

MHA Nation Energy Division  
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THREE AFFILIATED TRIBES – FORT  
BERTHOLD RESERVATION

JULY 2013

*Keepers of the Bakken - Sovereignty by the Barrel*

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# MHA NATION ENERGY DIVISION



*Three Affiliated Tribes*  
MHA Nation Energy Division  
227 W Main St, New Town, ND 58763  
Phone: 701.627.5154  
Fax: 701.627.5105



July 26, 2013

Greetings Oil and Gas Pipeline Industry:

Plensed be informed of our current regulatory developments.

The MHA Nation Energy Division is in the process of developing and implementing a Realty Office, Tribal Oil Regulatory Office, and Pipeline Commission.

The Realty Office will serve as a "One Stop Shop" that will include the current Bureau of Indian Affairs (BIA) Oil and Gas Lease Permitting process which will centralize all Tribal Lease permitting under one roof.

We have hired a Regulatory Affairs Officer, a consultant to develop our Oil and Gas Regulatory Code and will be hiring a Petroleum Engineer and Environmental Engineer by September 2013.

In the interim please refer to the content in this handbook to guide you and inform you of our regulatory codes and regulations.

Warmest Regards,

Handwritten signature of Carson Hood Jr.

Carson Hood Jr.; Acting Administrator  
MHA Nation Energy Division

## MHA Nation Energy Division



Dosha Nuxbaaga, (Hello and Greetings)

The Fort Berthold Reservation in North Dakota, home to the Mandan, Hidatsa and Arikara peoples sits on top of two oil formations; the Bakken and Three Forks. We are at the center of a Tsunami called oil and gas. Although we economically embrace the myriad opportunities brought on by this oil industry development, we need to educate ourselves and others, especially the oil companies, on how to address the needs, positive and negative, associated with this explosion of activity on our ancestral homelands.

We have worldwide attention on our tribal lands, the largest oil producing area in the country. Current economic indicators and forecasts predict even higher levels of development. We are a sovereign nation, recognized by treaty with the government of the United States. Our sovereignty, our independence, can be maximized by number of barrels of oil taken

from our Mother Earth. We call it sovereignty by the barrel. The potential is here to obtain financial independence for our nation, education, for our youth, sustenance for our elders, maintenance of our culture, and above all, to set the people of the Mandan, Hidatsa and Arikara Nation on the road to independence. We need to learn how to minimize negative consequences, such as environmental and other issues, as well as the massive influx of truck traffic on our roads and highways - and we need to maximize the benefits. We are here to learn and to educate others on what we have experienced. We welcome your input and comments as we navigate this new trail in our history.

Maa zagidaz,  
Tex "Red Tipped Arrow" Hall  
Chairman, Mandan, Hidatsa and Arikara Nation

## Mission Statement

MHA Energy Division will manage all Natural Resources through professional mentorship, responsible development, communication, and education; while committing to environmental awareness and cultural values that ensure sovereignty for generations to come.

## Vision Statement

MHA Energy Division will promote accountability and responsibility to the members of the MHA Nation and environment through transparency and professional development while adhering to traditional values in order to protect and safeguard natural resources.

## Values

MHA Energy Division will provide the highest standard of excellence to the people while demonstrating:

Work Ethic

Dependability

Perseverance

Leading by Example

Diligence

Honor

Respect to others

Integrity

Compassion

Social Responsibility

# MHA NATION ENERGY DIVISION

## MHA Nation Energy Contact Information

### MHA NATION ENERGY ACTING DIRECTOR

- Carson Hood Jr. – [chood@mhanation.com](mailto:chood@mhanation.com) 701.421.0137

### EXECUTIVE ASSISTANT

- Stephanie Matthews – [smatthews@mhanation.com](mailto:smatthews@mhanation.com) 701.421.9347

### RECEPTIONIST

- Jaymie Ducheneaux – [jducheneaux@mhanation.com](mailto:jducheneaux@mhanation.com) 701.627.5154

### OFFICE MANAGER

- Richard Pease – [rpease@mhanation.com](mailto:rpease@mhanation.com) 701.421.9254

### ADMINISTRATIVE ASSISTANT

- Stacey Bell – [staceycbell@mhanation.com](mailto:staceycbell@mhanation.com) 701.421.8556

### ACTING COMPLIANCE MANAGER

- Open till filled

### SAFETY OFFICER

- Kenny Lyson – [klyson@mhanation.com](mailto:klyson@mhanation.com) 701.421.2629

### FIELD INSPECTOR

- Harley Pace – [hpace@mhanation.com](mailto:hpace@mhanation.com) 701.421.2351

### FIELD INSPECTOR

- Tom Eagle – [teagle@mhanation.com](mailto:teagle@mhanation.com) 701.421.6498

### FIELD INSPECTOR

- Rylon Gwin – [rgwin@mhanation.com](mailto:rgwin@mhanation.com) 701.421.3636

### FIELD INSPECTOR

- Carlisle Wells – [carwells@mhanation.com](mailto:carwells@mhanation.com) 701.421.0057

# MHA NATION ENERGY DIVISION

## MHA Nation Energy Contact Information

### REGULATORY AFFAIRS OFFICER

- Martina M. Turner – [mturner@mhanation.com](mailto:mturner@mhanation.com) 701.421.8254

### PRODUCTION ANALYST

- Open till filled

### GIS/IT

- Edward Krueger – [edkrueger@mhanation.com](mailto:edkrueger@mhanation.com) 701.627.5154

### TRIBAL HISTORIC PRESEVATION OFFICER LIASION

- Thomas Jay Plentychief – [tplentychief@mhanation.com](mailto:tplentychief@mhanation.com) 701.627.5154

### REALTY ONE STOP SHOP

### PETROLEUM ENGINEER

- Carey Doyle – [cdoyle@mhanation.com](mailto:cdoyle@mhanation.com) 701.627.5154

### ENVIRONMENTAL ENGINEER

- Open till filled

### REALTY OFFICER

- Diana Americanhorse – [dianeamericanhorse@mhanation.com](mailto:dianeamericanhorse@mhanation.com) 701.421.6719

### REALTY OFFICER

- Open till filled

### REALTY OFFICER

- Open till filled



RESOLUTION NO. 13-049-VJB

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

*A Resolution entitled, "A Directive for all Oil and Gas Drilling Companies on the Fort Berthold Indian Reservation to develop remediation plans for oil and gas drilling waste and to direct the Tribal Environmental Department to develop standards for the regulation for the remediation of oil and gas drilling wastes"*

**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 and By-laws of the Tree Affiliated Tribes was adopted by membership of the Tribes on May 15<sup>th</sup>, 1936 pursuant to the Indian Reorganization Act of 1934 and duly approved by the Secretary of Interior; and

