



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

A Resolution entitled, “*Consent to Approval of a Right-of-Way Across Tribal Land to Construct an Underground Power Line to Provide Power to Arrow Pipelines Rectifier #9 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 (“ROWs”) on Tribal Land are subject to the requirements of tribal law, including Resolution No. 13-109-VJB (Establishment of the Three Affiliated Tribes Standardized Minimum Rates for Oil and Gas Lease Bonus, Royalties and Road and Pipeline Easements), 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, Crestwood submitted a ROW application to construct an underground powerline to provide power to the Arrow’s Rectifier #9 across certain Tribal lands on Allotments 1014A, with 0.4207837301% Tribal interest, in Section 03, Township 148 North, Range 92 West, Dunn County, North Dakota, as more particularly described in Appendix A.1.; and



- WHEREAS,** The ROW application, submitted by Crestwood, described above, has been reviewed and recommended for approval by the MHA Natural Resources Department and the MHA Nation Energy Division in accordance with the MHA Nation's approved procedure for authorizing ROWs on Tribal Land; and
- WHEREAS,** The projected compensation to the MHA Nation for this ROW application is \$375.30; and
- WHEREAS,** On August 31st, 2016, at a duly held meeting of the Natural Resources Committee ("NRC"), the MHA Nation Energy Division recommended for approval of Crestwood's ROW application and consent request to construct an underground powerline to provide power to the Rectifier #9 to strengthen its monitoring system, and the NRC approved Crestwood's application and forwarded it to the Tribal Business Council for final action.
- 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"; 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".



NOW THEREFORE BE IT RESOLVED, Subject to Crestwood's agreement to the execution of the MHA Right-of-Way Application and Terms and Conditions, as listed therein, and payment of ROW fees, the Tribal Business Council hereby approves the following ROW application, and ROW consent, as follows:

- Crestwood – to construct an underground power line to provide power to Arrow's Rectifier #9 across certain Tribal lands on Allotments 1014A, with 0.4207837301% Tribal interest, in Section 03, Township 148 North, Range 92 West, Dunn 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 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, 7 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 22nd day of September 2016; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 7 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 [X] voting. [] not voting.

Dated this 22nd day of September 2016.

ATTEST:

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

*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