



**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 Spotted Hawk  
Development, LLC for the Black Horse Well Pad."***

- 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 October 20, 2017, Spotted Hawk Development, LLC submitted to the MHA Nation Energy Division this request for a Setback Variance, as set forth in Exhibit A; and

**WHEREAS,** The specific Setback Variance requested by Spotted Hawk Development, LLC is, as follows:

**Black Horse Well Pad:** (11 Well Pad) Black Horse 7-7-MB2, Black Horse 7-8-TF2, Black Horse 7-9-MB1, Black Horse 7-10-TF1, Black Horse 7-11-MB2, Black Horse 7-12-TF2, Black Horse 7-13-MB1, Black Horse 7-14-TF1, Black Horse 7-15-MB2, Black Horse 7-16-TF2, Black Horse 7-17-MB1

**LOCATION:** Township 150 North, Range 90 West 5<sup>th</sup> P.M. McLean County, ND

**ACRES OF DISTURBANCE:** 10.5 acres fenced

**DRILLING/SPACING UNIT:** (1920) Sections 10, 11, 12 and

SW1/4 Section 7 T150N R90W

**DISTANCE FROM WELLPAD/Pipe:** ±2250 feet to the 1854 High Water Line (See Map "TOPO C" 1 Mile Radius Map Black Horse Pad, Exhibit A); and

**WHEREAS,** On August 11, 2015, during the environmental on-site and on September 22, 2015 during the right-of-way on-site, Spotted Hawk Development, LLC met with the MHA Nation Energy Division to review and consider all other alternatives for the construction and siting of the Black Horse Well Pad; and

**WHEREAS,** The MHA Nation Energy Division reviewed, processed and fully vetted Spotted Hawk Development, LLC's request for a setback variance for the Black Horse Well Pad and has determined that Spotted Hawk Development, LLC 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 February 1, 2018, at a duly held meeting of the Natural Resources Committee, the MHA Nation Energy Division recommended for approval Spotted Hawk Development's setback variance request for the Black Horse Well Pad, and the Natural Resources Committee approved Spotted Hawk Development's setback variance request for the Black Horse Well Pad.

**NOW THEREFORE BE IT RESOLVED,** the Tribal Business Council hereby approves the setback variance, attached as Exhibit A, submitted by Spotted Hawk Development for the Black Horse Well Pad.



**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, 7 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 12<sup>th</sup> day of April, 2018, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 7 members, 0 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman  Voting.  Not Voting.

Dated this 12<sup>th</sup> day of April, 2018.

**ATTEST:**

A blue ink signature of Fred W. Fox, written in a cursive style, positioned above a horizontal line.

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

A blue ink signature of Mark N. Fox, written in a cursive style, positioned above a horizontal line.

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