**WHEREAS,** Article III of the Constitution of the Tree Affiliated Tribes provides that the Tribal Business Council is the governing body of the Tribes; and

**WHEREAS,** The Constitution of the Three Affiliated Tribes authorized and empowers the Tribal Business Council to engage in activities on behalf of an in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and

**WHEREAS,** The Tribal Business Council has adopted processes to tightly regulate the transportation and storage of solid waste generated by oil and gas development in the Three Affiliated Tribes Environmental Code, no provisions exist to mandate remediation of such solid waste; and

**WHEREAS,** The Tribal Business Council desires to endorse measures and processes to remediate solid waste created by oil and gas development on the Fort Berthold Reservation as an effort for sound environmental protection and to minimize negative impacts of oil and gas development on the Reservation lands; and

**WHEREAS,** It is in the best interests of the Tribe that the TAT Environmental Division, in cooperation with the industry and other interested companies shall develop standards and regulations for oil field waste disposal within the Fort Berthold Reservation that shall include remediation processes with a goal of producing



# MHA NATION ENERGY DIVISION



RESOLUTION NO. 13-049-VJB

usable byproducts from remediated wastes as such regulations do not currently exist in state or federal regulations.

**NOW THEREFORE BE IT RESOLVED**, that the Tribal Business Council of the Three Affiliated Tribes agrees that wastes generated by oil and gas drilling activities must be remediated via environmentally sound processes that produce usable by-products; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, that The Three Affiliated Tribal Council directs that all oil companies involved in oil and gas drilling operations within the Fort Berthold Reservation develop plans for waste remediation and shall work with the Tribal Environmental Department to collaborate on the development of regulations governing the remediation process of oil and gas drilling waste products produced within the Fort Berthold Reservation.



RESOLUTION NO. 13-044-VJB

### CERTIFICATION

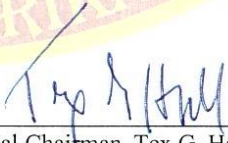
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum 6 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 16 day of April, 2013, that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 6 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 16 day of April 2013.

ATTEST:

\_\_\_\_\_  
Tribal Secretary, V. Judy Brugh  
Tribal Business Council  
Three Affiliated Tribes

  
\_\_\_\_\_  
Tribal Chairman, Tex G. Hall  
Tribal Business Council  
Three Affiliated Tribes



Resolution No. 12-087-VJB

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

*A Resolution entitled, "The Missouri River, Badlands and Sacred Sites Protection Act"*

**WHEREAS,** The Mandan Hidatsa and Arikara Nation (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 pursuant to said Act; and

**WHEREAS,** The Constitution of the MHA Nation generally authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the welfare and benefit of the MHA Nation and of the enrolled members thereof; and

**WHEREAS,** Article VI Section 5 (j) of the Constitution empowers the Tribal Business Council to take action to protect and preserve the property and natural resources of the MHA Nation, and

**WHEREAS,** The Nation finds it in the best interest to protect the rustic Badlands and the Grandfather Missouri River and Little Missouri River from environmental degradation due to oil and gas development.

**NOW THEREFORE BE IT RESOLVED,** All proposed oil and gas wells, pipelines and electrical transmission lines will use designated Tribal energy corridors in the Badlands and Missouri River areas to avoid excessive development and minimize the footprint upon the Nation's lands.

**BE IT FURTHER RESOLVED,** The oil and gas industry shall use the best environmental techniques and technologies available to it to reduce their footprint upon the environment.

**BE IT FURTHER RESOLVED,** All persons or companies engaged in drilling operations shall utilize EcoPad or similar technology in the Badlands and Missouri River areas that will enable companies to drill multiple wells from one drilling pad whenever feasible, significantly reducing the footprint and reducing the number of well sites in the Badlands and Missouri River areas.

**BE IT FURTHER RESOLVED,** the Badlands and Missouri River areas will be classified as designated watch areas within the MOA between the North Dakota Industrial Commission and the MHA Nation, and shall require well site setbacks of one half mile from the Missouri River, the Little Missouri River, and designated sacred sites or villages in the Badlands and on the Reservation.



Resolution No. 12-087-VJB

**BE IT FURTHER RESOLVED**, this Resolution shall be part of the laws of the MHA Nation and the Tribal Energy Office shall be responsible for carrying out the mandates of this Resolution.

**BE IT FURTHER RESOLVED**, the MHA Nation mandates that all Federal Agencies, Oil and Gas Companies and all other Companies comply with and carry out the mandates of this Resolution.

**BE IT FINALLY RESOLVED**, that any person or company found to be in violation of this Resolution shall be subject to a civil fine of up to One Million Dollars (\$1,000,000) in addition to the suspension or revocation of its license under the Tribal Employment Rights Ordinance.

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Resolution No. 12-087-VJB


**CERTIFICATION**

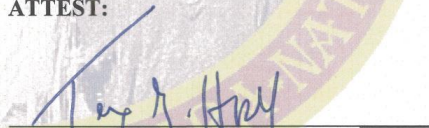
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 5 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 9<sup>th</sup> day of August, 2012, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 5 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 9<sup>th</sup> day of August, 2012.

ATTEST:

  
Tribal Secretary, Judy Brugh  
Tribal Business Council  
Three Affiliated Tribes

  
Tribal Chairman, Tex Hall  
Tribal Business Council  
Three Affiliated Tribes



Resolution No. 12-139-VJB

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

*A Resolution entitled, "Amending the Missouri River and Badlands Protection Act to Allow Variances upon Recommendation by the Tribal Energy Office"*

- 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 Tribes generally authorizes 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,** The Tribal Business Council passed Resolution 12-049-VJB, The Missouri River and Badlands Protection Act ("Act"), which requires a half mile setback for drilling pads from the Missouri River, Little Missouri River, and designated sacred sites or villages in the Badlands; and
- WHEREAS,** The Act included no provisions for authorized variances from the half mile setback rule; and
- WHEREAS,** The Tribal Council determines it necessary to amend the Act in order to harmonize environmental concern with proper development of existing mineral deposits; and
- WHEREAS,** An amendment to the Act would serve to benefit the Three Affiliated Tribes and its members by allowing responsible development of the Tribes' energy resources; and
- WHEREAS,** The Tribal Energy Office has the expertise to determine when a variance may be granted and still comply with the purpose of the Act

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# MHA NATION ENERGY DIVISION



Resolution No. 12-139-VJB

**NOW THEREFORE BE IT RESOLVED**, That the Act is hereby amended, by adding the following two paragraphs:

- 1.) “The Tribal Business Council may, in its discretion, grant a variance from the half mile setback provision as it relates to the Missouri River or the Little Missouri River, upon the recommendation of the Tribal Energy Office. The Tribal Energy Office may recommend a variance 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.”
- 2.) For purposes of the Act, the Missouri River and Little Missouri River is defined as including Lake Sakakawea.

