



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

A Resolution entitled, “Permitting an Oilfield Disposal Pit for Nonhazardous Dry Cuttings”

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 of the Mandan Hidatsa and Arikara (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 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 MHA Nation is currently in the process of developing a Tribal Code for the regulation of Oilfield disposal pits within the exterior boundaries of the Fort Berthold Indian Reservation (the “Reservation”); and

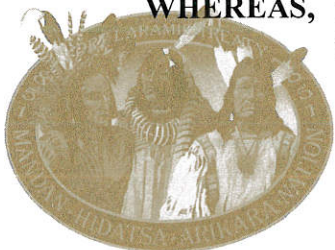
WHEREAS, Due to a lack of an existing Tribal Code for the regulation of oilfield disposal pits within the exterior boundaries of the Reservation, the Tribal Business Council must authorize or permit such oilfield disposal pits within the Reservation by Tribal Resolution; and

WHEREAS, TJD Consulting, an Indian owned company, has requested a permit to allow the construction and operation of an oil field waste disposal pit for nonhazardous “dry cuttings”, as defined in the oil and gas industry, on allotted trust land in the West Segment of the Reservation, in accordance with the plans, specifications and related documents attached hereto as Attachment A; and

WHEREAS, The Tribal Business Council finds it in the interest of the Nation to permit an oilfield disposal pit for non-hazardous dry cuttings, because it will help reduce truck traffic and promote employment and business development for tribal members; and

WHEREAS, The oilfield disposal pit shall be constructed and maintained in a manner that will meet or exceed North Dakota laws and regulations pertaining to oilfield disposal pits, until such time as the MHA Nation adopts its own laws to regulate disposal pits; and

WHEREAS, The owner/operator of the disposal pit shall also comply with all applicable federal laws and regulations relating to oilfield disposal pits.





NOW THEREFORE BE IT RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation hereby grants a permit for the construction and operation of a disposal pit for nonhazardous dry cuttings, subject to the following conditions:

1. The disposal pit shall be constructed and operated in accordance with the plans, specifications and requirements described in Attachment A, and shall be used for the disposal of nonhazardous dry cuttings only.
2. Construction of the disposal pit is supervised by a certified design and/or engineering professional who shall, prior to commencement of operations, provide written certification to the Tribal Business Council or its authorized delegate that the disposal pit has been constructed in accordance with all the specifications and requirements of Attachment A hereto and that such requirements meet or exceed the requirements for disposal pits under North Dakota law.
3. The disposal pit is constructed and operated in accordance with the laws and regulations of the MHA Nation, applicable EPA Regulations and applicable federal law.
4. Authorized Tribal officials shall have the right to access and inspect the disposal pit at any time during hours of construction or operation to ensure compliance with tribal and federal law and the conditions of this permit.
5. This permit shall remain in effect until such time as the Tribal Code governing the regulation and permitting of disposal pits is implemented, a permit is applied for and final action is taken on the application. The permittee shall apply for a permit under the Tribal Code within 30 days of its enactment.
6. The failure to comply with the terms and conditions stated herein shall result in the revocation of this permit, upon 30 days advance written notice to the permittee.





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 22nd day of December, 2011, 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 22nd day of December, 2011

ATTEST:

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

Tribal Chairman, Tex Hall
Tribal Business Council
Three Affiliated Tribes

