

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

A Resolution entitled, "*Amending the Oil and Gas Production Structure Setback Act*"

- 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 authorized 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 (I) 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,** There are numerous oil wells operating on the Fort Berthold Indian Reservation ("FBIR") as a result of the exploration and production of crude oil and other minerals within the Bakken Formation; and
- WHEREAS,** The Tribal Business Council has the responsibility and authority to regulate the conduct of oil and gas exploration and production on the FBIR including the regulation of the use of rights of way within the FBIR; and
- WHEREAS,** On September 27, 2012, the Tribal Business Council passed Resolution No. 12-103-VJB, entitled "*The Oil and Gas Production Structure Setback Act*"; and
- WHEREAS,** On August 13, 2013, the Tribal Business Council passed Resolution No. 13-126-VJB, entitled "*Amending the Oil and Gas Production Structure Setback Act*"; and
- WHEREAS,** The MHA Natural Resources Committee recommended another amendment to The Oil and Gas Production Structure Setback Act.
- NOW THEREFORE BE IT RESOLVED,** the Tribal Business Council hereby amends The Oil and Gas Production Structure Setback Act so that well pads, well heads, waste pits, reserve pits, oil storage tanks, and oil pumping units shall not be located

within 1,320 feet (1/4 mile) of an occupied residence, tribal building, school, hospital, or other structures where people are known to congregate.

BE IT FURTHER RESOLVED, that a property owner and an Oil and Gas Company may contract to locate any of the above mentioned oil production structures within 1,320 feet of an occupied residence, tribal building, school, or hospital provided that the Oil and Gas Company provides adequate compensation to the property owner for the close proximity of the oil production structure, and provided further that the interests of other property owners are not encroached by a distance less than the setback requirement.

BE IT FINALLY RESOLVED, this Resolution supersedes any prior actions of the Tribal Business Council on this subject, and shall be part of the laws of the Nation and the Tribal Energy Office shall be responsible for carrying out the mandates of this Resolution.

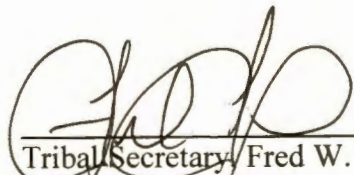
CERTIFICATION

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, 7 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 9th day of February, 2017, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 6 members, 0 members opposed, 1 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.


Chairman [X] Voting. [] Not Voting.

Dated this 9th day of February, 2017.

ATTEST:



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



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