

RESOLUTION # 00-02-DSB

RANGE UNITS

The Tribal Business Council Adopts Procedures And Conditions
For Permitting and Continuation Of Grazing Privileges
On Tribal And Federal Lands

Procedures Are A Part Of Each Grazing Permit
The Tribal Business Council Rescinds Resolution # 94-40-DSB
And All Resolutions Amending Said Resolutions
With the Exception Of Resolution # 96-157-DSB

- **THE TRIBAL BUSINESS COUNCIL PROVIDES...**
 - To Each Person Who Currently Holds a Grazing Permit OR
 - To Any Person That May Hold a Grazing Permit in the Future OR\
 - To Any Person Denied a Grazing Permit
 - The Right to Appeal Any Decision Made by the Tribal Business Council
 - Appeal to the Three Affiliated Tribes District Court Fort Berthold Reservation
 - Decision of the District Court is Final

 - **THE TRIBAL BUSINESS COUNCIL AMENDS...**
 - The Requirements for Eligibility
 - To Include Individuals to be a “Bona Fide” Rancher or “Beginning Rancher”
 - As Described in the Provisions for Allocation of Grazing Permit (See Below)

 - **NEW REQUIREMENT FOR OWNERSHIP OF CATTLE ON EACH RANGE UNIT**
 - 80% Of All Livestock Be Grazed on the Range Unit for Which Permit Granted
 - Must be Owned by the Permit Holder Within 3 Years of the Permit Grant
 - Based on an Approved Plan
 - For All Persons Allocated a Range Unit
 - 50% Ownership of all Livestock Shall Initially Be Required
 - Unless an Individual
 - ✦ Has Less then 50% Ownership of All Livestock: As of Date of Allocation of Range Unit
 - ✦ And Can Demonstrate a Viable Plan for Achieving At Least 50% Ownership Within One (1) Year of Allocation of Range Unit
-
- **THE TRIBAL BUSINESS COUNCIL**
 - Requests That the Bureau of Indian Affairs (B.I.A.) Assist the Tribe in Enforcement of the Requirements for Ownership
 - Requests That the Bureau of Indian Affairs (B.I.A.) Assist the Tribe in Enforcement Of Any Provisions Listed Below
 - Authorizes the Tribal Natural Resources Committee to Negotiate A “Memorandum of Understanding” Between the Tribe and B.I.A. for the Enforcement of this Resolution
-
- **THE RATE PER “AUM” PER YEAR**
 - Shall Be Set by the Results of an Independent Appraisal
 - To Be Conducted and Completed by an Appraiser
 - Selected by the Tribe Within 45 Days of this Resolution Enactment

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PROVISIONS

- 1) **GRAZING PERMITS ISSUED FOR FIVE (5) YEAR CONTRACT PERIOD**
 - A. **Beginning December 1, 1999 Terminating November 30, 2004**
 - B. **Grazing Permits Issued After December 1, 1999 Shall Be for a Period Terminating November 30, 2004. (In Addition See Paragraph 12)**

- 2) **QUALIFIED APPLICANTS CAN SECURE AN ALLOCATION OF GRAZING PRIVILEGES, PROVIDED THAT:**
 - A. **The Applicant is a "Bona Fide Rancher"**
 - 1) **Who Individually Owns 100% of All Livestock to be Grazed on the Unit Applied For**
 - 2) **Who Individually Owns At Least 50% of the Livestock to be Grazed on the Unit Applied For**
 - B. **The Applicant is a "Beginning Rancher"**
 - 1) **Who Fulfills the Condition for Receiving a Loan from...**
 - a) **The Cattle Relending Program of the Three Affiliated Tribes**
 - b) **Other "Beginning Rancher" of the Tribe**
 - c) **Other Farmer of the Tribe**
 - d) **The State of North Dakota**
 - e) **The Federal Government**
 - 2) **Who Has Submitted a Viable Plan By Which the Applicant Will Own 50% of the Livestock to be Grazed On the Unit Within One (1) Year of the Date of Allocation of the Range Unit**
 - a) **Viable Plan May Include a Certificate from Lender Indicating the Applicant Will Be Able to Meet 50% Ownership Within the One (1) Year (See 2.B.2.)**
 - C. **The Applicant is the Three Affiliated Tribes (Then Sections 2D, 3, 8 Do Not Apply)**
 - D. **The Applicant...**
 - 1) **Is Not Less Than 18 Years of Age**
 - 2) **An Enrolled Member of the Three Affiliated Tribes**
 - 3) **Not Delinquent...**
 - a) **On Any Present Grazing Permit for Any Grazing Unit**
 - b) **On Any Lease**
 - c) **On A "Use Permit" For Trust Land Leased by the Applicant**

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- 3) **ALL APPLICATIONS FOR ALLOCATION...**
 - A. **Shall Be Filed with the Agency**
 - 1) **At Least Seven (7) Months Prior to December 1st of the Year In Which Allocation is Sought (With the Exception of the First Year of the Permit Period)**
- 4) **ALL APPLICATIONS PROVIDED TO ANY ONE INDIVIDUAL...**
 - A. **Shall Not Exceed 300 Animal Units Per Year Long**
 - B. **Permittee Must Bid On Animal Units In Excess of 300 Animal Units**
 - C. **Permittee Shall Have First Preference In That Same Unit to Meet the High Bid**
- 5) **PERMITTEES RECEIVING AN ALLOCATION WILL ...**
 - A. **Be Required to Pay the B.I.A. Minimum Rate for All Grazing on Tribal Land.**
 - 1) **A Livestock Pasturing Authorization Permit is Required for All Livestock That Are Not Owned by the Permittee. (Permit Issued by the Tribal Business Office)**
- 6) **PRIOR TO AWARDING ANY RANGE UNIT...**
 - A. **Satisfactory Proof of Ownership Of Livestock Must be Established by the Applicant**
 - 1) **Copies of Proof to be Provided to the Three Affiliated Tribes, Natural Resources Department (N.R.D.) and the Bureau of Indian Affairs (B.I.A.) as to the Percentage of Ownership of Livestock.**
 - 2) **Filing of a Document Showing the Brand to Be Used (As Executed by the North Dakota Brand Inspector)**
 - B. **The Applicant Shall Provide the Following:**
 - 1) **Bill of Sale from the Seller For the Branded Livestock**
 - a) **To be Placed on the Unit Applied For (May Already Be Placed)**
 - 2) **A Purchase Agreement or Letter of Intent Executed by a Legitimate Lender**
 - a) **Bank, USDA, Farm Credit Services, Three Affiliated Tribes, Other Agricultural Lender**
(With An Appropriate Security Agreement)
 - b) **If Lender is an Individual**
 - i. **An Appropriate Security Agreement Between the Parties**
(Verified by an Affidavit from Seller for Credit Purchase)

