



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

A Resolution Entitled, "Consent to Modification of BIA ROW No. FBOG101141 to Approve the Station 5 Loop Line Reroute 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. 17-117-FWF, 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,** 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”; and

WHEREAS, On November 22, 2016, the Tribal Business Council passed Resolution No. 16-282-16 entitled, *entitled, “Consent to Approval of a Right-of-Way across Tribal land for the Station 5 Loop Line Project Submitted by Crestwood”* to replace a existing Fiberspar line with a flex steel pipeline and a steel natural gas pipeline across 13.51 total acres (4.05 acres – permanent; and 9.46 acres – temporary) of Tribal tracts in Allotment T716-A (100% Tribal interest) and Allotment T714A (100% Tribal interest), located in Section 6 (T714A) and Section 1 (T714A and T716-A), Township 148 North, Range 94 West (T714A) and 95 West (T714A and T716-A) in Dunn County, North Dakota; and

WHEREAS, And, BIA ROW No. FBOG101141 limited said ROW for the purpose of constructing a pipeline gathering line, 5886.53 feet in length, 30 feet in width (up to 100 feet in width during construction), comprising of 4.054 acres and 9.460 acres for temporary disturbance; and

WHEREAS, On September 12, 2017, Crestwood (A/K/A/ ARROW PIPELINE, LLC) submitted a ROW application that would modify BIA Grant ROW No. FBOG101141 to approve a reroute of the Station 5 Loop Line around a eight (8) unit apartment complex being constructed on or within portions of ROW No. FBOG101141, across certain Tribal tracts in Allotments T716A (100% Tribal interest), in Section 1 of Township 148 North, Range 95 West, all in Dunn County, North Dakota as more particularly described Appendix A.1.; and



WHEREAS, The modification of the ROW No. FBOG101141 to reroute the Station 5 Loop Line will consist of 1.897 acres of total disturbance: Temp: 1.328 acres – temporary disturbance, and 0.569 acres – permanent disturbance; and

WHEREAS, The ROW application, submitted by Crestwood (A/K/A/ ARROW PIPELINE, LLC) for the modification of ROW No. FBOG101141 for the Station 5 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, The projected compensation to the MHA Nation for this ROW application is \$6,734.00 which has already been paid to the BIA for Grant FBOG101141; 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 Crestwood ROW application and consent request to modify the BIA ROW No. FBOG101141 for the Station 5 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.

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, attached as Appendix A.1, and ROW consent, as follows:

Crestwood – REROUTE of the Station 5 Loop Line Project - requesting approval and consent to modify BIA Grant ROW No. FBOG101141 to approve a reroute of the Station 5 Loop Line around a eight (8) unit apartment complex being constructed on a within portion of ROW No. FBOG101141, across certain Tribal tracts in Allotments T716A (100% Tribal interest), in Section 1 of Township 148 North, Range 95 West, all in Dunn County, North Dakota; 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.



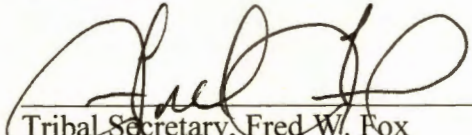
CERTIFICATION

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 15th 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.

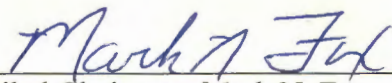
Chairman [X] Voting. [] Not Voting.

Dated this 15th day of November, 2017.

ATTEST:



Tribal Secretary, Fred W. Fox
Tribal Business Council



Tribal Chairman, Mark N. Fox
Tribal Business Council

