



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

**A Resolution entitled, *“Provision for Special Deposit Accounts in Cases of Title Disputes or Errors, and For Unleased Tribal Minerals”***

**WHEREAS,** This Nation having accepted the Indian Reorganization Act of June 18, 1934, the authority under said Act, and having adopted a Constitution and By-laws under said Act, and

**WHEREAS,** Pursuant to Article III, Section 1 of the Constitution and By-Laws of the Mandan Hidatsa and Arikara Nation (MHA Nation), the Tribal Business Council is the governing body of the Tribes; and

**WHEREAS,** Pursuant to Article VI, Section 5(1) of the Constitution, the Tribal Business Council has the power to adopt resolutions regulating the procedures of the Tribal Council, its Agencies and Officials; and

**WHEREAS,** Pursuant to Article VI, Section 5(i), (j) and Article IX of the Constitution the Tribal Business Council has the power to manage tribal lands and protect its natural resources; and

**WHEREAS,** The Bureau of Indian Affairs (BIA) has the authority to approve communitization and other agreements affecting the minerals the United States holds in trust for the MHA Nation and its members; and

**WHEREAS,** There have been cases where title errors, and questions or disputes as to title have arisen within spacing units which concern existing and future communitization and other agreements affecting minerals held in trust for the MHA Nation; and

**WHEREAS,** There have been instances where minerals held in trust by the United States for the benefit of the MHA Nation (tribal trust minerals) have been extracted without a lease or agreement lawfully executed by the MHA Nation and approved by the Secretary of Interior in accordance with law; and

**WHEREAS,** With respect to communitization and other agreements concerning minerals held in trust for the MHA Nation, there is a need to have provision made for Special Deposit Accounts to be created and maintained by the United States Department of Interior pending the Departments determination of the title questions, disputes and/or correction of title errors.

**NOW THEREFORE BE IT RESOLVED,** The Tribal Business Council hereby authorizes and requests the Department of Interior to require a provision in communitization and



other agreements affecting minerals claimed to be held in trust by the United States for the MHA Nation which provides, as to any question or dispute concerning such minerals, all revenue attributable to such minerals shall be deposited in an interest bearing special deposit account administered by the appropriate Federal agency pending determination of the title dispute or correction of the title error by the Department of Interior, and then distributed in accordance with such determination; and

**BE IT FURTHER RESOLVED,** In all cases where tribal trust minerals have been or are being extracted without a lease or agreement lawfully executed by the MHA Nation and lawfully approved by the Secretary of Interior, the Tribal Business Council authorizes and requests the Department of Interior to immediately order all revenue attributable to the extraction of such minerals to be deposited in an interest bearing special deposit account administered by the appropriate Federal agency, to be accounted for and paid to the MHA Nation, unless the MHA Nation and Secretary of Interior execute and approve a lease or other development agreement providing for an alternative disposition of the minerals.

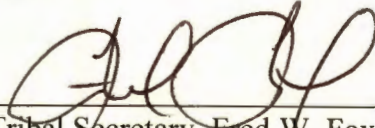
#### CERTIFICATION

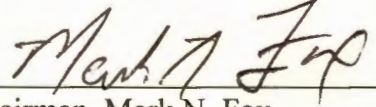
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 11<sup>th</sup> day of July, 2018, 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 11<sup>th</sup> day of July, 2018.

ATTEST:

  
\_\_\_\_\_  
Tribal Secretary, Fred W. Fox  
Tribal Business Council

  
\_\_\_\_\_  
Chairman, Mark N. Fox  
Tribal Business Council