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7) INSPECTION OF LIVESTOCK

- A. Applicant Must Agree to Inspection by Authorized Personnel
{By Three Affiliated Tribes (T.A.T.) or Bureau of Indian Affairs (B.I.A.)}
- B. All Livestock Owned by Applicant Must be Branded with the Owner's Registered Brand
- C. Upon Inspection:
 - 1) Natural Resource Department (N.R.D.) Makes an Initial Finding of Ownership
 - 2) N.R.D. Will Present Its Findings to the Tribal Business Council & To Applicant
- D. The Tribal Business Council Will Arrange a Meeting for Interested Parties
 - 1) With Reasonable Notice
 - 2) A Decision on Allocation of Range Unit Will Be Made
 - 3) Each Applicant May Present Relevant Information Regarding Allocation
 - 4) Meeting May Be "Continued" at the Discretion of the Tribal Business Council

8) IN THE EVENT MULTIPLE ELIGIBLE APPLICANTS FOR SAME RANGE UNIT

A. UNIT WILL BE AWARDED IN THE FOLLOWING PREFERENCE ORDER

- 1) Applicant is an Enrolled Tribal Member
 - a) "Bona Fide Rancher": Derives Largest Part of Income from Farming/Ranching
- 2) Applicant is Most Recent Permittee: Met all Previous Contractual Obligations
- 3) Applicant's Headquarters/Residence Located Closest to Range Unit
- 4) Applicant Owns Largest Interest In Land That is Part of Range Unit
 - a) Or, Is the Likely Heir, to Acquire Largest Share of Land (B.I.A. Probate Determination)
- 5) Applicant Owns an Interest in the Land Within the Unit
 - a) And is the Only Family Member Owning Land
 - b) And is a "Bona Fide Rancher" or "Beginning Rancher"
- 6) Applicant is a "Beginning Rancher"
- 7) Applicant is an Enrolled Tribal Member
 - a) And Resides on the Fort Berthold Indian Reservation

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- 9) **IN THE EVENT NO APPLICANT ENTITLED TO A PREFERENCE**
A. The Tribal Business Council To Make Allocation Decision: Based on Available Information
- 10) **IN ACCORDANCE WITH 25 CFR-166.11 (a), THE SUPERINTENDENT SHALL...**
A. Advertise by Sealed Bids the Sale of Grazing Privileges
1) Which are Surplus to the Allocated Needs of the Tribe and Members
2) Provide Indian Preference in Meeting the High Sealed Bid
3) Have an Oral Auction: If More Than One Preference Bid
(Note: All Successful Bidders Shall Follow All Requirements of This Resolution)
- 11) **IF AN APPLICANT HAS FILED FALSE OR MISLEADING INFORMATION:**
A. Application Will be Immediately Rejected
B. Applicant Will Not Be Eligible for an Allocation for the Remaining Portion of the Allocation Period.
- 12) **GRAZING FEES**
A. Payment by Certified Check, Money Order or Bank Draft
B. Due December 1 (Delinquent After December 1)
C. Performance Bond May Be Required (Superintendent Determination)
D. Delinquent Fees Subject to an Interest Rate (Determined by the Treasury)
E. Payment After Cancellation of a Permit:
1) Reissue of Permit for the Balance of the Permit Period
a) Payment of Full Amount "Owed" Must Be Made
b) Payment of Interest Rate Charges
c) Payment of Additional Penalty charge of 10% of Annual Rental
- 13) **CATTLE, SHEEP, HORSES, BUFFALO, ELK (OR ANY COMBINATION) PERMITTED ON ALL RANGE UNITS**
A. Allowed Ratio of Livestock
1) One (1) Animal Unit (A.U.) for Cow and Calf
2) One and One-Half (1 ½) A.U. for a Horse
3) Five Sheep for One (1) A.U.
4) One (1) Yearling Steer for ¾ A.U.
5) One (1) A.U. for a Buffalo
6) One (1) A.U. for an Elk

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14) LIVESTOCK HEALTH

- A. All Owners Required to Participate in the Federal and State Brucellosis Eradication Program (And Any Other Livestock Disease Prevention Program)
- B. All Livestock Must Have Valid Health Certificates (See Resolution # 84-1065-S)
- C. The USDA Animal & Plant Health Inspection Service Veterinary Services Will Be Contacted for Verification of Health Certificates
- D. Failure To Comply with Health Requirements: Cause for Cancellation of Permit

15) RANGE IMPROVEMENT FORM

- A. Must be on File with the Bureau of Indian Affairs (B.I.A.) Prior to Improvements
- B. Previous Permittee Allowed:
 - 1) Reasonable Period of Time to Remove “Declared Removable Improvements”
 - a) At Previous Permittee’s Expense
 - b) One Year Time Period
 - c) Includes:Fences, Pumping Equipment, Tanks, Corrals and Like Improvements
 - d) Confirmation of Removable Improvements to B.I.A.
 - e) “Reasonable Amount of Time”: Take Into Account the Time of Year & Next Permit Period

