

**CROW TRIBAL LEGISLATURE
MARCH 18, 2008 SPECIAL SESSION**

JOINT ACTION RESOLUTION NO. JAR08-01

INTRODUCED BY CARL E. VENNE, CHAIRMAN
CROW TRIBAL EXECUTIVE BRANCH

JOINT ACTION RESOLUTION OF THE CROW TRIBAL LEGISLATURE AND
THE CROW TRIBAL EXECUTIVE BRANCH ENTITLED:

**“FINAL APPROVAL OF THE OIL AND GAS LEASE BETWEEN THE CROW TRIBE
OF INDIANS AND ELK PETROLEUM, INC.”**

WHEREAS, the Chairman of the Executive Branch has authority and responsibility pursuant to the “enumerated powers” in Article IV, Section 3(f) of the Constitution and Bylaws of the Crow Tribe of Indians to “negotiate and approve or prevent any sale, disposition, lease or encumbrance of Tribal lands, interests in lands or other Tribal assets, including buffalo, minerals, gas and oil with final approval granted by the Legislative Branch,” and in Article IV Section 3(k) to “negotiate and approve limited waivers of sovereign immunity when such a waiver is necessary for business purposes in accordance with Article V, Section 2(f) of [the] Constitution;” and

WHEREAS, the Chairman of the Executive Branch, with the delegated assistance of the Oil and Gas Committee headed by the Vice-Secretary of the Executive Branch, has negotiated an Oil and Gas Lease Between the Crow Tribe of Indians and Elk Petroleum, Inc. (the “Lease”), for the exploration and production of oil and gas on approximately 88,420 Tribally-owned net mineral acres in the Lodge Grass area within the Crow Reservation, a copy of which is attached hereto and incorporated by reference; and

WHEREAS, the Legislative Branch has authority and responsibility pursuant to its “powers and duties” in Article V, Section 2(d) of the Constitution “to grant final approval or disapproval of items negotiated by the Executive Branch of Government pertinent to the sale, disposition, lease or encumbrance of Tribal lands, interests in lands or mineral assets,” and in Article V, Section 2(f) to “grant final approval or disapproval of limited waivers of sovereign immunity by the Executive Branch when waivers are necessary for business purposes;” and

WHEREAS, exploration for and development of Tribal oil and gas resources is in the best interests of the Tribe and Tribal members, and the Lease provides for such exploration and development on a fair, environmentally responsible, and commercially sound basis, and the limited waiver of the Tribe’s sovereign immunity in the Lease is necessary for business purposes; and

WHEREAS, after approval by the Legislature and Executive Branches of the Crow Tribe, the Lease is subject to approval by the Secretary of the Interior or his designee, pursuant to the Indian Mineral Development Act of 1982 (25 U.S.C. § 2101, *et seq.*) and other applicable Federal law;

NOW THEREFORE, BE IT RESOLVED BY THE LEGISLATURE AND THE EXECUTIVE BRANCH OF THE CROW TRIBE:

Section 1. That the "Oil and Gas Lease Between the Crow Tribe of Indians and Elk Petroleum, Inc.," including the limited waiver of sovereign immunity contained therein, attached hereto and incorporated by this reference, is hereby granted final approval pursuant to Article V, Sections 2(d) and 2(f) of the Constitution and Bylaws of the Crow Tribe.

Section 2. That the Chairman of the Executive Branch is authorized to sign and execute the above-referenced Lease on behalf of the Crow Tribe, and to take all such further actions on behalf of the Crow Tribe as are necessary to implement, administer and enforce the Lease.

Section 3. That the final approval granted herein is effective on the date of approval of this Resolution, and is subject only to such further approvals as are required by Federal law.

Section 4. That the Executive Branch will comply with applicable Tribal law with respect to Tribal revenues generated by the Lease, and will keep the Legislature and/or its designated Subcommittee(s) informed on a timely basis of formal notices issued pursuant to the Lease and other significant actions taken to administer the Lease, including but not limited to any proposed assignment, sublease or transfer; and all amendments to the Lease shall be subject to the further final approval of the Legislature.

CERTIFICATION

I hereby certify that this Joint Action Resolution "FINAL APPROVAL OF THE OIL AND GAS LEASE BETWEEN THE CROW TRIBE OF INDIANS AND ELK PETROLEUM, INC." was duly approved by the Crow Tribal Legislature with a vote of 15 in favor, 2 opposed, and 0 abstained and that a quorum was present on this 18TH day of March, 2008.

Jonathan P. Stone Sr.
Speaker of the House
Crow Tribal Legislature

ATTEST:

Beverly Shane
Secretary, Crow Tribal Legislature



EXECUTIVE ACTION

I hereby
 approve,
 veto

this Joint Action Resolution for the "FINAL APPROVAL OF THE OIL AND GAS LEASE BETWEEN THE CROW TRIBE OF INDIANS AND ELK PETROLEUM, INC." pursuant to the authority vested in the Chairman of the Crow Tribe by Article V, Section 8 and Article IV, Sections 3(f) and 3(k) of the Constitution and Bylaws of the Crow Tribe of Indians on this 20 day of March, 2008.

Carl DeWine
Chairman, Executive Branch
Crow Tribe of Indians

Oil & Gas Lease between the
Crow Tribe of Indians and Elk Petroleum, Inc.

Bill or Resolution Number JAR08-01 Introduced by Executive Date of Vote 3/18/2008
Branch

<u>Representative:</u>	<u>Yes</u>	<u>No</u>	<u>Abstained</u>
L. Plain Bull, Sr.	✓		
C. Goes Ahead	✓		
O. Costa	✓		
V. Crooked Arm	✓		
M. Not Afraid	✓		
P. Alden, Jr.	✓		
B. House	✓		
E. Fighter, Sr.	✓		
C.J. Stewart	✓		
L. Hogan		✓	
S. Fitzpatrick, Jr.	✓		
O. Half, Jr.	✓		
M. Covers Up, Sr.		✓	
R. Old Crow, Sr.	✓		
W. Plainfeather	✓		
D. Wilson			
B. Shane <i>Secretary of the House</i>	✓		
J.D. Stone, Sr. <i>Speaker of the House</i>	✓		
Totals:	<u>15</u>	<u>2</u>	<u>0</u>

Result of Vote:

Passed Not Passed Tabled Veto-Override

Jonathan D. Stone SR 3/18
 Senator Jonathan D. Stone Date
 Speaker of the House

Beverly M. Shane 3/18
 Senator Beverly M. Shane Date
 Secretary of the House