



THE MILLE LACS BAND OF
OJIBWE INDIANS
Legislative Branch of Tribal Government

JOINT RESOLUTION 19-01-06-20

A JOINT RESOLUTION AUTHORIZING TO CHANGE ROAD OWNERSHIP STATUS AND GRANT ROAD RIGHT-OF-WAY, OVER LANDS SITUATED ON THE RESERVATION OF THE MILLE LACS BAND OF CHIPPEWA INDIANS, FROM BIA TO TRIBAL ENTITY ON TRUST TRACTS 410T001001, 410T001005, AND 410T001006

- WHEREAS, the Band Assembly is the duly-elected legislative body of the Mille Lacs Band of Ojibwe (“Band”), a federally-recognized Indian tribe; and
- WHEREAS, pursuant to 3 MLBSA § 2(d), the Band Assembly has the power to adopt resolutions to promote the general welfare of the people of the Band; and
- WHEREAS, pursuant to 4 MLBSA § 2, the Chief Executive is empowered to exercise the authority of the Executive Branch of government; and
- WHEREAS, the Mille Lacs Band of Ojibwe is a constituent Band of the Minnesota Chippewa Tribe; and
- WHEREAS, together the Chief Executive and Band Assembly form the Reservation Business Committee of the Mille Lacs Band of Ojibwe under the Revised Constitution and Bylaws of the MCT; and
- WHEREAS, under the statutes of the Mille Lacs Band of Ojibwe (3 MLBSA § 24), the Reservation Business Committee is known as the Joint Assembly; and
- WHEREAS, Article VI, sec. 1(c) of the MCT’s Revised Constitution authorizes each constituent Band government “to manage, lease, permit or otherwise deal with tribal lands within the Band’s jurisdiction, interests in lands or other tribal assets, when authorized to do so by the Tribal Executive Committee”; and
- WHEREAS, Sections 102 and 302(a) of MCT Land Ordinance #3 authorize each constituent Band government “to protect and manage the use of lands, waters and resources with respect to its Reservation,” and to “manage lease, permit, or otherwise deal with tribal lands within the Band’s jurisdiction”; and
- WHEREAS, the statutes of the Mille Lacs Band of Ojibwe (3 MLBSA § 2(g)) grant the Joint Assembly the power to perform all legislative functions conferred under the MCT Land Ordinance #3; and

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WHEREAS, transportation plays an integral role in serving local infrastructure and community needs; and

WHEREAS, the Band is committed to providing safe and functional roads for vehicle and pedestrian traffic on its lands; and

WHEREAS, it would be in the best interest of the Bureau of Indian Affairs to carry out the policy of the United States Government to support and assist the Band in developing of a strong and stable government capable of administering quality programs and in developing the economic environment and infrastructure of the Mille Lacs Reservation; and

WHEREAS, the Band desires to change the ownership of these roads located on trust tracts 410T01005 and 410T001006, commonly known as Shaw Bosh Kung Drive, Shaw Bosh Kung Point Road South and Shaw Bosh Kung Point Road North, further depicted in Exhibit A, from BIA to Tribal in the TTP inventory; and

WHEREAS, the Band will take the necessary action to update the TTP inventory accordingly once construction and repaving has been completed; and

WHEREAS, the road will be open to the public; and

WHEREAS, the Band will retain ownership of the road for a minimum of five (5) years post completion of the road construction and repaving project; and

WHEREAS, the Bureau of Indian Affairs (BIA) requires granting of a right-of-way in order to authorize road improvements on the following route numbers:


Shaw Bush Kung Drive Route 0001; Drainage Reclamation, Bituminous Surface; and

WHEREAS, due to the overall benefits to the tribe and its members derived from transferring the ownership status to the Band, compensation for granting the transfer is hereby waived.

NOW, THEREFORE, BE IT RESOLVED, that the Band Assembly and Chief Executive do hereby approve this change of road ownership from BIA to Tribal and authorization to grant road right-of-way to tribal entity as described above and an easement on additional land as required to construct and maintain cut and fill slopes, which may extend beyond the regular right-of-way to the Mille Lacs Public Works Department for BIA road improvements on Indian Reservation Route Number 0001. Due to the overall benefits to the tribe and its members derived from the road improvements, compensation for granting the right-of-way is hereby waived.


