



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

**A Resolution Entitled, “Requiring Closed Loop Drilling Systems within the Reservation Boundaries for All Approved and Future Wells and APDs for the Management of Drilling Fluids and Disposal of Drill Cuttings at an Approved and Licensed Disposal Site”**

- 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 and By-laws of the Three Affiliated Tribes was adopted By the membership of the Tribes on May 15, 1936 pursuant to the Indian Reorganization Act of 1934 and duly approved by the Secretary of Interior, 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 Constitution of the Three Affiliated Tribes 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,** Pursuant to the inherent sovereignty of the MHA Nation, the MHA Nation possesses the sovereign authority to establish practices on Tribal lands; and
- WHEREAS,** Pursuant to the MHA Nation decision to create and enforce stronger environmental and safety practices; and
- WHEREAS,** Per 43 CFR § 3162.5 – 1, Environmental obligations statements stipulate that operators shall conduct operations in a manner which protects the mineral resources, other natural resources, and environmental quality; and
- WHEREAS,** Per Part (b) stipulates that the operator shall exercise due care and diligence to assure that leasehold operations do not result in undue damage to surface or subsurface resources or surface improvements; and
- WHEREAS,** Per 25 CFR § 170.910 Ch. I (4–1–11 Edition) stipulates that operators on Tribal land should work with Tribal agencies on the management of hazardous materials; and



**WHEREAS,** Pursuant to the general environmental and safety practice by operators on Tribal lands of a using a “Closed Loop Drilling System” to manage drill fluids and the disposal of drill cuttings offsite at an approved disposal site;

**WHEREAS,** There are still a few operators on Tribal lands that are using open pits, not a “Closed Loop Drilling System”, to manage drill fluids and the disposal of drill cuttings offsite at an approved disposal site;

**NOW THEREFORE BE IT RESOLVED,** The Tribal Business Council shall stipulate the following requirements:

1. The BIA and BLM shall mandate that all previously approved and future Applications To Drill (APD) will stipulate that open pits will not be used.
2. Instead, an industry standard “Closed Loop Drilling System” for managing drill fluids and an offsite disposal of drill cuttings will be used.
3. The combination of equipment in “Closed Loop Drilling System” should result in a “dry” location where a reserve pit is not required, used fluids are recycled, and solid wastes can be hauled off.
4. The “Closed Loop Drilling System” is required for all wells within the boundaries of the MHA Nation Reservation.
5. All open pits will be required to be reclaimed; past, present and future.
6. Enforcement will be conducted by T.A.T. Tribal Oil & Gas including all Federal Agencies

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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 27<sup>th</sup> day of March, 2014, 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 March, 2014.

for Randy Plu L  
Executive Secretary V. Judy Brugh  
Tribal Business Council  
Three Affiliated Tribes

**ATTEST:**  
Tex G. Hall  
Chairman Tex G. Hall  
Tribal Business Council  
Three Affiliated Tribes