



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

***A Resolution Entitled, "Request to the Bureau of Indian Affairs to conduct a Mitigated Programmatic Environmental Assessment 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 pursuant to said Act; and

**WHEREAS,** The Constitution of the Three Affiliated Tribe 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,** Article VI, Section 5 (l) of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council has the power to adopt resolutions regulating the procedure of the Tribal Business Council and other Tribal agencies; and

**WHEREAS,** Article VI, Section 5 (j) of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council has the power to protect and preserve the property, wildlife and natural resources of the Tribes; and

**WHEREAS,** The Tribal Business Council intends to continue to pursue oil and gas and other mineral resource development on the Fort Berthold Indian Reservation for the purpose of economic development for the Tribes; and

**WHEREAS,** the Bureau of Indian Affairs has a Trust obligation to the Tribes as the lead federal agency for conducting environmental assessments for proposed federal actions on Indian lands; and

**WHEREAS,** The Tribal Business Council believes the Bureau of Indian Affairs should continue its efforts to conduct environmental assessments in an efficient, timely, and compliant manner, with due consideration for the Tribes' development plans.

**NOW THEREFORE BE IT RESOLVED,** that the Tribal Business Council of the Three Affiliated Tribes hereby requests that the Bureau of Indian Affairs work with the Tribes and any person as designated by the Tribal Business Council to conduct a Mitigated Programmatic Environmental Assessment in compliance with the National Environmental Policy Act (NEPA) of 1969, as amended, for any proposed federal action related to oil and gas development on the Fort Berthold Indian Reservation; and





**BE IT FURTHER RESOLVED**, that the Tribal Business Council acknowledges that nothing in this Resolution shall limit, diminish or otherwise alter the Bureau of Indian Affairs' trust responsibility to the Tribes; and

**BE IT FURTHER RESOLVED** that the Tribal Business Council requests that absent noncompliance with applicable federal law, that the Bureau of Indian Affairs assist the Tribe and any person designated by the Tribal Business Council on timely advancement of the "Mitigated Programmatic Environmental Assessment for oil and gas production on the Fort Berthold Reservation; and

**BE IT FINALLY RESOLVED**, that nothing in this resolution shall be construed to diminish divert, alter or otherwise affect any inherent treaty, statutory, or other rights of the Three Affiliated Tribes over the property or activities described herein and the Three Affiliated Tribes expressly retains all rights and authority over property and activities described herein, including but not limited to legislative, regulatory, adjudicatory, and taxing powers.


**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, 7 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 14 day of April, 2011, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 7 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 14 day of February, 2011.

ATTEST:

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

  
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Tribal Chairman Tex G. Hall  
Tribal Business Council  
Three Affiliated Tribes

