



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

***A Resolution Entitled: "Regulation and policy governing the management, treatment and disposing of drilling waste associated with the exploration or production of oil and gas 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 rapid development of the oil industry on the Fort Berthold Indian Reservation due to oil exploration and production within the Reservation has resulted in a myriad of environmental concerns including the potential impacts on surface and ground water quality; and

**WHEREAS,** the oil and gas exploration process generates waste waters (including produced water or flow back water) and other wastes that contain various levels of salts and organic and inorganic contaminants to include crude oil; and

**WHEREAS,** the mis-management, accidental release or disposal of waste waters may create a potential long term hazard to the TAT public health, waters and environment; and

**WHEREAS,** the United States Supreme Court held in *Montana v. United States* 450 U.S. 544, 1980, that Indian Tribes may have inherent power to exercise civil authority over the conduct of non- Indians on fee lands within a reservation when that conduct threatens or has some direct effect on the political integrity, the economic security or the health and welfare of the Tribe; and



**WHEREAS,** the Tribal Business Council has adopted a Law known and 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 in December of 2011; and

**WHEREAS,** 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; and

**WHEREAS,** the TAT Environmental Division is the process of implementing and enforcing TAT-WMA Chapter 15.1 Solid and Hazardous Waste Management and Remediation Code for the Tribes; and

**WHEREAS,** the TAT-ED is seeking to develop a water quality program and conducts surface water quality sampling pursuant to a grant from the US EPA under Section 106 of the Clean Water Act; and

**WHEREAS,** the TAT-ED needs additional resources to conduct the necessary monitoring and sampling of water quality on the Ft. Berthold Reservation; and

**WHEREAS,** the long term quality of the waters of the Ft. Berthold Reservation is vital to the long term health of the people and the environment.

**NOW THEREFORE BE IT RESOLVED,** that the Tribal Business Council of the Three Affiliated Tribes hereby adopts the following policy and guidelines governing the monitoring and sampling of surface and ground water quality on the Ft. Berthold Reservation:

1. PROTECTION OF NATURAL RESOURCES. 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 any adverse impacts on the quality of the waters of the Ft. Berthold Reservation and ensure 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.
2. FUNDING FOR WATER QUALITY MONITORING. The Tribes’ shall provide a minimum of \$53,000 to the TAT-ED for water quality monitoring and sampling.

**BE IT FURTHER RESOLVED,** that the Tribal Business Council of the Three Affiliated Tribes hereby seeks the following information in order to monitor and protect the waters of the Ft. Berthold Reservation:



1. WATER QUALITY DATABASE AND MAPPING. The Tribes' shall seek the means and methods needed to map and record surface and ground water quality and enhance the ability of the Tribes' to track and monitor water quality and determine when, where and if there are adverse impacts on the water quality of the Ft. Berthold Reservation. The TAT-ED shall provide recommendations to the Tribes' on how to fund and achieve this goal within 90 days of this resolution.

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**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 11 day of **July**, 2013, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 5 members, 5 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 11 day of July, 2013.

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

**ATTEST:**

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