



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

A Resolution entitled, “ A Resolution to Establish the Protocol for the Tribe and the Bureau of Indian Affairs for the Efficient Overall Oil and Gas Development of Tribal and Allottee Surface and Mineral Owners Resources on the Fort Berthold Indian Reservation”.

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 under said Act; and

WHEREAS, The Constitution and By Laws of the Three Affiliated Tribes was adopted by the membership of the Tribes on May 15, 1936 pursuant to the Indian Reorganization Act of 1934 and duly approved by the Secretary of Interior; an

WHEREAS, Article III of the Constitution of the Three Affiliated provides that the Tribal Business Council is the governing body of the Tribes; and

WHEREAS, The Constitution of the Three Affiliated Tribes 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 VI, Section 5 of the Constitution of the Three Affiliated Tribes provides the Tribal Business Council the authority to protect and preserve the property, wildlife and natural resources of the Tribes; to regulate hunting and fishing on all lands within the jurisdiction of the Tribes; and to cultivate and preserve native arts, crafts, culture, ceremonies and traditions; and

WHEREAS, The Fort Berthold Reservation has significant Tribal and allottee oil & gas resources; and

WHEREAS, It is the policy of the Tribal Business Council to obtain the highest bonus payment for oil & gas leases, Indian Preference in employment for all phases of oil & gas development, the highest royalty payments as a result of oil & gas development on the Fort Berthold Reservation and highest return for Right of Ways across Tribal and allottee land; and

NOW, THEREFORE BE IT RESOLVED, To achieve an orderly maximum efficient development and benefit of Tribal and allottee mineral and surface owner resources each company with oil & gas leases and each company proposing



infrastructure development, i.e. pipelines (oil, gas, and water) , roads electric lines, etc, shall:

A. Submit a Development Plan, which is to include but not be limited to, number of acres leased, number of APD's submitted, number of APD's approved/disapproved, number of wells drilled, number of wells producing, number of wells to be drilled annually, number of employees, number of Indian employees, identify any leases assigned, identify any leases subject to a working agreement, and show proof of financial responsibility.

B. Each entity proposing a pipeline of any nature must identify common corridors, and for inclusion in the Right of Way agreement, as a minimum, consider the following terms in the Tribes' and/or allottee's negotiations: 1.) The Tribe or allottee should seek an annual payment; 2.) the term of any Right of Way to be consistent with current BIA regulations (ex: 25 years); 3.) the Tribe or allottee may seek a tariff or payment of all product transported in the any pipeline.

C. Each development plan should be reviewed and appropriate action to be taken.

CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum 5 were present at a Special Meeting thereof duly called, noticed, convened, and held on the 17th day of March 2009, 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 17th day of March, 2009.

ATTEST:

Arnold D. Strahs
Acting Tribal Secretary, Arnold D. Strahs
Tribal Business Council
Three Affiliated Tribes

Marcus D. Levings
Tribal Chairman, Marcus D. Levings
Tribal Business Council
Three Affiliated Tribes