16) FENCING

- A. Permittee to Maintain Fences Within the Range Unit and External Boundary Fence
 - 1) Shared Boundary Fence: Both Permittees Responsible

17) PERMITTEE PARTICIPATING IN CONSERVATION PROGRAM OR IMPROVEMENTS

- A. If Period Longer than the Permit Period CFR 166.14(c)
 - 1) Superintendent (with N.R. Committee Approval): May Extend Contract Period
 - a) Extension Not to Extend Past November 30, 2009
 - 2) Preference For Extension Granted for Improvements on Tribal Land

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18) MOVEMENT OF LIVESTOCK

- A. Prior to Movement: Notify B.I.A. or Three Affiliated Tribes
 - 1) Verification of Health Certificates, Brands, Head Counts
 - a) Done by B.I.A. Range Technicians, Tribal Rangers, or N.R.D.

19) NATIVE HAY

- A. Grazing Permits Do Not Authorize Cutting of Native Hay
- B. An Authorization Prior to Cutting is Needed
 - 1) Obtained from B.I.A. Superintendent
 - 2) Minimum Rate: Established Annually by Superintendent
 - a) \$3.50 Per Acre for Tribal Lands
 - b) All Hay Cut Without Prior Authorization, Charged Twice the Annual Rate

20) COMPLIANCE

- A. All Stock Counted "At Least Annually" by B.I.A. and/or N.R.D.
 - 1) To Determine if Within Authorized Permitted Capacity
 - 2) Brands Verified With the Grazing Permit
- B. Range Units Inspected "At Least Annually" by B.I.A. and/or N.R.D. for Compliance
- C. "Out of Compliance" With Count or Inspection
 - 1) "Notice of Reason" Within 30 Days By B.I.A. or the N.R.D.
- D. "Out of Compliance" With Ownership Requirements,
 - 1) N.R.D. May Make Recommendation Permittee Not Allowed Application for Range Unit In Next Permitting Period (Notice Given)
 - a) Unless Permittee Can Be "In Compliance" Within 30 days of Notice
 - 2) Permittee May Schedule a Hearing Before the Natural Resources Committee
 - a) To Be Scheduled Before Effective Date of Cancellation
 - 3) N.R.D. Decisions Are Only Recommendation to Tribal Business Council
 - a) Final Action is Responsibility of Tribal Business Council
 - b) Council's Decision Can Be Appealed.

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21) COMPETITIVE BIDDERS

A. Permits Issued to Competitive Bidders on Range Units, That Are In Excess to Requirements of Tribal Members...

1) Shall Be Revocable (In Whole or Part) During Contract Period

a) To Provide Range For Eligible Tribal Members (w/o Competitive Bidding)

22) EXPANSION

A. All Possibilities To Obtain Grazing Privileges from Advertised Range Units to be Exhausted.

23) NON-TRIBAL MEMBERS

A. To Comply With Requirements of this Resolution

24) WITHDRAWING OR REVOKING GRAZING PERMIT

A. Done by Superintendent

1) On All or Part of a Grazing Permits by Cancellation or Modification

2) 180 Days Written Notice

3) For Use Of Holder of Land Held in Trust by the B.I.A.

4) The Withdrawal Effective Only at the End of the Permitted Annual Grazing Season

25) ALLOTTED LANDS OR TRIBAL LANDS BEING REMOVED FROM A RANGE UNIT

A. In Accordance with B.I.A. Regulations

B. Must be Fenced by Owner(s) of the Land Being Removed Unless...

C. If Cause of Removal is Overgrazing:

1) Tribe and/or B.I.A. Shall Equally Share Cost of Fencing (& Survey) with Land Owner(s)

2) Overgrazing Determined in Accordance with the MOU between B.I.A. and the Three Affiliated Tribes

D. Tribal Lands Not To Be Removed or Made Inaccessible Within A Range Unit..

1) Without Approval of the Tribal Business Council

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26) HUNTING

- A. Access to Tribal Lands Within a Range Unit In Accordance With...**
 - 1) Game and Fish Department of the Three Affiliated Tribes**
 - 2) Chapter 18 of the Code of Laws of the Three Affiliated Tribes**
 - a) Known as the "Game and Fish Code"**
 - 3) Resolution No. 96-157-DSB**
- B. Locks on Gates Preventing Access for Hunting on Tribal Lands Is Prohibited**

27) INSPECTION

- A. The B.I.A. and the Tribe Will Call a Permittee Before Inspection**

28) BUREAU OF INDIAN REGULATIONS

- A. All Permittees Subject to All Applicable B.I.A. Regulations**
(Title 25 of the Code of Federal Regulations)
- B. If These Provisions Are Inconsistent with B.I.A. Regulations: Provisions Control**

29) APPEALS

- A. Notice of Appeal Within 30 Days of Decision**
- B. File Appeal with the Fort Berthold District Court**
- C. District Court Will Review Appeal Based on Discretion Abuse by Tribal Business Council**
- D. Tribal Business Council Will Certify Record Related to Any Appeal**
- E. Information Not Presented to Tribal Business Council : Not To Be Considered by Court**
 - 1) Unless Appellant Satisfactorily Demonstrates Reason Why Information Not Shown to Tribal Business Council**
- F. This Right to Appeal Is In Addition To Any Right To Appeal Any B.I.A. Decision Otherwise Available Under Federal Law or Regulations.**

TRIBAL REALTY OFFICE PROCEDURES

LAND TRANSACTION RESPONSIBILITIES

Land Exchanges
Land Sales
Agricultural Leases
Homesite Leases
Fee Patent Requests
Rights-of-Ways & Easements
Oil & Gas Leases
Seismic Activity