**BE IT FURTHER RESOLVED**, that the Tribal Energy Office is hereby authorized and directed to adopt rules and guidances as to the application for, review of and action upon requested variances from the one half mile setback rule under the Act.

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

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# MHA NATION ENERGY DIVISION




Resolution No. 12-139-VJB

## CERTIFICATION

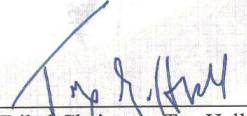
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 6 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 18<sup>th</sup> day of December, 2012, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 6 members, 0 members opposed, 0 members abstained, members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman  Voting.  Not Voting.

Dated this 18<sup>th</sup> day of December, 2012.

  
Tribal Secretary V. Judy Brugh  
Tribal Business Council  
Three Affiliated Tribes

ATTEST:

  
Tribal Chairman, Tex Hall  
Tribal Business Council  
Three Affiliated Tribes





Resolution No. 12-103-VJB

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

*A Resolution Entitled, "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 Tribes generally authorizes 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,** The construction and operation of well pads, well heads, waste pits, reserve pits, oil storage tanks, oil pumping units, or other oil and gas production facilities (oil and gas structures) creates noise, dust, and smells that interfere with the quiet enjoyment of nearby property owners; and
- WHEREAS,** It is in the best interest of the Nation to protect the property and wellbeing of all property owners by imposing set back requirements for such oil and gas structures; and
- WHEREAS,** The Nation also recognizes the need for balanced laws that protect both the interest of property owners and the business interest of Oil and Gas Companies.
- NOW THEREFORE BE IT RESOLVED,** well pads, well heads, waste pits, reserve pits, oil storage tanks, and oil pumping units shall not be located within 2,640 feet (1/2 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 2,640 feet of an occupied residence, tribal building, school, or hospital provided that the Oil and Gas Company provide 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 FURTHER RESOLVED,** this Resolution supersedes any prior actions of the Tribal Business Council on the 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.

# MHA NATION ENERGY DIVISION



Resolution No. 12-103-VJB

A large, faded circular seal of the MHA Nation Energy Division. It features a central figure, possibly a Native American, surrounded by text. The text includes "ESTABLISHED BY LARAMIE COUNTY WYOMING" at the top and "MANDAN • HIDATSA • ARIKARA • NATION" at the bottom.

**BE IT FURTHER RESOLVED** that any company found to be in violation of this Resolution shall be fined up to One Million Dollars (\$1,000,000) under the Nation's Civil Code in addition to possible revocation of its Tribal Employment Rights Office License and any such other Tribal licenses the company may hold.

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



Resolution No. 12-103-VJB


### CERTIFICATION

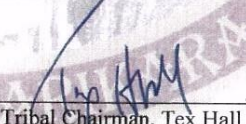
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 5 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 27<sup>th</sup> day of September, 2012, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 5 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 27<sup>th</sup> day of September, 2012.

ATTEST:

  
\_\_\_\_\_  
Tribal Secretary V. Judy Brugh  
Tribal Business Council  
Three Affiliated Tribes

  
\_\_\_\_\_  
Tribal Chairman, Tex Hall  
Tribal Business Council  
Three Affiliated Tribes



Resolution No. 11-35-VJB

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

*A Resolution Entitled: "Interim Regulation governing the disposal of Waste and other Hazardous substances Associated with the Exploration or Production of Oil and Gas on the Fort Berthold Indian Reservation"*

- 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 Tribes generally authorizes 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 (l) 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,** The rapid development of the oil industry on the Fort Berthold Indian Reservation due to oil exploration and production has resulted in a myriad of environmental concerns including the disposal of wastes associated with oil and gas exploration and production on tribal and allotted lands; and
- WHEREAS,** there are currently no tribal or federal regulations that prohibit dumping, disposing or discharge of waste associated with the exploration or production of oil and gas on the Reservation; and
- WHEREAS,** certain companies doing business on the Reservation have engaged in the improper disposal of such wastes; and

# MHA NATION ENERGY DIVISION



Resolution No. 11-35-VJB

**WHEREAS,** The United States Supreme Court held in *Montana v. United States* 450 U.S. 544, 1980, that Indian Tribes have inherent power to exercise civil authority over the conduct of non- Indians on fee lands within a reservation when that conduct threatens or has some direct effect on the political integrity, the economic security or the health and welfare of the Tribe; and

**WHEREAS,** The Tribes' Environmental Division is the process of developing a Solid and hazardous waste management and remediation code for the Tribes however, those codes are in the preliminary stage of development; and

**WHEREAS,** The Tribal Business Council has determined that an interim regulation governing the disposal of waste associated with the exploration and production of oil and gas on the Fort Berthold Reservation should be adopted.

**NOW THEREFORE BE IT RESOLVED,** that the Tribal Business Council of the Three Affiliated Tribes hereby adopts the following interim regulations governing the disposal of waste associated with the exploration and production of oil and gas on the Fort Berthold Reservation:

1. **DEFINITIONS:** the following definitions apply to this regulation:

**Authorized facility:** means a waste management, storage, transfer or disposal site or facility which meets the requirements of applicable federal, tribal or state regulations and is approved by the Tribal Council as the place for such management or disposal of waste covered by this regulation.

**Discharge:** means the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying, injecting or dumping of waste into or on any land or water.

**Disposal:** means the discharge, abandonment, deposit, injection, dumping, spilling, leaking, or placing of any solid or hazardous waste into or on any soil, air or water, intentional or otherwise.

**Hazardous substances:** means any substance which, because of its quantity, concentration or physical, chemical or infectious characteristics may pose a substantial present or future hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise mismanaged.

**Remediate:** means to abate, contain, or remove a hazardous substance from the environment.

2. **DISPOSAL OF WASTE.** All waste or other hazardous substances associated with the exploration or production of oil and gas on the Fort Berthold Reservation must be disposed of in an authorized facility in accord with all tribal, local, state and federal laws and regulations.



