



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

A Resolution Entitled, “Requiring All Commercial Vehicles Transporting Produced Fluids, Except for Fresh Water, on or Across Tribal Lands Must Have a GPS Unit Installed With an Active Monitoring and Tracking System”

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, The Tribe has consistently found unreported spills that require cleanup at great expense to the Tribe; and

WHEREAS, Per § 170.910 25 CFR Ch. I (4-1-11 Edition) stipulates that oil companies and their transport providers should work with Tribal agencies on the transport and cleanup of any spills of hazardous materials; and

WHEREAS, Per § 170.933 25 CFR Ch. I (4-1-11 Edition) Tribal governments can regulate travel on roads under their jurisdiction and establish a permitting process to regulate the travel of oversize or overweight vehicles, in accordance with applicable Federal law; and

WHEREAS, Pursuant to the inherent sovereignty of the MHA Nation, the MHA Nation possesses the sovereign authority to establish its own process and procedures governing the approval of traffic management practices and regulations on Tribal lands; and



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

1. All trucks and commercial vehicles that are TERO or DOT certified who are transporting produced fluids, on or across Tribal lands must have a GPS unit installed within 180 days.
2. Truck that only travel on main County, State, or Federal Roads are not subject to this GPS requirement.
3. Per 43 CFR Subpart 3163.1 regarding Noncompliance, Assessments, and Penalties and Remedies for Acts of Noncompliance - Part (a). Should an operator fail or refuse to comply with the terms of this Resolution and the regulations in this part in the time specified, a Tribal Field Officer may subject the operator to an assessment that starts at \$500 per day which doubles per day of non-compliance.
4. Produced fluid is defined as any liquid that could be deemed hazardous and, in particular with fresh water excepted, requires any special licensing on Tribal, State, and Federal roads and oversight for transportation and disposal.
5. Such transport vehicles will be equipped with an active monitoring and tracking system.
6. The Tribe, particularly the Energy, Environmental, TERO, and Police Departments, will have complete access to the records of vehicles monitored within 48 hours of their request.
7. Operators who contract Third Parties to transport the produced fluids will ensure that their contractors have the GPS units installed and comply with disclosure requests.

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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 27th 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 27th day of March, 2014.


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

ATTEST:

Chairman Tex G. Hall
Tribal Business Council
Three Affiliated Tribes