

**2021 JANUARY REGULAR SESSION  
CROW TRIBAL LEGISLATURE**

**LEGISLATIVE RESOLUTION NO. LR 21-02**

CROW TRIBAL LEGISLATIVE BRANCH

LEGISLATIVE RESOLUTION OF THE CROW TRIBAL LEGISLATURE  
TITLED:

**"FINAL APPROVAL OF THE RIGHT-OF-WAY RENEWAL AGREEMENT  
BETWEEN THE CROW TRIBE OF INDIANS AND THE UNITED STATES OF  
AMERICA, DEPARTMENT OF ENERGY, WESTERN AREA POWER  
ADMINISTRATION (UNITED STATES)."**

**WHEREAS**, the Chairman of the Executive Branch has authority and responsibility pursuant to the "enumerated powers" in Article IV, Section 3(f) of the 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 with final approval granted by the Legislative Branch," and in Article IV Section 3(k) to "negotiate and approve limited waivers of sovereign immunity when such a waiver is necessary for business purposes in accordance with Article V, Section 2(f) of [the] Constitution;" and

**WHEREAS**, The Crow Tribal Legislative Branch ("Legislature") has the power and duty under Article V, Section 2, of the Crow Tribal Constitution to promulgate and adopt resolutions in accordance with the 2001 Crow Constitution, federal and tribal laws; and

**WHEREAS**, the Legislative Branch has the authority under the 2001 Crow Constitution to grant final approval for Executive Branch proposals and for the authorization of tribal actions with a Final Approval or Authorization Resolutions; and

**WHEREAS**, the UNITED STATES has a right-of-way for a high-voltage electric power transmission lines on the Reservation which was granted by the Bureau of Indian Affairs in 1964, with consideration paid according to the appraisal standards in effect at that time; and

**WHEREAS**, the UNITED STATES right-of-way expired at the end of its 50-year term on November 2, 2014; and

**WHEREAS**, on September 14, 2011 the UNITED STATES presented appraisals in an effort to initiate negotiations for the right-of-way renewal and met with representative of the Tribe on May 12, 2012, for the same purpose; and

**WHEREAS**, on May 12, 2012, the UNITED STATES was given a list of principles for the renewal of rights-of-way on Crow Tribal which included the request to offer at least the same rates of compensation to the allottees as it agrees to pay the Tribe; and

**WHEREAS**, the UNITED STATES has obtained the necessary consents from most of the individual allotment owners based on minimum considerations and terms, and shall offer the same terms negotiated by the Tribe for final compensation and renewals to the individual allotment owners; and

**WHEREAS**, the Legislative Branch has authority and responsibility pursuant to its "powers and duties" in Article V, Section 2(d) of the Constitution "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 in Article V, Section 2(f) to "grant final approval or disapproval of limited waivers of sovereign immunity by the Executive Branch when waivers are necessary for business purposes"; and

**WHEREAS**, at the time this Legislative Resolution was submitted to the Legislature in order to comply with Article V, of the Crow Constitution, the parties had reached agreement on the substantive terms for the renewal, and were in the process of finalizing certain terms pertaining particularly to the Tribal Government and the language of the Right-of-Way Consent and Settlement Agreement (the "Agreement"); and

**WHEREAS**, renewal of the UNITED STATES right-of-way on the terms as negotiated is in the best interests of the Crow Tribe; and

**WHEREAS**, Bureau of Indian Affairs Realty, in conjunction with Crow Tribal Executive Branch, will negotiate with allottees for the gap period for purposes of allocating gap period payments; and

**WHEREAS**, the Legislature deems it is in the best interest of the Crow Tribe to authorize the approval of the negotiated right-of-way and the Agreement;

**NOW THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE CROW TRIBE:**

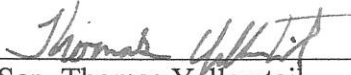
**Section 1. That the "Right-of-Way Consent Agreement and Settlement Agreement", including the limited waiver of sovereign immunity contained therein, attached hereto and incorporated by this reference, are hereby granted final approval pursuant to Article V, Sections 2(d) and 2(f) of the Constitution and Bylaws of the Crow Tribe.**

**Section 2. That the Chairman of the Executive Branch is authorized to sign and execute the above-referenced Agreements on behalf of the Crow Tribe, and to take such further actions as are necessary to implement and administer the Agreement.**


**Section 3. That the final approval granted herein is effective on the date of approval of this Legislative Resolution and is subject only to such further approvals as are required by Federal law.**

## CERTIFICATION

I hereby certify that this Legislative Resolution for final approval "**FINAL APPROVAL OF THE RIGHT-OF-WAY RENEWAL AGREEMENT BETWEEN THE CROW TRIBE OF INDIANS AND THE UNITED STATES**" was duly approved by the Crow Tribal Legislature with a vote of 13 in favor, 1 opposed, and 0 abstained and that a quorum was present on this 21<sup>st</sup> day of **January, 2021**.

  
\_\_\_\_\_  
Sen. Thomas Yellowtail  
Speaker of the House  
Crow Tribal Legislature

ATTEST:

  
\_\_\_\_\_  
Sen. Brandon Good Luck  
Secretary, Crow Tribal Legislature



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**"FINAL APPROVAL OF THE RIGHT-OF-WAY RENEWAL AGREEMENT BETWEEN THE CROW TRIBE OF INDIANS AND THE UNITED STATES OF AMERICA, DEPARTMENT OF ENERGY, WESTERN AREA POWER ADMINISTRATION (UNITED STATES)."**

Bill or Resolution: LR21-02 Introduced by: Infrastructure Com. Date of Vote 1/21/2021

REPRESENTATIVE:	YES	NO	ABSTAIN
M. White Clay	<u>X</u>	<u>          </u>	<u>          </u>
D. Spotted	<u>X</u>	<u>          </u>	<u>          </u>
(Vacant)	<u>          </u>	<u>          </u>	<u>          </u>
Y. Little Light	<u>X</u>	<u>          </u>	<u>          </u>
L. Hogan	<u>X</u>	<u>          </u>	<u>          </u>
B. Brown	<u>X</u>	<u>          </u>	<u>          </u>
H. Small	<u>X</u>	<u>          </u>	<u>          </u>
T. Gros Ventre	<u>          </u>	<u>          </u>	<u>          </u>
M. Not Afraid	<u>X</u>	<u>          </u>	<u>          </u>
G. Bouyer	<u>X</u>	<u>          </u>	<u>          </u>
T. Plainfeather	<u>X</u>	<u>          </u>	<u>          </u>
(Vacant)	<u>          </u>	<u>          </u>	<u>          </u>
S. DeCrane	<u>          </u>	<u>          </u>	<u>          </u>
B. Hugs	<u>          </u>	<u>X</u>	<u>          </u>
N. Old Crow	<u>X</u>	<u>          </u>	<u>          </u>
H. Male Bear-Stone, Jr	<u>X</u>	<u>          </u>	<u>          </u>
T. Yellowtail <i>Speaker of the House</i>	<u>X</u>	<u>          </u>	<u>          </u>
B. Good Luck <i>Secretary of the House</i>	<u>X</u>	<u>          </u>	<u>          </u>
TOTAL	<u>13</u>	<u>1</u>	<u>0</u>

Result of Vote: Passed Not Passed Tabled Veto-Override

Thomas Yellowtail 1/21/21  
 Senator Thomas Yellowtail Date  
 Speaker of the House  
 Crow Tribal Legislative Branch

Brandon Good Luck 1/21/21  
 Senator Brandon Good Luck Date  
 Secretary of the House  
 Crow Tribal Legislative Branch