

**MAY 24, 2012 SPECIAL SESSION
CROW TRIBAL LEGISLATURE**

JOINT ACTION RESOLUTION NO. JAR 12-03

**INTRODUCED BY CEDRIC BLACK EAGLE, CHAIRMAN
CROW TRIBAL EXECUTIVE BRANCH**

JOINT ACTION RESOLUTION OF THE CROW TRIBAL LEGISLATURE AND THE
CROW TRIBAL EXECUTIVE BRANCH ENTITLED:

**“A RESOLUTION APPROVING TRIBAL SAND AND GRAVEL LEASE FOR
TRIBAL TRANSPORTATION PROJECTS”**

WHEREAS, the Executive Branch of the Crow Tribal Government is authorized under Article IV, Section 3 (f) of the 2001 Constitution and bylaws of the Crow Tribe of Indians to “negotiate and approve or prevent any sale, disposition, lease or encumbrance of Tribal lands, interests in lands or other Tribal assets, including buffalo, minerals, gas and oil;” and,

WHEREAS, the Legislative Branch of the Crow Tribal Government is authorized under Article V, Section 2 (d) of the 2001 Constitution and Bylaws of the Crow Tribe of Indians “to grant final approval or disapproval of items negotiated by the Executive Branch of Government pertinent to the sale, disposition, lease or encumbrance of Tribal lands, interests in lands or mineral assets”; and,

WHEREAS, the Tribal Department of Transportation has the manpower and equipment to mine and crush gravel for Indian Reservation Roads projects, and also provide gravel for other Tribal projects, including the surfacing of individual Tribal members’ lanes; and,

WHEREAS, restrictions on funds of the Indian Reservation Roads program do not allow for the use of program equipment and manpower on nonpublic projects without independent funding, and revenue generated from supplying IRR projects may provide a source of funding for supplying gravel to other Tribal projects; and

WHEREAS, the Chairman of the Executive Branch has issued a Sand and Gravel Lease (the “St. Xavier Lease”) to the Tribal Transportation Department for producing sand and gravel from the following-described Tribal mineral tract near St. Xavier for a 5-year period beginning May 24, 2011, with a royalty payable to the Tribe of \$1.75 per ton:

**Allotment MT-6178, Township 5 South, Range 31 East,
Section 3: N1/2SW1/4 (80 acres);**

WHEREAS, such Lease was approved by the BIA Superintendent on May 24, 2011 as Contract No. 14-20-0252-5213, a copy of which is attached and incorporated herein by reference; and

WHEREAS, it has come to the Chairman's and the Legislature's attention that the St. Xavier Lease should be approved by the Legislature;

NOW, THEREFORE, BE IT RESOLVED BY THE CROW TRIBAL LEGISLATURE AND THE CROW TRIBAL EXECUTIVE BRANCH:

That the St. Xavier Sand and Gravel Lease described above and attached hereto is hereby **ratified and approved** by both Branches subject to compliance with all applicable law and the conditions of this Joint Action Resolution, with such ratification and approval being effective retroactively to the date of the Superintendent's approval; and

BE IT FURTHER RESOLVED:

That the Plan of Operation for the St. Xavier Lease shall be amended to delete references implying regulatory jurisdiction by the State of Montana, and a copy of the amended Plan shall be provided to the Legislature; and

BE IT FURTHER RESOLVED:

That any funds secured for the Tribe from the sale of gravel, in excess of the costs of producing said gravel, shall (subject to any Federal law or program restrictions) be used to pay labor and equipment costs for surfacing the lanes of individual Tribal members determined as follows:

1. First preference shall be for any residences wherein a handicapped person resides;
2. Second preference shall be for any residences wherein any elderly person resides;
3. Third preference shall be for any residences which can demonstrate substantial financial costs associated with such surfacing improvement.

