



**RESOLUTION OF THE GOVERNING BODY OF THE
THREE AFFILIATED TRIBES OF THE
FORT BERTHOLD INDIAN RESERVATION**

A Resolution Entitled, "Authorizing and Approving Request to the Secretaries of the Interior and Army to Enter Agreement Declaring Original Lands Near the Missouri River to be Held in Trust for the MHA Nation"

- WHEREAS,** The Mandan Hidatsa and Arikara Nation (MHA Nation), also known as the Three Affiliated Tribes, having accepted the Indian Reorganization Act of June 18, 1934, the authority under said Act, and having adopted a Constitution and By-laws (the Constitution) under said Act, and
- WHEREAS,** Pursuant to Article III, Section 1 of the Constitution, the Tribal Business Council is the governing body of the MHA Nation; and
- WHEREAS,** The Constitution 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 MHA Nation and of the enrolled members thereof; and
- WHEREAS,** Under Article IX of the Constitution, the Tribal Business Council has authority to manage or deal with tribal lands and is empowered to acquire lands or interests in land on behalf of the Tribe; and
- WHEREAS,** Certain lands which were part of the MHA Nation's original lands within the exterior boundaries of the Fort Berthold Indian Reservation, identified on the map shown in Attachment A, were taken by the federal government under the 1949 Takings Act, Pub. L. No. 437, 63 Stat. 1026, 1047 (Oct. 29, 1949) for construction of the Garrison Dam project; and
- WHEREAS,** Said lands are located in Sections 22, 23, 27, and 32 in Township 152 North, Range 93 West, and Sections 6, 7 and 8 in Township 151 North, Range 93 West and compromise 463.89 acres more or less; and
- WHEREAS,** The MHA Nation identified no patents or other title record evidence indicating that original Indian title to these lands was ever terminated prior to these lands being taken by the federal government for the Garrison Dam project under the 1949 Takings Act; and
- WHEREAS,** Section 206 (b) of the Fort Berthold Mineral Restoration Act, Pub. L. No. 98-602, 98 Stat. 3152, 3153 (Oct. 30, 1984) (FBMRA), authorizes the Secretary of the Army and the Secretary of the Interior to enter into agreements to declare taken lands within the exterior boundaries of the Fort Berthold Reservation to be held in



trust for the MHA Nation when such lands are no longer needed for the “construction, maintenance, or operation of the Garrison Dam and Reservoir Project”; and

WHEREAS, The MHA Nation finds the lands identified above should be returned to the Secretary of Interior in trust for the MHA Nation under FBMRA because these lands are part of the MHA Nation's original ancestral lands, are within the exterior boundaries of the Fort Berthold Indian Reservation, and are no longer needed for the construction, maintenance, or operation of the Garrison Dam project; and

WHEREAS, Returning these lands to the MHA Nation in trust status will facilitate tribal management and control of these valuable ancestral lands near the Missouri River; and

NOW THEREFORE BE IT RESOLVED, The Tribal Business Council hereby requests the Secretary of the Interior enter into an agreement with the Secretary of the Army to declare all those lands described in Attachment A in trust for the benefit of the MHA Nation.

BE IT FINALLY RESOLVED, The Chairman of the Tribal Business Council is authorized to execute such documents and take such actions as are necessary to carry out the terms and intent of this Resolution.

[Remainder of Page Left Blank, Certification Follows]



Attachment A - Legal Descriptions

Township 151N Range 92W

Section 24: W/2NW/4 (80.00 acres)

Township 151N Range 93W

Section 6: Lot 5 (32.11 acres)

Section 7: Lot 2 (10.69 acres)

Section 8: NW/4 (160 acres)

Township 152N Range 93W

Section 22: Lot 3 (29.24 acres)

Section 23: Lots 1 & 2 (65.76 acres)

Section 27: Lot 4, SW/4NE/4 (67.97 acres)

Section 32: Lots 4, 6, SE/4SE/4 (98.12 acres)

Acreage for the above lands total 543.89 acres, more or less.




CERTIFICATION

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 seven (7) members of whom five (5) constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 19th day of October, 2023, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 5 members, 0 members opposed, 0 members abstained, 2 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman [] Voting. [X] Not Voting.

Dated this 19th day of October, 2023.

ATTEST:



Tribal Secretary, Fred W. Fox
Tribal Business Council
Three Affiliated Tribes



Tribal Chairman, Mark N. Fox
Tribal Business Council
Three Affiliated Tribes