All Land Sales, Exchanges and Leasing
Under the Authority of 25 Code of Federal Regulations

ALL TRIBAL LAND TRANSACTIONS NEED NATURAL RESOURCES COMMITTEE APPROVAL

- Priority Rating System According to Tribal Resolution 90-19-TL.
- Use of FMHA Land Purchase Account and Docket 350 – D & G Funds
- Logging System Used for Each Transaction
- Land Sales and Exchanges Completion Time is Six (6) Months

• LAND SALES

- All Applications for Sale to the Tribe to be Submitted at the Bureau of Indian Affairs Realty Office (from the Natural Resources Department)
 - The Natural Resources Department Will Obtain...
 - Two (2) Fact Sheets
 - ✦ Fact Sheet #1: From the B.I.A.: Allotment(s) No.(s), Description, Total Acres, Land Type, Current Lessee, Individual Interest, Estimated Value on the Tract/s Specified
 - ✦ Fact Sheet #2: From the B.I.A.: Actual Appraisal Amount(s)
- PROCESS (IN SEQUENTIAL ORDER):
 - Natural Resources Department (N.R.D.) Will Prepare a Map
 - Send Fact Sheet #1 and Map to Natural Resources Committee (N.R.C.) for Approval (or Disapproval)
 - Upon Approval, N.R.D. Will:
 - Send a “Letter of Intent” to Purchase to Individual and B.I.A.
 - ✦ Gives B.I.A. Authority to Order Appraisals and Updated Title Status Reports (T.S.R.’s)
 - When B.I.A. Receives Actual Appraisals
 - ✦ Sends N.R.D. “Fact Sheet” #2
 - The N.R.D. Prepares a Resolution for the N.R.C. for Review (and Approval)
 - If Resolution is Approved Then Sent Through Full Tribal Council
 - After Full Council Approval
 - Deeds Are Prepared
 - Deeds Sent to the Individual Selling Their Land
 - Seller Signs Deeds In Front of a Notary
 - Signed Deeds Are Returned to the N.R.D.

- **The Natural Resources Department**
 - **Requests a Check from the Finance Department: Request Packet Includes:**
 - ✦ **Purchase Order**
 - ✦ **Assignment of Income**
 - ✦ **Resolution**
 - ✦ **Signed Deed**
 - ✦ **Updated Title Status Report**
 - ✦ **Copy of Actual Appraisal**
 - ✦ **AD 1026 From Farm Service Agency (F.S.A.)**
 - ✦ **SCS-026 From Natural Resources Conservation Service (N.R.C.S.)**
 - **“Hand Carries” the Check to the B.I.A.**
 - **Check is “Put on Deposit” Awaiting the Superintendent’s Approval**
 - **Upon Superintendent’s Approval**
 - ✦ **Money is Dispersed to Individual’s IIM Account**

- **LAND EXCHANGES**

- **All Land Exchange Application Submitted to the Bureau of Indian Affairs Branch of Realty. (Process In Accordance with the Most Recent Land Exchange Resolution)**
 - **The Natural Resources Department Will Obtain...**
 - **Two (2) Fact Sheets**
 - ✦ **Fact Sheet #1: From the B.I.A: Includes Descriptions, Interests, Land Type, Current Lessee, and Estimated Value(s).**
 - ✦ **Fact Sheet #2: From the B.I.A.: Actual Appraisal Amount(s)**
- **PROCESS (IN SEQUENTIAL ORDER):**
 - **The Natural Resources Department (N.R.D.)**
 - **Will Assist the Individual In Selecting the Available Tribal Tract for Exchange**
 - **The Individual Will Return the Completed Application to the Bureau of Indian Affairs**
 - **The Bureau of Indian Affairs Realty Office Will Send Fact Sheet #1 to N.R.D.**
 - **The N.R.D. Will:**
 - **Prepare Maps and Notify Natural Resources Committee (N.R.C.) Regarding:**
 - ✦ **Tribal Reserve Status**
 - ✦ **Water Developments**
 - ✦ **Topography**
 - **Send Fact Sheet #1 to N.R.C. for Approval/Disapproval or Revisions**
 - ✦ **If Approved, Then N.R.D. Sends A “Letter of Intent” to the Individual (Copy to the B.I.A.)**
 - **The B.I.A. Requests Actual Appraisals**
 - **Appraisals are Fact Sheet #2: Sent to the N.R.D.**
 - **N.R.D. Prepares a Resolution for the N.R.C. for Review (and Approval)**
 - **If Resolution if Approved Then Sent Through Full Tribal Council**

- **After Full Council Approval**
 - **Deeds Are Prepared**
 - **Deeds Sent to the Individual Selling Their Land**
 - **Seller Signs Deeds In Front of a Notary**
 - **Signed Deeds Are Returned to the N.R.D.**
- **N.R.D. Submits Deeds to the B.I.A. for the Superintendent's Approval**

