



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

A Resolution entitled, "Consent to a Right-of-Way across Tribal land for the Darcie Loop Line Project Submitted by Crestwood."

- WHEREAS,** This Nation having accepted the Indian Reorganization Act of June 18, 1934, 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 the Constitution and By-Laws of the Three Affiliated Tribes, the Tribal Business Council is the governing body of the Tribes; 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,** Article IX Sections 1 and 3 of the Constitution provides that the Tribal Business Council has the authority to manage and lease or otherwise deal with tribal lands and resources; and
- WHEREAS,** Leases and Rights of Way (ROWs) across tribal trust land require the consent of the Tribal Business Council pursuant to federal and tribal law; and
- WHEREAS,** Applications for Rights of Way on Tribal Land are subject to the requirements of tribal law, including Resolution No. 14-071-VJB (MHA Nation Application for Rights of Way and Use of Right of Way), Resolution No. 14-089-VJB (MHA Nation Pipeline Right-of-Way Terms and Conditions), and Resolution No. 15-045-LKH (Establishing a Procedure for the Approval of Leases, Rights of Way, Setback Variances and Permissions to Survey on Tribal Land); and
- WHEREAS,** The applications for ROW submitted by Crestwood for the Darcie Loop Line project described herein has been reviewed and recommended for approval in accordance with the MHA Nation's approved procedure for authorizing ROWs on tribal land; and
- WHEREAS,** On October 13, 2015, at a duly held meeting of the Natural Resources Committee, the MHA Energy Division recommended for approval Crestwood's ROW application regarding the Darcie Loop Line, and the Natural Resources Committee approved Crestwood's ROW consent request and forwarded it to the Tribal Business Council for final action; and



WHEREAS, During the Tribal Business Council meeting on October 27, 2015, the Energy Division was presenting for final approval a number of ROW consents and setback variance approvals, and during the course of this discussion with regard to the then-pending ROW consents requested by Crestwood, the Natural Resources Department raised several unresolved and outstanding issues relating to Crestwood’s operations on the Fort Berthold Indian Reservation; and

WHEREAS, The Tribal Business Council ultimately approved the two Crestwood ROW consent request, but subject to Crestwood meeting with the MHA Departments and Divisions, to secure their concurrences to address or resolve the pending issues; and

WHEREAS, On Wednesday, October 28, 2015, Crestwood representatives met with the departmental heads of the Energy Division, the Environmental Division, the Game & Fish Department and a representative from the Natural Resources Department, and as an outcome of that meeting, the departments issued a Memorandum entitled, “Conditions of Concurrence in the Approval of Crestwood’s pending Right-of-Way Requests” (see Attachment A); and

WHEREAS, By letter dated December 1, 2015 from Robbie McDonough, Vice President, Land and Government Relations for Crestwood to Carson Hood, Director of the MHA Energy Division, Crestwood confirmed that it will “continue to comply with all applicable laws, regulations and rules of the MHA Nation in regards to its operations and activities on the Fort Berthold Indian Reservation” and will continue to work with the MHA Natural Resources Department and the MHA Energy Division “in regards to Crestwood developing mitigation plans for its produced water gathering system” (see Attachment B); and

WHEREAS, The Tribal Business Council finds it appropriate to authorize the ROW consent request submitted by Crestwood for the Darcie Loop Line.

NOW THEREFORE BE IT RESOLVED, the Business Council hereby consents to the following ROW(s), subject to the respective Company’s agreement to and execution of the Terms and Conditions and payment of ROW fees pursuant to Resolution No. 14-089-VJB:

- Crestwood, Darcie Loop Line, request for consent to a right-of-way to construct pipelines for additional capacity for the planned drilling and completion of customers along this route (QEP and XTO), across certain tribal lands on Allotments T2236, 1703, 1018A and 1014A, tribal interest, in Sections 3, 10 and



14, Township 148 North, Range 92 West, Dunn County, North Dakota, as more particularly described in Appendix A.1

BE IT FURTHER RESOLVED, the Business Council hereby approves the above referenced ROW consent, subject to Crestwood’s continued cooperation in adhering to and meeting the conditions of concurrence to address or resolve outstanding or unresolved issues, set forth by the MHA Natural Resources Department, including the MHA Nation Energy Division, the MHA Game & Fish Division, and the Environmental Department.

BE IT FINALLY RESOLVED, that the Chairman is hereby authorized to execute such documents and 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, 6 were present at a Regular Continuation Meeting thereof duly called, noticed, convened, and held on the 17th day of December 2015; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 6 members, 0 members opposed, 0 members abstained, 1 member not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman [X] voting. [] not voting.

Dated this 17th day of December 2015.

ATTEST:

L. Kenneth Hall
Tribal Secretary, L. Kenneth Hall
Tribal Business Council
Three Affiliated Tribes

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



APPENDIX A.1

SEE ATTACHED PDF FILE



APPENDIX A.2

SEE ATTACHED PDF FILE

