

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

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, All grazing permits on the Fort Berthold Reservation expire October 31, 1984; and

WHEREAS, Section 166.10 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

NOW, THEREFORE, BE IT RESOLVED, That the Three Affiliated Tribes establish their grazing rate in accordance with the rate established by the Area Director, Aberdeen Area Office at \$5.10 per animal unit month; and

BE IT FURTHER RESOLVED, That 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 five (5) year contract period beginning November 1, 1984 and terminating November 30, 1989. After the first year, the billing date will be December 1st of each succeeding year.

2) Allocation of grazing privileges shall be granted to Tribal members without competitive bidding in accordance with the following procedures and eligibility:

a) Application for allocation shall be filed with the agency at least seven (7) months prior to December 1st of the year in which the allocation is sought with the exception of the first year of the permit period.

b) Applicants 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 Business 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 the 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) All allocations shall not exceed 275 animal units. The livestock operator must bid on those animal units in excess of 275 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.

d) Applications shall be accompanied by satisfactory proof to establish that the applicant owns 80% 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., and are required for consideration. Security agreements between individuals are 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 personnel, 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 application shall be subject to rejection, or if any allocation is authorized pursuant to an application containing a false statement of material fact, then the allocation will be set aside as of no force or effect. If an applicant has filed false or misleading information he will not be eligible for an allocation application for a one (1) year period.

f) In the event two or more Indian livestock operators apply for allocations in the same range unit the following order of priorities will prevail:

1. Has been a satisfactory permittee and met all contractual obligations during the past permit period from the range unit for which the application is made and therefore will have preference.

2. Largest landowner within the range unit will have preference.

3. 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 or may submit sealed bids if conditions warrant. In the event of a tie, the largest landowner within the unit will be given high bid preference.

g) Superintendent will advertise for sealed bids, the sale of grazing privileges which are surplus to the allocated needs of the Tribe and its members, in accordance with 25 C.F.R.-166.11(a).

h) 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<sup>1</sup>/<sub>2</sub>) A.U. for a horse, five (5) sheep for one (1) A.U. and one (1) yearling steer for <sup>3</sup>/<sub>4</sub> A.U..

i) 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. 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 that particular range unit, during the contract period.

j) Range unit permits will be modified only on the annual anniversary date of the permit or at the discretion of the Superintendent.

k) 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.

l) 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 certificates (See Resolution 84-1065-S). Failure to comply with these requirements shall be cause for cancellation of the grazing permit.

m) Participate in Predator Control.

n) Permittee shall pay grazing fees by certified check, cash, money order or bank draft. All grazing fees are due December 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 Bill of Collection relative to grazing permits. A performance bond satisfactory to the Superintendent may be required in an amount that will reasonably assure performance of the contractual obligations. Delinquent fees will be subject to a rate prescribed by law.

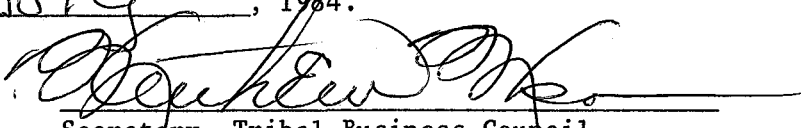
o) Thirty (30) days will be allowed, unless time is extened by the Superintendent, for the previous permittee to remove all declared removable improvements placed in the Range Unit at his own expense. Removable improvements include fences, pumping equipment, tanks, corrals and like improvements. Confirmation of removable improvements must be provided to the Bureau of Indian Affairs.

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, 11 were present at a REGULAR Meeting, thereof duly called, noticed, convened, and held on the 26 day of July 1984; that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 6 members, 3 members opposed, 1 members abstained, 1 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman (voting) (~~not voting~~).

Dated this 26 day of July, 1984.

  
Secretary, Tribal Business Council

ATTEST:

  
Chairman, Tribal Business Council