



**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 Blue Buttes Stevenson Loop Line-Alternate 2 Pipeline 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,** 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 requests, but subject to Crestwood meeting with the MHA Departments



and Divisions, to secure their concurrences to address or resolve the pending issues; and

**WHEREAS,** The Tribal Business Council has approved subsequent ROW applications and set back variance requests submitted by Crestwood, 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; and

**WHEREAS,** The applications for ROW submitted by Crestwood for the Blue Buttes Stevenson Loop Line-Alternate 2 Pipeline 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 June 13, 2016, at a duly held meeting of the Natural Resources Committee ("NRC"), the MHA Nation Energy Division recommended the approval of Crestwood's ROW application regarding the Blue Buttes Stevenson Loop Line-Alternate 2 Pipeline, and the NRC approved Crestwood's ROW application and consent request and forwarded the matter to the Tribal Business Council for final action; and

**NOW THEREFORE BE IT RESOLVED,** subject to Crestwood'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 approves the ROW application submitted by Crestwood and consents to the following ROW:

- Crestwood, Blue Buttes Stevenson Loop Line-Alternate 2 Pipeline, request for a right-of-way to construct pipeline for additional capacity on a portion of the main system that will allow for the additional drilling and completion of customers along this route (WPX, QEP, Halcon, Whiting, XTO and Enerplus), across certain Tribal lands on 1.543 acres, on Allotments T743A with 100% tribal interest and 858A with 51.48% Tribal interest, in Sections 9 & 10, Township 149 North, Range 94 West, McKenzie County, North Dakota, as more particularly described in Appendix A.1.

**BE IT FURTHER RESOLVED,** the Tribal Business Council hereby approves the above referenced ROW application and 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.

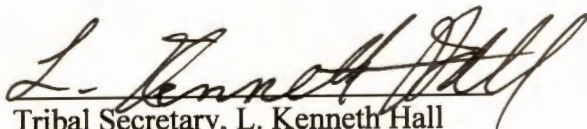
**CERTIFICATION**

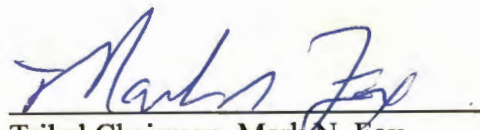
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 6 were present at a Special Meeting thereof duly 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



**APPENDIX A.1**

SEE ATTACHED PDF FILE



**APPENDIX A.2**

SEE ATTACHED PDF FILE