



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

*A Resolution Entitled, "The Oil and Gas Production Structure Setback Act"*

**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,** The construction and operation of well pads, well heads, waste pits, reserve pits, oil storage tanks, oil pumping units, or other oil and gas production facilities (oil and gas structures) creates noise, dust, and smells that interfere with the quiet enjoyment of nearby property owners; and

**WHEREAS,** It is in the best interest of the Nation to protect the property and wellbeing of all property owners by imposing set back requirements for such oil and gas structures; and

**WHEREAS,** The Nation also recognizes the need for balanced laws that protect both the interest of property owners and the business interest of Oil and Gas Companies.

**NOW THEREFORE BE IT RESOLVED,** well pads, well heads, waste pits, reserve pits, oil storage tanks, and oil pumping units shall not be located within 2,640 feet (1/2 mile) of an occupied residence, tribal building, school, hospital, or other structures where people are known to congregate.

**BE IT FURTHER RESOLVED,** that a property owner and an Oil and Gas Company may contract to locate any of the above mentioned oil production structures within 2,640 feet of an occupied residence, tribal building, school, or hospital provided that the Oil and Gas Company provide adequate compensation to the property owner for the close proximity of the oil production structure, and provided further that the interests of other property owners are not encroached by a distance less than the setback requirement.

**BE IT FURTHER RESOLVED,** this Resolution supersedes any prior actions of the Tribal Business Council on the subject, and shall be part of the laws of the Nation and the Tribal Energy Office shall be responsible for carrying out the mandates of this Resolution.





**BE IT FURTHER RESOLVED** that any company found to be in violation of this Resolution shall be fined up to One Million Dollars (\$1,000,000) under the Nation's Civil Code in addition to possible revocation of its Tribal Employment Rights Office License and any such other Tribal licenses the company may hold.

**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.




**CERTIFICATION**

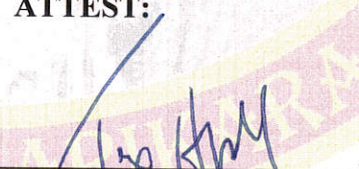
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 5 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 27<sup>th</sup> day of September, 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 27<sup>th</sup> day of September, 2012.

**ATTEST:**

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

  
Tribal Chairman, Tex Hall  
Tribal Business Council  
Three Affiliated Tribes