



**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 Multi-Well Pad 1-12Y.*"**

- 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 application 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,** the ROW requested by QEP for **Pad 1-12Y**, as follows:
- Allotment 823A** (an undivided .0555824481 interest)



**Resolution No. 16-142-LKH**

- A strip of land 100 feet in width for use as a road within a multi-use corridor and 3412.93 feet long in the SE/4 of Section 7, T149N, R94W encompassing approximately 7.84 acres of disturbed area; and

**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 1-12Y; and

**WHEREAS,** The MHA Nation Energy Division reviewed, processed and fully vetted QEP's request for ROWs for multi-well pad 1-12Y 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,** On **June 13, 2016**, at a duly held meeting of the Natural Resources Committee, the MHA Nation Energy Division recommended for approval QEP's ROW request for multi-well pad 1-12Y, and the Natural Resources Committee approved QEP's ROW request for multi-well pad 1-12Y.

**NOW THEREFORE BE IT RESOLVED,** the Tribal Business Council hereby approves the ROW, attached as Exhibit A, submitted by QEP for multi-well pad 1-12Y, as follows:

**Allotment 823A** (an undivided .0555824481 interest)

- A strip of land 100 feet in width for use as a road within a multi-use corridor and 3412.93 feet long in the SE/4 of Section 7, T149N, R94W encompassing approximately 7.84 acres of disturbed area.

**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, 6 were present at a Special Meeting thereof duly called, noticed, convened and held on the 13<sup>th</sup> day of July, 2016, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 5 members, 0 members opposed, 0 members abstained, 2 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman  Voting.  Not Voting.

Dated this 13<sup>th</sup> day of July, 2016.

**ATTEST:**

Tribal Secretary, L. Kenneth Hall  
Tribal Business Council

Tribal Chairman, Mark N. Fox  
Tribal Business Council