



Resolution No. 14-089-VJB

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

An Amended Resolution Entitled: "Approval of the Revised MHA Nation Pipeline Right-of-Way Terms and Conditions, and the Section D. on Pipeline Right-of-Way Fees"

- 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 authorized 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 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 ("FBIR") as a result of the exploration and production of crude oil and other minerals within the Bakken Formation; and
- WHEREAS,** The Tribal Business Council has the responsibility and authority to regulate the conduct of oil and gas exploration and production on the FBIR including the regulation of the use of rights of way within the FBIR; and
- WHEREAS,** On April 10, 2014 the Tribal Business Council passed Resolution No. 14-071-VJB, entitled "*Approval of the MHA Nation Application for Right of Way and Use of Rights-of-Way, the MHA Nation Pipeline Right-of-Way Terms and Conditions, and the Section D. on Pipeline Right-of-Way Fees*", which incorporates the terms as to how the oil and gas industry will develop pipeline infrastructure within the MHA Nation; and

WHEREAS, On May 15, 2014, per request from Industry representatives, the Natural Resources Committee reviewed and approved certain changes to the MHA Nation Pipeline Right-of-Way Terms and Conditions; and

WHEREAS, The attached MHA Nation Pipeline Right-of-Way Terms and Conditions reflects the changes to the April 10, 2014 MHA Nation Pipeline Right-of-Way Terms and Conditions approved by the Tribal Business Council, which were approved by the Natural Resources Committee and agreed to by the MHA Nation Natural Resources Department and the MHA Nation Energy Division; and

WHEREAS, That the M.H.A. Nation may reconsider the annual fee subject to the possible implementation of a Tribal Possessory Interest Tax and/or applicable Tribal/State Tax Agreement; and

BE IT FURTHER RESOLVED, that the Tribal Business Council has considered and now expressly approves the Section D. Fee Structure set forth in the Attached "Revised MHA Nation Pipeline Right-of-Way Terms and Conditions" which is based on a charge of an upfront one-time payment of \$6,000.00 per acre and an annual payment of \$2,000.00 per acre of MHA Nation Tribal land tracts for the twenty (20) year term; and

BE IT FURTHER RESOLVED, that the Tribal Business Council has considered and now expressly approves the use of the attached Revised MHA Nation Pipeline Right-of-Way Terms and Conditions; and

BE IT FINALLY RESOLVED, this Resolution supersedes any prior actions of the Tribal Business Council on this 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.

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CERTIFICATION

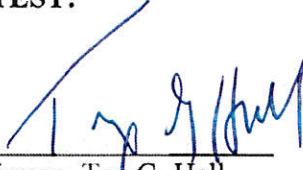
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 5 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 28th day of May, 2014, 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 28th day of May, 2014.

ATTEST:


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


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