

**CROW TRIBAL LEGISLATURE  
JUNE 17, 2013 SPECIAL SESSION**

**JOINT ACTION RESOLUTION NO. JAR13-15**

INTRODUCED BY DARRIN OLD COYOTE, CHAIRMAN  
CROW TRIBAL EXECUTIVE BRANCH

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

**“APPROVAL OF AMENDMENTS TO THE FISCAL YEAR 2013 CROW TRIBAL  
BUDGET TO AUTHORIZE EXPENDITURE OF OPTION PAYMENT FROM THE  
BIG METAL OPTION TO LEASE AGREEMENT.”**

WHEREAS, Article IV, Section 3(d) of the Crow Tribal Constitution and Bylaws requires the Executive Branch of the Crow Tribal Government to prepare an annual budget for the operation of the Tribal Government, including separate budgets for the Legislative and Judicial Branches, for approval by the Legislative Branch and the Secretary of the Interior; and

WHEREAS, Article V, Section 2(e) of the Constitution empowers the Legislative Branch to grant final approval or disapproval of the annual budget prepared by the Executive Branch; and

WHEREAS, CLB12-05, a Revised Annual Budget for the Operation of the Crow Tribal Government and the Expenditure of Tribal Revenue for Fiscal Year 2013 (the “FY2013 Budget”), was approved by the Legislature on December 20, 2012, and by the Chairman of the Executive Branch on December 21, 2012, and the said FY2013 Budget did not authorize expenditure of any proceeds from new coal development agreements; and

WHEREAS, JAR13-01 granting Final Approval of the Exploration Agreement , Option to Lease Agreement, and Coal Leases between the Crow Tribe of Indians and Big Metal Coal Co. LLC (the “Big Metal Agreements”) was approved by the Legislature on January 15, 2013 and by Chairman on January 17, 2013; and

WHEREAS, upon execution of the Big Metal Agreements on January 24, 2013, the Tribe received an Initial Option Payment in the amount of \$2.25 million, and expenditure of such payment was authorized and budgeted by CLB13-02, “Approval of Amendments to the Fiscal Year 2013 Crow Tribal Budget to Authorize Expenditure of Proceeds from the Big Metal Coal Development Agreements”; and

WHEREAS, upon approval by the Big Metal Agreements by the Secretary of the Interior or her designee, the Tribe will receive an additional Option Payment in the amount of \$1.5 million; and

WHEREAS, the Rocky Mountain Regional Director, Bureau of Indian Affairs, has notified the Tribe that he intends to approve the Big Metal Agreements on or about June 14, 2013, subject to certain non-substantive corrections of erroneous cross-references in the Big Metal Agreements, a list of which is attached hereto and incorporated by reference (the "Clarifications");

**NOW, THEREFORE, BE IT RESOLVED BY THE CROW TRIBAL LEGISLATURE AND THE CROW TRIBAL EXECUTIVE BRANCH:**

**Section 1. The Amended 2013 fiscal year budget for the expenditure of Crow Tribe revenue as approved by CLB12-05 is hereby approved as follows:**

- (a) The Crow Tribal Revenue Budget for Coal, Oil, Gas Bonus & Leases is increased by the amount of \$1,500,000 to reflect receipt of the additional Option Payment;**
- (b) The Crow Tribal Revenue Budget for Westmoreland Tax Credit is decreased by the amount of \$1,500,000 to reflect lower actual production and payments; and**
- (c) Expenditure of the \$1.50 million additional Option Payment is authorized for currently budgeted Executive Branch expenditures.**

**Section 2. The attached Clarifications to the Big Metal Agreements are hereby ratified and approved.**

**Section 3. This Resolution is effective immediately upon approval by the Legislative Branch and the Chairman of the Executive Branch.**

**\* \* \* Remainder of Page Intentionally Left Blank \* \* \***

**CERTIFICATION**

I hereby certify that this Joint Action Resolution entitled “**APPROVAL OF AMENDMENTS TO THE FISCAL YEAR 2013 CROW TRIBAL BUDGET TO AUTHORIZE EXPENDITURE OF OPTION PAYMENT FROM THE BIG METAL OPTION TO LEASE AGREEMENT**” was duly approved by the Crow Tribal Legislature with a vote of 13 in favor, 0 opposed, and 0 abstained, and that a quorum was present on this 17<sup>th</sup> day of June, 2013.



