



**RESOLUTION OF THE GOVERNING BODY
OF THE
THREE AFFILIATED TRIBES
OF THE
FORT BERTHOLD INDIAN RESERVATION**

A Resolution entitled, "Establish and Re-establish Agricultural Lands Leasing Policy, Rental Rates, Lease Preparation Fees and Tribal Tax"

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and

WHEREAS, The Three Affiliated Tribes Constitution authorizes and empowers the Mandan, Hidatsa & Arikara Tribal Business Council to engage in activity on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and

WHEREAS, The Natural Resources Committee of the Tribal Business Council has reviewed the Bond requirements, lease fees and rental rates for Leases; and

WHEREAS, The need exists for the Tribal Business Council to revise its policies regarding lease values; and

WHEREAS, The rental values have not been revised since 1989 and are out of date; and

WHEREAS, The lease preparation fee schedule is outdated and needs to be revised; and

WHEREAS, The tribal tax has not been revised since 1989; and

WHEREAS, At this time the need exists for the Tribal Business Council to revise its policies regarding the agricultural leasing of tribal lands.

NOW THEREFORE BE IT RESOLVED, The Three Affiliated Tribes adopts the following as their official policy regarding the agricultural leasing of tribally owned lands:

1. Eligibility and preference:

A. Tribal farm leases will be granted to enrolled members of the Three Affiliated Tribes who are not less than eighteen (18) years of age and maintain an agricultural operation. Tribal agricultural leases will also be available, by bid or negotiation, to individuals and corporations who are not enrolled members of the Three Affiliated Tribes and are eighteen (18) year of age or older. Tribal agricultural leases will *not* be available to any individual who is delinquent on any farm leases with the Three Affiliated Tribes.

B. All individuals must be able to provide, upon request, proof that they are a bonafide agricultural operator. Such proof may be in the form of security agreements or proof of ownership of farm machinery.

11/15/2000



C. A maximum of eight hundred (800) acres of tribal land may be leased by an enrolled member under Indian Preference (IP). The 800 acres IP land shall also include acreages of land whereby the tribe has an interest and is leased through the Bureau of Indian Affairs. Rates for Indian Preference (IP) and the minimum rate for Non Preference(NP) shall be as follows:

	<u>IP</u>	<u>NP</u>
White Shield	\$28.00 per acre	\$32.00 per acre
Lucky Mound	\$28.00 per acre	\$32.00 per acre
Shell Creek	\$28.00 per acre	\$32.00 per acre
Mandaree	\$30.00 per acre	\$36.00 per acre or more
Four Bears	\$32.00 per acre	\$38.00 per acre or more
Twin Buttes	\$25.00 per acre	\$31.00 per acre or more
Alfalfa/Tame Hay	\$17.50 per acre	\$20.00 per acre or more
Farm Pasture	\$ 7.50 per acre	\$10.00 per acre or more
Hay Cutting	\$ 7.50 per acre	\$10.00 per acre or more

D. Tribal acreage in any lease obtained by tribal members at less than the rate established by this resolution shall be considered a part of the individual's Indian Preference allotment.

E. Indian operators shall have first preference to lease all tribal lands. If two or more qualified applicants apply for the same acreage, the following order of preference shall apply:

1. Applications for renewal have first preference.
2. That applicant with less than his Indian Preference allotment will have second preference.
3. Geographical preference will be granted to the applicant whose headquarters are in the closest proximity to the acreage applied for.
4. The person with least number of Indian Preference acres will then be given preference.
5. Should either party still not be determined to have preference, sealed bids will be accepted from the parties.

II. Lease Terms and Conditions:

A. Farm leases to both enrolled and non-enrolled members shall be issued for a five year period. Rental rates may be reviewed at the end of the third year and, if necessary, may be adjusted.

B. Improvement leases will be issued only on "go back" or unbroken land. The rates on improvement leases may be negotiated, but in no event shall the rate be less then \$17.50 for Indian Preference or \$20 for Non Preference. Improvement leases may be issued for a ten year period with a rental adjustment due at the end of the fifth year of the lease and at the end of the eighth year of the lease.



- C. Leases will be on a cash payment basis. If the Tribal Business Council approves a lease for livestock feed supplies for tribally owned livestock, the lease may be issued for a period of ten years with rental waived for the program except for the lease preparation fees.
- D. Conservation plans will be written by the Tribal Realty Services of the Natural Resources Department for each lease contract involving tribal trust lands and tribal fee lands.
- E. A surety bond will be required before a lease contract is approved. If an operator is unable to secure a surety bond, that operator must provide a letter of denial from the bonding agency. The operator must then provide a cash bond of ten percent (10%) of the annual rental or One Hundred (\$100) Dollars, whichever is greater. An advance payment of \$100 will be required on all haycutting permits.
- F. Payment for leases are due no later than January 1st of each year. If a lessee fails to make payment by January 1st, they will be issued a letter giving them ten (10) days to show cause. If no response is received, the lessee will be issued a letter of cancellation effective upon receipt of the letter; mailing will be by certified mail and regular mail. Should the lessee respond to the ten day show cause letter and make arrangements for payment, interest will be charged at three (3%) over the prime rate charged by the Community First Bank of Dickinson, North Dakota, on January 1st of that year. If the lease is cancelled and the former lessee brings in payment, the lease may be reissued to the lessee provided that the land has not already been issued to another operator. However, the operator shall be required to make payment in full, plus a ten percent (10%) penalty and reapply for the lease at the time payment is made.
- G. Subleasing of tribal land is prohibited and is grounds for immediate cancellation.
- H. Joint venture/partnership operations involving Indian/non-Indian (excluding marriage) will not be granted leases under Indian Preference.
- I. Violations of the lease contract, other than non-payment, will be handled in accordance with provisions under 25 CFR 162.250 through 162.256 for tribally owned trust lands. Fee lands will be handled in same manner, but not referred to the Bureau of Indian Affairs.
- J. Lease Preparation Fees will be at Twenty Dollars (\$20) per lease for both trust and fee lands; Tribal Tax will be at Four Percent (4%) of the total rental amount per year each year.

NOW THEREFORE BE IT FINALLY RESOLVED, the Tribal Business Council that Tribal Resolution No. 89-87-TL is rescinded in its entirety.



CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 5 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 12th day of September 2005; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 5 members, 0 members opposed, 0 members abstained, 2 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman [] voting. [] not voting.

Dated this 12th day of September, 2005.

Secretary, Nathan Hale
Tribal Business Council

ATTEST:

Chairman, Tex G. Hall
Tribal Business Council