



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

A Resolution entitled, "Authorizing a Right of Way for Tesoro High Plains Pipeline Company LLC."

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 (MHA Nation), 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, Article IX Sections 1 and 3 of the Constitution provide that the Tribal Business Council has the authority to manage, lease or otherwise deal with tribal lands and resources; and

WHEREAS, By "Grant of Easement for Right-of-Way" dated February 7, 1995, Amoco Pipeline Company obtained a right-of-way for an existing 12" crude oil pipeline over and across approximately 4762.20 rods and encompassing approximately 28.20 acres of tribal trust lands within the Fort Berthold Reservation (the "Mandan Pipeline"), for a term of 20 years, effective June 18, 1993; and

WHEREAS, In 2004, Tesoro High Plains Pipeline Company LLC (Tesoro) acquired the Mandan Pipeline from Amoco Pipeline Company; and

WHEREAS, The Mandan Pipeline crosses approximately nine (9) tracts of tribal trust lands owned by the MHA Nation and an additional fifteen (15) tracts of allotted trust land in which the MHA Nation owns an interest, covering a total of approximately 28.20 acres (the "tribal lands"), as depicted in the maps attached hereto as Appendix A; and

WHEREAS, Tesoro and the MHA Nation entered into negotiations for a new right-of-way for the Mandan Pipeline across the tribal lands in 2013, and thereafter executed a temporary Surface Access Permit Agreement approved pursuant to Resolution 16-048-LKH; and



WHEREAS, The Parties have reached agreement on the Terms and Conditions of a new right of way as stated in Appendix 1 attached hereto, including a limited waiver of immunity from suit therein for the sole and limited purpose of permitting Tesoro to equitably enforce its rights under this Agreement through specific performance, declaratory or injunctive relief; and

NOW THEREFORE BE IT RESOLVED, The Tribal Business Council hereby authorizes and consents to a right of way across the tribal lands subject to the Terms and Conditions set forth in Appendix 1 attached hereto.

BE IT FURTHER RESOLVED, Resolution No. 16-305-FWF is hereby rescinded.

BE IT FURTHER RESOLVED, The Chairman is hereby authorized to execute the Terms and Conditions and take such further actions as are necessary to carry out the terms and intent of this Resolution.

BE IT FINALLY RESOLVED, Upon the grant of a right of way pursuant to 25 CFR Part 169, this Resolution supersedes the Surface Access Permit Agreement approved pursuant to Resolution 16-048-LKH, and any other Resolutions inconsistent with 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 8th day of February, 2017; 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.

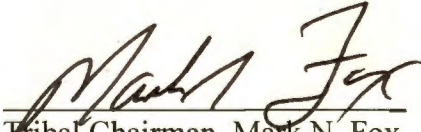
Chairman [X] voting. [] not voting.

Dated this 8th day of February, 2017.

ATTEST:



Tribal Secretary, Fred W. Fox
Tribal Business Council
Three Affiliated Tribes



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

