

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

- WHEREAS,** This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under 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,** The Tribe and its members own various trust lands within the boundaries of the Fort Berthold Reservation; and
- WHEREAS,** The Tribe and its members benefit from leases of right-of-ways across Tribal lands for various purposes, which are approved by the Bureau of Indian Affairs acting on behalf of the Tribe and Tribal member landowners; and
- WHEREAS,** Cenex Pipeline currently has a valid right-of-way for a pipeline carrying petroleum products which crosses the reservation for approximately 2,200 rods, roughly 7 miles, and is willing to renew the right-of-way prior to the expiration of its current right of way, in 2002, for a period of 20 years on terms generally favorable to the Tribe and its members; and
- WHEREAS,** As a part of the renewal of its right-of-way Cenex Pipeline is also willing to relocate, at its cost, part of its pipeline from its present location south of the Casino across the Four Bears Peninsula to a location north of the Casino on or near the state right-of-way for State Highway 23, which will allow more complete development of the Four Bears Peninsula; and
- WHEREAS,** The Agreement has now been prepared, as attached hereto; and
- WHEREAS,** The principal terms of the Agreement are as follows:
- (1) Cenex will pay \$571,950 for the entire right-of-way, including \$440,000 directly to the Tribe as compensation for a 20 year renewal period, which, deducting the amount provided to the Tribe as compensation in lieu of taxes, is equivalent to a payment of \$65.00 per rod (a rod is 16.5 feet, 320 rods in a mile);
 - (2) The Tribe will assist Cenex to obtain the consents of individual land owners necessary for obtaining the entire right-of-way;
 - (3) Cenex will pay, at its own expense, for a relocation of the pipeline through the Four Bears peninsula so that it does not interfere with future development of the peninsula, with the Tribe to obtain the necessary rights-of-way for the relocation;

(4) Cenex will pay for any damages caused by its use of the right-of-way, to the extent such damages are caused by Cenex; and

(5) Cenex will obtain and utilize the right-of-way according to BIA regulations; and

WHEREAS, The Tribe is willing to offer the landowners who own right-of-way on which the Cenex pipeline is located an additional \$10 per rod, in addition to the \$65 per rod being offered by Cenex;

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Business Council hereby approves the Petroleum Pipeline Right-of-way Agreement between the Three Affiliated Tribes and Cenex, and hereby authorizes the Chairman and the Treasurer of the Tribe to execute the Agreement on behalf of the Tribe; and

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Tribe hereby authorizes and directs Ed Hall, Jr. of the Transportation Department, Myrna Bear from the natural Resources Department, and the Legal Department, in conjunction and cooperation with Cenex and the Bureau of Indian Affairs to, as soon as possible: 1) obtain all consents necessary for the right-of-way, including paying an additional \$10 per rod to landowners who own the right-of-way on which the Cenex pipeline is located; 2) to make arrangements for obtaining any permits from the state or BIA necessary for the relocation of the pipeline in the Four Bears peninsula area and to complete any work necessary to determine the exact location of the relocated pipeline; and 3) to otherwise take such actions as are necessary to secure the approval of the Agreement by the Bureau of Indian Affairs.

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 Special Meeting thereof duly called, noticed, convened, and held on the 18th day of January, 2000; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 3 members, 2 members opposed, 0 members abstained, 1 members not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 18th day of January, 2000.

Daylon Spotted Bear
Secretary, Tribal Business Council

ATTEST:

[Signature]
Chairman, Tribal Business Council