

**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 Three Affiliated Tribes, US Army Corps of Engineers, and the Mossett Family have vested interests in the recreational area known as Mossett Bay located on the Fort Berthold Indian Reservation; and

WHEREAS, Members of the Mossett Family are enrolled members of the Tribes and have been developing and operating the Mossett Bay Area since 1951 and significant development has occurred on the taken area under the jurisdiction of the Department of the Army; and

WHEREAS, The members of the Mossett family wish to enter into a third-party concessionaire agreement with the Three Affiliated Tribes to continue recreational development on the taken area which lies within the Mossett Bay area;

NOW, THEREFORE BE IT RESOLVED, That the Three Affiliated Tribes propose to enter into a lease agreement with the Department of the Army /US Army Corps of Engineers to lease the taken area which lies within the Mossett Bay Area, more specifically identified as W1/2 Lot 3, Lot 4, SW1/4 NW1/4, and W1/2, SE1/4, NW1/4, Sec 3, T147N, R92W, 5th PM, Dunn County, North Dakota.

BE IT FURTHER RESOLVED, That, under the proposed lease agreement with the Department of the Army, the Three Affiliated Tribes propose to enter into a third-party concessionaire agreement with members of the Mossett family who will manage and oversee public park and recreational development on the taken area at Mossett Bay.

BE IT FURTHER RESOLVED, That, under the proposed lease agreement with the Department of the Army and under the third-party concessionaire agreement with the Tribe, members of the Mossett family will provide exclusive management of the Mossett Bay area throughout the term of the lease.

August 11, 1997

Mr. Timothy D. Kolke
Chief, Real Estate Office
Administration Building Box 527
US Army Corps of Engineers
Riverdale, ND 58565

RE: Lease Agreement Request to the Department of the Army

Dear Mr. Kolke:

The Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby request to enter into a lease agreement with the Department of the Army for public park and recreational purposes for taken area located in Mossett Bay which is more specifically identified as US Tract No. 13, Lot 4 and NE1/4, NW1/4, and W1/2, SE1/4, NW1/4, Sec 3, T147N, R92W, 5th PM, Dunn County, North Dakota.

The Tribe intends to enter into a third-party concessionaire agreement with members of the Mossett family who have been managing and developing Mossett Bay since 1951. The Mossett family built a public concession and developed a public recreational area on the taken area after their farmlands were flooded in the early 1950's. In an effort to continue operating the concession and the public recreational area on the taken area, the Mossetts tried to secure a lease agreement with the Corps of Engineers. The lease agreement was not granted, so the Mossetts had to discontinue operating and developing public services on the taken area.

Since 1986, the family has developed private trailer sites located on their private land which is adjacent to the taken area. After the Mossetts discontinued operating the concession and public recreational area, the Halliday Park Board continued developing 53 private trailer sites located on the taken area although they had not secured a lease agreement with the Department of the Army.

Members of the Mossett family have approached the Tribe with three major problems that inhibit operations and further development of the Mossett Bay area:

1. No accommodations are available for the general public;
2. Privately owned trailers are illegally parked on the taken area; and
3. Should a lease agreement be granted by the Department of the Army for public park and recreational development on the taken area, the area is only 7 acres which does not allow enough space to feasibly accommodate both a public park and recreational area plus 53 private trailer sites.

Members of the Mossett family propose to resolve these problems by entering into a third-party concessionaire agreement with the Tribe so they can reestablish public services such as a concession, a public park and recreational area on the taken area. They propose to accomplish this by providing more trailer sites on their private land to accommodate relocation of trailers that are currently illegally parked on the taken area. Again, their private land is adjacent to the taken area which allows for easy relocation of trailers that are illegally parked on the taken area.. According to this proposal, the private trailer sites will be located on private land and the public park and recreational area will be located on taken area. This plan allows for long-term development in addition to satisfying needs of both the private and public sectors involved.

The members of the Mossett family are enrolled members of the Three Affiliated Tribes and have spent their lives managing and developing the Mossett Bay area. Thus, the Tribe requests to enter into a lease agreement with the Department of the Army and fully supports the Mossett family's request to enter into a third-party concessionaire agreement with the Tribe so they may further develop the Mossett Bay area.

Sincerely,

Russell Mason, Chairman
Three Affiliated Tribes

Separate Cover: Mossett Bay Public Park and Recreational Area Development Plan

cc:

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, 7 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 12th day of August, 1997; that the foregoing Resolution was duly adopted at such Meeting by the Affirmative vote of 4 members, 0 members opposed, 3 members abstained, 0 members not voting, and said Resolution has not been rescinded or amended in any way.

Dated the 12th day of August, 1997

Daylon Spotted Bear
Daylon Spotted Bear
Secretary, Tribal Business Council

ATTEST:



Russell Mason, Sr.
Chairman, Tribal Business Council