



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

A Resolution Entitled: *“RESOLUTION REQUESTING THE BUREAU OF INDIAN AFFAIRS TO AMEND THE STANDARD OIL AND GAS MINING LEASE FOR THE FORT BERTHOLD RESERVATION REGARDING ASSIGNMENT OF LEASE AND TO IMPLEMENT REGULATIONS REQUIRING CONSENT OF THE LESSOR / MINERAL INTEREST OWNER PRIOR TO APPROVING THE ASSIGNMENT OF ANY OIL AND GAS MINING LEASE ON THE FORT BERTHOLD RESERVATION”*

- WHEREAS,** This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act and having adopted a Constitution and By-laws pursuant to said Act; and
- WHEREAS,** The Constitution and By-laws of the Three Affiliated Tribes was adopted by membership of the Tribes on May 15th, 1936 pursuant to the Indian Reorganization Act of 1934 and duly approved by the Secretary of Interior; and
- WHEREAS,** Article III of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council is the governing body of the Tribes; and
- WHEREAS,** The Constitution of the Three Affiliated Tribes 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 5 of the Constitution of the Three Affiliated Tribes provides the Tribal Business Council the authority to protect and preserve the property, wildlife and natural resources of the Tribes; to regulate hunting and fishing on all lands within the jurisdiction of the Tribes; and to cultivate and preserve native arts, crafts, culture, ceremonies and traditions; and
- WHEREAS,** the Three Affiliated Tribes and the allottees of the Fort Berthold Reservation have entered into oil and gas leases on their respective mineral interests on the Fort Berthold Reservation; and
- WHEREAS,** the Three Affiliated Tribes has become aware of the possibility of the assignment or “flipping” of allottee mineral leases without the consent of the Allottee Mineral Owners and with little or no additional compensation to the Allottee Mineral Owners; and



WHEREAS, the Three Affiliated Tribes has already installed a provision regarding the assignment of tribal trust leases and wishes to provide the same level of protection to the Fort Berthold Allottees; and

NOW, THEREFORE BE IT RESOLVED, that the Three Affiliated Tribes Tribal Business Council through this resolution hereby request the Bureau of Indian Affairs – Fort Berthold Agency to amend the standard Oil and Gas Mining Lease for Fort Berthold to include the following provision:

(h) **Assignment of lease.**—Except as provided herein, Lessee agrees that it shall not assign any interest in this Lease except (i) with the written consent of the Lessor; (ii) with the approval of Secretary of the Interior; and (iii) for any consideration received by Lessee for any assignment of any interest contained under the Lease, the Lessor shall be entitled to eighty percent (80%) of any additional consideration. If this lease is divided by the assignment of an entire interest in any part of it, each part shall be considered a separate lease under all the terms and conditions of the original lease. The provisions of this section will not operate to abridge or modify any of the rights of the land or royalty owners under section 9 of this lease.

BE IT ALSO RESOLVED, the Three Affiliated Tribes requests the Superintendent of the Fort Berthold Agency to implement formal policies to require any Lessee that desires to assign its leased mineral interests to disclose the terms of the proposed assignment to the Lessor / Mineral Rights Owner and to secure written approval to said assignment prior to the Superintendent and Bureau of Indian Affairs approving the assignment; and

BE IT FINALLY RESOLVED, the Three Affiliated Tribes requests this change to the standard Oil and Gas Mining Lease form and to policies concerning assignment of Oil and Gas leases be implemented effective immediately.



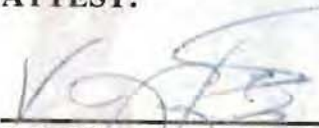
CERTIFICATION

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 Special Meeting thereof duly called, noticed, convened, and held on the 1 day of August 2008; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 5 members, 0 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

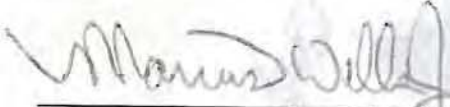
Chairman [] voting. [] not voting.

Dated this 1 day of August 2008.

ATTEST:



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



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