



**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 2017 Energy and Mineral Development Project grant proposal to the U.S. Department of the Interior, Assistant Secretary-Indian Affairs, Division of Energy and Mineral Development to fund a Feasibility study of a Heating System by Co-Produced Wastewater from Oil and Gas Wells."***

**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 2017 Energy and Mineral Development Project (EMDP) grant proposal to the U.S. Department of the Interior, Office of Assistant Secretary-Indian Affairs, Division of Energy and Mineral Development (DEMD) to fund a Feasibility Study of a Heating System by Co-Produced Wastewater from Oil and Gas Wells; 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,** Given that temperatures fall well below 0°F during the winters on the FBIR, which causes the highest utility cost on the FBIR due to electric heating systems, the MHA Nation has a pressing need to explore conservation and efficiency methods to reduce these costs; and
- WHEREAS,** Historically, co-produced hot water from oil and gas wells in the Bakken has been an inconvenient disposal issue for operators, which has necessitated an "H<sub>2</sub>O-Forward" service technology forward, a concept of recycling both flowback and co-produced water to use in the fracturing process at the next site; and
- WHEREAS,** There is a large amount of "wastewater" of 100°F or higher in temperature in the Bakken very high in salinity that is available, can be contained, and is compatible with an "H<sub>2</sub>O-Forward" process to treat wastewater to make fracking fluid, thereby making it possible to save a large amount of freshwater from underground aquifers or Lake Sakakawea; and
- WHEREAS,** The MHA Nation Energy Division plans to submit a proposal to the DEMD on behalf of the MHA Nation to conduct a feasibility study to design a heating system using the co-produced wastewater in conjunction with the solid removal recycling process of "H<sub>2</sub>O-Forward"; and
- WHEREAS,** The designated tribal representative to oversee the project work, make authorized decisions during the course of the Feasibility Study for Heating System by Co-Produced Wastewater from Oil and Gas Wells project proposal, described herein, and be responsible for submitting quarterly and final progress reports, will be [name/title], who will 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 2017 Energy and Mineral Development Project (EMDP) grant proposal to the U.S. Department of the Interior, Office of Assistant Secretary-Indian Affairs, Division of Energy and Mineral Development (DEMD) to fund a Feasibility Study for Heating System by Co-Produced Wastewater from Oil and Gas Wells.

**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 29<sup>th</sup> 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 29<sup>th</sup> day of August, 2017.

**ATTEST:**

Tribal Secretary, Fred W. Fox  
Tribal Business Council

Tribal Chairman, Mark N. Fox  
Tribal Business Council