



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

A Resolution Entitled, “*Combined Request to the Secretaries of the Interior and Army to Enter Agreement Declaring Original Lands in and around Lake Sakakawea 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,** The lands described in Attachment A, which were part of the MHA Nation’s original lands within the exterior boundaries of the Fort Berthold Indian Reservation, 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,** 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 previously approved Resolutions 23-023-FWF on January 11, 2023 as amended by 23-242-FWF on July 13, 2023, and Resolutions 23-358-FWF on October 19, 2023 and 24-019-FWF on January 10, 2024 requesting that certain lands, described in Attachment A, be returned in trust for the MHA Nation pursuant to the FBMRA; and



WHEREAS, The MHA Nation has since identified additional lands, also described in Attachment A, which should be returned in trust for the MHA Nation pursuant to the FBMRA; and

WHEREAS, In the course of its review process, the United States Army Corp of Engineer's has requested the above-mentioned Resolutions be combined into one Resolution; and

WHEREAS, The MHA Nation finds the lands identified in Attachment A 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

WHEREAS, The MHA Nation believes the Secretaries of the Interior and the Army should declare all 2,083.97 acres of land shown in Attachment A in trust for the MHA Nation pursuant to their authority under FBMRA.

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 FURTHER RESOLVED, That this Resolution supersedes and replaces Resolution Nos. 23-023-FWF, 23-242-FWF, 23-358-FWF and 24-019-FWF.

BE IT FINALLY RESOLVED, The Chairman 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]




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 7th day of March, 2024, 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.


Chairman [X] Voting. [] Not Voting.

Dated this 7th day of March, 2024.

ATTEST:



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



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



Attachment A - Legal Descriptions

Resolution 23-242-FWF Recreational Lands Legal Descriptions

TAT Cultural/Interpretive Center Lease Area Description:

A tract of land located in the SW1/4 and S1/2SE1/4 of Section 16 and the NW1/4 of Section 21, Township 152 North, Range 93 West of the 5th P.M., McKenzie County, North Dakota, containing 98.5 acres, more or less.

This lease area also contains approximately 37.6 Water acres, more or less.

The entire lease area contains approximately 136.1 acres, more or less.

Four Bears Area Lease:

A parcel of land lying between contour elevation 1854' and contour elevation 1820', located in the SE1/4SW1/4 of Section 15, the SW1/4SE1/4 of Section 16, Section 21, and the NW1/4 of Section 22, Township 152 North, Range 93 West of the 5th P.M., McKenzie County, North Dakota.

The parcel of land herein described contains 135.0 acres, more or less.

Twin Buttes Pow Wow and Rodeo Grounds Recreation Area:

A tract of land located in the W1/2 of the SE1/4 and N1/2 of the SW1/4 of Section 26 and SE1/4SE1/4 of Section 27, Township 147 North, Range 90 West of the 5th P.M., Mercer County, North Dakota, containing 109.3 acres, more or less.

Pouch Point Recreation Area:

A tract of land above the 1840' msl located in the N1/2NE1/4 of Section 23 and NW1/4NW1/4 of Section 24, Township 150 North, Range 92 West of the 5th P.M., Mountrail County, North Dakota, containing 39.14 acres, more or less.

Charging Eagle Recreation Area:

A parcel of land and water located in the NW1/4 of Section 3, Township 147 North, Range 92 West of the 5th P.M., Dunn County, North Dakota, containing 95.0 acres, more or less.

Bear Creek Recreation Area:

A Portion of land above the 1854' MSL Sections 1 and 2, Township 147 North Range 92 West of the 5th P.M., Dunn County North Dakota, containing 326.59 acres more or less.

Skunk Creek Recreation Area:

A tract of land in the S1/2 of Section 3, the E1/2 of Section 10, the W1/2 of Section 11 and the NE1/4 of Section 15, Township 149 North, Range 92 West of the 5th P.M., Dunn County, North Dakota, containing 171.18 acres, more or less.



Bear Den Recreational Area

A tract of land in the S/2NE/4 and N/2SE/4 of Section 16 and the S/2NW/4, N/2SW/4, N/2SE/4 of Section 15 Township 150 North, Range 94 West of the 5th P.M., McKenzie County, North Dakota, Containing 229.91 acres, more or less.

Lost Bridge Recreational Area

A tract of land in the SW/4NW/4 and SE/4NW/4 of Section 35, and SE/4NE/4 of Section 34 Township 148 North, Range 95 West of the 5th P.M., Dunn County, North Dakota, Containing 35.01 acres, more or less.

Acreage for the above Recreational Areas totals 1,277.85 acres, more or less.

Resolution 23-358-FWF Original Lands Legal Descriptions

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 land totals 463.89 acres, more or less.

Resolution 24-019-FWF Original Lands Legal Descriptions

Township 152N Range 93W

Section 13: All Lands South of Highway 23
Section 18: All Lands South of Highway 23 including the MHA Gardens
Section 19: All

Acreage for the above land totals 244.00 acres, more or less.

Additional Lands North of Tribal Complex

Township 152N Range 93W

Section 9: SE/4
Section 10: SW/4SW/4
Section 15: W/2
All lands lying above the 1854msl.

Acreage for the above land totals 98.23 acres, more or less.