



**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 Enerplus’ Sewing East Well Connect 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. 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 a well connect for oil and produced water pipelines to Enerplus’ Sewing East Well Pad located on Allotment T1922 (100% tribal interest), Allotment 735A (75% tribal interest), in Section 2 (T1922) and Section 10 (735A), Township 149 North, Range 93 West, in Dunn County, North Dakota as more particularly described in Appendix A.1.; and



- WHEREAS,** The applications for ROW submitted by Crestwood for the well connect to Enerplus' Sewing East Well Pad 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,** The projected compensation to the MHA Nation for this ROW application is \$3,717.00; and
- WHEREAS,** On January 4, 2017 at a duly held meeting of the Natural Resources Committee ("NRC"), the MHA Energy Division recommended approval of Crestwood's ROW application for the well connect to Enerplus' Sewing East Well Pad, and the NRC approved Crestwood's ROW 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’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, Appendix A.1., as follows:

- Crestwood - for a well connect for oil and produced water pipelines to Enerplus’ Sewing East Well Pad located on Allotment T1922 (100% tribal interest), Allotment 735A (75% tribal interest), in Section 2 (T1922) and Section 10 (735A), Township 149 North, Range 93 West, in Dunn County, North Dakota as more particularly described in Appendix A.1; and

**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; and

**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, 7 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 8<sup>th</sup> day of February, 2017, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 6 members, 0 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 8<sup>th</sup> day of February, 2017.

**ATTEST:**

Tribal Secretary, Fred W. Fox  
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