



**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 Submitted by QEP Energy Company for an Additional Strip of Land Adjacent to BIA ROW No. FBOG101015 Authorizing a 90-foot Wide Multi-Use Corridor Pursuant to MHA Resolution No. 15-193-LKH.”**

**WHEREAS,** This Mandan Hidatsa and Arikara Nation (the "MHA 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 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 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 ROW(s) on Tribal Land are subject to the requirements of tribal law, including Resolution No. 14-071-VJB (MHA Nation Application for ROW(s) and Use of ROW), 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, ROW(s), Setback Variances and Permissions to Survey on Tribal Land); and

**WHEREAS,** The MHA Resolution No. 15-193-LKH authorizing the 14-1X well pad and 90-foot wide multi-use corridor was granted on November 12, 2015. In addition, BIA ROW No. FBOG101015 authorizing the 14-1X well pad and access road was granted on February 24, 2016; and



**WHEREAS,** The applications for a ROW submitted by QEP, described herein have been reviewed and recommended for approval in accordance with the MHA Nation's approved procedure for authorizing ROWs on tribal land; and

**WHEREAS,** QEP seeks a Right-of-Way, attached as Exhibit A, directly adjacent to the ROW granted for the **Pad 14-1X**, as follows:

**Allotment T1092A-C** (an undivided 1.0000000000 interest)

- An additional strip of land 30 feet in width for use as a gas gathering pipeline and produced water pipeline corridor and 377.47 feet long in Lot 10 of Section 1, T150N, R95W encompassing approximately 0.26 acres of disturbed area; located directly adjacent to the authorized 90-foot wide corridor under MHA Resolution No. 15-193-LKH and BIA ROW No. FBOG101015 mentioned above.

**WHEREAS,** QEP understands that the MHA Nation is entitled to have an appraisal conducted for the ROW requested, but seeks a waiver of the right to an appraisal because agrees to compensate the MHA Nation for the ROW requested and described herein, based on **\$25,000 per acre**.

**WHEREAS,** In April 2015 and June 2015, during the environmental and ROW on-sites, QEP met with the MHA Nation Energy Division to review and consider all other alternatives for the construction and siting of the multi-well pad 14-1X; and

**WHEREAS,** The MHA Nation Energy Division reviewed, processed and fully vetted QEP's request for ROWs for multi-well pad 14-1X and has determined that QEP has made a clear showing that granting the ROWs would not cause an adverse environmental effects upon the allotments described herein; and

**WHEREAS,** The uses and purposes of QEP's current application for a ROW for an additional strip of land 30 feet in width located directly adjacent to the authorized 90-foot wide corridor under MHA Resolution No. 15-193-LKH and BIA ROW No. FBOG101015, described above, were encompassed in the prior ROW on-site reviews and environmental assessments for QEP's Pad 14-1X; and

**WHEREAS,** On May 4, 2016, at a duly held meeting of the Natural Resources Committee ("NRC"), the MHA Nation Energy Division recommended for approval QEP's ROW request for a ROW directly adjacent to the ROW granted for multi-well pad 14-1X, and the NRC approved QEP's ROW request and forwarded it to the full Tribal Business Council for final approval; and



**Resolution No. 16-106-LKH**

**WHEREAS,** The NRC also considered QEP's request that the MHA Nation waives its right to an appraisal of the ROW requested herein, and the NRC recommended that the Tribal Business Council (grant/deny) such waiver request.

**NOW THEREFORE BE IT RESOLVED,** subject to QEP's agreement to and execution of the Terms and Conditions and payment of ROW fees pursuant to Resolution No. 14-089-VJB, the Tribal Business Council hereby finds it appropriate to authorize and consents to the ROW requested by QEP, attached as Exhibit A, as follows:

**Allotment T1092A-C** (an undivided 1.0000000000 interest)

- An additional strip of land 30 feet in width for use as a gas gathering pipeline and produced water pipeline corridor and 377.47 feet long in Lot 10 of Section 1, T150N, R95W encompassing approximately 0.26 acres of disturbed area; located directly adjacent to the authorized 90-foot wide corridor under MHA Resolution No. 15-193-LKH and BIA ROW No. FBOG101015 mentioned above.

**BE IT FURTHER RESOLVED,** that the Tribal Business Council hereby grants QEP's request that the MHA Nation waive its right to an appraisal of the ROW requested herein because QEP agrees to compensate the MHA Nation on a per acre basis at a rate of \$ \_\_\_\_\_ per acre.

**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.

**(SIGNATURE PAGE TO FOLLOW)**



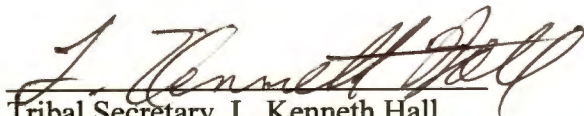
**CERTIFICATION**

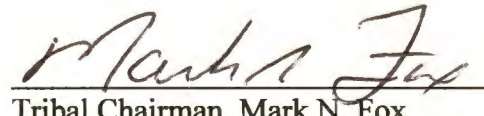
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 12<sup>th</sup> day of May, 2016, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 5 members, 1 members opposed, 0 members abstained, 1 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman  Voting.  Not Voting.

Dated this 12<sup>th</sup> day of May, 2016.

**ATTEST:**

  
Tribal Secretary, L. Kenneth Hall  
Tribal Business Council

  
Tribal Chairman, Mark N. Fox  
Tribal Business Council