



NATIONAL CONGRESS OF AMERICAN INDIANS

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RESOLUTION #SD-02-013

Title: **Supporting Comments and Proposed Changes to the Existing Code of Federal Regulations (25 C.F.R. Part 162) Pertaining to Business Leases**

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people and their way of life, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, various sections of the United States Code authorize the leasing of Indian land; and

WHEREAS, these federal statutory provisions are supplemented by federal regulations regarding the leasing of Indian land which are found in Title 25 of the Code of Federal Regulations (25 C.F.R. Part 162) (Part 162 Regulations); and

WHEREAS, the Bureau of Indian Affairs (BIA) is working on revisions to the Part 162 Regulations; and

WHEREAS, members of the NCAI engage in the leasing of Indian land for business purposes, and have encountered many issues related to such business leases; and

WHEREAS, the NCAI believes that certain revisions can be made to the Part 162 Regulations that will enhance the ability of Tribes to conduct business and be competitive in the marketplace, resulting in additional jobs for tribal members and additional revenues for Tribes; and

WHEREAS, the BIA conducted Tribal consultation meeting in September 2002, to solicit comments on BIA proposed changes to the Part 162 Regulations; and

WHEREAS, the current process revising the Part 162 Regulations provides an opportunity for Indian Tribes and organizations to suggest changes to the federal regulations that will govern leasing activities for years to come; and

WHEREAS, the Gila River Indian Community is a member of NCAI that engages in the leasing of Indian land for business purposes; and

WHEREAS, the Gila River Indian Community and the Lone Butte Industrial Development Corporation, a corporation; chartered and wholly owned by the Gila River Indian Community ("Lone Butte"), entered into a lease (the "Master Lease") relating to an approximately 720 acre industrial / business park on tribal land in Arizona (the "Lone Butte Industrial Park"); and

WHEREAS, Lone Butte was established for the dual purpose of creating jobs for members of the Gila River Indian Community and generating revenue for the Gila River Indian Community; and

WHEREAS, pursuant to the terms on its charter and the Master Lease, Lone Butte manages the Lone Butte Industrial Park; and

WHEREAS, the Lone Butte Industrial Park is situated in the Phoenix metropolitan area and regularly competes with non-Indian land for prospective tenants; and

WHEREAS, Lone Butte subleases separate parcels within the Lone Butte Industrial Park to various industrial business tenants; and

WHEREAS, some tenants at the Lone Butte Industrial Park enter into sub-subleases for all or a portion of their leased premises; and

WHEREAS, currently, there are 45 subtenants, and a number of sub-subtenants, at the Lone Butte Industrial Park; and

WHEREAS, Lone Butte has been in existence since the 1960's and has encountered many issues related to the leasing of Tribal lands; and

WHEREAS, the Board of Directors of Lone Butte has adopted and authorized submittal of its comments and proposed changes to the Part 162 Regulations to the BIA; and

WHEREAS, the Gila River Indian Community Council has adopted a Resolution in

support of Lone Butte's efforts and concurs that Lone Butte's comments and proposed changes to the Part 162 Regulations are appropriate and raise issues of importance to Tribes.

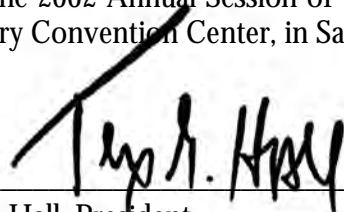
NOW THEREFORE BE IT RESOLVED, that the NCAI does hereby concur that Lone Butte's comments and proposed changes will allow Tribes to conduct business more effectively and efficiently, thereby becoming more competitive in the marketplace, and resulting in additional jobs and revenue for Tribes; and

BE IT FURTHER RESOLVED, that the NCAI does hereby support Lone Butte's comments and proposed changes to the Part 162 Regulations; and

BE IT FINALLY RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

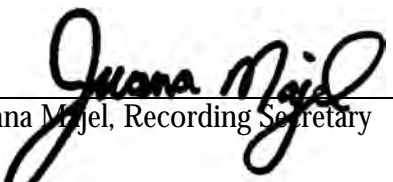
CERTIFICATION

The foregoing resolution was adopted at the 2002 Annual Session of the National Congress of American Indians, held at the Town and Country Convention Center, in San Diego, California on November 10-15, 2002 with a quorum present.



Tex Hall, President

ATTEST:



Juana Miguel, Recording Secretary

Adopted by the General Assembly during the 2002 Annual Session of the National Congress of American Indians, held at the Town and Country Convention Center, in San Diego, California on November 10-15, 2002.