

**MARCH 14TH SPECIAL SESSION OF THE CROW TRIBAL  
LEGISLATURE**

**LR No. 12-03**

Introduced by the Natural Resources Committee

**A Legislative Resolution Titled:**

**A Resolution of the Crow Tribal Legislature to Provide Notice to the Crow  
Tribal Department of Transportation that the Sand and Gravel Mining on  
Tribal Land in the Big Horn District is Authorized to Continue Until Further  
Notice**

Legislative Findings:

**WHEREAS**, under Article V, Section 2(a) of the 2001 Crow Tribal Constitution, the Crow Tribal Legislature ("Legislature") has the power and duty to promulgate and adopt laws, resolutions, ordinances, codes, regulations, and guidelines in accordance with the 2001 Constitution and federal laws for the governance of the Crow Tribe of Indians and for providing for the manner of the sale, disposition, lease or encumbrance of tribal lands, interests in land, or other assets of the Crow Tribe of Indians; and

**WHEREAS**, in accordance with Article V, Section 2(d) of the 2001 Constitution, the Legislature has the power and duty 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 provided that a process for such approval or disapproval may be established by legislation; and

**WHEREAS**, Section 1 of CLB 05-11 (codified in Title 1 of the 2005 Crow Law and Order Code) provides that Crow tribal joint action resolutions are authorized when the Crow Tribal Constitution requires approval by the Legislature of actions proposed by the Executive Branch pertinent to the sale, disposition, lease or encumbrance of Tribal lands, interests in lands or mineral assets; and

**WHEREAS**, CLB 05-11 is a duly-adopted tribal law which provides a process pursuant to Article V, Section 2(d) of the Crow Tribal Constitution in which the Crow Legislature is to give final approval or disapproval of any lease of Crow tribal mineral assets; and

**WHEREAS**, sand and gravel owned by the Crow Tribe is a mineral asset for purposes of Article IV and Article V of the 2001 Constitution, CLB 05-11, and federal law; and

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**WHEREAS**, under the 1982 Indian Mineral Development Act, codified at 25 U.S.C. § 2101-2108, an Indian tribe is authorized to enter into a lease of tribally-owned mineral resources, including sand and gravel, held in trust by the United States subject to the approval of the Secretary of the Interior and subject to any limitation or provision contained in the tribe's constitution or charter; and

**WHEREAS**, Article V, Section 2 of the Crow Tribal Constitution, which requires final approval by the Crow Legislature of any leases of tribal mineral assets, as provided for in the tribal joint action resolution process established by CLB 05-11, is a "provision" of the Crow Tribal Constitution which serves as a federal statutory standard for lawful approval of such mineral leases pursuant to the Indian Mineral Development Act; and

**WHEREAS**, the Legislature was recently provided notice that on May 24th, 2011 the Bureau of Indian Affairs Crow Indian Agency Superintendent gave approval by her signature to a five-year lease of sand and gravel owned by the Crow Tribe and held in trust by the United States and located at Allotment 6178, Township 5 South, Range 31 East, Section 3: N1/2 SW1/4 in the Big Horn District of the Crow Indian Reservation, and consisting of approximately eighty (80) acres ("2011 Sand and Gravel Lease"); and

**WHEREAS**, the Legislature did not give final approval to the 2011 Sand and Gravel Lease; and

**WHEREAS**, the Natural Resources Committee of the Legislature met on March 8th, 2012 and resolved to recommend to the Legislature the filing of an administrative notice of appeal to challenge the discretion of the Bureau of Indian Affairs Crow Indian Agency Superintendent to approve the 2011 Sand and Gravel Lease without final approval by the Legislature; and

**WHEREAS**, on March 9th, 2012 the Executive Branch Chairman, Cedric Black Eagle, has acknowledged oversight on this matter and has introduced a joint action resolution to the Legislature which would give final approval to the 2011 Sand and Gravel Lease; and

**WHEREAS**, on March 12th, 2012 the Bureau of Indian Affairs Crow Indian Agency Superintendent, Vianna Stewart, wrote to the Legislature to clarify the position of the Bureau of Indian Affairs as being that the 2011 Sand and Gravel Lease "is in full force and effect;" and

**WHEREAS**, the Legislature is currently reviewing the Executive Branch Chairman's proposed joint action resolution and its accompanying proposed sand and gravel lease, by and through the Natural Resources Committee, and has decided to delay making a final decision on whether to authorize the filing of a notice of appeal pending legislative action giving final approval or disapproval pursuant to the 2001 Constitution and CLB 05-11; and

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**WHEREAS**, the Legislature seeks to ensure that all leases of Crow tribal land, interests in land, or mineral assets are in the best interests of the Crow Tribe and are authorized in accordance with all applicable federal law and all applicable Crow tribal law.

**NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CROW TRIBAL  
LEGISLATURE IN SPECIAL SESSION:**

**Section 1.** The Crow Tribal Transportation Department is hereby given notice that the sand and gravel mining operations located on Crow tribal land in the Big Horn District of the Crow Indian Reservation and initiated pursuant to the 2011 Sand and Gravel Lease are authorized to continue in full force and effect until such time as such operations may be specifically disallowed by the Crow Tribal Legislature, an authorized official or agency of the United States Department of the Interior, or the courts of the United States judicial system.

**Section 2.** The letter sent on March 12th, 2012 from the Bureau of Indian Affairs Crow Indian Agency Superintendent, Vianna Stewart, to the Legislature to clarify the position of the Bureau of Indian Affairs as being that the 2011 Sand and Gravel Lease "is in full force and effect" shall be attached to this resolution and made a part herein, *provided that* such reference to the Superintendent's letter is exclusively and entirely for the purpose of identifying the position of the Bureau of Indian Affairs.

**Section 3.** The Crow Tribal Transportation Department should take all necessary and proper measures to ensure compliance with all applicable federal and Crow tribal laws, including but not limited to the 2009 Crow Nation Workforce Protection Act, as amended, and the Crow Cultural Resource Protection Act of 2005.

**Section 4.** The Secretary of the Legislature shall ensure that a certified copy of this tribal resolution be immediately delivered to the Executive Branch officials, the Bureau of Indian Affairs (Crow Indian Agency), and the Crow Tribal Transportation Department.

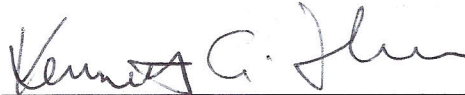
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March 14th, 2012 Special Session

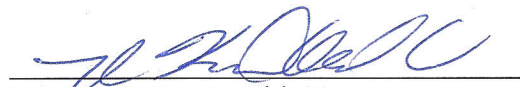
### CERTIFICATION

I hereby certify that this Tribal Resolution titled **A Resolution of the Crow Tribal Legislature to Provide Notice to the Crow Tribal Department of Transportation that the Sand and Gravel Mining on Tribal Land in the Big Horn District is Authorized to Continue Until Further Notice** titled was duly approved by the Crow Tribal Legislature with a vote of 12 in favor, 0 opposed, and 3 abstained and that a quorum was present on this 14<sup>th</sup> day of March 2012.



Senator Kenneth Shane  
Speaker of the House  
Crow Tribal Legislature

Attest:



Senator R. Knute Old Crow  
Secretary  
Crow Tribal Legislature



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**Bill or Resolution:** LR12-03 **Introduced by:** Sen. C.J. Stewart-BL Dist. **Date of Vote:** 3/14/2012  
**Number**

<u><b>Representative:</b></u>	<b>Yes</b>	<b>No</b>	<b>Abstained</b>
H. Two Leggins	X		
V. Pretty Paint	X		
C. J. Stewart	X		
S. Backbone	X		
A.Coyote-Runs, Sr.	X		
L. Not Afraid.			X
Covers Up, Sr.			X
P. Alden, Jr.	X		
M. Not Afraid	X		
V. Crooked Arm			
L. DeCrane	X		
C. Goes Ahead	X		
B. Hugs			
G. Real Bird, Jr.	X		
M. Backbone			X
D. Wilson			
R. K. Old Crow, Sr.	X		
<i>Secretary of the House</i>			
K. Shane	X		
<i>Speaker of the House</i>			
<b>Totals:</b>	<b>12</b>	<b>0</b>	<b>3</b>

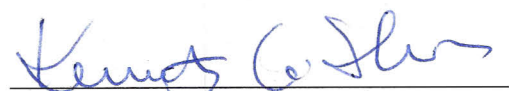
Result of Vote:


**Passed**

**Not Passed**

**Tabled**

**Veto-Override**

  
 \_\_\_\_\_  
 Senator Kenneth G. Shane      Date  
 Speaker of the House

 3/15/12  
 \_\_\_\_\_  
 Senator R. Knute Old Crow, Sr.      Date  
 Secretary of the House