Such tribal funds shall also be available for other Transportation Department projects and activities needed for the health and safety of individual tribal members but not eligible for Indian Reservation Roads funding. Accordingly, the 2012 fiscal year budget as approved by CLB 11-04 is hereby amended to include \$100,000 in revenue in the form of "Sand and Gravel Development Projects" and Budget Code Category 100G1 (Operating/General) is hereby amended to include line item 67084 authorizing expenditure for the purposes specified in this paragraph of up to \$100,000, which shall be described as "Transportation Department – Special Projects"; and

BE IT FURTHER RESOLVED:

That, subject to availability after the needs for other Transportation Department projects are met, any Tribal member shall have the opportunity to purchase, for personal, non-commercial use, up to 100 tons of gravel produced by the Crow Tribe Department of Transportation from the Lease at the cost of production (including Royalty and loading costs) as determined by the Department, with payment made to the Crow Tribe and allocated back to the Department; and

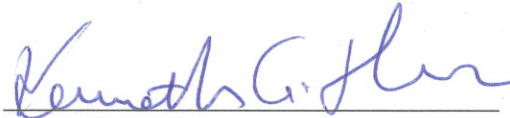
BE IT FINALLY RESOLVED, THAT,

All sand and gravel sold, shipped, and removed from the Lease for any purposes whatsoever shall be subject to the \$1.75 per ton Royalty provided for in the Lease, and all such Royalties shall be paid by the Transportation Department to the Bureau of Indian Affairs for crediting to the Tribal Per Capita Account.

[Remainder of page left blank intentionally]

CERTIFICATION

I hereby certify that this Joint Action Resolution entitled “**A RESOLUTION APPROVING TRIBAL SAND AND GRAVEL LEASE FOR TRIBAL TRANSPORTATION PROJECTS**” was duly enacted by the Crow Tribal Legislature with a vote of 15 in favor 0 opposed, and 0 abstaining and that a quorum was present on this 24TH day of May, 2012.



Kenneth G. Shane
Speaker of the House
Crow Tribal Legislature

ATTEST:



R. Knute Old Crow, Sr.
Secretary
Crow Tribal Legislature



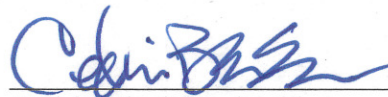
EXECUTIVE ACTION

I hereby

X approve or

_____ veto

This Joint Action Resolution entitled “**A RESOLUTION APPROVING TRIBAL SAND AND GRAVEL LEASE FOR TRIBAL TRANSPORTATION PROJECTS**” pursuant to the authority vested in the Chairman of the Crow Tribe by Article V, Section 8 of the Constitution and Bylaws of the Crow Tribe of Indians, on this 01 day of June, 2012.



Cedric Black Eagle, Chairman
Crow Tribal Executive Branch


**A JOINT ACTION RESOLUTION APPROVING TRIBAL SAND AND GRAVEL LEASE
FOR TRIBAL TRANSPORTATION PROJECTS"**

Bill or Resolution: JAR12-03 **Introduced by:** Chairman Cedric Black Eagle **Date of Vote:** 4/24/2012
Number


<u>Representative:</u>	Yes	No	Abstained
H. Two Leggins	<u> X </u>	<u> </u>	<u> </u>
V. Pretty Paint	<u> X </u>	<u> </u>	<u> </u>
C. J. Stewart	<u> X </u>	<u> </u>	<u> </u>
S. Backbone	<u> </u>	<u> </u>	<u> </u>
A. Coyote-Runs, Sr.	<u> X </u>	<u> </u>	<u> </u>
L. Not Afraid.	<u> X </u>	<u> </u>	<u> </u>
Covers Up, Sr.	<u> X </u>	<u> </u>	<u> </u>
P. Alden, Jr.	<u> X </u>	<u> </u>	<u> </u>
M. Not Afraid	<u> X </u>	<u> </u>	<u> </u>
V. Crooked Arm	<u> X </u>	<u> </u>	<u> </u>
L. DeCrane	<u> X </u>	<u> </u>	<u> </u>
C. Goes Ahead	<u> X </u>	<u> </u>	<u> </u>
B. Hugs	<u> </u>	<u> </u>	<u> </u>
G. Real Bird, Jr.	<u> X </u>	<u> </u>	<u> </u>
M. Backbone	<u> X </u>	<u> </u>	<u> </u>
D. Wilson	<u> </u>	<u> </u>	<u> </u>
R. K. Old Crow, Sr. <i>Secretary of the House</i>	<u> X </u>	<u> </u>	<u> </u>
K. Shane <i>Speaker of the House</i>	<u> X </u>	<u> </u>	<u> </u>
Totals:	<u> 15 </u>	<u> 0 </u>	<u> 0 </u>

Result of Vote:

Passed **Not Passed** **Tabled** **Veto-Override**



 Senator Kenneth G. Shane Date
 Speaker of the House



 Senator R. Knute Old Crow, Sr. Date
 Secretary of the House