



**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 for the Phase 3 SW NS 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 (“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 for the Phase 3 SW NS Loop Line to replace a Fiberspar line by installing a flex steel pipeline for the transportation of produced water and a steel natural gas pipeline, which will reduce flaring, upgrade its water system and allow for additional capacity for more drilling and completion of wells from its customers across 14.053 acres (4.213 acres – permanent; and 9.84 acres – temporary) of tribal tracts in Allotment T716A (100% tribal interest), Allotment T1108AB (100% tribal interest), Allotment



717A (0.166666667% tribal interest), and Allotment 1132A (0.3645833333% tribal interest) in Sections 1 (T716A) and 12 (717A) of Township 148 North, Range 95 West, and Sections 7 (717A), and 18 (T1108AB & 1132A), of Township 148 North, Range 94 West all in Dunn County, North Dakota as more particularly described in Appendix A.1.; and

**WHEREAS,** The projected compensation to the MHA Nation for this ROW application is \$49,878.00.

**WHEREAS,** The ROW application, submitted by Crestwood for the Phase 3 SW NS Loop Line Project, 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,** On November 15th 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 for the Phase 3 SW NS Loop Line more fully described herein, and in the attached Appendix A.1., and the NRC approved Crestwood's application and forwarded it to the Tribal Business Council for final action; and

**WHEREAS,** On November 15, 2016, at a duly held meeting of the Natural Resources Committee ("NRC"), the MHA Nation Energy Division recommended for approval of Crestwood's ROW consent request for the Station 5 Loop Line project, more fully described herein, and in the attached Appendix A.1., and the NRC approved Crestwood's application 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”; 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 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, attached as Appendix A.1, and ROW consent, as follows:

- Crestwood - Phase 3 SW NS Loop Line - to replace a Fiberspar line by installing a flex steel pipeline for the transportation of produced water and a steel natural gas pipeline, which will reduce flaring, upgrade its water system and allow for additional capacity for more drilling and completion of wells from its customers across 14.053 acres (4.213 acres – permanent; and 9.84 acres – temporary) of tribal tracts in Allotment T716A (100% tribal interest), Allotment T1108AB (100% tribal interest), Allotment 717A (0.166666667% tribal interest), and Allotment 1132A (0.3645833333% tribal interest) in Sections 1 (T716A) and 12 (717A) of Township 148 North, Range 95 West, and Sections 7 (717A), and 18 (T1108AB & 1132A), of Township 148 North, Range 94 West all in Dunn County, North Dakota.

**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.



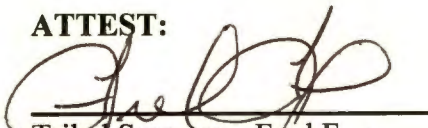
**CERTIFICATION**

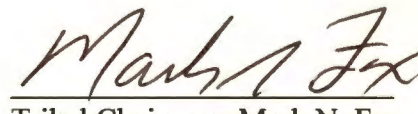
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 22<sup>nd</sup> day of November 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 22<sup>nd</sup> day of November 2016.

**ATTEST:**

  
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Tribal Secretary, Fred Fox  
Tribal Business Council  
Three Affiliated Tribes

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



**APPENDIX A.1**

< Attach: (1) Application Form, (2) Approval Form signed by Department Head and Chairman of NRC per Resolution 15-045-LKH, (3) signed ROW terms and Conditions per Resolution No. 14-089-VJB, (4) map, and (5) other necessary information >

