

JOINT SETTLEMENT AGREEMENT

The Mandan, Hidatsa and Arikara Nation (the "Nation") and the United States Department of the Interior (the "Department") (collectively, the "parties") have held direct negotiations to settle the Nation's pending appeal before the Indian Board of Land Appeals challenging the Bureau of Land Management, Montana State Office issuance of three parcels offered for lease on the MSO October 12, 2005, Competitive Oil and Gas Lease Sale Notice: 10-05-113, 10-05-114, and 10-05-115 (serialized as NDM 95210, NDM 95211 and NDM 95212, respectively) in IBLA Case # 2006-92. The three parcels are located on lands whose surface is owned by the U.S. Army Corps of Engineers within the exterior boundaries of the Nation's Fort Berthold Reservation in North Dakota.

The parties hereto agree as follows:

Upon receipt of lease nominations for federally owned oil and gas mineral parcels within the exterior boundaries of the Fort Berthold Reservation, the Bureau of Land Management (BLM), North Dakota Field Office, will notify by letter the Mandan, Hidatsa and Arikara Nation Tribal Chairperson and Tribal Historic Preservation Officer. Each notice will contain a legal description of the parcel nominated and request that the Nation provide any information regarding concerns it may have in leasing the parcel. If, after 30 days, the Tribal Chairperson or the Tribal Historic Preservation Officer has not brought any issues to the attention of the BLM North Dakota Field Office, the BLM shall proceed with processing the lease nomination, and consultation for the lease phase shall be considered complete. The BLM shall attach the following cultural resource stipulation to all leases of federally owned oil and gas mineral parcels within the exterior boundaries of the Fort Berthold Reservation:

"This lease may be found to contain historic properties and/or resources protected under the National Historic Preservation Act (NHPA), American Indian Religious Freedom Act, Native Graves Protection and Repatriation Act, E.O. 13007, or other statutes and executive orders. The BLM will not approve any ground disturbing activities that may affect any such properties or resources until it completes its obligations under applicable requirements of the NHPA or other authorities. The BLM may require modification to exploration or development proposals to protect such properties, or disapprove any activity that is likely to result in adverse effects that cannot be successfully avoided, minimized or mitigated."

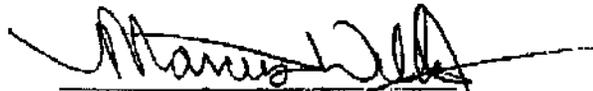
The BLM shall resume section 106 consultation in accordance with 36 C.F.R. Part 800 upon receipt of an application for a permit to drill (APD) in a manner consistent with 36 C.F.R. Part 800 and the foregoing cultural resources stipulation.

The Department has reviewed and agrees to meet the foregoing conditions with regard to all lease sales conducted within the exterior boundaries of the Fort Berthold Reservation.

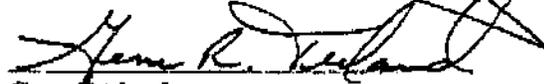
In consideration thereof, the Nation agrees to dismiss its pending appeal against the Bureau of Land Management in IBLA Case #2006-92.

Within 30 days of the execution of this Joint Settlement Agreement, the parties agree to file a joint motion to dismiss the Nation's pending appeal in IBLA Case #2006-92.

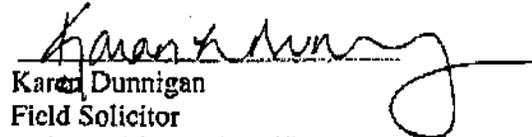
Dated: 9-10-08


Chairman Marcus D. Wells, Jr.
Mandan, Hidatsa and Arikara Nation

Dated: 9-18-08


Gene Terland
State Director
Montana State Office
Bureau of Land Management

Dated: 9/18/08


Kara Dunnigan
Field Solicitor
Billings (MT) Field Office
United States Department of Interior