



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

**A Resolution entitled, "*Approval of Setback Variance Requested by Missouri River Resources for Little Missouri River Project*"**

- WHEREAS,** This Mandan Hidatsa and Arikara Nation (the "MHA 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 under said Act, and
- WHEREAS,** Pursuant to Article III, Section 1 of its Constitution and By-Laws, the Tribal Business Council is the governing body of the MHA Nation; and
- WHEREAS,** Pursuant to Article VI, Section 5(1) of said Constitution, the Tribal Business Council has the power to adopt resolutions regulating the procedures of the Tribal Council, its Agencies and Officials; and
- WHEREAS,** The Tribal Business Council has authority to engage in activities on behalf of and for the welfare and benefit of the Tribes and of the enrolled members thereof; and
- WHEREAS,** Article IX Sections 1 and 3 of the Constitution provides that the Tribal Business Council has the authority to manage and lease or otherwise deal with tribal lands and resources; and
- WHEREAS,** The Tribal Business Council passed Resolution No. 12-087-VJB, entitled, "The Missouri River, Badlands and Sacred Sites Protection Act" which requires a half mile setback for well sites/drilling pads from the Missouri River, Little Missouri River, and designated sacred sites or villages in the Badlands; and
- WHEREAS,** The Tribal Business Council passed Resolution No. 12-139-VJB, entitled, "Amending the Missouri River and Badlands Protection Act to Allow Variances upon Recommendation by the Tribal Energy Office," which authorizes the MHA Nation Tribal Energy Office to consider setback variance requests and make recommendations to the Tribal Business Council to approve such requests "when minerals would be stranded due to the setback provisions or where the applicant has made a clear showing that granting the variance would not cause an adverse environmental effect upon the Missouri River or the Little Missouri River"; and
- WHEREAS,** On March 27, 2015, the Tribal Business Council passed Resolution No. 15-045-LKH entitled, "Establishing a Procedure for the Approval of Leases, Rights-of-Way, Setback Variances and Permissions to Survey on Tribal Land"; and



**WHEREAS,** On March 13, 2015, the Tribal Council passed Resolution No. 15-030-LKH entitled "Lease to Missouri River Resources of acreage along the Little Missouri River" which included the mineral interest within Township 147N Range 93W Sections 27, 28, 29, 32, 33, and 34; and

**WHEREAS,** Missouri River Resources will develop the minerals within these locations by developing well pads in Township 147N Range 93W Section 21 S/2 (Well Pad A1 South), Township 147N Range 93W Section 22 S/2 (Well Pad B1), Township 147N Range 93W Section 20 SW/4 (Well Pad C1), and Township 147N Range 93W Section 20 SE/4 (Well Pad C2); and

**WHEREAS,** Missouri River Resources requests a Setback Variance to include the following:

**Name of Project/Description:** LMR-MRR Well Pad A1 South

**LOCATION:** Township 147N Range 93W Section 21 S/2

**ACRES OF DISTURBANCE:** 7.49 acres of disturbance

**DISTANCE FROM WELLPAD:** *2376.31 feet to the 1854 High Water Line*  
(Refer to attachment); and

**Name of Project/Description:** LMR-MRR Well Pad B1

**LOCATION:** Township 147N Range 93W Section 22 S/2

**ACRES OF DISTURBANCE:** 7.86 acres of disturbance

**DISTANCE FROM WELLPAD:** *1825.01 feet to the 1854 High Water Line*  
(Refer to attachment); and

**Name of Project/Description:** LMR-MRR Well Pad C1

**LOCATION:** Township 147N Range 93W Section 20 SW/4

**ACRES OF DISTURBANCE:** 8.69 acres of disturbance

**DISTANCE FROM WELLPAD:** *1041.68 feet to the 1854 High Water Line*  
(Refer to attachment); and





**Name of Project/Description:** LMR-MRR Well Pad C2

**LOCATION:** Township 147N Range 93W Section 20 SE/4

**ACRES OF DISTURBANCE:** 9.29 acres of disturbance

**DISTANCE FROM WELLPAD:** *1085.19 feet to the 1854 High Water Line*  
(Refer to attachment); and

**WHEREAS,** Missouri River Resources has met with the MHA Nation Energy Division to walk through, review and consider all other alternatives for the construction and siting of the well pads; and

**WHEREAS,** No structures or residences are located within a half mile of the proposed Well Pads and all relevant and applicable consents have been secured; and

**WHEREAS,** The MHA Nation Energy Division reviewed vetted Missouri River Resources' request for a setback variance for the above Well Pads and has determined that Missouri River Resources has made a clear showing that granting the variance would not cause an adverse environmental effect upon the Little Missouri River; and

**WHEREAS,** On January 5, 2017, at a duly held meeting of the Natural Resources Committee ("NRC"), the MHA Nation Energy Division recommended for approval Missouri River Resources' setback variance request for the above Well Pads and the NRC approved Missouri River Resources' setback variance request for the above Well Pads and forwarded it to the Tribal Business Council for final approval.

**NOW THEREFORE BE IT RESOLVED,** the Tribal Business Council hereby approves the setback variance submitted by Missouri River Resources for the Well Pads Township 147 North, Range 93 West, Section 20, 21, and 22 in Dunn County, North Dakota and as listed in further detail below:

**Name of Project/Description:** LMR-MRR Well Pad A1 South

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(Refer to attachment); and

**BE IT FINALLY RESOLVED**, that the Chairman is hereby to take such further actions as are necessary to carry out the terms and intent of this Resolution.



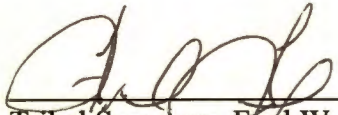
**CERTIFICATION**

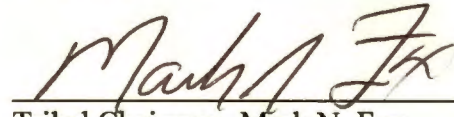
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, \_ were present at a Special Meeting thereof duly called, noticed, convened and held on the 12<sup>th</sup> day of \_January, 2017, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 5 members, 0 members opposed, 0 members abstained, 2 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman [ X ] Voting. [ ] Not Voting.

Dated this 12<sup>th</sup> day of January, 2017.

**ATTEST:**

  
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Tribal Secretary, Fred W. Fox  
Tribal Business Council  
Three Affiliated Tribes

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