copies of several other tribal ordinances which deal with cultural and historic preservation. However, there has not been sufficient time to review those ordinances. In this stage of the project the ordinances would be reviewed and summarized by the paralegal and museum curator.

After this summary paper and the summary paper on federal requirements has been completed the tribal staff will meet with the Cultural Concerns Committee of the Tribal Business Council to identify what issues need to be discussed in the public participation plan. This work will take place concurrently with the previous two elements.

The public participation plan will then be formalized and initiated. Three weeks will be allocated for the first stage of public participation.

3.4 Draft Ordinance For Fort Berthold

After the initial phase of the public participation plan has been completed a draft ordinance will be prepared primarily by the paralegal. The curator will assist the paralegal in this endeavor.

The draft document will then be reviewed by the Cultural Concerns Committee. Any necessary revisions will be made and the draft will be distributed to other tribal departments, and state and federal agencies. After those comments are taken into consideration the draft will be revised and reviewed. This work will also be undertaken by the paralegal and curator. This work should take approximately six weeks.

3.5 Public Review And Adoption Of Draft Ordinance

The draft THPO will then be presented to the general public for feedback. A summary of the THPO will be provided and tribal staff will discuss the document at community meetings. Articles and reports will also be provided to the local media.

Taking into consideration public comments on the final draft necessary revisions will be made and a final THPO prepared. The final document will be reviewed by the Cultural Concerns Committee and presented to the full Tribal Business Council for adoption.

This phase of the project will take approximately five weeks and will be a joint effort by the curator and paralegal. An attorney will also participate in this phase of the project.

4 Budget Information

4.1 Budget Narrative

The primary costs associated with the project will be personnel and associated fringe costs. The paralegal will be paid his present salary or if an additional paralegal is retained \$10.00 per hour. The museum curator will be paid \$9.00 per hour. An exiting staff secretary will be utilized for word processing.

Both individuals will receive the Tribes fringe package which in addition to required state and federal withholdings includes medical insurance and retirement. The actual costs are identified in the budget which follows.

There will other costs associated with the project such as office supplies, mail, phone, space costs.

Indirect costs are calculated at 36% of the total of personnel and fringe costs.

4.2 Budget

Item	Amount
Personnel	
Paralegal	5250
Curator	5250
Fringe	
FICA	803.25
SUTA	315
Medical	1014.72
Workmens Comp	19.08
Retirment	525
Total Personnel	13177.05
Supplies	350
Phone	250
Postage	179
Space Cost	900
Local Travel	400
Total Other Costs	2079
Indirect Costs	4743.74
Total Costs	19999.79

5 Summary

The Three Affiliated Tribes desire to protect and preserve the cultural and historic heritage of Fort Berthold. The Tribes desire to use historic preservation funds to develop a Tribal Historic Preservation Ordinance (THPO). The THPO will be developed through an public participation process which will assist the Tribes in further defining their goals for a historic preservation program. The THPO will also meet or exceed any applicable standards regarding historic preservation.


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C E R T I F I C A T I O N

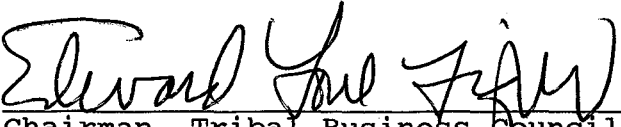
I the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitutes a quorum, 5 were present at a Regular Meeting, thereof duly called, noticed, convened, and held on the 6th day of February, 1990; that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 5 members, 0 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman (voting) (not voting).

Dated this 6th day of February, 1990


Secretary, Tribal Business Council

ATTEST:


Chairman, Tribal Business Council