

OCTOBER 2008 CROW TRIBAL LEGISLATURE

LEGISLATIVE RESOLUTION NO. LR08-20

INTRODUCED BY: CONRAD J. STEWART, CHAIRMAN OF THE
CROW TRIBAL LEGISLATURE INFRASTRUCTURE COMMITTEE

A LEGISLATIVE RESOLUTION OF THE CROW TRIBAL LEGISLATURE
ENTITLED:

**“RESOLUTION RESCINDING LR-08-18: ‘SUPPORT AND ENFORCEMENT OF
CROW TRIBAL RESOLUTION NO. 2000-32 A RESOLUTION DISAPPROVING THE
CROW WATER COMPACT AND THE BIG HORN RIVER MANAGEMENT PLAN IN
ITS PRESENT FORM’”**

WHEREAS, the Crow Tribal Legislature is authorized to adopt resolutions, regulations, and guidelines for the governance of the Crow Tribe of Indians, pursuant to Article V, Section 2(a) of the Constitution and Bylaws of the Crow Tribe of Indians; and

WHEREAS, after careful and extended review of the issue, the Legislature has concluded that LR08-18 is not appropriate and will impede progress toward protecting important Crow water rights.

NOW, THEREFORE, BE IT RESOLVED BY THE CROW TRIBAL LEGISLATURE:

THAT, by this action LR08-18 is hereby rescinded and shall have no further effect of law as it relates to the Crow Tribal Legislature.

FURTHER, this Resolution shall take effect immediately upon passage by the Crow Tribal Legislature.

Rescinding LR08-18

Bill or Resolution Number LR08-20 Introduced by Senator Stewart Date of Vote 10/16/2008

<u>Representative:</u>	<u>Yes</u>	<u>No</u>	<u>Abstained</u>
L. Plain Bull, Sr.		✓	
C. Goes Ahead		✓	
O. Costa		✓	
V. Crooked Arm	✓		
M. Not Afraid	✓		
P. Alden, Jr.	✓		
B. House	✓		
E. Fighter, Sr.	✓		
C.J. Stewart	✓		
L. Hogan, Jr.		✓	
S. Fitzpatrick, Jr.	✓		
O. Half, Jr.	✓		
R. Old Crow, Sr.	✓		
W. Plainfeather	✓		
D. Wilson			
J.D. Stone, Sr.	✓		
B. Shane <i>Secretary of the House</i>	✓		
M. Covers Up, Sr. <i>Speaker of the House</i>		✓	
Totals:	<u>12</u>	<u>5</u>	<u>0</u>

Result of Vote:

Passed

Not Passed

Tabled

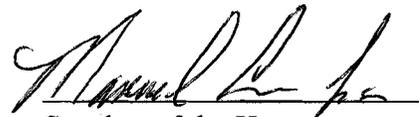
Veto-Override

Manuel Covers Up, Sr.
Senator Manuel Covers Up, Sr. Date
Speaker of the House

Beverly M. Shane
Senator Beverly M. Shane Date
Secretary of the House

CERTIFICATION

I hereby certify that this Legislative Resolution entitled "**RESOLUTION RESCINDING LR-08-18: 'SUPPORT AND ENFORCEMENT OF CROW TRIBAL RESOLUTION NO. 2000-32 A RESOLUTION DISAPPROVING THE CROW WATER COMPACT AND THE BIG HORN RIVER MANAGEMENT PLAN IN ITS PRESENT FORM'**" was duly approved by the Crow Tribal Legislature with a vote of 12 in favor, 5 opposed, and 0 abstained, and that a quorum was present on this 16TH day of October, 2008.



