

JANUARY 2002 CROW TRIBAL LEGISLATURE

BILL NO. CLB02-13

INTRODUCED BY: Blain Bulltail, Executive Assistant

BY REQUEST OF THE EXECUTIVE BRANCH OF THE CROW TRIBE

A BILL FOR AN ACT ENTITLED: "REGULATIONS FOR THE LEASING OF CROW TRIBAL LANDS AND LANDS HELD BY INDIVIDUAL CROW LANDOWNERS."

WHEREAS, the Crow Tribe of Indians is a federally recognized Tribe inhabiting the Crow Reservation and possessing inherent sovereign governmental powers; and

WHEREAS, the Crow Tribal Legislature is authorized to adopt resolutions, regulations and guidelines for the governance of the Crow Tribe of Indians, pursuant to Article V, Section 2(a) of the Constitution and Bylaws of the Crow Tribe of Indians, approved by the Secretary of Interior on July 14, 2001; and

WHEREAS, the Crow Tribe of Indians possesses lands in the common ownership of the Crow Tribe, some held in trust status by the United States, some lands held in fee simple title by the Crow Tribe; and

WHEREAS, the Crow Tribe of Indians Government desires to manage Tribally owned lands in a manner that serves the best interests of the Tribe as a whole and that promotes the development and success if Tribal member agricultural producers by providing tribal preference for all agricultural leasing; and

WHEREAS, the Crow Tribe as a whole, as well as individual Crow land owners have financially suffered from the long standing practice of Tribal members obtaining Tribal lands and individually owned lands for the purpose of sub-leasing or "fronting" such lands to third parties causing financial detriment to the Tribe and to the individual landowners; and

WHEREAS, the sub-leasing practice has promoted and protected the financial interests of the non-Crow Ranchers and Farmers who have long monopolized the agricultural industry on the Crow Reservation and who have acquired significant fee acreage within the exterior boundaries of the Crow Reservation through the financial benefits of sub-leasing; and

WHEREAS, the Crow Tribe created a Crow Land Use Office for the purpose of regulating Crow Tribal lands, thereby eliminating the necessity for a Crow Land Resource Committee; and

WHEREAS, the Crow Tribe Legislature determines that it is in the best interest of the Crow and Crow people to approve and adopt the attached Crow Land Use Regulations.

BE IT ENACTED BY THE LEGISLATURE OF THE CROW TRIBE:

THAT, the Crow Tribal Legislature hereby enacts the Crow Land Use Regulations, attached as Exhibit A and incorporated herein, which provide for tribal preference and prohibit sub-leasing.

FURTHER, it is the policy of the Crow Tribal Legislature that the attached regulations are enacted to regulate Tribal trust and fee lands and allotted lands within the exterior boundaries of the Crow Reservation. These regulations at 25 CFR Part 162. Issues not addressed by these regulations shall be governed by the applicable CFR provisions. Where a conflict exists regarding tribal lands, not allotted lands, between the CFR provisions and the Tribe's regulations, the Tribe's regulations shall supercede. These regulations may be amended revised, supplemented or expanded in accordance with the Tribe's Administrative Procedures Act.


FURTHER, the Crow Tribal Legislature hereby repeals all prior Tribal Council Resolutions pertaining to land and leasing on the Crow Reservation.

FURTHER, the Crow Tribal Legislature hereby repeals the prior Crow Tribal Council Resolution that required income from leases of Tribal lands be utilized for per capita payments to Tribal members is hereby repealed Income from all leases of Tribal lands, trust or fee, shall be utilized for the purchase of lands within the exterior boundaries of the Crow Reservation in an effort to increase the Crow Tribal land base.

FURTHER, the Crow Tribal Legislature hereby repeals all duties, powers and authorities of the Land Resources Committee, as these duties, powers and authorities are more appropriately delegated to the Crow Land Use Office and the Crow Tribal Legislature's Natural Resources Subcommittee.

CERTIFICATION

I hereby certify that this Bill was duly approved by the Crow Tribal Legislature with vote of 13 in favor, 2 opposed, and 0 abstained and that a quorum was present on this 23 day of May, 2002.


Ben Cloud, Speaker of the House
Crow Tribal Legislature

EXECUTIVE ACTION

I hereby approve, ✓ veto this Bill, on this day of , 2002, pursuant to the authority vested in the Chairman of the Crow Tribe by Article V, Section 8 of the Constitution and Bylaws of the Crow Tribe of Indians.


Chairman, Executive Branch
Crow Tribe of Indians

Bill or resolution number CLB 0213 Introduced by Executive Branch Date of Vote MAY 23 2002

Representative	Yes	No	Abstain	No Vote
Bull Tail	—	—	—	—
Costa	✓	—	—	—
Crooked Arm	✓	—	—	—
Little Light	—	✓	—	—
Plain Feather	✓	—	—	—
Stewart	✓	—	—	—
Not Afraid	✓	—	—	—
Goes Ahead	✓	—	—	—
Hogan	—	✓	—	—
Old Elk	—	—	—	—
Passes	—	—	—	—
Pease	✓	—	—	—
Medicine Horse	✓	—	—	—
Russell	✓	—	—	—
Real Bird	✓	—	—	—
Black Hawk	✓	—	—	—
Stone	✓	—	—	—
Cloud	✓	—	—	—
Results (If tie vote)	—	—	—	—
Vice Chair Goes Ahead	—	—	—	—
Results	<u>13</u>	<u>2</u>	<u>0</u>	<u>0</u>

Result of vote: Passed Not Passed Tabled Veto Override

Signature of Officer: Ben Cloud Date: 5-23-02

LAND USE REGULATIONS

(1) The Crow Land Use Office shall implement these regulations and shall recommend the award of leases of Tribal lands to the Chairman of the Executive Branch. The Chairman of the Executive Branch shall execute all leases of Tribal lands and final approval shall be granted by the Legislative Branch of the Crow Tribal Government. The Legislative approval may be in accordance with legislation delegating Legislative approval authority to the Chairman of the Executive Branch. Upon final approval, all leases shall be submitted to the Bureau of Indian Affairs for proper recording.

