

**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, Article VI, Section 5 (j) of the constitution of the Three Affiliated Tribes authorizes and empowers the Tribal Business Council to protect and preserve the property, wildlife, and natural resources of the tribes; and

WHEREAS, Section 162.3 (4), Title 25 C.F.R., provides that Tribes or Tribal corporations acting through their appropriate officials may grant leases; and

WHEREAS, Tribally owned land is being leased for agricultural purposes and these leases expire on a rotating basis; and

WHEREAS, The need existed for the development and implementation of leasing policies for tribally owned agricultural land and to update those policies on as needed basis;

NOW THEREFORE, BE IT RESOLVED, That the following policies be adopted by the Three Affiliated Tribes for agricultural leases on tribal land and made part of each lease:

BE IT FURTHER RESOLVED, That this Resolution rescinds Tribal Resolution 85-205-C in its entirety.

I. Eligibility and Preference:

A). Tribal farm leases will be granted to enrolled members of the Three Affiliated Tribes who are not less than 18 years of age and maintain a farming operation. Tribal farm leases will also be available, by bid, to individuals who are not enrolled members of the Three Affiliated Tribes and are 18 years of age or older. Tribal farm leases will not be available to any individual, who has in delinquent status, any farm lease with the Three Affiliated Tribes.

B). All individuals must be able to provide, upon request, proof that they are a bonafide operator via security agreements from lending agencies or other proof of ownership of farm machinery.

C). A maximum of 800 acres of Tribal land maybe leased by individuals under Indian Preference. The rates for Indian Preference leases are as follows:

White Shield	\$21.00/acre
Lucky Mound	\$21.00/acre
Shell Creek	\$18.00/acre
Mandaree	\$14.00/acre
Twin Buttes	\$14.00/acre
Alfalpa/Tame Hay	\$ 9.00/acre
Farm Pasture	\$ 3.50/acre
Haycutting	\$ 3.50/acre

D). All leases at rates less than the going rate, as determined by the Bureau of Indian Affairs, will be considered as part of an individual's Indian

Preference acreage allotment. If an operator has already secured 800 Indian Preference acres, the following "going rates" will apply but are subject to reevaluation the third year of the five year contracts:

White Shield	\$25.00/acre
Lucky Mound	\$25.00/acre
Shell Creek	\$22.00/acre
Mandaree	\$18.00/acre
Twin Buttes	\$18.00/acre
Alfalfa/Tame Hay	\$10.00/acre
Farm Pasture	\$ 3.50/acre
Haycutting	\$ 3.50/acre

E). Indian operators will have first preference to lease all tribal lands. If two or more qualified applicants apply for the same lease, the following order of preference will apply:

1. Applicants for renewal will have first preference.
2. That applicant with less than 800 Indian Preference acres will have second preference.
3. Geographical preference will be granted to the applicant whose headquarters are in the closest proximity to the said piece of farm ground.
4. The person with the least number of Indian Preference acres will then be given preference.
5. Should either party still not be determined to have preference, sealed bids will be accepted from the parties involved.

II. Lease Stipulations

A). The farm leases will be issued for a five year period beginning January 1st and ending December 31st of the fifth year, except for haycutting leases, which will be issued for a one year period. Leases for less than five years may be negotiated.

B). Improvement leases will be for a five year period at five (\$5.00/acre) dollars per acre the first year, ten (\$10.00/acre) dollars per acre the second year and the going rate or Indian Preference rate thereafter. Improvement leases will apply to the breaking of new ground or go back land. Verification is required for all improvement leases and will be accomplished through field inspections by authorized tribal officials. Any chemical spray needed for the go back land will be provided by the Bureau of Indian Affairs. Individuals cannot secure two concurrent improvement leases.

C). All leases will be strictly cash payments with no crop sharing.

D). Conservation plans will be written by the Bureau of Indian Affairs for each lease contract and approved by the Tribe at the time the application is approved.

E). A surety bond will be required before a lease contract is approved. If an operator is unable to secure a surety bond, that operator must provide a letter of denial from the bonding agency. The operator must then provide a cash bond of 10% of the annual rental or \$100.00, which ever is greater. An advance payment of \$100.00 will be required on all haycutting leases.

F). Payment for leases are due no later than January 1st of each year. If a lessee fails to make payment by January 1st, he/she will be issued a 30 day notice of cancellation and will be charged interest at the rate specified by the Bureau of Indian Affairs. If payment is not made by the end of 30 days, the lease will be cancelled. Should an operator bring in payment after

cancellation of a lease contract, providing that lease has not already been issued to another operator, the lease can be reissued to the operator for the balance of the contract. The operator shall be required to make payment in full, plus an additional penalty charge of 10% of the annual rental and will be required to reapply for the lease at the time the payment is made. Leases can only be reissued up until the time of the bid letting.

G). Subleasing of tribal land by either a member or non-member of the Tribe will result in immediate cancellation of the lease.

H). Joint-Venture/Partnership Operations involving Indian/Non-Indians (excluding marriage) will not be granted leases under Indian Preference but will be allowed to bid on leases.

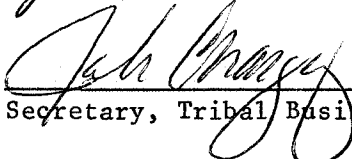
K). Violations of the lease contract, other than non-payment of the lease, will be handled according to 25 C.F.R., Part 162.14.

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

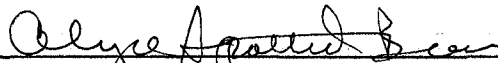
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 11 members of whom 7 constitutes a quorum, 11 were present at a Special Meeting, thereof duly called, noticed, convened, and held on the 2 day of September 1986; that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 11 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 2 day of September, 1986.


Secretary, Tribal Business Council

ATTEST:


Chairman, Tribal Business Council