Speaker of the House
Crow Tribal Legislature

ATTEST:



Secretary
Crow Tribal Legislature



A RESOLUTION DISAPPROVING THE CROW WATER COMPACT AND THE BIG HORN RIVER MANAGEMENT PLAN IN ITS PRESENT FORM

WHEREAS, the Crow Water Compact was negotiated under the direction of a Tribal Chair that is a convicted felon; and

WHEREAS, the Crow Tribal Chair and her negotiating team failed and refused to consult with a qualified water rights attorney and a hydrologist; and

WHEREAS, the Tribal Chair by pursuing a fast track on the water compact negotiations failed and refused to obtain a current federal assessment and evaluation on all of the drainage's within the exterior boundaries of the Crow Reservation, as required by the Federal Criteria on Water Compact Negotiations as published in the Federal Register; and

WHEREAS, the water compact in its present form omits the inclusion of one drainage, Pass Creek, and appears to give the State of Montana a water market in the water in the Big Horn River and the ground water within the exterior boundaries of the Crow Reservation without just compensation to the Crow Tribe; and

WHEREAS, the Crow Tribe and the State of Montana have submitted this water compact to the Montana 56th Legislature in Special Session which approved it; and

WHEREAS, the Crow Tribe and the State of Montana were required, pursuant to the terms of that compact, to negotiate and agree, on or before June 17, 2000, a Management Plan relating to Big Horn Lake and the in-stream flow of the Bighorn River, relating to the fish habitat therein; and

WHEREAS, the Crow Tribal Chair executed a Management Plan with the State of Montana on or about June 16, 2000; and

WHEREAS, the execution of the Management Plan by the Tribal Chair on June 16, 2000, was a direct violation of a Permanent Injunction issued by a Crow Tribal Judge on June 2, 2000, in the case styled Birdinground, et al., vs. Nomee, et al. Civil Cause No. 000-444; and

WHEREAS, the Crow Tribal Court's Permanent Injunction barred Tribal Officials Nomee, Pickett, Big Hair, Little Light, their agents, representatives, and employees from executing a management plan on behalf of the Crow Tribe; and

WHEREAS, the Nomee administration's Crow Tribal Water Compact/Management Plan negotiating team failed and refused to advise, notify, educate, and inform the members of the Crow Tribe of the proposed terms and conditions set forth in the Management Plan prior to June 17, 2000; and

WHEREAS, the new administration of the Crow Tribe, desires to seek an opinion of qualified water rights lawyer, and a hydrologist on the existing compact and management plan; and

WHEREAS, the Crow Tribe desires to send Congress a Water Compact and Management Plan acceptable to the Tribal members;

WHEREAS, the Crow Water Compact and Management Plan are unacceptable to the Crow Tribe in their present form; and

WHEREAS, neither the Crow water Compact and Management Plan have not heretofore been presented to and reviewed by the Crow Tribal Council; and

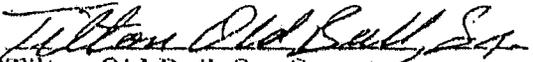
NOW THEREFORE BE IT RESOLVED, that the Tribal Council disapproves of the Crow Water Compact and Management Plan in their present form; and

BE IT FURTHER RESOLVED, that the Crow Water Compact and Management Plan in its present form be withheld from submission to Congress; and

NOW BE IT FURTHER RESOLVED, that Crow Water Compact and Management Plan be renegotiated before submission to Congress; and

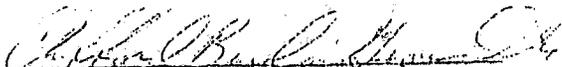
BE IT FURTHER RESOLVED, that the Secretary of the Department of the Interior be notified of this Tribal Council decision.

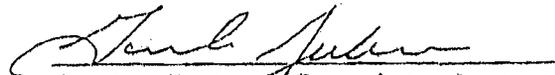
PASSED, ADOPTED, AND APPROVED by the Crow Tribal Council on the 8th day of July, 2000 by unanimous voices votes for adoption and -0- votes against passage and adoption.


Tilton Old Bull, Sr., Secretary
CROW TRIBAL COUNCIL

ATTEST:

NOTED:


Clifford Birdinground, Chairman
CROW TRIBAL COUNCIL


Gordon Jackson, Superintendent
BUREAU OF INDIAN AFFAIRS

AUTHOR: petition