- **FARM/PASTURE LEASING**

- **Leasing is Done Under Authority of 25 CFR 162, Article IX of the Constitution of the Three Affiliated Tribes and Tribal Resolution 89-87-TL.**
- **The Natural Resources Department Handles Leasing of 100% Tribally Owned Lands**
- **The Bureau of Indian Affairs Handles Leasing of Individual and Inherited Trust Property**
- **PROCESS (IN SEQUENTIAL ORDER):**
 - **Individuals Make Application at the Natural Resources Department (N.R.D.)**
 - **N.R.D. will:**
 - **Check to Insure that Land is Available**
 - **Negotiate with Non-Members for the Rental Rate in the Best Interest of the Three Affiliated Tribes. ("Going Rate For Tribal Members In Accordance to Tribal Resolution 89-87-TL.)**
 - **Send Application to the Natural Resources Committee (N.R.C.)**
 - ✦ **For Approval/Disapproval**
 - **If "Approved", a Conservation Plan is Ordered from the Branch of Range Management, Bureau of Indian Affairs**
 - **When N.R.O. Receives the Conservation Plan**
 - **Lease Contract is Prepared**
 - **Lease Contract is Sent to the Applicant**
 - ✦ **With Specific Instructions on How to Complete the Lease**
 - **The Applicant Returns the Signed Contract to N.R.D. With the Following:**
 - **A Surety Bond, Certificate of Deposit or an Irrevocable Letter of Credit**
 - **The Rental and Lease Fee Must Be Made By Guaranteed Payment (i.e....cashiers check, bank money order, etc.)**
 - **Tribal Tax is Charged to Non-Members (Can be Made Payable to Three Affiliated Tribes by Personal Check)**
 - **Contract to be Signed by an Authorized Representative of the N.R.C.**
 - **Contract and Payment "Hand Carried" to B.I.A.**
 - **Money Put on Deposit Awaiting Final Approval from the Superintendent**
 - **The Bureau of Indian Affaires – Farm Leasing Section**
 - **Sends a Copy of Approved Contract to Lessee**
 - **Sends a Copy to the N.R.D.**
 - **The N.R.D. Maintains all Record Keeping of 100% Tribal Lands**

- **HOMESITES**

- **Members of the Three Affiliated Tribes Have the Opportunity to Apply for 2.5 Acre Homesites on 100% Tribally Owned Trust and Fee Land**
- **PROCESS (IN SEQUENTIAL ORDER):**
 - **Application to the Natural Resources Department (N.R.D.)**
 - **N.R.D. Verifies:**
 - **Tribal Ownership**
 - **Land Status**
 - **Other Pertinent Information**
 - **N.R.D. Presents Application to the Natural Resources Committee (N.R.C.)**
 - ‡ **For Approval/Disapproval**

THREE AFFILIATED TRIBES

Property Resolutions

AUGUST 2003

RESOLUTION #79-311

RENTAL RATES

City Residential Lots - \$25.00/ month per lot

House Site Leases - \$50.00/ year (5 acres)

\$ 25.00/year (2.5 acres)

RESOLUTION # 90-19-TL

FMHA LOAN FUNDS

Farmer's Home Administration Loan: \$2,000,000
Repayment Over 40 Years at 5% Interest Rate

FMHA Funds Available To Loan For Purchase of Property.

Tract Acquisition Priority System
Determines Access to FMHA Loans.

PRIORITY SYSTEM

LOCATION:

	<u>POINTS</u>
Adjacent to Taken Area	15
Homestead Area	10
Other Reservation Areas	<u>5</u>
MAXIMUM POINTS AVAILABLE	25

LAND USE:

	<u>POINTS</u>
Cultivated Farmland	15
Hayland	10
Range Land	<u>5</u>
MAXIMUM POINTS AVAILABLE	15

LAND OWNERSHIP:

	<u>POINTS</u>
Single Ownership	20
Undivided Interest > 50%	10
Undivided Interest < 50%	<u>5</u>
MAXIMUM POINTS AVAILABLE	60

(Future Docket 350 G & D Land Acquisition Fund to Supplement FMHA Loan Payments: As Needed.)

RESOLUTION 88-261-TL

EXCHANGE OF TRIBAL LANDS

Tribal Business Council Desires To Trade Lands
In A Manner That Is
Socially & Economically Beneficial To All Parties
And
Still Protect The Interest Of The Three Affiliated Tribes.

LOCATION

- **NOT TO TRADE: Tribal Land Within ½ Mile of Taken Area***
*(Unless Land Traded “FOR” is w/in ½ Mile of Taken Area)
- **NOT TO TRADE: Land Adjacent to Designated Recreation Area**

ROADS

- **NOT TO TRADE: Parcels Larger Than 10 Acres Adjacent to Major Public Access Highways***
*(Unless Tract Traded “FOR” Is Also Adjacent to Major Public Highways)
- **Trade Must Be Presented to Tribal Business Council**
 - Council Shall Determine if “in best interest” of Three Affiliated Tribes

UNINCORPORATED COMMUNITIES

- **NOT TO TRADE: No Parcels Larger Than 2.5 Acres “in or near”***
Unincorporated Communities.
*(“in or near” = practical access to public, sewer and water utilities)
- **PRESENT TRADE TO: Local Community Board**
- **PRESENT TRADE TO: Tribal Business Council**

INCORPORATED TOWNS

- **NOT TO TRADE: Tribally Owned Trust of Fee Lots**
- **LEASING: Under Policies of Three Affiliated Tribes**

REVENUE

- **NOT TO TRADE: Lands That will Incur Revenue Loss**

VARIANCES

- **“IN THE BEST INTEREST OF THE TRIBE”**
Tribal Business Council May Make Exemptions To The Above.

