



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

A Resolution Entitled: “Establishment of the Three Affiliated Tribes Standardized Rates for the issuance of Easements and Rights of way 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 of the Three Affiliated Tribe 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 III of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council is the governing body of the Tribes; and

WHEREAS, Article VI, Section 5 (l) of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council has the power to adopt resolutions regulating the procedure of the Tribal Business Council and other Tribal agencies; and

WHEREAS, Article VI, Section 3 of the Constitution grants the Tribal Business Council all legislative authority necessary for the purpose of exercising the jurisdiction granted by Article I of the Constitution; and

WHEREAS, Pursuant to Article VI, Section 5 (I) of the Constitution the Tribal Business Council has the authority to make assignments and leases of tribal lands and otherwise manage tribal lands, interests in tribal lands and property upon such lands in conformity with Article IX of the Constitution; and

WHEREAS, There is no existing tribal standardized payment schedule or rates for the issuance of rights-of-way/easements for oil well site infrastructure located within the Reservation; and

WHEREAS, Rights-of-way/easements granted on tribal lands for oil well site infrastructures such as roads, drill pads, utilities and other like components of well sites are normally granted for lengthy time periods; and

WHEREAS, The Tribal Business Council must plan for the future of the Tribe and its members and realizes that oil wells may produce anywhere from five years to fifty years or more; and





WHEREAS, the Tribal Business Council finds that minimum rates of \$1500 per acre for Rights of ways and \$15,000 for drill pad sites pro-rated over a probable lifetime of fifty (50) years, averages out to \$30 per year per acre for ROWs and drill pad site at \$300 per year (for up to four acres for a single well pad); and

WHEREAS, The Tribal Business Council has determined that it should adopt standard minimum rates for the issuance of rights of ways and easements on the Reservation which are applicable only to necessary infrastructure for oil well sites.

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes hereby adopts the following standardized minimum rates for the issuance of all easements and rights on the Fort Berthold Indian Reservation:

1. ROWs/Easements: \$1,500 per acre
2. Drill Pad Sites: minimum of \$15,000 per single well site with a minimum of \$5,000 for each additional well site in the same location.

BE IT FURTHER RESOLVED, that the rates hereby established shall not be applied in any manner to easements or rights of way obtained for the purpose of supplying any utility service to private residences or public facilities such as schools, offices, water treatment plants and other like public facilities; and

BE IT FURTHER RESOLVED, That all easements except those granted for essential utility services such as electrical, water, sewer and the like shall be granted for a term of not to exceed twenty (20) years but with the option to renew upon renegotiations with landowners; and

BE IT FINALLY RESOLVED, The Tribal Business Council requests the Bureau of Indian Affairs to use the tribe's payment schedule as a baseline for individual landowners to negotiate.





CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 6 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 14th day of September, 2011, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 6 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 14th day of September, 2011.

ATTEST:

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

Tribal Chairman Tex G. Hall
Tribal Business Council
Three Affiliated Tribes

