



**Qagan Tayagungin Tribe
P. O Box 447
Sand Point, AK 99661
(907)383-5616
Fax (907)383-5814**

RESOLUTION 12-10

APPROVING THE TRIBE'S ASSUMPTION OF TRANSPORTATION FUNCTIONS UNDER SAFETEA-LU AND MAP 21 AND APPROVING THE ISSUANCE OF A NOTICE OF INTENT TO BIA.

WHEREAS, Qagan Tayagungin Tribal Council is the governing body of the Qagan Tayagungin Tribe of Sand Point, a federally recognized Native Tribe; and

WHEREAS, the Qagan Tayagungin Tribal Council is empowered, to negotiate with Federal, State, and local governments, and others on behalf of the Tribe, to advise and consult with the representatives of the Departments of federal agencies on all activities that may affect the Tribe; and

WHEREAS, the Qagan Tayagungin Tribal Council finds that transportation infrastructure is vital to the future economic prosperity of Tribal members living in or near the community of Sand Point; and

WHEREAS, the Qagan Tayagungin Tribal Council finds that rebuilding roads and bridges on, or which provide access to the community of Sand Point improves the safety and security of Tribal members and nonmembers who live or work in the community, and renews the sense of pride that all members have for our Tribe; and

WHEREAS, the Congress passed and the President signed the highway reauthorization SAFETEA-LU, the Safe, Affordable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users, Public Law No.

109-59, 119 Stat. 1144 (2005) as well as MAP-21, Moving Ahead for Progress in the 21st Century Act, Public Law No. 112-141; and

WHEREAS, SAFETEA-LU and MAP-21 increase Tribal opportunities in the administration and development of Tribal transportation programs and authorizes the Secretary of Interior to contract directly with Native Tribes to assume the responsibilities of and the associated funding for the Tribal Transportation Program (TTP) serving a Tribe; and

WHEREAS, 23 U.S.C. § 202(d)(5), as amended by Section 1119(g)(4) of SAFETEA-LU and MAP-21, provides that a Native tribal government may carry out any TTP or project through a contract or agreement with the Secretary of Interior in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) and further provides that the Tribal government may assume "all functions and duties that the Secretary of the Interior would have performed" for the benefit of the Tribal government, with the exception of certain inherent federal functions; and

WHEREAS, the Qagan Tayagungin Tribal Council believes that establishing a comprehensive transportation program for the Tribe will further the long-term interests of the Tribe, afford the Tribe greater flexibility and control to prioritize transportation needs for the Tribe, and permit the Tribe to utilize flexible financing arrangements available by law to speed the development of transportation infrastructure in Sand Point; and

WHEREAS, the Qagan Tayagungin Tribal Council desires to assume the Secretary of the Interior's duties and functions with respect to the TTP serving Sand Point and such other Tribal transportation programs-as may be appropriate under 23 U.S.C. § 202(d)(5), as amended by Section 1119(g)(4) of SAFETEA-LU and MAP-21; and


WHEREAS, the Tribal Transportation Department possesses the financial stability and management capability required by section 1119(g)(4) of SAFETEA-LU and MAP-21, and possesses the expertise and experience to assume the Secretary of the Interior's responsibilities in the area of transportation planning, design, construction and maintenance;

NOW, THEREFORE BE IT RESOLVED, that the Qagan Tayagungin Tribal Council does hereby approve the Tribe issuing a Notice of Intent to the Secretary of the Interior to assume the transportation duties of the Secretary under the TTP for transportation-related activities for the Qagan Tayagungin Tribe of Sand Point and instructs the Tribal President to take all necessary actions to develop a mutually acceptable government-to-government agreement to administer the TTP Program serving the Village; and

BE IT FURTHER RESOLVED, that the Tribal President is hereby authorized and instructed to sign this Resolution and all necessary agreements and contracts for and on behalf of the Tribe in order to establish and assume the transportation duties of the Secretary of the Interior serving the Qagan Tayagungin Tribe of Sand Point

CERTIFICATION:

I HEREBY CERTIFY THAT THE ABOVE RESOLUTION WAS DULY ADOPTED BY THE QAGAN TAYAGUNGIN TRIBE AT A MEETING HELD ON THE 18 DAY OF Dec, 2012, BY A QUORUM OF 7 YES, AND 0 NO VOTES.


David O. Osterback, President

ATTEST:


Glen Gardner Jr., Secretary/Treasurer