



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

A Resolution entitled, "The Missouri River, Badlands and Sacred Sites Protection Act"

WHEREAS, The Mandan Hidatsa and Arikara Nation (MHA Nation) having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act and having adopted a Constitution and By-Laws pursuant to said Act; and

WHEREAS, The Constitution of the MHA Nation generally authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the welfare and benefit of the MHA Nation and of the enrolled members thereof; and

WHEREAS, Article VI Section 5 (j) of the Constitution empowers the Tribal Business Council to take action to protect and preserve the property and natural resources of the MHA Nation, and

WHEREAS, The Nation finds it in the best interest to protect the rustic Badlands and the Grandfather Missouri River and Little Missouri River from environmental degradation due to oil and gas development.

NOW THEREFORE BE IT RESOLVED, All proposed oil and gas wells, pipelines and electrical transmission lines will use designated Tribal energy corridors in the Badlands and Missouri River areas to avoid excessive development and minimize the footprint upon the Nation's lands.

BE IT FURTHER RESOLVED, The oil and gas industry shall use the best environmental techniques and technologies available to it to reduce their footprint upon the environment.

BE IT FURTHER RESOLVED, All persons or companies engaged in drilling operations shall utilize EcoPad or similar technology in the Badlands and Missouri River areas that will enable companies to drill multiple wells from one drilling pad whenever feasible, significantly reducing the footprint and reducing the number of well sites in the Badlands and Missouri River areas.

BE IT FURTHER RESOLVED, the Badlands and Missouri River areas will be classified as designated watch areas within the MOA between the North Dakota Industrial Commission and the MHA Nation, and shall require well site setbacks of one half mile from the Missouri River, the Little Missouri River, and designated sacred sites or villages in the Badlands and on the Reservation.



BE IT FURTHER RESOLVED, this Resolution shall be part of the laws of the MHA Nation and the Tribal Energy Office shall be responsible for carrying out the mandates of this Resolution.

BE IT FURTHER RESOLVED, the MHA Nation mandates that all Federal Agencies, Oil and Gas Companies and all other Companies comply with and carry out the mandates of this Resolution.

BE IT FINALLY RESOLVED, that any person or company found to be in violation of this Resolution shall be subject to a civil fine of up to One Million Dollars (\$1,000,000) in addition to the suspension or revocation of its license under the Tribal Employment Rights Ordinance.

(The remainder of this page is intentionally left blank)




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, 5 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 9th day of August, 2012, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 5 members, 0 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

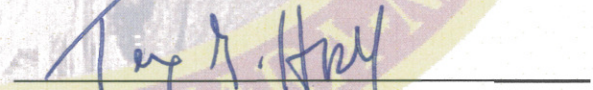
Chairman Voting. Not Voting.

Dated this 9th day of August, 2012.

ATTEST:



Tribal Secretary V. Judy Brugh
Tribal Business Council
Three Affiliated Tribes



Tribal Chairman, Tex Hall
Tribal Business Council
Three Affiliated Tribes



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

A Resolution entitled, "Amending the Missouri River and Badlands Protection Act to Allow Variances upon Recommendation by the Tribal Energy Office"

- WHEREAS,** This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act and having adopted a Constitution and By-Laws pursuant to said Act; and
- WHEREAS,** The Constitution of the Three Affiliated Tribes generally authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and
- WHEREAS,** Article III of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council is the governing body of the Tribes; and
- WHEREAS,** The Tribal Business Council passed Resolution 12-049-VJB, The Missouri River and Badlands Protection Act ("Act"), which requires a half mile setback for drilling pads from the Missouri River, Little Missouri River, and designated sacred sites or villages in the Badlands; and
- WHEREAS,** The Act included no provisions for authorized variances from the half mile setback rule; and
- WHEREAS,** The Tribal Council determines it necessary to amend the Act in order to harmonize environmental concern with proper development of existing mineral deposits; and
- WHEREAS,** An amendment to the Act would serve to benefit the Three Affiliated Tribes and its members by allowing responsible development of the Tribes' energy resources; and
- WHEREAS,** The Tribal Energy Office has the expertise to determine when a variance may be granted and still comply with the purpose of the Act

(The remainder of this page is intentionally left blank)



NOW THEREFORE BE IT RESOLVED, That the Act is hereby amended, by adding the following two paragraphs:

- 1.) "The Tribal Business Council may, in its discretion, grant a variance from the half mile setback provision as it relates to the Missouri River or the Little Missouri River, upon the recommendation of the Tribal Energy Office. The Tribal Energy Office may recommend a variance when minerals would be stranded due to the setback provisions or where the applicant has made a clear showing that granting the variance would not cause an adverse environmental effect upon the Missouri River or the Little Missouri River."
- 2.) For purposes of the Act, the Missouri River and Little Missouri River is defined as including Lake Sakakawea.

BE IT FURTHER RESOLVED, that the Tribal Energy Office is hereby authorized and directed to adopt rules and guidances as to the application for, review of and action upon requested variances from the one half mile setback rule under the Act.

BE IT FINALLY RESOLVED, that the Chairman is hereby authorized to take such further actions as are necessary to carry out the terms and intent of this Resolution.

(The remainder of this page is intentionally left blank)



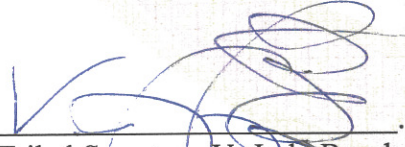
CERTIFICATION

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 18th day of December, 2012, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 6 members, 0 members opposed, 0 members abstained, members not voting, and that said Resolution has not been rescinded or amended in any way.

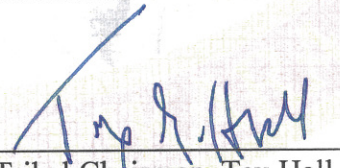
Chairman [] Voting. [] Not Voting.

Dated this 18th day of December, 2012.

ATTEST:



Tribal Secretary V. Judy Brugh
Tribal Business Council
Three Affiliated Tribes



Tribal Chairman, Tex Hall
Tribal Business Council
Three Affiliated Tribes