



**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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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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CERTIFICATION

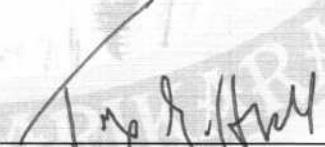
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 6 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 18th 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 18th day of December, 2012.

ATTEST:


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


Tribal Chairman, Tex Hall
Tribal Business Council
Three Affiliated Tribes

