



**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 Little Missouri River Unit – West – Pad A1 Project Submitted by Missouri River Resources.”**

**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,** Missouri River Resources submitted a ROW application for the Little Missouri River Unit – West Pad A1 Project for a well pad, access road, flow lines, utilities, fiber optics and above ground appurtenances, across certain tribal tracts in:

- Allotment T1950 (100 % Tribal interest), in Section 18, Township 148 North, Range 91 West, in Dunn County, North Dakota as more particularly described in Appendix A.1.; and



- Allotment T1950 (100% Tribal interest), in Section 20, Township 147 North, Range 93 West, in Dunn County, North Dakota as more particularly described in Appendix A.1.; and
- Allotment T3158 (100% Tribal interest), in Section 21, Township 147 North, Range 93 West, in Dunn County, North Dakota as more particularly described in Appendix A.1.; and

**WHEREAS,** The total acres of the Little Missouri River Unit – West Pad A1 Project is, as follows:

- Allotment T1950: 5.16 acres for Pipeline, 9.68 acres for Multiuse Corridor;
- Allotment 3158: 8.11 acres for Pad, 7.75 acres for Pipeline, 16.38 acres for Multiuse corridor; and

**WHEREAS,** The ROW application, submitted by Missouri River Resources for the Little Missouri River Unit – West Pad A1 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 \$181,405.00; and

**WHEREAS,** MRR has requested that this ROW be assignable; 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 Missouri River Resources’ ROW application and consent request, more fully described herein, and in the attached Appendix A.1., and the NRC approved Missouri River Resources’ application and forwarded it to the Tribal Business Council for final action.

**NOW THEREFORE BE IT RESOLVED,** Subject to Missouri River Resources 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:

- Missouri River Resources – the Little Missouri River Unit - West Pad A1 Project, for well pad, access road, utilities, fiber optics and above ground appurtenances across certain tribal tracts in:
  - Allotment T1950 (100% Tribal interest), in Section 18, Township 148 North, Range 91 West, in Dunn County, North Dakota;



- Allotment T1950 (100% Tribal interest), in Section 20, Township 147 North, Range 93 West, in Dunn County, North Dakota; and
- Allotment T3158 (100% Tribal interest), in Section 21, Township 147 North, Range 93 West, in Dunn County, North Dakota.

**BE IT FURTHER RESOLVED**, that the Tribal Business Council hereby agrees the ROW for the Little Missouri River Unit - West Pad A1 Project, shall be assignable by MRR subject to prior written notification to the MHA Nation Energy Division and the Natural Resources Committee; 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.

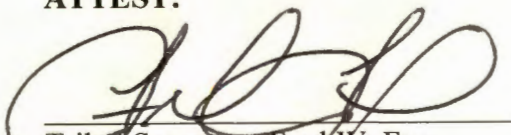
**CERTIFICATION**

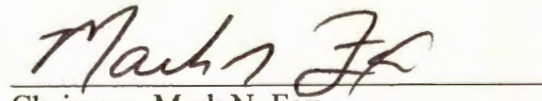
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 15<sup>th</sup> day of November, 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 15<sup>th</sup> day of November, 2017.

**ATTEST:**

  
 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 >