## Resolution No. 11-~~38~~-VJB

3. **DISPOSAL ON RESERVATION LANDS PROHIBITED.** The willful, negligent or accidental disposal of any waste associated with the exploration or production of oil and gas on any lands within the boundaries of the Fort Berthold Reservation that is not in compliance with section 1 of this regulation is strictly prohibited and shall result in civil penalties as set forth in section 6.
4. **AUTHORITY TO AUDIT RECORDS.** In order to ensure compliance with this regulation the compliance officers within the Tribes Energy Department and Environmental Department and Tribal Employment Rights Office (“TERO”) are hereby authorized to audit the records of companies who are in the business of removing, hauling and disposing of oil field waste to ensure that such companies are complying with the requirements of this regulation. Compliance audits shall be made upon 24 hour notice to the company provided however if the Tribe receives a report of any willful violation of this regulation, the audit shall be done immediately. Audits shall include checking records for the receipt of oil field waste against the records of the receipt of the authorized disposal site.
5. **ENFORCEMENT.** Enforcement of this Regulation shall be the joint responsibility of the Tribes’ Energy Department, Environmental Department, law enforcement services, TERO, Fire Management, and Game and fish Departments all of which are hereby authorized to issue citations for violations of this regulation. The Tribal Court shall have jurisdiction to hear all complaints and appeals of any citations issued pursuant to this regulation.
6. **PENALTIES FOR VIOLATIONS.** Any individual or company found to be in violation of this regulation shall be cited and fined as follows:
  - a. **Willful violations:**  
First violation- \$10,000.00  
Second violation: 25,000.00  
Subsequent violation- \$1,000,000.00
  - b. **Negligent violations**  
First violation: - \$5,000.00  
Second violation: \$10,000.00  
Subsequent violations: \$50,000.00
7. **OTHER PENALTIES:** in addition to the fines assessed above any individual or company found to be in violation of this Regulation shall be subject to the following remedies:
  - a. Suspension or revocation of the individual or company’s TERO license by the TERO Commission for repeated violations of this regulation, for failure to pay any fine assessed under Section 6 or for failure to comply with the remediation provisions of this regulation.



Resolution No. 11- 75-VJB

- b. Any company or individual found to be in violation of this Regulation shall be required to remediate or pay for the cost of remediation of lands affected by the violation in order to prevent or minimize any environmental damages and minimize the risk to public health or to the environment. Remediation will be completed in accordance with standards set and determined by the Tribes.


### CERTIFICATION

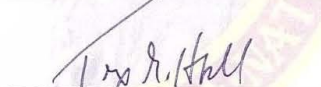
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 7 were present at a regular Meeting thereof duly called, noticed, convened and held on the 14 day of July, 2011, 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 14 day of July, 2011.

ATTEST:

  
 Tribal Secretary V. Judy Brugh  
 Tribal Business Council  
 Three Affiliated Tribes

  
 Tribal Chairman Tex G. Hall  
 Tribal Business Council  
 Three Affiliated Tribes



Resolution No. 13- 070 -VJB

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

*A Resolution entitled, "Regulation of Flaring of Gas, Imposition of Tax, Payment of Royalties and Other Purposes"*

**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 authorizes 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,** The Bureau of Land Management ("BLM") has failed to adequately enforce NTL-4a "Notice to Lessees and Operators of Onshore federal and Indian Oil and Gas Leases: Royalty or Compensation for Oil and Gas Lost" which covers the flaring of gas; and

**WHEREAS,** The Business Council finds it in the best interest of the MHA Nation to regulate the flaring of gas on the Forth Berthold Indian Reservation (the "Reservation") due to the lack of enforcement by the BLM, and due to the fact that flaring is wasteful and contributes to air pollution.

**NOW THEREFORE BE IT RESOLVED,** that the Business Council hereby adopts the following regulations for the flaring of gas on the Reservation:

**FLARING OF GAS RESTRICTED – IMPOSITION OF TAX – PAYMENT OF ROYALTIES – MHA NATION ENERGY DEPARTMENT AUTHORITY.**

As permitted under this rule, gas produced with crude oil from an oil well may be flared during a one-year period from the date of first production from the well. Thereafter, flaring of gas from the well must cease and the well must be capped, connected to a gas gathering line, or equipped with an electrical generator that consumes at least seventy-five percent of the gas from the well.

An electrical generator and its attachment units to produce electricity from gas must be considered to be personal property for all purposes. For a well operated in violation of this rule, the producer shall pay royalties to royalty owners upon the value of the flared gas and shall also pay gross production tax on the flared gas at the rate imposed under Federal law. The MHA Nation Energy Department may enforce this rule and, for each well operator found to be in violation of this rule,





## Resolution No. 13-070-VJB

may determine the value of flared gas for purposes of payment of royalties under this rule and its determination is final.

A producer may obtain an exemption from this rule from the MHA Nation Energy Department upon application and a showing that connection of the well to a natural gas gathering line is economically infeasible at the time of the application or in the foreseeable future or that a market for the gas is not available and that equipping the well with an electrical generator to produce electricity from gas is economically infeasible.

### FLARING EXEMPTION

The connection of a well to a natural gas gathering line is "economically infeasible" under this rule, if the direct costs of connecting the well to the line and the direct costs of operating the facilities connecting the well to the line during the life of the well, are greater than the amount of money the operator is likely to receive for the gas, less production taxes and royalties, should the well be connected.

In making this calculation, the applicant may add ten percent to the amount of the cost of connecting the well and of operating the connection facilities used to determine whether a connection is economically infeasible. This ten percent may be added in consideration of the cost of money and other overhead costs that are not figured in the direct costs of connecting the well and operating the connecting facilities.

An applicant for an exemption under this rule must, at the minimum, present evidence covering the following areas:

1. Basis for the gas price used to determine whether it is economically infeasible to connect the well to a natural gas gathering line;
2. Cost of connecting the well to the line and operating the facilities connecting the well to the line;
3. Current daily rate of the amount of gas flared; and
4. The amount of gas reserves and the amount of gas available for sale.

### SPECIAL PROCEDURES FOR FLARING EXEMPTION

1. Applications flaring exemption under this rule, must be signed by the applicant or the applicant's representative. The application must contain or refer to attachments that contain all the information required by this rule as well as the information the applicant wants the MHA Nation Energy Department to consider in deciding whether to grant the application. The application must designate an employee or representative of the applicant to whom the MHA Nation Energy Department can direct inquiries regarding the application.

# MHA NATION ENERGY DIVISION



## Resolution No. 13- 070 -VJB

2. The application will be advertised and scheduled for hearing. The applicant, however, unless required by the Director, MHA Nation Energy Department, need not appear at the hearing scheduled to consider the application, although additional evidence may be submitted prior to the hearing. Any interested party may appear at the hearing to oppose or comment on the application. Any interested party may also submit written comments on or objections to the application no later than five (5) p.m. on the last business day prior to the hearing date. Such submissions may be part of the record in the case if allowed by the hearing examiner.
3. The Director is authorized, on behalf of the MHA Nation, to grant or deny the application.
4. In any proceeding under this section, the applicant, at the hearing, may supplement the record by offering testimony and exhibits in support of the application.
5. In the event the applicant is not required by the Director to appear at the hearing and an interested party does appear to oppose the application or submits a written objection to the application, the Director shall continue the hearing to a later date, keep the record open for the submission of additional evidence, or take any other action necessary to ensure that the applicant, who does not appear at the hearing as the result of subsection 2, is accorded due process.

