



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

**A Resolution entitled, "*Authorizing the Buyout of the Cost Sharing Agreement with War Pony Land and Energy, LLC*"**

**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 of the Mandan Hidatsa and Arikara (the "MHA Nation") 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 MHA Nation 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 (i) of the Constitution of the Three Affiliated Tribes provides the Tribal Business Council has the authority to "make assignments and leases of Tribal Lands, and otherwise to manage Tribal Lands, interest in Tribal Lands, and property upon such lands, in conformity with Article IX of the constitution"; and

**WHEREAS,** The Three Affiliated Tribes has the authority and jurisdiction to regulate activities upon Tribal Lands including Mining operations; and

**WHEREAS,** A Cost-Sharing Agreement was entered into between the Three Affiliated Tribes and War Pony Land and Energy, LLC for the mining, excavation, crushing and selling of scoria rock; and

**WHEREAS,** War Pony Land and Energy, LLC did excavate and stockpile a large amount of scoria rock that has not been sold and that is situated on land owned by the Three Affiliated Tribes; and

**WHEREAS,** War Pony Land and Energy LLC has approximately 234,569 yards of crushed scoria; and

**WHEREAS,** The Three Affiliated Tribes has offered to pay War Pony Land and Energy LLC \$460,746.00 for all of the 234,569 yards of crushed scoria and any additional crushed scoria; and

**WHEREAS,** War Pony Land and Energy LLC has an outstanding debt owed to the Three Affiliated Tribes in the amount of \$78,855.00; and



**WHEREAS,** The total amount to be paid to War Pony Land and Energy LLC by the Three Affiliated Tribes is \$381,891.00.

**NOW THEREFORE, BE IT RESOLVED,** That the Three Affiliated Tribes will pay War Pony Land and Energy LLC \$381,891.00 for the remaining 234,569 yards of crushed scoria rock and any additional scoria on the site located near the Figure Four Ranch subject to conditions listed below; and

**NOW THEREFORE, BE IT FURTHER RESOLVED,** That the remaining scoria amount shall be verified and secured prior to either payment being given to War Pony Land and Energy LLC; and

**NOW THEREFORE, BE IT FURTHER RESOLVED,** War Pony Land and Energy LLC shall receive \$190,945.50 of the payment once the scoria amount is verified and secured and the remaining \$190,945.50 after the remediation required in the cost sharing agreement has been completed to the satisfaction of the Three Affiliated Tribes.

**NOW THEREFORE, BE IT FINALLY RESOLVED,** That the Three Affiliated Tribes shall be entitled to any and all outstanding debts owed to War Pony Land and Energy LLC under the cost sharing agreement.

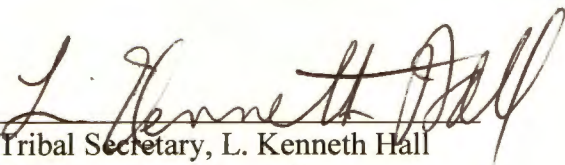
**CERTIFICATION**

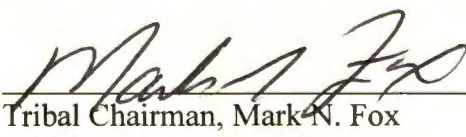
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 6 were present at a Special Meeting thereof duly called, noticed, convened and held on the 30<sup>th</sup> day of August, 2016, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 6 members, 0 members opposed, 0 members abstained, 1 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman  Voting.  Not Voting.

Dated this 30<sup>th</sup> day of August, 2016.

**ATTEST:**

  
Tribal Secretary, L. Kenneth Hall  
Tribal Business Council  
Three Affiliated Tribes

  
Tribal Chairman, Mark N. Fox  
Tribal Business Council  
Three Affiliated Tribes