



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

A Resolution entitled: "Adoption of Chapter 15.1 of Title 15 the Three Affiliated Tribes Environmental Code Solid and Hazardous Waste Management and Remediation Code"

- 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,** 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 Three Affiliated Tribes Tribal Business Council recognizes that in order to protect the lands within the Fort Berthold Reservation it is necessary to adopt Environmental Codes regulating solid and hazardous waste on the Fort Berthold Reservation; and
- WHEREAS,** The Tribal Business Council has reviewed the proposed Chapter 15.1 of Title 15 of the environmental Code entitled "Solid and Hazardous Waste Management and Remediation Code" and performed its final reading and approved said Code on December 8th, 2011 and has determined that said Code should be ratified by Resolution.
- NOW THEREFORE BE IT RESOLVED,** That the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation hereby ratifies the adoption of Chapter 15.1 of the Three Affiliated Tribes Environmental Code Entitled: Solid and Hazardous Waste Management and Remediation Code as herewith attached, effective December 8, 2011.



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 G. Hall
Tribal Business Council
Three Affiliated Tribes

Final (third with two amendments) Reading-Passed by TBC on 10/20/11

THREE AFFILIATED TRIBES

**TITLE 15
ENVIRONMENTAL CODE**

**CHAPTER 15.1:
SOLID AND HAZARDOUS WASTE MANAGEMENT AND
REMEDATION CODE**

THREE AFFILIATED TRIBES
Title 15 Environmental Code Chapter 15.1:
SOLID AND HAZARDOUS WASTE MANAGEMENT AND
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Section 1: General Provisions

- 1.01 Short Title.** This law shall be known and may be cited as the TAT Waste Management Act, (TAT-WMA), Title 15 Environmental Code of the MHA Law and Order Codes (the "Act"), Chapter 15.1 Solid and Hazardous Waste Management and Remediation Code.
- 1.02 The Tribes' Inherent Sovereign Power.** The Tribes' Inherent Sovereign Power to Manage and Regulate Solid Waste on the Reservation including the power to manage and regulate the storage, collection, transportation, handling, treatment and disposal of solid waste on the Fort Berthold Reservation ("Reservation"), which is anywhere within the exterior boundaries of the Reservation, inherently resides within the retained sovereign power of the Three Affiliated Tribes of the Mandan, Hidatsa, and Arikara Nation pursuant to authority vested in the Tribal Council under the Constitution and By-laws of the Mandan, Hidatsa, and Arikara Nation.
- 1.03 Purpose.** To provide for the establishment of a comprehensive solid and hazardous waste collection and disposal system to protect the health, safety, and well-being of residents within the jurisdiction of the Mandan, Hidatsa, and Arikara Nation (MHA, TAT, or Tribes) to regulate the storage, collection, disposal, treatment, and management of solid and hazardous waste, and the remediation of any releases of a hazardous substance pollutant or contaminant to protect the human health, public sanitation, environment, and general aesthetics of the Fort Berthold Indian Reservation.
- 1.04 Findings.** The TAT Tribal Council finds and declares as follows:
- 1.04.1 The governing body of the Tribes, known as the TAT Tribal Council, (Tribal Council) has the authority to pass resolutions and Acts to protect the general welfare of the Reservation residents and the Reservation environment.
- 1.04.2 The increasing volume and variety of solid and hazardous waste being generated on the reservation and often inadequate existing methods of managing solid waste and hazardous waste are creating conditions that threaten the public health, safety and well-being by contributing to land, air and water pollution.
- 1.04.3 It is in the Tribes' interest to foster, encourage, and promote the development, production, and utilization of natural resources of oil and gas on the reservation in such a manner as will minimize and properly manage all wastes resulting from such operations and to authorize and provide for the operation and development of oil and gas properties in such a manner that the Tribal members, landowners, royalty owners, producers, and the general public realize and enjoy the greatest possible good from these vital natural resources while minimizing and preventing any adverse impacts to public health or the environment.
- 1.04.4 The enactment of this Act by the Tribes is in the best interest of ensuring, promoting, and protecting the character of the Reservation and is consistent with previous policy and Acts enacted for the protection of the Reservation natural environment.

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- 1.05 Effective Date.** This Act shall be in full force and effect on the date of formal approval and adoption by the Tribal Council and shall remain in effect until repealed or amended by the Tribal Council.
- 1.06 Authority.** This Act is adopted pursuant to authority vested in the Tribal Council under the Constitution and By-laws of the Mandan, Hidatsa, and Arikara Nation, Article V, Section 8(a)(9) to protect, preserve and regulate the use of property (including intellectual property), both surface and subsurface, wildlife, land, air, and other natural resources (including surface and ground waters) of the Nation. The Tribes shall have full authority over enforcement of this Act and may delegate authority to Tribal Solid Waste Management Utility (SWMU), the Tribal Environmental Protection Agency (TEPA) and other Tribal programs as deemed appropriate, to implement and enforce provisions of this Act.
- 1.07 Immunity.** No part of this Act constitutes a waiver, in whole or in part, of the sovereign immunity of the Tribes unless otherwise waived by the Tribal Council.
- 1.08 Scope.** This Act shall apply to all individual persons, groups of individuals, households, commercial businesses, schools, governmental facilities, all other facilities and entities, and persons as defined herein regarding the storage, collection, transfer, recycling, disposal, and treatment of solid and hazardous waste within the Reservation. This Act also applies to any commercial or other entity that does business, or has business within, the exterior boundaries of the Fort Berthold Reservation including all oil and gas development and other types of mineral extraction activities.
- 1.09 Jurisdiction.** The Tribal Court of the TAT has civil jurisdiction over all persons and parties that are subject to the provisions of this Act to include the conduct of Tribal members on all lands within the Reservation boundaries to maintain the environment, natural resources, public health, safety, welfare, political integrity and economic well-being of the Tribes. This shall include:
- 1.09.1 Any person or company that has entered into a consensual agreement with the Tribes or its members; or
- 1.09.2 Any non-member where the conduct of the non-member threatens or has some direct effect on the political integrity, economic security, health or welfare of the Tribes.
- 1.10 Repeal.** Any Act, provision of law, rule or regulation of the Tribes in conflict with this Act, is hereby superseded.
- 1.11 Severability.** Any provision of this Act or part thereof or its application to any person in any circumstance declared invalid, shall be severed from the Act and the remaining provisions or applications of this Act shall remain in effect and enforceable.
- 1.12 Applicable Law and Regulations.** Compliance with this Code and regulations promulgated hereunder does not relieve a person of the obligation to comply with other applicable laws and regulations. Where there is a gap in the Tribal law, regulations or