



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

*A resolution entitled “Pledge of Coal Sales Proceeds from Construction Site to Lake Sakakawea Casino Project.”*

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

**WHEREAS,** The Constitution of the Three Affiliated Tribes generally authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and

**WHEREAS,** Article VI, Section 3 of the Constitution of the Three Affiliated Tribes specifically grants to the Tribal Business Council all necessary sovereign authority for the purpose of exercising the jurisdiction granted by the people of the Three Affiliated Tribes in Article 1 of the Constitution; and

**WHEREAS,** The Tribal Business Council has previously approved a plan for development of a casino on land that is held in trust near Beaver Creek within the exterior boundaries of the Fort Berthold Indian Reservation that will not require the Tribe to assume a financial obligation (the “Project”); and

**WHEREAS,** The Tribal Business Council has previously approved a participating Lease from Tribal member Dale Little Soldier d/b/a Lake Sakakawea & Associates of the trust land in his name needed for the Project, which Lease, approved by the BIA in 2003, will include the completed casino, equipment and furnishings, to be operated by the Tribe pursuant to the Indian Gaming Regulatory Act, 25 U.S.C. Sections 2701 et seq., and the provisions of the current Tribal-State Gaming Compact between the State of North Dakota and the Three Affiliated Tribes as approved by the Department of Interior in November, 1999; and

**WHEREAS,** The Tribe’s only financial obligation under the participating Lease is to ensure that a portion of the gross revenues from the casino will go to pay the monthly lease payment, which will in turn be used to pay the loan for construction and equipping of the Project; and



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

*A resolution entitled "Pledge of revenues from construction site to Lake Sakakawea casino project"*

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

**WHEREAS,** The Constitution of the Three Affiliated Tribes generally authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and

**WHEREAS,** Article VI, Section 3 of the Constitution of the Three Affiliated Tribes specifically grants to the Tribal Business Council all necessary sovereign authority for the purpose of exercising the jurisdiction granted by the people of the Three Affiliated Tribes in Article 1 of the Constitution; and

**WHEREAS,** The Tribal Business Council has previously approved a plan for development of a casino on land that is held in trust near Beaver Creek within the exterior boundaries of the Fort Berthold Indian Reservation that will not require the Tribe to assume a financial obligation (the "Project"); and

**WHEREAS,** The Tribal Business Council has previously approved a participating Lease from Tribal member Dale Little Soldier d/b/a Lake Sakakawea & Associates of the trust land in his name needed for the Project, which Lease, approved by the BIA in 2003, will include the completed casino, equipment and furnishings, to be operated by the Tribe pursuant to the Indian Gaming Regulatory Act, 25 U.S.C. Sections 2701 et seq., and the provisions of the current Tribal-State Gaming Compact between the State of North Dakota and the Three Affiliated Tribes as approved by the Department of Interior in November, 1999; and

**WHEREAS,** The Tribe's only financial obligation under the participating Lease is to ensure that a portion of the gross revenues from the casino will go to pay the monthly lease payment, which will in turn be used to pay the loan for construction and equipping of the Project; and



**WHEREAS,** Under the Participating Lease, Dale Little Soldier assumes the responsibility of obtaining project financing and completing project construction.

**WHEREAS,** Little Soldier, pursuant to authorization extended by the Tribal Business Council has commenced the development of project facilities on the leased lands.

**WHEREAS,** Little Soldier pursuant to the right of assignment contained within the participating Lease has, with the approval of the Tribal Business Council, assigned his interest and responsibilities to his wholly owned limited liability company, Lake Sakakawea & Associates.

**WHEREAS,** During soil tests necessary for the construction of the Project, a vein of coal of undetermined amount and value was discovered under a small portion of the proposed construction site (25 acres) which will need to be removed in an environmentally sound manner to allow the Project to be completed; and

**WHEREAS,** The vein of coal discovered is not presently being mined, nor is it subject to, or the subject of, any existing, current, or anticipated lease, permit, mining agreement, development agreement or other agreement, encumbrance, limitation or hypothecation of any kind; and

**WHEREAS,** The Tribal Business Council agrees that the coal needs to be removed, and that if economically practicable, the coal should be sold at fair market value, and further, the Tribal Business Council agrees that such monies as may be obtained through the sale of the coal (estimated to be approximately \$500,000.00), less ordinary and customary costs of sale, removal, and transportation, should be retained in a special account by Lake Sakakawea & Associates, L.L.C., and thereafter utilized to address startup and opening expenses as to which the Tribe is obligated to provide reimbursement, with such payment being credited to the Tribe's payment obligations.