RESOLUTION NO. 88-261-TL

EXCHANGE OF TRIBAL LANDS

PRIORITY FOR LAND TRADES

**Tribal Business Council Desires To Trade Lands
In A Manner That Is
Socially & Economically Beneficial To All Parties
And
Still Protect The Interest Of The Three Affiliated Tribes.**

(PRIORITY RANKING: "1" Is the Highest Priority)

PRIORITY LEVELS 1 & 2

SINGLE OWNERSHIP – ALLOTTED FARMLAND

- 1. Undivided Tribal Interests in Grassland**
- 2. Single Ownership Tribal Grassland**

PRIORITY LEVELS 3 & 4

UNDIVIDED INTEREST – ALLOTTED FARMLAND

- 3. Undivided Interest Tribal Grassland**
- 4. Single Ownership Tribal Grassland**

PRIORITY LEVEL 5

SINGLE OWNERSHIP – ALLOTTED FARMLAND

- 5. Single Ownership Tribal Farmland**

PRIORITY LEVELS 6 & 7

SINGLE OWNERSHIP – ALLOTTED GRASSLAND

- 6. Undivided Tribal Interests in Grassland**
- 7. Single Ownership Tribal Grassland**

PRIORITY LEVEL 8

UNDIVIDED INTEREST – ALLOTTED GRASSLAND

- 8. Undivided Interest Tribal Grassland**

RESOLUTION NO. 89-87-TL

LEASING OF TRIBAL AGRICULTURAL LANDS

The Tribal Business Council Is Concerned With The Economic Development & Self-Sufficiency
Of Tribal Owned Land Leased For Agricultural Purposes.
Tribal Members To Be Provided Legal Assistance to Protect Their Operations & Resources.

ELIGIBILITY

- **MEMBER OF THREE AFFILIATED TRIBES:** Minimum 18 years of age.
- **AGRICULTURAL OPERATION**
- **NON-MEMBER OF THREE AFFILIATED TRIBES:** By Bid or Negotiation
- **NOT ELIGIBLE:** Delinquency on Farm Leases with Three Affiliated Tribes
- **BONAFIDE AGRICULTURAL OPERATOR:** Security Agreement
Ownership Proof for Machinery

PREFERENCE FOR LEASING

- **MAXIMUM 800 ACRES TO ENROLLED MEMBER UNDER INDIAN REFERENCE**
 - **RATES:**

White Shield	\$24.00/acre
Lucky Mound	\$24.00/acre
Shell Creek	\$21.00/acre
Mandaree	\$17.00/acre
Twin Buttes	\$17.00/acre
Alfalfa/Tame Hay	\$10.00/acre
Farm Pasture	\$ 3.50/acre
Hay Cutting	\$ 4.50/acre
- **IF LEASE OBTAINED < THAN RATE:** Then Part of Individual Indian Preference Allotment
- **INDIAN OPERATOR:** First Preference to Lease all Tribal Lands
- **TWO OR MORE QUALIFIED APPLICANT FOR SAME ACREAGE:**
 - **ORDER OF PREFERENCE:**
 - Renewal Applications
 - Less Than Indian Preference Allotment
 - Headquarters Closest to Acreage Proximity
 - Least Number of Indian Preference Acres
 - Sealed Bid

RESOLUTION NO. 89-87-TL

LEASING OF TRIBAL AGRICULTURAL LANDS

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LEASE TERMS AND CONDITIONS

- **ENROLLED MEMBERS: 5 Year Lease** (Reviewed At End of 3rd Year; Adjusted if Necessary)
- **NON-MEMBERS: 3 Year Lease**
- **IMPROVEMENT LEASES: “Go Back” (Unbroken Land): Tract by Tract Negotiation**
- **CASH PAYMENTS: Exception...Feed Supplies for Tribal Livestock**
- **TRUST LANDS: BIA Conservation Plan (Tribal Approval Needed)**
- **SURETY BONDS ACQUISITION: Before Lease Contract Approval**
- **IF NO SURETY BOND:**
 - **NEED:**
 - Letter of Denial
 - Cash Bond (Greater of 10% of Annual Rental or \$100)
 - \$100 In Advance For All Hay Cutting Leases
- **PAYMENT DUE JANUARY 1ST OF EACH YEAR.**
 - **Failure to Pay on January 1st: 30 Day Notice of Cancellation**
 - Charged Interest: BIA Determine Rate
 - **Failure to Pay at End of 30 Day Notice: Lease Cancelled**
 - **Payment After Cancellation: Lease Can be Reissued**
 - If Not Already Leased
 - Requires Payment in Full
 - Requires Additional Penalty Charge of 10% of Annual Rental
 - Requires Reapplication for Lease
- **SUBLEASING IS PROHIBITED: Grounds for Cancellation**
- **UNDER INDIAN PREFERENCE:**
 - **No Lease Granted for Joint Venture/Partnership Operation Involving Indian/Non Indian (Excluding Marriage)**
- **VIOLATIONS OF CONTRACT IN ACCORDANCE WITH 25 CFR PART 162.14.**
 - **Does Not Include Non-Payment**

RESOLUTION # 96-220-DSB

LAND WITHDRAWAL POLICY

The Tribal Business Council Concurs With The Land Withdrawal Policy
Developed By The Bureau Of Indian Affairs, Fort Berthold Agency
In Cooperation With The Tribal Natural Resources Committee.

- **IN ORDER TO REMOVE LAND FROM RANGE UNIT**
 - Must Contact the Range Office **In Person**
 - Sign the “Land Withdrawal Request”
 - In Presence of a Witness
 - OR
 - Signature Notarized by a Notary Public

- **PRIOR TO LAND BEING WITHDRAWN....**
 - The Range Office Will Research Agency Records
 - The Withdrawal Application is **Denied** if Income from Land is Encumbered

- **PRIOR TO THE EFFECTIVE DATE OF WITHDRAWAL...**
 - Land Must be Fenced Separate From the Range Unit
 - Cost of Fence at Landowners Expense
 - Constructed to Prevent Livestock Trespass
 - At Minimum: Standard Four Barbed Wire

- **PRIOR TO THE OCCUPATION OF A HOME...**
 - If the Homesite Lease is Within a Range Unit or Farm Pasture...
 - Lease Provision Is Needed Requiring Fencing to Separate Home From the Range Unit or Farm Pasture

- **100% OF TRACT LANDOWNERS TO SIGN THE LAND WITHDRAWAL NOTICE**

- **SUBMITTAL DATE OF LAND WITHDRAWAL REQUESTS**
 - May 1
 - Preceding Annual Anniversary Date (December 1)

- **PERMITTEE TO BE NOTIFIED IN WRITING OF LANDOWNERS INTENT TO REMOVE THEIR LAND**

- **TO THE PERMITTEE**
 - Superintendent to Give 180 Days Notice
 - Prior to the Annual Anniversary Date (December 1) of the Permit
 - Pursuant to 25 CFR 166.15
 - UNLESS....
 - All Parties Mutually Agree With the Withdrawal

WITHDRAWAL EFFECTIVE ON ANNUAL ANNIVERSARY DATE OF GRAZING PERMIT

RESOLUTION # 93-65-JJR

GRAZING

The Tribal Business Council Desires
To Promote
Beneficial Economic Activities
And
Conserve the Natural Resources
Of The
Fort Berthold Reservation.