**BE IT FURTHER RESOLVED,** Royalties and/or taxes collected under this regulation shall be deposited in a special account for the exclusive use for the maintenance, repair and construction of tribal roads within the exterior boundaries of the Reservation.

**BE IT FURTHER RESOLVED,** that the Business Council finds it in the best interest of the MHA Nation to regulate the flaring of gas on the Fort Berthold Indian Reservation as provided above, due to the lack of enforcement by the Bureau of Land Management of NTL-4a "Notice to Lessees and Operators of Onshore federal and Indian Oil and Gas Leases: Royalty or Compensation for Oil and Gas Lost" which covers the flaring of gas on Indian lands.

**BE IT FURTHER RESOLVED,** that any royalties or taxes collected by the MHA Nation pursuant to this rule shall be deposited in a special account for the maintenance, repair and construction of roads.

**BE IT FINALLY RESOLVED,** that the Chairman is hereby authorized 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

# MHA NATION ENERGY DIVISION




Resolution No. 13-070-VJB

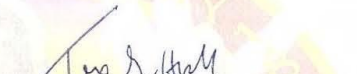
of seven (7) members of whom five (5) constitute a quorum, 5 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 9 day of May, 2013, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 4 members, 0 members opposed, 1 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

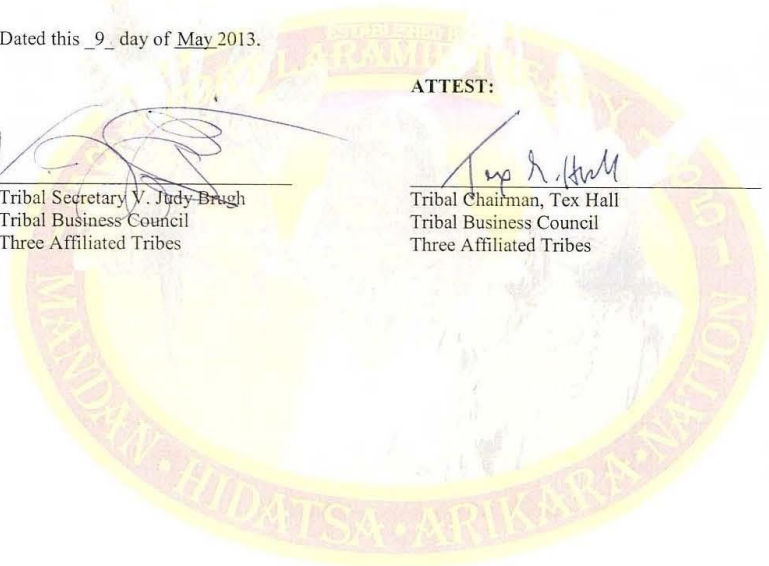
Chairman [ X ] Voting. [ ] Not Voting.

Dated this 9 day of May 2013.

ATTEST:

  
Tribal Secretary V. Judy Brugh  
Tribal Business Council  
Three Affiliated Tribes

  
Tribal Chairman, Tex Hall  
Tribal Business Council  
Three Affiliated Tribes





Amended Resolution No. 13-013-VJB

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

*A Resolution Entitled, "Requirement for High Definition Video Surveillance on Tribal Well Sites on the Fort Berthold Indian Reservation"*

- 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 authorizes 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 3 of the Constitution grants the Tribal Business Council all legislative authority necessary for the purpose of exercising the jurisdiction granted by Article I of the Constitution; 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 as a result of the exploration and production of crude oil and other minerals within the Bakken Formation; and
- WHEREAS,** The property and natural resources of the Tribes are threatened by the potential hazards inherent in the exploration and production of oil and gas and the operation of drilling rigs on the Fort Berthold Reservation and therefore the Tribal Business Council has the responsibility and authority to regulate the conduct of oil and gas exploration and production on the Reservation and provide safeguards to prevent and detect hazards that may occur; and



## Amended Resolution No. 13-013-VJB

**WHEREAS,** The Tribal Business Council believes that in order to protect and preserve the Tribe's property and natural resources, that a tribal requirement must be adopted mandating that all Tribal (Mineral and/or Surface interest) production wells, disposal wells and all operating new, existing and future drilling rigs operating on

the Fort Berthold Reservation, install and operate constant High Definition (HD) video surveillance at each production well, disposal well and drilling rig site. The purpose of such a monitoring system is to build one consistent and standardized, high quality system that can be viewed only during the time of a discrepancy or occurrence from either a remote location or locally on-site.

**WHEREAS,** the purpose of such a monitoring system is to build a video surveillance system to create a deterrent and to help address the concerns, monitoring issues, complaints, compliance and other discrepancies that occur in the oil field industry on the Fort Berthold Indian Reservation with the requirement to have all operating drilling rigs install the specified mobile video surveillance trailers on all Tribal well sites. TAT also firmly believes that by implementing this mandate, TAT will gain better understanding of occurrences and discrepancies which will lead to preventative maintenance; and

**WHEREAS,** The Tribal Business Council passed this resolution as Resolution #11-022 on February 15<sup>th</sup>, 2011 and since that time most companies have failed to comply with the terms and requirements of the Resolution; and

**WHEREAS,** Companies that this Resolution applies to have had ample notice of the requirements set out in the Resolution including a public hearing held in May of 2011 with the opportunity to provide comments, as well as onsite demonstrations that have recently occurred; and

**WHEREAS,** due to the lack of compliance, the Tribal Council finds it is necessary to amend the resolution to add compliance measures to ensure enforcement of the Resolution.



