

**August 10th, 2010 Special Session of the Crow Tribal Legislature**

**Legislative Resolution No. LR10-23**

Introduced by the Infrastructure Committee

A Legislative Resolution Titled:

**A Resolution of the Crow Tribal Legislature to Confirm Alvin E. Not Afraid, Jr. to the Position of Director of the Crow Coal Regulatory Office**

Legislative Findings:

**WHEREAS**, the Crow Tribal Legislature (“Legislature”) has the power and duty under Article V, Section 2(a) 2001 Crow Constitution to promulgate and adopt resolutions and guidelines in accordance with the Constitution and federal laws for the governance of the Crow Tribe of Indians;

**WHEREAS**, the federal Surface Mine Control and Reclamation Act of 1977 (“SMCRA”), as amended and as codified in Title 30, Sections 1253, 1254, and 1300 of the United States Code, specifically authorizes the Crow Tribe to attain primacy to become the lead regulator of surface coal mining on the Crow Reservation;

**WHEREAS**, the Legislature and Crow Tribal Executive Branch have spent much time and effort in drafting a coal mining code for approval by the United States Secretary of the Interior as required under SMCRA;

**WHEREAS**, in the April 2010 Regular Session the Legislature passed CLB 10-03, titled “The Crow Coal Mining and Reclamation Code,” which was inadvertently vetoed by Tribal Chairman Cedric Black Eagle and which was re-passed in the July 2010 Regular Session in accordance with the veto override process established by CLB 06-08;

**WHEREAS**, Chairman Black Eagle signed CLB 10-03 following the close of the July 2010 Regular Session, therefore establishing the Crow Coal Regulatory Office (CCRO), which shall have authority under SMCRA upon approval by the Interior Secretary or his designee;

**WHEREAS**, the CCRO is headed by a director with administrative rule-making and adjudicatory authority under federal law and who shall be nominated by the Tribal Chairman and confirmed by a majority vote of the Legislature;

**WHEREAS**, Chairman Black Eagle has nominated Alvin E. Not Afraid, Jr., to the position of Director of the CCRO;

**WHEREAS**, the Infrastructure Committee of the Legislature held a confirmation hearing on August 9, 2010 with Mr. Not Afraid present and testifying as to his knowledge and ability regarding this important tribal position.

**NOW, THEREFORE, BE IT HEREBY ENACTED BY THE CROW TRIBAL  
LEGISLATURE IN REGULAR SESSION:**

That Alvin E. Not Afraid, Jr., is duly confirmed under the Crow Coal Mining and Reclamation Code as the Director of the Crow Coal Regulatory Office and shall exercise all authority in accordance with all applicable federal and Crow tribal law upon approval of the Crow Coal Mining and Reclamation Code by the Interior Secretary.

**CERTIFICATION**

I hereby certify that this Legislative Resolution titled **A Resolution of the Crow Tribal Legislature to Confirm Alvin E. Not Afraid, Jr. to the Position of Director of the Crow Coal Regulatory Office** was duly enacted by the Crow Tribal Legislature with a vote of 17 in favor 0 opposed, and 0 abstaining and that a quorum was present on this 10th day of August, 2010.



Senator Manuel Covers Up, Sr.  
Speaker of the House  
Crow Tribal Legislature

ATTEST:



Senator Pat Alden, Jr.  
Secretary  
Crow Tribal Legislature



**Bill or Resolution: LR10-23 Introduced by: Infrastructure Date of Vote: 8/10/2010  
Number**

<u>Representative:</u>	<b>Yes</b>	<b>No</b>	<b>Abstained</b>
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>
K. Shane	<u>  X  </u>	<u>          </u>	<u>          </u>
S. Backbone	<u>  X  </u>	<u>          </u>	<u>          </u>
O. Half, Jr.	<u>  X  </u>	<u>          </u>	<u>          </u>
W. Plainfeather	<u>  X  </u>	<u>          </u>	<u>          </u>
R. Old Crow, Sr.	<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>  X  </u>	<u>          </u>	<u>          </u>
G. Real Bird, Jr.	<u>  X  </u>	<u>          </u>	<u>          </u>
M. Backbone	<u>          </u>	<u>          </u>	<u>          </u>
D. Wilson	<u>  X  </u>	<u>          </u>	<u>          </u>
P. Alden, Jr. <i>Secretary of the House</i>	<u>  X  </u>	<u>          </u>	<u>          </u>
M. Covers Up, Sr. <i>Speaker of the House</i>	<u>  X  </u>	<u>          </u>	<u>          </u>
<b>Totals:</b>	<u>  17  </u>	<u>    0    </u>	<u>    0    </u>

Result of Vote:

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

  
 Manuel Covers Up, Sr. \_\_\_\_\_  
 Speaker of the House                      Date

  
 Patrick Alden, Jr. \_\_\_\_\_  
 Secretary of the House                      Date