- **NORTH DAKOTA STATE UNIVERSITY EXTENSION SERVICE RECOMMENDATION...**
 - Native Rangeland in North Dakota Not be Grazed Earlier Than June 1

- **BUT IN RECOGNIZATION OF...**
 - **POSSIBLE RESOURCE LIMITATIONS OF LIVESTOCK OWNERS**
 - **Grazing Season on Range Units***
 - **For Indian Owned Livestock**
 - **Not to Begin Prior to May 15**
 - **Grazing Season on Range Units***
 - **For Non-Indian Owned Livestock**
 - **Not to Begin Prior to June 1**

- ***DOES NOT PERTAIN TO RANGE UNITS PERMITTED FOR YEAR-LONG USE**

- **EXCEPTIONS CAN BE MADE IF...**
 - **There is a Grazing Management Plan Implemented by the Permittee, and...**
 - **Approved by the Tribal Business Council**
 - **Approved by the B.I.A. Superintendent**

RESOLUTION # 97-174-DSB

FENCING THE RIGHT-OF-WAY AWAY FROM GRAZING LANDS

The Three Affiliated Tribes Has Indicated Its Concern About The Safety Problems That Exist for Vehicles And Their Passengers When Domesticated Animals Wander Off Of Unfenced Grazing Land, (Also Known As "Open Range") Into Paved Road Rights-Of-Way Adjacent To The Unfenced Land, As Noted In Resolution 90-95-TL, Passed By The Tribal Business Council On April 25, 1990.

- **RESOLUTION 90-95-TL : SECTION 3.1**
 - It is the Responsibility of the "Holder of the Easement for the Right of Way to Initially Fence the Right-Of-Way Away From the Grazing Lands."

- **THE TRIBE IS SEEKING COMPLIANCE WITH RESOLUTION 90-95-TL:SECTION 3.1**

- **THE TRIBAL BUSINESS COUNCIL REQUESTS THAT:**
 - The State of North Dakota
 - Any County
 - Which Maintains a Paved Road Within the Fort Berthold Reservation
 - Honor Resolution 90-95-TL
 - Install Appropriate Fencing Along Unfenced Right-of Ways
 - ‡ To Protect All Persons Who Travel Such Roads

- **THE TRIBAL BUSINESS COUNCIL**
 - Authorizes Its Natural Resources Committee To:
 - Continue to Monitor Compliance with Resolution 90-95-TL
 - The State of North Dakota
 - Any County
 - ‡ Which Maintains Paved Roads Within the Fort Berthold Reservation
 - Report Back to the Tribal Business Council the Extent of Compliance

RESOLUTION # 96-221-DSB

GRAZING UTILIZATION PLAN

**The Tribal Business Council Concurs With The
Grazing Utilization Plan Developed By The
Natural Resources Department.**

**Purpose of the Grazing Utilization Plan Is To
Improve Range Management Practices on Reservation Rangelands**

**And to Accomplish:
Development of Water Sources
Needed Fencing
Assist in Emergency Appraisals**

- **THE THREE AFFILIATED TRIBES IS REQUESTING:**
 - **To Utilize Fees Paid for the Preparation of Range Unit Permits**
 - **For Activities Associated With Significant Improvements**
 - **To 100% Tribally Owned Lands Located Within the Range Units**
- **FOR THE PERMIT PERIOD, DECEMEBER 31, 1994 TO NOVEMBER 30, 1999:**
 - **Fees Be Utilized Primarily for Two Activities**
 - **Develop Water Resources Within the Range Units**
 - **Boundary Fencing of Range Units**
- **FEES USED AS PART OF COST-SHARE FOR COUNTY FSA OR NRCS**
 - **Process Initiated for Two Years of the Permit Period**
- **COST SHARE FOR WATER DEVELOPMENTS CONSTRUCTED ON TRIBAL LAND**
 - **The Grazing Permit Preparation Fees Utilized:**
 - **To Pay for 15% of the...**
 - **Current 25% Required Cost Share for Water Developments**
 - **To a Maximum of \$3,500.00 Per Individual/ Grazing Period**
 - **Cost Share of the Individual Member will be 10%**
- **ENVIRONMENTAL QUALITY INCENTIVES PROGRAM**
 - **Comprehensive Conservation Plan for Management Unit Required**
 - **Proposed Practices Must Fall Within a "Priority Area"**
- **WATER DEVELOPMENT**
 - **Will Result in:**
 - **Better Patterns of Grazing Distribution**
 - **Better Quality Water for Livestock Nutrition**
 - **Improved Range Conditions**
 - **Potential Increases in Stocking Rates**
 - **Improved Livestock Production**
 - **Enhance Wildlife Habitat**

RESOLUTION # 96-221-DSB

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And To Accomplish:
Development Of Water Sources
Needed Fencing
Assist in Emergency Appraisals

- **COST –SHARE**
 - **Authorized for Tribal Members**
 - **Water Development Assistance For:**
 - **Drilling Wells**
 - **Excavating Wells**
 - **Constructing Dams**
 - **Installing Pipelines**
 - **Developing Springs**
 - **Other Appropriate Water Improvements**
 - **Only be Cost Shared with Preparation Fees When:**
 - **Approved by NRCS**
 - **County Committee**
 - **Tribal Natural Resources Committee**
 - **Fencing Projects**
 - **Funds Available for 10% of Total Cost**
 - **Annual Funds Available**
 - **Approximately \$8,000.00**
 - **Estimated Amount**

RESOLUTION # 96-157-DSB

PRESERVATION OF RIGHTS OF WAY

The Tribes, For Various Reasons, Including Enforcement Of It's Laws and Economic Development, May Need To Obtain Or Preserve Access To Leased Tribal Lands Or To Former Tribal Lands Exchanged For Tribal Land.