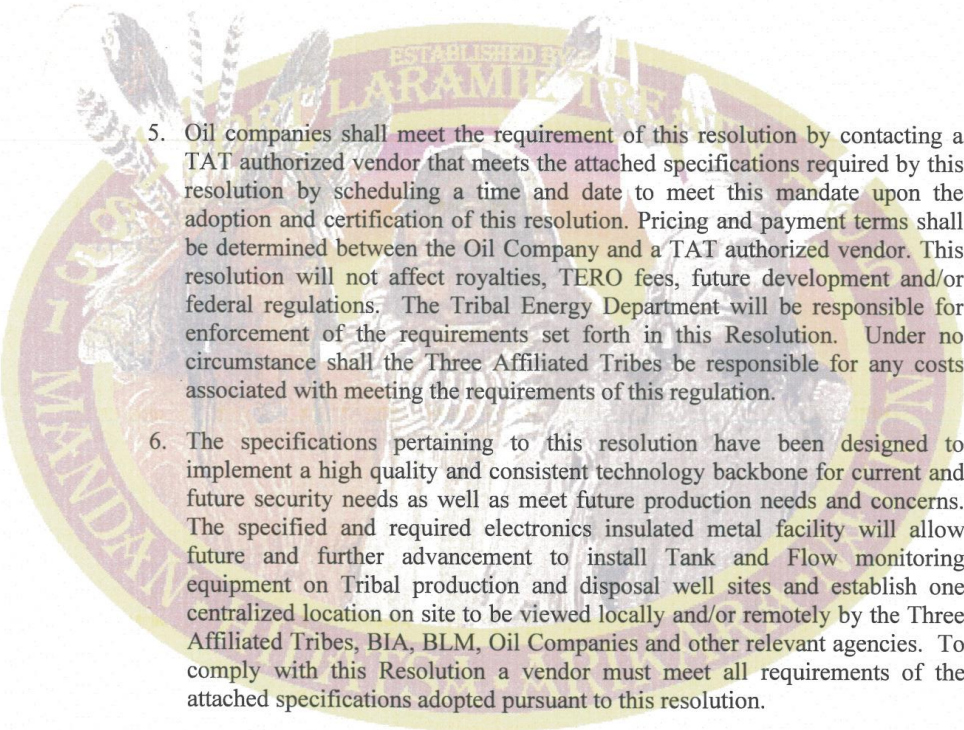
## Amended Resolution No. 13-013-VJB

**NOW THEREFORE BE IT RESOLVED**, that the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, pursuant to its constitutional powers hereby adopts the following video surveillance requirements for all tribally owned production wells, disposal wells and drilling rigs operating on the Fort Berthold Indian Reservation in accordance with the following specifications:

1. The purpose of this Resolution is to implement a requirement for a high quality effective around-the-clock monitoring system on Tribal well sites (production and disposal) and drilling rigs to protect the environment, increase safety, secure assets, and meet Federal, State and Tribal regulations pertaining to the Three Affiliated Tribes and oil companies producing on the Fort Berthold Indian Reservation
2. All Tribal production and disposal wells and all operating new, existing and future drilling rigs shall be required to install and operate constant High Definition (HD) video surveillance on all well sites on the Reservation.
3. Upon commencement of drilling, the specified Mobile Video Surveillance Trailer shall be in place at all existing, new and future operating drilling rigs. Thereafter, all the Tribal wells (mineral and/or surface interest) (Production and Disposal) on the Fort Berthold Indian Reservation must have the specified permanent High Definition (HD) Video Surveillance System on all existing, new and future production and disposal sites.
4. The requirement is to have all operating drilling rigs on the Fort Berthold Indian Reservation have the specified mobile video surveillance trailers on all locations during the drilling process. Once drilling is completed and the drilling rig is relocated, the specified Mobile Video Surveillance Trailer shall remain on location until the specified permanent High Definition (HD) Video Surveillance System is installed and fully operational. This will meet the requirement of the 24-hour/7-days-a-week constant video monitoring and recording. Thereafter, all production and disposal sites are required to have the permanent system to meet this mandate. This mandate will require all Tribal production and disposal well locations to have License Plate Recognition (LPR) equipment and software to log traffic and vehicles coming in and out of sites, and build a database to be viewed by interested parties (TAT: Energy Dept., TERO, Law Enforcement, Environmental, and Natural Resource Dept.; Bureau of Indian Affairs, Oil Companies and any other relevant Agencies), only when a discrepancy occurs.



## Amended Resolution No. 13-013-VJB

- 
5. Oil companies shall meet the requirement of this resolution by contacting a TAT authorized vendor that meets the attached specifications required by this resolution by scheduling a time and date to meet this mandate upon the adoption and certification of this resolution. Pricing and payment terms shall be determined between the Oil Company and a TAT authorized vendor. This resolution will not affect royalties, TERO fees, future development and/or federal regulations. The Tribal Energy Department will be responsible for enforcement of the requirements set forth in this Resolution. Under no circumstance shall the Three Affiliated Tribes be responsible for any costs associated with meeting the requirements of this regulation.
  6. The specifications pertaining to this resolution have been designed to implement a high quality and consistent technology backbone for current and future security needs as well as meet future production needs and concerns. The specified and required electronics insulated metal facility will allow future and further advancement to install Tank and Flow monitoring equipment on Tribal production and disposal well sites and establish one centralized location on site to be viewed locally and/or remotely by the Three Affiliated Tribes, BIA, BLM, Oil Companies and other relevant agencies. To comply with this Resolution a vendor must meet all requirements of the attached specifications adopted pursuant to this resolution.



## Amended Resolution No. 13-013-VJB

**BE IT FURTHER RESOLVED**, that the specifications and well site requirements (Exhibit A, B & C) for the Video Monitoring Surveillance systems required by this Resolution are herewith attached to this Resolution and are by reference made a part of it.

**BE IT FINALLY RESOLVED**, that this Resolution # 11-022 is hereby amended by adding the following enforcement and compliance requirements:

1. All companies for which this resolution applies shall have thirty (30) days from the date of adoption and certification of this amended resolution to come into compliance with its requirements.
2. The Chairman of the Tribe along with the Energy Department are authorized and shall send out a Compliance Notice to all companies for which this resolution applies
3. The Tribal Energy Department and TERO Department are authorized to investigate all tribal well sites to ensure that all companies are in compliance with the requirement of this Resolution.
4. The Energy Department shall issue a notice of non-compliance to any company found to be out of compliance with the requirements of this Resolution. The notice shall give the company a fifteen (15) day period to come into compliance and shall also notify the company of the potential penalties for failure to comply within the fifteen day period.
5. Failure to come into compliance with the requirements of this Resolution shall result in the assessment of a Five Hundred (\$500) per day penalty for every day the company is found to be out of compliance.
6. In addition to the civil penalty assessed, the company may have its TERO license suspended or revoked by the TERO commission.





Amended Resolution No. 13-013-VJB

**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 24<sup>th</sup> day of January, 2013, 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 24<sup>th</sup> day of January, 2013.

ATTEST:

Tribal Secretary Judy Brugh  
Tribal Business Council  
Three Affiliated Tribes

Tribal Chairman Tex G. Hall  
Tribal Business Council  
Three Affiliated Tribes



Resolution No. 13-\_\_071\_ VJB

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

*A Resolution entitled, "Amending Resolution Nos. 11-022-VJB and 13-013-VJB Concerning Video Surveillance Requirements"*

**WHEREAS,** The Mandan Hidatsa and Arikara Nation ("MHA Nation" or "Tribes") having accepted the Indian Reorganization Act of June 18, 1934 ("IRA"), and the authority under said Act and having adopted a Constitution and By-Laws pursuant to said Act; and

**WHEREAS,** The Constitution of the MHA Nation generally authorizes 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, Section 1 of the Constitution of the MHA Nation provides that the Tribal Business Council is the governing body of the Tribes; and

**WHEREAS,** Article VI, Section 5(j) of the Constitution of the MHA Nation provides that the Tribal Business Council has the power to protect and preserve the property, wildlife, and natural resources of the Tribes; and

**WHEREAS,** The Business Council adopted Resolution No. 13-013-VJB, amending Resolution No. 11-022-VJB (The Resolutions), both of which pertain to video surveillance at well sites; and

**WHEREAS,** the Business Council has determined that the Resolutions should be amended to exempt well sites that have other adequate surveillance and safety systems in place, so as to avoid unnecessary additional regulation.

