

**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 and its members now receive electric power from various electric cooperatives, which in turn receive electric power as generated by various dams of the Pick-Sloan program along the Missouri River; and
- WHEREAS,** Pursuant to existing Federal law, specifically Subpart C - Power Marketing Initiative of the Energy Planning and Management Program, the regulations for which are found at 10 CFR Part 905, implementing Section 114 of the Energy Policy Act of 1992 (106 Stat. 2776), the Western Area Power Administration (WAPA) has allocated 3% of its power generating capacity to the Indian tribes and municipalities it serves as a preferred firm customer, commencing January 1, 2001; and
- WHEREAS,** The allocation process used by WAPA, now completed, means that approximately 30% of the normal power needs of the Three Affiliated Tribes and its members, as specified in Volume 62 of the Federal Register, P. 11174, March 11, 1997, will be available for purchase by the Three Affiliated Tribes to use as it wishes commencing January 1, 2001, which amount is approximately 2.5 megawatts, which is seasonally adjusted between winter and summer; and
- WHEREAS,** The Tribe is under no obligation at the present time to purchase the amount of electric power allocated to it commencing January 1, 2001; and
- WHEREAS,** In order to reserve the amount of power allocated to the Three Affiliated Tribes for future purchase by the Tribe, if desired, WAPA has drawn up a Contract, has discussed this with the Natural Resources Committee and other Tribal officials, has revised the Contract in accordance with recommendations from the Tribe's Legal Department, other than for one requested change and returned an amended Contract for approval or further review by the Tribe; and
- WHEREAS,** The one change requested by the Tribe that was not accepted by WAPA was a request to increase the amount of power reserved to the Tribe on the basis of the

harm the Tribe has suffered from the lake created behind Garrison Dam, which change was rejected because WAPA did not have legal authority to make the change; and

WHEREAS, The Tribe understands that another contract for purchase between WAPA and the Tribe, called a "Benefits Contract", will be necessary in order to actually purchase the power allocated to it under the Contract under consideration in this Resolution, as well as a contract between the Tribe and those electric power providers that already have facilities in place for distribution of power to the Tribe and its members on the Fort Berthold Reservation so that the WAPA power can be used by the Tribe and its members; and

WHEREAS, The Tribe understands that there is no financial obligation whatsoever incurred by entering into the Reserve Contract attached hereto; and

WHEREAS, The Tribe may use the power reserved to it as a firm source of supply for economic development projects or for other purposes, and

WHEREAS, The Tribal Business Council has determined that it is in the best interest of the Tribe and its members to enter into the Reserve Contract attached hereto; and

WHEREAS, The Reserve Contract between WAPA and the Tribe, attached hereto, has been reviewed by the Tribe's legal counsel and is ready for action by the Tribal Business Council;

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes hereby approves the Contract to Reserve Allocation With the Three Affiliated Tribes between the Western Area Power Administration and the Three Affiliated Tribes, as attached hereto, and hereby authorizes the Chairman and the Secretary to execute the same on behalf of the Tribe; and

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Tribal Business Council understands that by signing this Contract it is making no commitment to purchase power from WAPA commencing January 1, 2001, and that in order to be able to purchase power from WAPA commencing January 1, 2001, it will be necessary to negotiate and enter into another contract, called a "Benefits Contract", between the Tribe and WAPA at a later date prior to January 1, 2001, and that it will also be necessary to enter into contracts between the Tribe and those electric power providers that already have facilities in place for distribution of power to the Tribe and its members on the Fort Berthold Reservation so that the WAPA power may be used by the Tribe and its members.

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 9th day of October, 1997; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 6 members, 0 members opposed, 0 members abstained, 1 members not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 9th day of October, 1997.

Daylon Spotted Bear
Secretary, Tribal Business Council

ATTEST:

[Signature]
Chairman, Tribal Business Council