



**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 Bruin E&P Operating, LLC for the Bonita Well Pad to Evans Well Pad Flowlines Project."*

- WHEREAS,** This Mandan Hidatsa and Arikara Nation, also known as the Three Affiliated Tribes (the "MHA Nation" or "Tribes"), 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 provide 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, 2017, 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 September 11, 2019, Bruin E&P Operating, LLC submitted to the MHA Nation Energy Division a request for a Setback Variance, as set forth in Exhibit A; and

**WHEREAS,** The specific Setback Variance requested by Bruin E&P Operating, LLC is, as follows:

**PROJECT NAME:** Bonita Well Pad to Evans Well Pad Flowlines Project.

**LOCATION:** Section 8 of Township 152 North, Range 93 West, McKenzie County, North Dakota.

**ACRES OF DISTURBANCE:** 0.461

**DRILLING/SPACING UNIT:** Sections 9 & 10 (1280 acres).

**DISTANCE FROM WELLPAD/PIPE:** ± 1,482 feet to the 1854 High Water Line; and

**WHEREAS,** On August 21, 2019, during the environmental and right-of-way on-sites, Bruin E&P Operating, LLC met with the MHA Nation Energy Division to review and consider all other alternatives for the construction and siting of the Bonita Well Pad to Evans Well Pad Flowlines Project; and

**WHEREAS,** Pursuant to fees established and set forth in Resolution No. 18-212-FWF, the setback variance application for the Bonita Well Pad to Evans Well Pad Flowlines Project is subject to the MHA Nation's \$3,000.00 processing fee; and

**WHEREAS,** The MHA Nation Energy Division reviewed, processed and fully vetted Bruin E&P Operating, LLC request for a setback variance for the Bonita Well Pad to Evans Well Pad Flowlines Project, and has determined that Bruin E&P Operating, 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 October 7, 2019, at a duly held meeting of the Energy Committee, the MHA Nation Energy Division recommended approval of the setback variance for the Bonita Well Pad to Evans Well Pad Flowlines Project submitted by Bruin E&P Operating, LLC, and the Energy Committee approved Bruin E&P Operating, LLC's request for a setback variance for the Bonita Well Pad to Evans Well Pad Flowlines Project.





**Resolution No. 19-304-FWF**

**NOW THEREFORE BE IT RESOLVED**, the Tribal Business Council hereby approves the setback variance, attached as Exhibit A, submitted by Bruin E&P Operating, LLC for the Bonita Well Pad to Evans Well Pad Flowlines Project, as follows:

**PROJECT NAME:** Bonita Well Pad to Evans Well Pad Flowlines Project.

**LOCATION:** Section 8 of Township 152 North, Range 93 West, McKenzie County, North Dakota.

**ACRES OF DISTURBANCE:** 0.461

**DRILLING/SPACING UNIT:** Sections 9 & 10 (1280 acres).

**DISTANCE FROM WELLPAD/Pipe:** ± 1,482 feet to the 1854 High Water Line.

**BE IT FURTHER RESOLVED**, Pursuant to Resolution No. 18-212-FWF, the setback variance application for the Bonita Well Pad to Evans Well Pad Flowlines Project is approved subject to Bruin E&P Operating, LLC's payment of the \$3,000.00 setback variance application processing fee within fifteen (15) days from the passage of this Resolution.

**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 Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 26<sup>th</sup> day of November, 2019; 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 [ X ] voting. [ ] not voting.

Dated this 26<sup>th</sup> day of November, 2019.

**ATTEST:**

  
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*Tribal Secretary, Frederick W. Fox, Sr.*  
*Tribal Business Council*  
*Three Affiliated Tribes*

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