**NOW THEREFORE BE IT RESOLVED,** that Resolution No. 11-022-VJB and Resolution No. 13-013-VJB are hereby amended by adding the following Sections 7 and 8 at the end of the first "Resolved" section of each Resolution:

7. Notwithstanding anything to the contrary herein, the requirements of this Resolution shall not apply to any well site where there is a SCADA (Supervisory Control and Data Acquisition) system in place which is approved by the MHA Nation Energy Department. Nor shall the provisions of this Resolution apply to Drilling Rigs where the operator and/or driller has a safety plan in place, approved by the MHA Nation Energy Department, that adequately monitors the rig 24 hours a day until the rig is moved. The Energy Department shall establish regulations governing the approval of SCADA systems for well sites and safety plans for drilling rigs which all persons must comply with in order to be exempt from the requirements of this Resolution.

# MHA NATION ENERGY DIVISION



Resolution No. 13- 071 VJB

8. For purposes of this Resolution, the term "Tribal interest" means a ten percent (10%) or more tribally owned fee or beneficial interest in the mineral estate for any given well site.

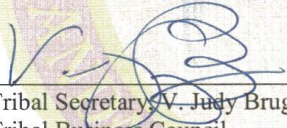
## CERTIFICATION

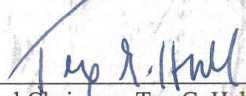
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 5 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 9 day of May, 2013, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 5 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 9 day of May, 2013.

ATTEST:

  
Tribal Secretary V. Judy Brugh  
Tribal Business Council  
Three Affiliated Tribes

  
Tribal Chairman, Tex G. Hall  
Tribal Business Council  
Three Affiliated Tribes



FORT BERTHOLD INDIAN RESERVATION  
Three Affiliated Tribes — Mandan, Hidatsa & Arikara Nation  
404 Frontage Road \* New Town, ND 58763  
Main (701) 627-4781 \* Fax (701) 627-3503

## COMPLIANCE NOTICE

**June 26, 2013**

**Amended Resolution No. 13-071– VJB**

**RE: Compliance Requirement for Resolutions No. 11-022-VJB and Resolution NO.13-013-VJB (The Resolution) entitled “Requirement for High Definition Video Surveillance on Tribal Well Sites on the Fort Berthold Indian Reservation.”**

The Deadline for Compliance is June 22, 2013. The intent of this notice is to expedite the process for installing all required systems in a timely manner.

On **May 9, 2013** the Tribal Business Council passed Amended Resolution No. 13-071 VJB which finalized this matter.

1. The Specifications and system requirements established in (The Resolution) still apply in Amended Resolution No. 13-071 VJB.
2. **SCADA** systems must be installed according to (The Resolutions) and installed as of today. If a site does not currently have **SCADA**, companies must comply with the established video surveillance system requirements within (The Resolutions).
3. And or, after the Fifteen day Grace Period Company Representative shall be required to be onsite 24 hrs, a day until Video Surveillance or **SCADA** is implemented and fully operational.
4. All Companies for which this resolution applies (each well that has 10% or more mineral interest) shall have thirty (30) days from the date of this notice to come into compliance with its requirements.
5. The Tribal Energy Department and **TERO** Department are authorized to investigate all tribal well sites to ensure that all companies are in compliance with the requirement of this resolution.
6. The Energy Department shall issue a notice of non-compliance to any company found to be out of compliance with the requirements of this Resolution. The notice shall give the company a fifteen (15) day period to come into compliance and shall also notify the company of the potential penalties for failure to comply within the fifteen day period.
7. Failure to come into compliance with the requirements of this resolution shall result in the assessment of a Five Hundred (\$ 500) per day penalty for every day the company is found to out of compliance.
8. In addition to the civil penalty assessed may have its **TERO** license suspended or revoked by the **TERO** commission.

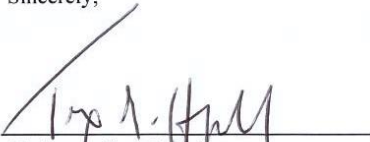
Finally, to expedite the process of compliance, please contact the current authorized vendor if you have not already done so. Under the **TERO** Ordinance, Indian preference applies. Only **TERO** approved vendors meet the Legal Requirements for compliance.

# MHA NATION ENERGY DIVISION

Approved Vendor: Dana Ebel  
Fox & Hawk, LLC  
(701) 720-2182 Mobile  
Dana@foxandhawk.com

We want to thank the companies who have made contact with our authorized vendor with the full intent to cooperate and comply with this law. Please contact our office (listed below) for further inquiry, and thank you for your cooperation.

Sincerely,



Chairman Tex G. Hall  
Mandan, Hidatsa & Arikara Nation  
404 Frontage Road  
New Town, ND 58763  
(701) 627-4781



## MHA Energy Accidental Release or Spill Requirements



### **Chapter 15.1: Solid and Hazardous Waste Management and Remediation Codes: Section 19**

In the event of an accidental release or spill of a hazardous substance, pollutant or contaminant\* to the air, land or water or ground water of the reservation resulting in a potential threat to the public health, welfare, or the environment within the exterior boundaries of the reservation the persons causing the release or the originating facilities or vehicles owner or operator must implement the requirements of this section to include;

**Timely and Appropriate Action** The persons causing the release or the originating facility or vehicle owner or operator must take timely and appropriate action to include notification of appropriate officials and government agencies as specified below. Failure to take timely and appropriate action, as directed by this section and MHA Energy may result in enforcement action pursuant to this act and other tribal acts and/or referral of appropriate state or federal agencies.

**Notification Requirements** A notification is required where an accidental spill or release of a hazardous substance, pollutant or contaminant\* has occurred within the exterior boundaries of the reservation; and

- △ The release poses a potential threat to the public health, welfare or the environment; or
- △ The release exceeds 25 gallons or causes a sheen on surface water; or
- △ It exceeds any tribal or federal U.S. EPA groundwater, surface water or drinking water quality standards; or
- △ The release is required to be reported according to Superfund Amendments and Reauthorization Act (SARA), Title III, § 304 (1986); or
- △ MHA Energy requires a notification of a release to be made.

**Who to Notify of a Release** Owner or operator of a facility or a vehicle believed to be a source of such a release of a hazardous substance, pollutant or contaminant\* must notify MHA Energy within 24 hours at (701)-627-5154, or any other telephone number designated by MHA Energy, as well as the appropriate state and federal authorities.