Senator Kenneth G. Shane  
Speaker of the House  
Crow Tribal Legislature

ATTEST:



Senator R. Knute Old Crow, Sr.  
Secretary, Crow Tribal Legislature

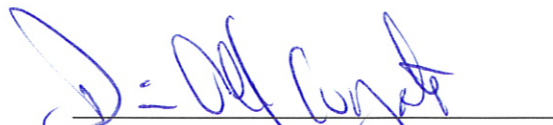


**EXECUTIVE ACTION**

I hereby

X approve,  
       veto

this Joint Action Resolution entitled “**APPROVAL OF AMENDMENTS TO THE FISCAL YEAR 2013 CROW TRIBAL BUDGET TO AUTHORIZE EXPENDITURE OF OPTION PAYMENT FROM THE BIG METAL OPTION TO LEASE AGREEMENT**” 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, on this 21<sup>st</sup> day of June, 2013.



Darrin Old Coyote, Chairman  
Crow Tribal Executive Branch

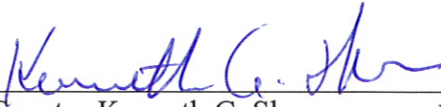
JOINT ACTION RESOLUTION OF THE CROW TRIBAL LEGISLATURE AND THE CROW TRIBAL EXECUTIVE BRANCH ENTITLED:  
 "APPROVAL OF AMENDMENTS TO THE FISCAL YEAR 2013 CROW TRIBAL BUDGET TO AUTHORIZE EXPENDITURE OF  
 OPTION PAYMENT FROM THE BIG METAL OPTION TO LEASE AGREEMENT."

**Bill or Resolution:** JAR13-15 **Introduced by:** Chairman Darrin Old Coyote **Date of Vote:** 6/17/2013  
**Number**

<u>Representative:</u>	<b>Yes</b>	<b>No</b>	<b>Abstained</b>
H. Two Leggins	_____	_____	_____
V. Pretty Paint	X _____	_____	_____
C. J. Stewart	_____	_____	_____
L. Other Medicine	X _____	_____	_____
A. Coyote-Runs, Sr.	_____	_____	_____
L. Not Afraid.	X _____	_____	_____
M. Covers Up, Sr.	_____	_____	_____
P. Alden, Jr.	X _____	_____	_____
M. Not Afraid	X _____	_____	_____
V. Crooked Arm	X _____	_____	_____
L. DeCrane	X _____	_____	_____
C. Goes Ahead	X _____	_____	_____
B. Hugs	X _____	_____	_____
G. Real Bird, Jr.	X _____	_____	_____
M. Backbone	_____	_____	_____
G. Stewart	X _____	_____	_____
R. K. Old Crow, Sr. <i>Secretary of the House</i>	X _____	_____	_____
K. Shane <i>Speaker of the House</i>	X _____	_____	_____
<b>Totals:</b>	<b>13</b> _____	<b>0</b> _____	<b>0</b> _____

Result of Vote:

**Passed**
     
 **Not Passed**
     
 **Tabled**
     
 **Veto-Override**

  
 \_\_\_\_\_  
 Senator Kenneth G. Shane                      Date  
 Speaker of the House

  
 \_\_\_\_\_  
 Senator R. Knute Old Crow, Sr.                      Date  
 Secretary of the House



## CROW TRIBE EXECUTIVE BRANCH

Bacheeitché Avenue  
P.O. Box 159  
Crow Agency (Baaxuwuashé), Montana 59022  
Phone: (406) 638-3732/638-3786  
Fax: (406) 638-3773

