



**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 Mandaree EFRD – Site #5 Project Submitted by 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, 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,** Tesoro High Plains Pipeline Company LLC (“Tesoro”) submitted a ROW application for the Mandaree EFRD – Site #5 for installing and setting a block valve site consisting of 0.28 acres of disturbance across certain tribal tracts in Allotments 1761 (0.388888889 Tribal interest), in Section 17, Township 148 North, Range 94 West, in Dunn County, North Dakota as more particularly described in Appendix A.1.; and



**WHEREAS,** The ROW application, submitted by Tesoro for the Mandaree EFRD – Site #5 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,** The projected compensation to the MHA Nation for this ROW application is the MHA Nation’s proportionate share of \$10,000.00 which is \$3,888.88; and

**WHEREAS,** On October 10, 2017, at a duly held meeting of the Natural Resources Committee (“NRC”), the MHA Nation Energy Division recommended approval of Tesoro’s ROW application and consent request for the Mandaree EFRD – Site #5 Project,, more fully described herein, and in the attached Appendix A.1., and the NRC approved Tesoro’s application and forwarded it to the Tribal Business Council for final action.

**NOW THEREFORE BE IT RESOLVED,** Subject to Tesoro High Plains Pipeline Company LLC 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:

- Tesoro High Plains Pipeline Company LLC – the Mandaree EFRD – Site #5 Project, for installing and setting a block valve site consisting of 0.28 acres of disturbance across certain tribal tracts in Allotments 1761 (0.388888889 Tribal interest), in Section 17, Township 148 North, Range 94 West, in Dunn County, North Dakota.

**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.



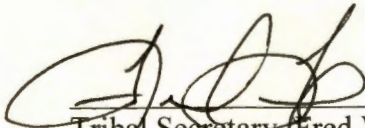
**CERTIFICATION**

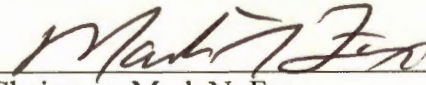
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 15<sup>th</sup> day of November, 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  Voting.  Not Voting.

Dated this 15<sup>th</sup> day of November, 2017.

**ATTEST:**

  
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Tribal Secretary, Fred W. Fox  
Tribal Business Council

  
\_\_\_\_\_  
Chairman, Mark N. Fox  
Tribal Business Council



**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 >