**Notification Information Required** All notifications and reports of an accidental release or spill of any hazardous substance or pollutant shall contain the following information, at a minimum, to the best of the reporting person's ability:

- ▽ Name and telephone number of the reporting person;
- ▽ Name and address of the facility (or location of the spill or accident);
- ▽ Name and facility/vehicle owner contact if different than reporting person;
- ▽ Time and type of incident, for example spill, release, fire, etc.;
- ▽ Name, description, and quantity of material involved, to the extent known;
- ▽ The extent of any injuries, if known;
- ▽ The possible hazard to human health of the environment outside the facility or to the nearby area;
- ▽ Description of actions taken to mitigate the release or spill;
- ▽ Other authorities notified

**Additional Reports** Subsequent to the initial report, the responsible person shall immediately notify MHA Energy of information that changes the accuracy of the initial report. As directed by MHA Energy, the responsible person shall make additional reports verbally or in writing.

**Response Action Required** The owner or operator of a facility or a vehicle believed to be the source of such a release or spill of a hazardous substance, pollutant or contaminant\* must comply with the requirements of this act and the MHA Energy to address the immediate and long term impacts of the release or spill to include all necessary contaminant\*, remediation, assessment of impacts and long term monitoring.

\*Hazardous substances, pollutants and contaminants includes all "Hazardous Waste" listed in 40 CFR Part 216 and waste defined as "Special or Industrial Waste" In Chapter 15.1, Section 8, to include petroleum products, waste from crude oil and natural gas exploration or production, to include petroleum and crude oil contaminated soils, contaminated drilling cuttings, produced water or other fluids from an oil or gas exploration of production well. Consult MHA Energy of other types of wastes that are subject to these requirements.



# MHA NATION ENERGY DIVISION

## MHA Regulatory Agency Contact Information

### TAT TRIBAL BUSINESS COUNCIL

404 Frontage Road  
New Town, ND 58763  
Main Line: 701.627.4781

[www.mhanation.com](http://www.mhanation.com)

- Chairman Tex Hall – [redtippedarrow@mhanation.com](mailto:redtippedarrow@mhanation.com)
- Fred Fox (White Shield) – [ffox@mhanation.com](mailto:ffox@mhanation.com)
- Judy Brugh (4 Bears) – [jbrugh@mhanation.com](mailto:jbrugh@mhanation.com)
- Mervin Packineau (Parshall) – [mpackineau@mhanation.com](mailto:mpackineau@mhanation.com)
- Ken Hall (New Town) – [kenhall@mhanation.com](mailto:kenhall@mhanation.com)
- Randy Phelan (Mandaree) – [rphelan@mhanation.com](mailto:rphelan@mhanation.com)
- Barry Benson (Twin Buttes) – [bbenson@mhanation.com](mailto:bbenson@mhanation.com)

### MHA NATION NATURAL RESOURCES DEPARTMENT

- Claryca Mandan; Acting Director – [clarycamandan@gmail.com](mailto:clarycamandan@gmail.com) 701.627.4781

### BUREAU OF INDIAN AFFAIRS

202 Main Street  
New Town, ND 58763  
Main Line: 701.627.4707

<http://www.bia.gov/WhoWeAre/RegionalOffices/GreatPlains/WeAre/Agencies/FortBerthold/index.htm>

#### EA Division

- Jeff Desjarlais – [Jeffrey.Desjarlais@bia.gov](mailto:Jeffrey.Desjarlais@bia.gov) 701.421.0181
- Chris McLaughlin – [Chris.Mclaughlin@bia.gov](mailto:Chris.Mclaughlin@bia.gov) 720.556.9899
- Felicia Dickens – [Felicia.Dickens@bia.gov](mailto:Felicia.Dickens@bia.gov) 720.284.7850

#### Realty Division (Right of Ways/Grant of Easements)

- Renita Howling Wolf – [Renita.Howlingwolf@bia.gov](mailto:Renita.Howlingwolf@bia.gov)
- Patti Yellow Boy – [Patti.Yellowboy@bia.gov](mailto:Patti.Yellowboy@bia.gov)
- Ardith Marsette – [Ardith.Marsette@bia.gov](mailto:Ardith.Marsette@bia.gov)

# MHA NATION ENERGY DIVISION

## THREE AFFILIATED TRIBES ENVIRONMENTAL

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New Town, ND 58763  
701.627.4569

- Edmund Baker – [edmundbaker@mhanation.com](mailto:edmundbaker@mhanation.com) 701.421.6873

## MHA NATION DEPARTMENT OF TRANSPORTATION (DOT)

306 Main Street (Building east side of TERO)  
New Town, ND 58763  
701.627.2838

[www.mhadot.com](http://www.mhadot.com)

- Richard Hall (Director) – [richardhall@mhanation.com](mailto:richardhall@mhanation.com)
- Stephanie Hall (Registration/Licensing) – [slhall@mhanation.com](mailto:slhall@mhanation.com)
- Jennifer Krueger (Accountant) – [jkrueger@mhanation.com](mailto:jkrueger@mhanation.com)
- Shani Trevino (Database Administrator/Permits) – [strevino@mhanation.com](mailto:strevino@mhanation.com)

## TRIBAL EMPLOYMENT RIGHTS OFFICE (TERO)

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New Town, ND 58763  
701.627.3634

[www.mhater.com](http://www.mhater.com)

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- Dewey Hosie – (Deputy Director) [dhosie@mhanation.com](mailto:dhosie@mhanation.com) 701.421.8970
- Frank Delapaz – (Coordinating Officer) [fdelapaz@mhanation.com](mailto:fdelapaz@mhanation.com) 701.421.5650
- Johanna White Bear – (Chief Licensing Officer) [jwhitebear@mhanation.com](mailto:jwhitebear@mhanation.com) 701.421.8969
- Lloyd Johnson (Employment) – [ljohnson@mhanation.com](mailto:ljohnson@mhanation.com) 701.421.8968
- Tony Two Bears (Compliance) – [ttwobears@mhanation.com](mailto:ttwobears@mhanation.com) 701.421.7157



# MHA NATION ENERGY DIVISION

## TAT EASEMENT PROGRAM

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New Town, ND 58763  
701.627.2393

- Texx Lone Bear – [texx@restel.com](mailto:texx@restel.com)

## TAT TAX DEPT.

404 Frontage Road  
New Town, ND 58763  
Main Line: 701.627-4781

- Mark Fox – [mfox@mhanation.com](mailto:mfox@mhanation.com) 701.421.0991
- Rick Marsh – [rmarsh@mhanation.com](mailto:rmarsh@mhanation.com) 719.641.6095