WE DO HEREBY CERTIFY, that the foregoing resolution was duly concurred with and adopted at a regular session of the Band Assembly in Legislative Council assembled, a quorum of legislators being present held on the 14th day of January, 2020 at Nayahshing, Minnesota by a vote of 3 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 and forwarded to the Chief Executive for Concurrence.



Sheldon Boyd, Speaker of the Assembly

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



Melanie Benjamin, Chief Executive

OFFICIAL SEAL OF THE BAND

R-19-01-06-010



INTEROFFICE MEMORANDUM

To: Band Assembly

From: Bradley Harrington, Commissioner of Natural Resources

Date: January 10, 2020

Re: Resolution for Transfer of Ownership of Roads at the D1 Pow-Wow Grounds

cc: Bridgett Quist, Director of the Division of Land Management
Brian Scheinost, Director of Public Works
Peter Nayquonabe, Acting Commissioner of Community Development

Public Works and Community Development have been working with the Bureau of Indian Affairs on a paving project for Shaw Bush Kung Rd. and the D1 Pow-wow grounds parking area. The BIA wishes to transfer the road from the BIA to the Mille Lacs Band.

Thank you for your time in reviewing this information and considering granting the ownership of the road to the Mille Lacs Band.

If you have any questions, please contact Bridgett Quist, Director of the Division of Land Management at 320-532-7702 or Brian Scheinost, Public Works Director at 320-532-7432.

D1-

18-04-32-30



INTEROFFICE MEMORANDUM

To: Band Assembly
From: Percy Benjamin, Commissioner of Community Development
Date: November 7, 2019
Re: Resolution for Construction Easement for Paving at the D1 Pow-Wow Grounds
cc: Bridgett Quist, Director of the Division of Land Management
Brian Scheinost, Director of Public Works

Public Works and Community Development have been working with the Bureau of Indian Affairs on a paving project for **Shaw Bush Kung Rd. and the D1 Pow-wow grounds parking area**. The BIA requires an Easement prior to authorizing any work being done on trust lands.

Thank you for your time in reviewing this information and considering granting the construction easement.

If you have any questions, please contact Bridgett Quist, Director of the Division of Land Management at 320-532-7702 or Brian Scheinost, Public Works Director at 320-532-7432.



THE MILLE LACS BAND OF
OJIBWE INDIANS
Legislative Branch of Tribal Government

RESOLUTION 18-04-32-20

**A RESOLUTION AUTHORIZING A CONSTRUCTION EASEMENT FOR
PAVING OF THE DISTRICT 1 POW-WOW GROUNDS ENTRANCE
AND PARKING AREA ALONG SHAW BUSH KUNG RD.**

WHEREAS, the Mille Lacs Band Assembly (“Band Assembly”) is the duly-elected governing body of the Mille Lacs Band of Ojibwe (“Band”), a federally-recognized Indian Tribe; and

WHEREAS, pursuant to 3 MLBSA § 2 (d), the Band Assembly has the power to adopt resolutions to promote the general welfare of the people of the Band; and

WHEREAS, the Bureau of Indian affairs requires the granting of a construction easement in order to authorize paving as part of road construction on Mille Lacs Band of Ojibwe tracts; and

WHEREAS, the construction easement is for the purpose of authorizing paving work on Mille Lacs Band trust land to be conveyed to the MLB Public Works Department, said land further described as:

Land adjacent to Shaw Bush Kung Road, and within Tracts 410T001005 and 410T001006 in Section Sixteen (16) of Township Forty-three North (43N), Range Twenty-seven West (27W), 4th Principal Meridian, Mille Lacs County, Minnesota, all within the original reservation boundaries of the Band; and

WHEREAS, the Band has determined that the overall benefits of the construction easement offsets any of the compensation benefits for the construction easement; and

WHEREAS, the Band’s Public Works Department will retain control and jurisdiction of said Easement and construction easement.

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NOW, THEREFORE, BE IT RESOLVED, that the Band Assembly hereby grants the construction easement for improving access to the pow-wow grounds, adjacent to Shaw Bush Kung Rd., as described above; and

BE IT FURTHER RESOLVED, that the Band hereby waives compensation for granting the construction easement.

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 quorum of legislators being present held on the 5th day of December, 2019 at Minisinaakwaang, Minnesota by a vote of 3 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.


Sheldon Boyd, Speaker of the Assembly

OFFICIAL SEAL OF THE BAND