And Adjacent Landowners, In Order To Obtain Or Preserve Access To Their Lands, May Need To Obtain or Preserve Rights Of Way Across Leased Tribal Lands Or To Former Tribal Lands Exchanged For Tribal Land.

**Payment for Rights of Way Should Be Made By Those For Whom
The Rights of Way Are Provided,
Including Where Appropriate, The Tribes.**

- **ANY ENTITY OR INDIVIDUAL**
 - **LEASING TRIBAL LAND MUST AGREE:**
 - **To Preserve Any Rights of Way Across Such Land**
 - **Which Exist At the Time the Lease is Executed**
 - **WHO EXCHANGES LAND WITH THE TRIBES MUST AGREE:**
 - **To Preserve Any Rights of Way Across the Exchanged Land**
 - **Which Exist At the Time the Exchange is Completed**
 - **WHO EXCHANGES OR LEASES LAND WITH THE TRIBES MUST AGREE**
 - **To Allow a Right-of-Way to Property With No Other Means of Access**
 - **To Provide Access to the Tribes**
 - **For the Purposes of Lease Enforcement**
 - **For the Purposes of Tribal Economic Development**
 - ✦ **Which Does Not Diminish Substantially Rights of the Lessee or Owner**
- **IN THE CASE OF TRIBES OR PERSON DESIRING A RIGHT-OF-WAY**
 - **Through Land Lease from the Tribes or Obtained By Exchange of Lands**
 - **The Cost of Obtaining the Right-of-Way Shall Be Borne by the Person Seeking The Right-of-Way.**
- **IN FURTHER RESOLUTION**
 - **This Resolution Will Supersede Any Previous Resolutions**
 - **Regarding Tribal Rights of Way Ingress and Egress**

THE CONDITIONS MENTIONED IN THIS RESOLUTION WILL BE ATTACHED TO ALL LEASES INVOLVING TRIBAL LANDS AND AS A CONDITIONS OF ANY EXCHANGE OF TRIBAL LANDS

RESOLUTION # 90-95-Th

CLOSED RANGE

**The Tribal Business Council Of Three Affiliated Tribes
Desires To Protect The Health And Welfare
Of Individuals Traveling On Roads
Within The Exterior Boundaries Of Fort Berthold Reservation**

**The Condition of Open Range Presents A Hazard
To Travelers On Reservation Highways**

**The Tribal Business Council Abolishes
Open Range On The Fort Berthold Reservation**

**Any Part Of An Ordinance Or Resolution
In Conflict With This Resolution And Ordinance
Is Superseded By This Resolution and Ordinance**

CLOSED RANGE ORDINANCE

- 1) PURPOSE**
 - A. To Protect the Health and Safety of Users of Roads on Fort Berthold Reservation**
 - 1) To Be Accomplished In Part By Orderly Transition from Open Range to Closed Range**
- 2) OPEN RANGE**
 - A. The Grazing of Livestock is Unrestricted**
- 3) CLOSED RANGE**
 - A. The Grazing of Livestock is Restricted to Certain Lands**
 - 1) Grazing is Controlled**
 - 2) Grazing Does Not Conflict with Motor Vehicle Traffic**
 - 3) Grazing Does Not Conflict with Other Land Uses**
- 4) GRAZING AREAS ARE THOSE AREAS THAT ARE “ADJACENT” OR “IN” THE FOLLOWING...**
 - A. A Range Unit**
 - B. Lands Utilized by the Landowner for Grazing**
 - C. Lands Under a Farm Pasture Lease**
 - D. Lands Utilized for Grazing Through Private Agreement**
- 5) ALL WEATHER PUBLIC ROADS**
 - A. Constructed and Maintained by a Governmental Entity**
 - B. For General Public Transportation Purposes**
 - C. Year Round Basis**

RESOLUTION # 90-95-Th

CLOSED RANGE

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Any Part Of An Ordinance Or Resolution
In Conflict With This Resolution And Ordinance
Is Superseded By This Resolution and Ordinance

CLOSED RANGE ORDINANCE

6) CONDITIONS FOR CLOSED RANGE

A. All Weather Public Road in Grazing Areas

1) Should be Closed Range

a) Responsibility of the Easement Holder...

- i. To Initially Fence the Right-of-Way, Away from Grazing Lands
- ii. Responsibility of the Individual with Grazing Rights, to Maintain the Fence

B. AGRICULTURAL LANDS

1) Responsibility of the Individual With the Grazing Permission

- a) To Ensure the Livestock Remain Confined to Land With Grazing Permission

C. ALL OTHER LANDS

1) All Other Lands Within the Boundaries of Fort Berthold Reservation Shall be Considered Closed

2) Livestock Trespassing

- a) Individual Owning Livestock: Considered Liable For
 - i. Damages to Land, Crops, Motor Vehicles
 - ii. Personal Injury

7) UNFENCED ROADS

A. Roads Not Requiring Fencing:

1) Right-of-Ways For Roads, Not Defined As All Weather Public Roads

- a) Includes (But Not Limited To): Oil Field Access Roads, Recreation