Darrin Old Coyote  
CHAIRMAN  
Dana Wilson  
VICE-CHAIRMAN  
Alvin Not Afraid Jr.  
SECRETARY  
Shawn Back Bone  
VICE-SECRETARY

June 10, 2013

Colin Marshall, President  
Big Metal Coal LLC  
505 S. Gillette Ave.  
Gillette, WY 82716

Re: Crow Tribe/Big Metal Coal Co. LLC – IMDA Option to Lease Agreement and  
Exploration Agreement

Dear Colin:

In the course of the Bureau of Indian Affairs' review of that certain "Option to Lease Agreement" dated January 24, 2013, between the Crow Tribe of Indians and Big Metal Coal Co. LLC (including the forms of Coal Leases for each of the Upper Youngs Creek, Squirrel Creek and Tanner Creek Lease Areas as exhibits), and the "Exploration Agreement" of the same date (together referred to herein as the "Agreements"), the Rocky Mountain Regional Director has noted the desirability of addressing certain clarifications.

The Crow Tribe agrees that these clarifications or errata will be helpful to avoid any future confusion, and that they are consistent with the parties' intent in the original Lease. Accordingly, we are requesting your concurrence with the following clarifications or errata:

Option Agreement, Part I, Sec. 2.6.c: References to Coal Lease, Part I Sec. 13.3 and Part I, Art. 21 are corrected to read "**Part I, Sec. 14.3 and Part I, Article 22 of the Coal Lease**";

Part II, Sec. 1.37 of all Agreements: References to Coal Lease, Part I Sec. 13.3 and Art. 21 are corrected to read "**Part I, Sec. 14.3 and Part I, Article 22 of the Coal Lease**";

Part II, Sec. 1.36 of all Agreements: reference to Article 4 of the Coal Lease is corrected to read "**Part I, Article 4 of the Coal Lease**";

Part II, Section 2.1 of all Agreements: reference to "Appendix A hereto" is corrected to read "**Appendix A to the Coal Lease**";

Mr. Colin Marshall  
June 10, 2013  
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Part II, Article 19 of all Agreements: reference to "Part I, Article 18 and Section 23.1 of the Coal Lease" is corrected to read "**Part I, Article 19 and Section 24.1 of the Coal Lease**";

Part I, Section 8.1 of the Coal Lease: reference to Part I, Article 25 is corrected to read "**Part I, Article 26**";

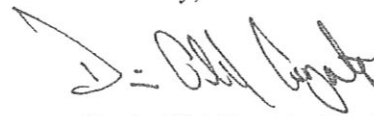
Part I, Section 8.7 of the Coal Lease: reference to Part I, Article 16 is corrected to read "**Part I, Article 17**"; and

Part I, Section 17.2 of the Coal Lease: reference to Part II, Article 20 is corrected to read "**Part II, Article 17**".

In addition to these clarifications or errata being consistent with the Parties' intent, it is my opinion and the opinion of the Tribe's counsel, these clarifications or errata are within my authority to approve, pursuant to Sections 2 and 3 of Joint Action Resolution No. JAR13-01.

If you concur with these clarifications and that they reflect the parties' original intent in the Agreements, please confirm by signing in the space provided below and returning five (5) originals of this letter to us, and we will in turn provide them to the Bureau of Indian Affairs for inclusion in Agreements for their approval pursuant to the IMDA.

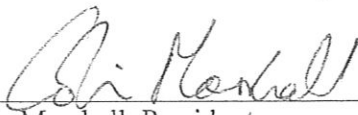
Sincerely,



Darrin Old Coyote, Chairman

**CONCURRENCE:**

By the authorized signature below, Big Metal Coal Co. LLC concurs with the foregoing clarifications or errata to the Agreements.

  
\_\_\_\_\_  
Colin Marshall, President

6-12-13  
\_\_\_\_\_  
Date

cc: Ed Parisian, BIA Rocky Mountain Regional Director  
Vianna Stewart, BIA Superintendent  
Kenneth G. Shane, Speaker of the House  
Crow Tribe Legislative Branch