

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,** 25 CFR Part 162.3(4) provides that Tribes or Tribal corporations acting through their appropriate officials may grant leases; and
- WHEREAS,** The Tribal Business Council is concerned with protecting the health and welfare of its members, as well as promoting economic development and self-sufficiency on the reservation; and
- WHEREAS,** Tribally owned land is leased for agricultural purposes and those lease periodically expire; and
- WHEREAS,** Many Tribal members engaged in agriculture are in need of legal assistance to protect their operations and there resources; and
- WHEREAS,** At this time the need exists for the Tribal Business Council to revise its policies regarding the agricultural leasing of Tribal lands.
- NOW THEREFORE, BE IT RESOLVED** that the Tribal Business Council hereby adopts the following as their official policy regarding the leasing of Tribal agricultural lands:

1. Eligibility and Preference:

- A. Tribal farm leases will be granted to enrolled members of the Three Affiliated Tribes who are not less than eighteen (18) years of age and maintain an agricultural operation. Tribal agricultural leases will also be available, by bid or negotiation, to individuals and corporations who are not enrolled members of the Three Affiliated Tribes and are eighteen (18) years of age or older. Tribal agricultural leases will not be available to any individual, who is delinquent on any farm leases with the Three Affiliated Tribes.
- B. All individuals must be able to provide, upon request, proof that they are a bonafide agricultural operator. Such proof may be in the form of security agreements or proof of ownership of farm machinery.
- C. A maximum of eight hundred (800) acres of Tribal land maybe leased by an enrolled member under Indian Preference. The rates for leases obtained through Indian Preference shall be as follows:

White Shield	\$24.00 per acre
Lucky Mound	\$24.00 per acre
Shell Creek	\$21.00 per acre
Mandaree	\$17.00 per acre
Twin Buttes	\$17.00 per acre
Alfalfa/Tame Hay	\$10.00 per acre
Farm Pasture	\$3.50 per acre
Haycutting	\$4.50 per acre

- D. Tribal acreage in any lease obtained at less than the rate established by this resolution shall be considered a part of the individuals Indian Preference allotment.
- E. Indian operators will have first preference to lease all Tribal lands. If two or more qualified applicants apply for the same acreage, the following order of preference will apply:
1. Applications for renewal have first preference.
 2. That applicant with less than his Indian Preference allotment will have second preference.

3. Geographical preference will be granted to the applicant whose headquarters are in the closest proximity to the acreage applied for.
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.

II. Lease Terms and Conditions

- A. Farm leases to enrolled members shall be issued for a five year period. The rental rate shall be reviewed at the end of the third year and if necessary adjusted. Farm leases to non-members shall be for a three year period.
- B. Improvement leases will be issued only on "go back" or unbroken land. The rates on improvement leases will be negotiated on a tract by tract basis.
- C. Leases will be on a cash payment basis except for where feed supplies are desired for Tribal livestock.
- D. Conservation plans will be written by the Bureau of Indian Affairs for each lease contract involving trust land and approved by the Tribes.
- 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 ten percent (10%) of the annual rental or one hundred (\$100.00) dollars, 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 they will be issued a thirty (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 thirty (30) days the lease will be cancelled. Should an operator bring in payment after the cancellation of a lease, providing the 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 payment is made.

- G. Subleasing of Tribal land is prohibited and is grounds for cancellation.
- H. Joint-Venture/Partnership Operations involving Indian/non-Indian (excluding marriage) will not be granted leases under Indian Preference.
- I. Violations of the lease contract, other than non-payment, will be handled in accordance with 25 CFR Part 162.14.

BE IT FURTHER RESOLVED that the Tribal Resolution No. 86-173-C is rescinded in its entirety.

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 Indian Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitutes a quorum, 5 were present at a Regular Meeting, thereof duly called, noticed, convened, and held on the 13th day of April, 1989; that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 5 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 13th day of April, 1989.

Atty Jim M. Mossett
Secretary, Tribal Business Council

ATTEST:

Delvin Dennis S. Veer Chairman
Chairman, Tribal Business Council