**NOW, THEREFORE, BE IT RESOLVED,** That the Tribal Business Council of the Three Affiliated Tribes hereby approves of the removal by Dale Little Soldier, and the sale, by Dale Little Soldier, at fair market value, of whatever coal needs to be removed from the construction site of the Project mentioned above so as to allow the Project to be completed as previously approved, provided that such removal and sale of the coal is conducted in an environmentally safe manner, and that such removal is documented as to the amount of coal removed and its approximate quality; and



**NOW THEREFORE BE IT FURTHER RESOLVED**, That the Tribal Business Council of the Three Affiliated Tribes hereby agrees that the proceeds of the sale of the coal referenced above, less the ordinary and customary costs of sale, removal and transportation, (which costs shall be documented and subject to audit and inspection by the Tribe) shall be placed in a special account by Lake Sakakawea & Associates, L.L.C., and utilized to address startup and opening expenses as to which the Tribe is obligated to provide reimbursement, with such payment being credited to the Tribe's payment obligations.

### 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, \_\_\_\_\_ were present at a Meeting thereof duly called, noticed, convened, and held on the \_\_\_\_ day of \_\_\_\_\_, 2007; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of \_\_\_\_ members, \_\_\_\_ members opposed, \_\_\_\_ members abstained, \_\_\_\_ not voting, and that said Resolution has not been rescinded or amended in any way.

Voting.  Not Voting.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2007.

### ATTEST:

\_\_\_\_\_  
Tribal Secretary, V.Judy Brugh  
Tribal Business Council  
Three Affiliated Tribes

\_\_\_\_\_  
Tribal Chairman, Marcus Wells Jr.  
Tribal Business Council  
Three Affiliated Tribes





**RESOLUTION NO. 07-13-NH**  
(VJB)

**WHEREAS,** Under the Participating Lease, Dale Little Soldier assumes the responsibility of obtaining project financing and completing project construction.

**WHEREAS,** Little Soldier, pursuant to authorization extended by the Tribal Business Council has commenced the development of project facilities on the leased lands.

**WHEREAS,** Little Soldier pursuant to the right of assignment contained within the participating Lease has, with the approval of the Tribal Business Council, assigned his interest and responsibilities to his wholly owned limited liability company, Lake Sakakawea & Associates.

**WHEREAS,** During soil tests necessary for the construction of the Project, a vein of coal of undetermined amount and value was discovered under a small portion of the proposed construction site (25 acres) which will need to be removed in an environmentally sound manner to allow the Project to be completed; and

**WHEREAS,** The vein of coal discovered is not presently being mined, nor is it subject to, or the subject of, any existing, current, or anticipated lease, permit, mining agreement, development agreement or other agreement, encumbrance, limitation or hypothecation of any kind; and

**WHEREAS,** The Tribe agrees that the coal needs to be removed and that if economically practicable, the coal that must be removed should be sold at fair market value, and further, the Tribe agrees that whatever the value of the coal, the amount obtained by its sale, less the necessary expenses of its removal and transportation (estimated to be approximated \$500,000.00) and sale, should be retained in a special account by Lake Sakakawea & Associates, L.L.C., and shall thereafter be utilized to pay down the project construction loan with such payment being credited to the Tribe's lease payment obligations.

**NOW, THEREFORE, BE IT RESOLVED,** That the Tribal Business Council of the Three Affiliated Tribes hereby approves of the removal by Dale Little Soldier, and the sale, by Dale Little Soldier, at fair market value, of whatever coal needs to be removed from the construction site of the Project mentioned above so as to allow the Project to be completed as previously approved, provided that such removal and sale of the coal is conducted in an environmentally safe manner, and that such removal is documented as to the amount of coal removed and its approximate quality; and



RESOLUTION NO. 07-13-NH  
(VJB)

**NOW THEREFORE BE IT FURTHER RESOLVED**, That the Tribal Business Council of the Three Affiliated Tribes hereby agrees that the proceeds of the sale of the coal mentioned above, less the ordinary and customary costs of its sale, removal and transportation, which costs shall be documented and subject to audit and inspection by the Tribe, shall be placed in a special account by Lake Sakakawea & Associates, L.L.C., under the Participating Lease Agreement between Dale Little Soldier and the Tribe and shall be utilized to pay down the project construction loan with such payment being credited to the Tribe's lease payment obligations.

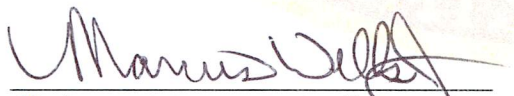
**CERTIFICATION**

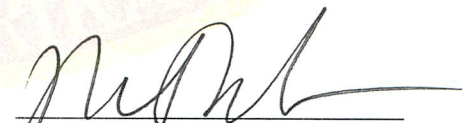
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 5 were present at a Meeting thereof duly called, noticed, convened, and held on the 12 day of January, 2007; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 5 members, 0 members opposed, 0 members abstained, 0 not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman [ X ] Voting. [ ] Not Voting.

Dated this 12 day of January, 2007.

**ATTEST:**

  
\_\_\_\_\_  
Chairman, Marcus D. Wells, Jr  
Tribal Business Council

  
\_\_\_\_\_  
Vice-Chairman Nathan Hale for  
Secretary V. Judy Brugh  
Tribal Business Council