



THE MILLE LACS BAND OF
OJIBWE INDIANS

Legislative Branch of Tribal Government

JOINT RESOLUTION 14-01-101-10

**A RESOLUTION AUTHORIZING WAIVER OF THE APPRAISAL
REQUIREMENT ON TRIBAL TRUST LANDS FOR ROAD RIGHTS-OF-
WAY PURPOSES**

- WHEREAS, the Mille Lacs Band Assembly is the duly-elected governing body of the Mille Lacs Band of Ojibwe, a federally-recognized Indian Tribe; and
- WHEREAS, the Mille Lacs Band of Ojibwe wishes to granting two rights-of-way to the Mille Lacs Band Public Works Department (MLB Public Works) for the purpose of public roads; and
- WHEREAS, 25 CFR § 169.12 requires that: (1) the Secretary of the Interior obtain an appraisal and advise an Indian landowner of the appraised value of Indian land before approving a new or renewed right-of-way across such land, in order to assist the landowner in negotiating the right-of-way; and (2) consideration for a new or renewed right-of-way across Indian land be not less than the fair market value of the rights granted, plus severance damages, if any, to the remaining estate; and
- WHEREAS, notwithstanding the foregoing, 25 CFR § 169.12 also provides that an Indian landowner can waive, in writing, consideration for the grant of a new or renewed right-of-way across Indian land; and
- WHEREAS, the Mille Lacs Band of Ojibwe desires to actively build and strengthen its reservation economy through job creation, business development, and capital investment, thereby creating employment for tribal members and contributing to the cultural, social and economic well-being of the Band; and
- WHEREAS, the United States has provided one-time funding for construction and improvement of Indian reservation roads through the American Recovery and Reinvestment Act of 2009 (ARRA); and
- WHEREAS, the Band has analyzed very carefully this stimulus opportunity and put together two projects, IRR # 123 and IRR # 205, that the Band believes would immediately qualify for ARRA funding and maximize the Band's chances to invest money to improve reservation roads, increase employment opportunities for tribal members, and provide a better quality of infrastructure to the reservation; and

DISTRICT I

43408 Oodena Drive • Onamia, MN 56359
(320) 532-4181 • Fax (320) 532-4209

DISTRICT II

36666 State Highway 65 • McGregor, MN 55760
(218) 768-3311 • Fax (218) 768-3903

DISTRICT IIA

2605 Chiminising Drive • Isle, MN 56342
(320) 676-1102 • Fax (320) 676-3432

DISTRICT III

45749 Grace Lake Road • Sandstone, MN 55072
(320) 384-6240 • Fax (320) 384-6190

URBAN OFFICE

1433 E. Franklin Avenue, Ste. 7c • Minneapolis, MN 55404
(612) 872-1424 • Fax (612) 872-1257

WHEREAS, the Mille Lacs Band of Ojibwe fully understands that the appraisal requirement in 25 CFR § 169.12 protects the interest of Indian landowners by ensuring they receive fair consideration and severance damages for their Indian land; and

WHEREAS, the Mille Lacs Band of Ojibwe has determined that the benefits of receiving ARRA funds for the improvement of reservation roads and infrastructure offsets any consideration for the road rights-of-way and, further, that delay of the release of the ARRA funds due to the appraisal requirement would be devastating to the Band's participation in the one-time ARRA stimulus funds; and

WHEREAS, the Mille Lacs Band of Ojibwe fully understands the appraisal requirement in 25 CFR § 169.12 and seeks to waive that requirement because of the time frame for obligating the ARRA funds without losing the right to use those funds.

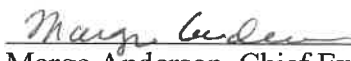
NOW, THEREFORE, BE IT RESOLVED, that the Mille Lacs Band Assembly hereby: (1) requests that the Secretary of the Interior waive the regulatory requirement for an appraisal found at 25 CFR § 169.12 for the grant of road rights-of-way for projects IRR # 123 and IRR # 205; (2) waives in writing by this resolution the appraisal requirement and the requirement for consideration and severance damages for such rights-of-way; and (3) requests that Secretary grant the rights-of-way for such projects.

WE DO HEREBY CERTIFY, that the foregoing resolution was duly concurred with and adopted at a special session of the Band Assembly in Legislative Council assembled, a of legislators being quorum present held on the 6th of May 2010 at Vineland, Minnesota by a vote of 2 FOR, 0 AGAINST, 0 SILENT.

IN WITNESS WHEREOF, we, the Band Assembly hereunto cause to have set the signature of the Speaker of the Assembly to be affixed to this resolution.


Herb Weyaus, Speaker of the Assembly

IN CONCURRENCE, with the action of the Speaker of the Assembly, I, set my hand to this resolution.


Marge Anderson, Chief Executive

OFFICIAL SEAL OF THE BAND