

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

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

WHEREAS, the Constitution and Bylaws of the Three Affiliated Tribes authorizes and empowers the Tribal Business Council to engage in activities for the welfare and benefit of the tribes and tribal members; and

WHEREAS, all grazing permits on the Fort Berthold Reservation expire November 1, 1980; and

WHEREAS, Section 151.10, Title 25, C.F.R., providing that the Indian in general council of their duly authorized representatives shall make certain determinations relative to allocations and advertisements of grazing privileges; and

THEREFORE BE IT RESOLVED, the following provisions be adopted for the permitting of grazing privileges on Tribal lands, recommended for allotted lands; and made part of each grazing contract:

- 1) That grazing permits shall be issued for a four (4) year contract period beginning November 1, 1980, and terminating October 31, 1984. Grazing fees shall be re-evaluated in accordance with 25 C.F.R prior to the beginning of the third year and such rate shall prevail for the balance of the permit period;
- 2) Allocation of grazing privileges shall be granted to Tribal members without competitive bidding in accordance with the following procedures and eligibility:
 - a) Applications for allocation shall be filed with agency at least seven (7) months prior to November 1st of the year in which the allocation is sought with the exception of the first year of the permit period;
 - b) Applicant must be: (1) not less than 18 years of age; (2) an enrolled member of the Three Affiliated Tribes. In case of doubt or dispute the Tribal Council or their authorized representative shall determine who is eligible and its decision is final: (3) actively involved in ranching; (4) residing in the segment for which allocation is made. Residence shall be that which is defined by the Constitution and Bylaws of the Three Affiliated Tribes; (5) allocations shall be limited to one per married couple.
 - c) An allocation shall not exceed 100 animal units. The livestock operator must bid on those animal units in excess of 100 animal units which he wishes to graze. The livestock operator holding an allocation in a range unit shall have first preference in that same unit to meet the high bid. Allocations to the Tribe shall not be subject to the 100 animal unit limitation.

- d) Applications shall be accompanied by satisfactory proof to establish that the applicant owns 100% of the livestock to be grazed. This proof shall include:
- 1) Bill of sale or any agreement relating to the application of the livestock or otherwise providing ownership. Cash purchases will require an affidavit under penalty of prosecution for fraud or perjury.
 - 2) Security agreement. Must be executed by a duly licensed lending agency such as a bank, FmHA, PCA, insurance company, the Credit Office, etc., as required are provided for consideration. Security agreement between individuals is not acceptable.
 - 3) Promissory Note.
 - 4) Financing Statement.
 - 5) A duly executed affidavit that livestock are or will be branded with applicants registered North Dakota brand. The owner will consent to an inspection of livestock, by authorized individuals, if ownership is questionable.
- e) All statements of material fact in support of the application must be true and correct. If any material statement is false, the applications shall be subject to rejection, or if any allocation is authorized pursuant to an application containing a false statement of material fact, then the allocations will be set aside as of no force or effect. If an application has filed false or misleading information he will not be eligible for an allocation application for a three (3) year period.
- f) In the event of two or more Indian livestock operator applicants for allocation in the same area of range unit the following order of priorities will prevail:
- 1) Has been a satisfactory permittee and meet all contractual obligations during the past permit period from the range unit from which application is made.
 - 2) If the above requirements have not established the recipient of a range unit then those applicants who are equally eligible may enter into an oral auction when notified of the time and place.
 - 3) Superintendent will advertise for sealed bids, the sale of grazing privileges which are surplus to the allocated needs of the Tribe and its members.
- a) The following preferences will be used:
- 1) Preference for allocatee* within range unit.

*One who has been allocated

- 2) Biggest landowner within range unit will have preference.
- 4) Cattle, sheep, horses or any combination thereof, will be permitted on all range units. All stock within the boundaries of a range unit will be counted against the authorized permitted capacity. The ratio shall be one (1) animal unit (A.U.) for a cow and calf, one and one-half ($1\frac{1}{2}$) A.U. for a horse, five (5) sheep for one (1) A.U. and one (1) yearling steer for $\frac{3}{4}$ A.U.
- 5) All grazing permits issued to competitive bidders shall be revocable in whole or in part during the contract period to provide range for eligible tribal members seeking an allocation of grazing privileges without competitive bidding. All new or expanding allocations shall exhaust all possibilities to obtain allocated grazing privileges from advertised range units non-owned and/or non-member livestock. Such withdrawal shall be effective only at the end of the permitted annual grazing season. If range is withdrawn from the grazing permit contract of a competitive bidder for allocation purposes, the price per head shall remain the same for the particular range unit.
- 6) Range unit permits will be modified only on the annual anniversary date of the permit.
- 7) Grazing permits do not authorize the cutting of native hay. Separate authorizations must be obtained in advance from the Superintendent at a minimum rate for allotted land to be established annually by the Superintendent and \$2.50 per acre minimum for tribal lands. All hay cut without prior authorization from the Superintendent will be charged at twice the annual rate.
- 8) All persons who graze cattle on the Fort Berthold Reservation will be required to participate in the Federal and State Brucellosis Eradication Program and any other Livestock Disease Prevention Program. Any cattle entering the Reservation must have valid health certificate. Failure to comply with these requirements shall be cause for cancellation of the grazing permit.
- 9) Participate in Prairie Dog Control.
- 10) Permittee shall pay grazing fees by certified check, cash, money order or bank draft. All grazing fees are due November 1 of each year and will be considered delinquent if not paid prior to that date. No permits will be issued to anyone when they are in a delinquent status on the payment of Bills for Collection relative to grazing permits. A security bond will be required. Delinquent fees will be subject to a 2% per month penalty.

- 11) Improvements placed on the permitted land shall be considered affixed to the land.

C E R T I F I C A T I O N

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 11 members of whom 7 constitutes a quorum, 10 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 14th day of August, 1980; that the foregoing resolution was duly adopted at such meeting by the affirmative vote of 6 members, 1 member opposed, 1 member abstained, 0 members passed and that said resolution has not been rescinded or amended in any way.

Chairman voting/not voting.

Dated this 14th day of August, 1980.

Richard M. Hall
SECRETARY, Richard M. Hall
TRIBAL BUSINESS COUNCIL

ATTEST:

CHAIRMAN, Swain S. Bente
TRIBAL BUSINESS COUNCIL