(2) The Crow Land Use Office is hereby authorized to serve as the official recipient of all information in the possession of the Bureau of Indian Affairs pertaining to lands owned by the Crow Tribe and to those lands owned by individual Tribal members who do not opt out of these regulations in accordance with item (3) of these regulations.

(3) These regulations pertain to all lands under the jurisdiction of the Crow Tribe of Indians including Tribally owned trust lands, Tribally owned fee lands, individually owned allotted and hiership lands in accordance with the authority granted in 25 Code of Federal Regulations 162.203. Should individual landowners chose to opt out of the application of these regulations to their lands, they may submit a written notice to opt out to the Land Use Office in accordance with 25 Code of Federal Regulations 162.205. The written notice must identify the specific tracts of lands by land description, identify by all owners of the land and the notice to opt out must be executed ^{by} a majority of the owners.

(4) Crow Tribal Ranchers and Farmers and non-Crow interested bidders for leases, must register with the Crow Tribal Land Use office to be eligible to bid on Tribal and allotted lands within the exterior boundaries of the Crow Reservation. The Land Use Office is authorized to obtain information regarding all Ranchers and Farmers interested in leasing Crow Tribal and allotted lands including registered brands, number of livestock, type of farm equipment and machinery. This information will be utilized to determine whether an interested bidder is a bonafide Rancher or Farmer operating an agricultural business. In the case of new Ranchers and Farmer interested in leasing Crow Reservation lands, the Crow Land

Use Office is authorized to review a business plan of the new operator prior to recommending the award of any lease. The required information shall be submitted on forms generated by the Crow Tribal Land Use Office.

(5) Crow Tribal Member Ranchers and Farmers who register with the Crow Land Use Office are granted a preference in leasing lands over all non-Crow bidders. This preference shall be accommodated by an initial advertisement of available Tribal and allotted lands for Crow Tribal members bidding only. Bids between Crow Tribal members shall be awarded based upon the highest bid.

(6) All Crow Reservation lands including allotted lands, except Tribal fee lands, will be advertised by the Bureau of Indian Affairs (BIA) at the minimum bid rates of \$1.50 per acre for grazing lands, \$12.00 per acre for dry farm lands, and \$15.00 per acre for irrigated farm lands in an initial advertisement for Tribal member bidding only.

(7) After leases of Tribal and allotted lands are awarded to Crow Tribal Ranchers and Farmers, the BIA may re-advertise remaining Tribal and allotted lands for bidding by non-Crow lessors. Re-advertisement of the remaining lands shall comply with the above established minimum bids. Non-Crows shall be awarded leases based upon the high bid only.

(8) All persons registered with the Crow Tribal Land Use Office must disclose all Tribal land leases they currently hold.

(9) The Crow Tribal Land Use Office will calculate the amount of land a Crow Tribal Rancher or Farmer will require for his/her agricultural operation based upon the information provided by the Rancher or Farmer. The Crow Land Use Office will recommend execution of a lease for the amount of land necessary for the agricultural operation only. Lessors are restricted from obtaining lands in excess of the amount of land necessary for their agricultural use. The Land Use Office will develop minimum acreage requirements for agricultural operations based upon the conditions of the land.

(10) All persons, Crow Tribal members and non-Crow individuals, who lease lands on the Crow Reservation are hereby prohibited from sub-leasing such lands to a third party for any purpose. Leasing lands for the purpose of running livestock belonging to a person or entity other than the holder of the lease is

prohibited. Any person found by clear and convincing evidence, as determined by the Land Use Office, to be sub-leasing lands shall be subject to any or all of the following penalties:

- a. Cancellation of the lease subject to the sub-lease,
- b. A fine in an amount equivalent to the profit made from the sublease or greater,
- c. Confiscation of any livestock owned by the sub-lessee *ee/07*
- d. Criminal prosecution of the maker of the sub-lease in accordance with the Crow Law and Order Code.

(11) For the Purposes of these regulations, a "sub-lessor" shall be defined as any individual who obtains a lease to lands owned by the Crow Tribe or individual Crow Tribal members who sub-leases the lands to a third party for the financial benefit of the third party.

(12) No person leasing Tribal land may encumber the land by an easement for any purpose. Necessary easements or other encumbrances must be secured by the Crow Tribe.

(13) Any person may grieve an action by the Land Use Office in accordance with the procedures set forth in the Tribal Administrative Procedures Act.

(14) No Crow Tribal lands or lands owned by individual Tribal members shall be leased to violators of Section 2 of the Crow Allotment Act. The Crow Tribe further demands the Bureau of Indian Affairs withhold recording of leases made to violators of Section 2 of the Crow Allotment Act.

(15) Crow Tribal members may submit bids to the Crow Land Use Office for the lease of Tribal or allotted lands for business or recreation purposes. An explanation of the purpose of the lease must be attached to the bid. Upon verification of the purpose of the lease, the Crow Land Use Office may award the business lease to the Crow Tribal member if he/she meets the highest bid.

(16) The Crow Land Use Office is hereby authorized to review and recommend for approval to the Tribal Chairman and the Secretary of Interior exchanges of trust land by Tribal members for the purposes of consolidation of land holdings and to combat fractionalization of allotted lands in accordance with

the Indian Land Consolidation Act. All requests for trust land exchanges must be filed with the Land Use Office prior to action by the BIA.

(17) The Land Use office is hereby authorized to develop all necessary forms to accomplish the intent of these regulations.