



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

A Resolution entitled, "2022 Agricultural Lands Leasing Policy."

WHEREAS, The Three Affiliated Tribes, also known as the Mandan, Hidatsa, and Arikara Nation ("Tribes" or "MHA Nation"), having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and

WHEREAS, The Three Affiliated Tribes' Constitution authorizes and empowers the Tribal Business Council to engage in activity on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and

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

WHEREAS, Article IX, Sections 1 and 3 of the Constitution provide that the Tribal Business Council has the authority to manage and lease or otherwise deal with Tribal lands and resources; and

WHEREAS, The Natural Resources Committee of the Tribal Business Council has reviewed the Bond requirements, lease fees and rental rates for Agricultural Leases; and

WHEREAS, The Tribal Business Council has considered the matter and the need exists for the policies regarding lease values to be revised. The rental rates on agricultural land, lease preparation fees, and Tribal Tax values have not been revised since 2005 and are out of date.

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes adopts the following as the Tribes' official policy regarding the agricultural leasing of Tribally owned lands:

I. 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) year of age or older. Tribal agricultural leases will not be available to any individual or entity who is delinquent on any farm leases with the Three Affiliated Tribes.
- B. All individuals must be able to provide proof that they are a certifiable agricultural operator. Such proof may be the requirement to certify acres (medium and large-scale operators of 251+ acres) within the USDA-FSA and provide maps and certified acreage for the farm. In the event such requirements are unmet due to small scale operators (50-250 acres), other form of security agreements or proof of ownership of farm machinery may be required.



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- C. A maximum of eight hundred (800) acres of tribal land may be leased by an enrolled member under Indian Preference (IP). The 800 acres IP land shall also include acreages of and

whereby the Tribe has an interest and leased through the Bureau of Indian Affairs. Rates for Indian Preference (IP) and the minimum rate for Non Preference (NP) shall be as follows:

D. Rates:

Segment	Tribal Member Preference	Segment Feed Yard	Non-member Preference
White Shield	\$52.00 per acre	\$65.00 per acre	\$100.00 per acre
Lucky Mound	\$48.00 per acre	\$65.00 per acre	\$100.00 per acre
Shell Creek	\$30.00 per acre	\$65.00 per acre	\$100.00 per acre
Mandaree	\$28.00 per acre	\$65.00 per acre	\$100.00 per acre
Four Bears	\$28.00 per acre	\$65.00 per acre	\$100.00 per acre
Twin Buttes	\$32.00 per acre	\$65.00 per acre	\$100.00 per acre
Alfalfa/Tame H	\$13.00 per acre	\$20.00 per acre	\$20.00 per acre
Farm Pasture	\$13.00 per acre	\$20.00 per acre	\$20.00 per acre
Hay Cutting	\$13.00 per acre	\$20.00 per acre	\$20.00 per acre

- E. Tribal acreage in any lease obtained by tribal members at less than the rate established by this Resolution shall be considered a part of the individual's Indian Preference allotment.
- F. Indian operators shall have first preference to lease all tribal lands. If two or more qualified applicants apply for the same acreage, the following order of preference shall 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 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 both enrolled and non-enrolled members shall be issued for a one (1) year permit period, may be reviewed at the end of each year and adjustments may be made.
- B. Lease Compliance – After planting and hay cutting, producers will be required to certify seeded acreage and aerial imagery will be collected starting July 1st for cropland; July 30th for hay land. Hay cutting will be monitored via GIS to ensure proper acreage is being cut along with seeded acreage.
- C. Improvement leases will be issued only on “go back” or unbroken land. The rates on improvement leases may be negotiated, but in no event shall the rate be less than \$24.00 for Indian Preference or \$50.00 for Non-member Preference. Improvement leases may be issued for a ten-year period with a rental adjustment due at the end of the fifth year of the lease and at the end of the eighth year of the lease.



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- D. Conservation plans will be written by the Tribal Natural Resources Department in collaboration with BIA and NRCS. These will be included in the drafting of the TAT Agricultural Resource Management Plan (Long Range) for each lease contract involving tribal lands and tribal fee lands.
- 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, whichever is greater. An advance payment of \$100 will be required on all hay cutting permits. Payment for leases is due no later than June 1st of each year. If a lessee fails to make payment by June 1st, the lessee will be issued a letter giving her/him ten (10) days to show cause. If no response is received, the lessee will be issued a letter of cancellation effective upon receipt of the letter but no later than five days after posting; mailing will be by certified mail or regular mail to lessee at lessee's last known address. Should the lessee respond to the ten-day show cause letter and make arrangements for payment, interest will be charged at 10% of total rental due. If the lease is cancelled and the former lessee brings in payment, the lease may be reissued to the former lessee provided that the land has not already been issued to another operator. However, the former lessee shall be required to make payment in full including late charge (10%), plus an additional ten percent (10%) penalty and reapply for the lease at the time payment is made.

- F. Assignments or Subleasing of tribal land is prohibited and is grounds for immediate cancellation of lease.
- G. Joint venture/partnership operations involving Indian/non-Indian (excluding marriage) will not be granted leases under Indian Preference.
- H. Violations of the lease contract, other than non-payment, will be handled in accordance with provisions under 25 CFR 162.250 through 162.256 for tribally owned trust lands. Fee lands will be handled in the same manner, but the matter will not be referred to the Bureau of Indian Affairs.
- I. Lease Preparation Fees will be at Twenty-Five Dollars (\$25) per lease for both trust and fee lands; Tribal Tax will be at Four Percent (4%) of the total rental amount per year each year.

BE IT FINALLY RESOLVED, that this Resolution supersedes Resolution No. 05-135-NH in its entirety.

<SIGNATURE PAGE TO FOLLOW>



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, 6 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 9th day of February, 2022, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 6 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 [X] Voting. [] Not Voting.

Dated this 9th day of February, 2022

ATTEST:



Tribal Secretary Fred Fox
Tribal Business Council
Three Affiliated Tribes



Tribal Chairman Mark Fox
Tribal Business Council
Three Affiliated Tribes