



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

A Resolution entitled, "Authorization for the MHA Energy Division and the MHA Planning & Grants Department to Submit a Grant Proposal to the U.S. Department of the Interior, Office of the Assistant Secretary-Indian Affairs, through the Office of Indian Energy and Economic Development, the Division of Energy and Mineral Development in response to BIA-000-0007-TEDC, Solicitation for Proposals for the Grant Program to Build Tribal Energy Development Capacity (TEDC), to fund the MHA Nation Tribal Utility Feasibility Study."

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, is a Federally recognized Indian Tribe exercising inherent sovereignty and jurisdiction over the Fort Berthold Indian Reservation ("FBIR"); 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 empowered with governmental authority to take certain action, including adopting means and resolution on behalf 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, Pursuant to Article VI, Section 5(d) of said Constitution, the Tribal Business Council has the power to negotiate with federal, state and local governments on behalf of the MHA Nation and to advise and consult with representatives of the United States Department of the Interior ("DOI") on all activities that may affect the MHA Nation and the FBIR; and

WHEREAS, the MHA Nation has duly elected Tribal Chairman, who is authorized to enter into a contract through the Bureau of Indian Affairs ("BIA") on behalf of MHA Nation; and

WHEREAS, The MHA Nation, through its Energy Division in conjunction with its Planning & Grants Department, seeks to submit a Grant Proposal to the U.S. Department of the Interior, Office of the Assistant Secretary-Indian Affairs, through the Office of Indian Energy and Economic Development, the Division of Energy and Mineral Development in response to BIA-000-0007-TEDC, Solicitation for Proposals for



Resolution No. 17-197-FWF

the Grant Program to Build Tribal Energy Development Capacity (TEDC), to fund the MHA Nation Tribal Utility Feasibility Study; and

WHEREAS, The FBIR is located in the heart of the massive Bakken oil formation, and the MHA Nation has been engaged in oil and gas development for the past decade making it one of the top oil producing Indian tribes in the country; and

WHEREAS, The Tribal Business Council deems it necessary to assess the value and feasibility of developing the MHA Nation's vast renewable energy resources for the long term sustainability of its governance and for the benefit of its tribal members; and

WHEREAS, The MHA Nation has a number of other natural resources and understands the importance of analyzing such resources in order to value and grade the feasibility of developing each resource, especially in light of the finite and nonrenewable nature of oil and gas production and extraction; and

WHEREAS, The MHA Nation has a critical need to build capacity in order to effectively and efficiently manage the Tribe's significant energy resources development and management, and as such has identified a priority need to consider and study establishing an MHA Tribal Utility that will enhance the Tribe's capacity to maximize its valuable resources while strengthening tribal regulatory aptitude for energy resource development and project ready capability; and

WHEREAS, Based on these identified needs and objectives, the MHA Nation Energy Division plans to submit a DEMD TEDC proposal on behalf of the MHA Nation to develop a feasibility study for the MHA Nation to form a Tribal Utility entity in order to increase the MHA Nation's ability to manage its own vast natural resources, including both renewable and nonrenewable; and

WHEREAS, A primary goal of this proposed project is to determine whether forming and owning a Tribal Utility Authority will maximize the financial value of tribal resources, facilitate the physical delivery of power, and provide an environmentally and culturally sound approach to their many energy resources; and

WHEREAS, The designated MHA Nation tribal representative to oversee the project work, make authorized decisions during the course of the MHA Nation Tribal Utility Feasibility Study project proposal, described herein, and be responsible for submitting quarterly and final progress reports, will be **[name/title]**, who will be referred to as the "Tribal Project Manager"; and



WHEREAS, The MHA Nation is willing to consider developing any potential energy and mineral resource discovered; and

WHEREAS, The MHA Nation will consider public release of non-proprietary data or reports obtained by the EMDP project, described herein.

NOW, THEREFORE BE IT RESOLVED, that the Tribal Business Council hereby authorizes the MHA Nation Energy Division in conjunction with MHA Nation Planning & Grants Department, to submit a Grant Proposal to the U.S. Department of the Interior, Office of the Assistant Secretary-Indian Affairs, through the Office of Indian Energy and Economic Development, the Division of Energy and Mineral Development in response to BIA-000-0007-TEDC, Solicitation for Proposals for the Grant Program to Build Tribal Energy Development Capacity (TEDC), to fund the MHA Nation Tribal Utility Feasibility Study.

BE IT FURTHER RESOLVED, that the Tribal Chairman is hereby authorized to execute all necessary documents and take all action to fulfill the mandates of this Resolution.

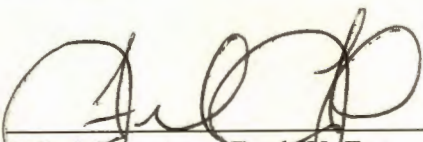
CERTIFICATION

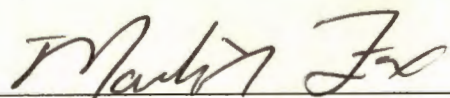
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 6 were present at a Special Meeting thereof duly called, noticed, convened and held on the 29th day of August, 2017, 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 [X] Voting. [] Not Voting.

Dated this 29th day of August, 2017.

ATTEST:


Tribal Secretary, Fred W. Fox
Tribal Business Council


Tribal Chairman, Mark N. Fox
Tribal Business Council