



**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 AOC Monitoring Wells 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 Energy Company’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,** Crestwood submitted a ROW application for the AOC Monitoring Wells Project, to drill seven (7) monitoring wells at five (5) ten foot by ten foot (10’ X 10’) locations for sampling and testing of groundwater along the “release area”, with two (2) temporary access roads for drilling of the wells, across certain Tribal lands on Allotments T1725 (100% interest) in Section 25, Township 150 North, Range 94 West, McKenzie County as more particularly described in Appendix A.1.; and
- WHEREAS,** Pursuant to fees established and set forth in Resolution No. 17-117-FWF, the projected compensation to the MHA Nation for this ROW application is \$365.00; and
- WHEREAS,** The ROW application, submitted by Crestwood for the AOC Monitoring Wells 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,** On February 28, 2018, at a duly held meeting of the Natural Resources Committee (“NRC”), the MHA Nation Energy Division recommended approval of Crestwood’s ROW application and consent request for the AOC Monitoring Wells Project, 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 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 – The AOC Monitoring Wells Project, to drill seven (7) monitoring wells at five (5) ten foot by ten foot (10' X 10') locations for sampling and testing of groundwater along the "release area", with two (2) temporary access roads for drilling of the wells, across certain Tribal lands on Allotments T1725 (100% interest) in Section 25, Township 150 North, Range 94 West, McKenzie County.

BE IT FURTHER RESOLVED, The Tribal Business Council hereby approves the above referenced ROW application and 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.

BE IT FURTHER RESOLVED, In accordance with the MHA Nation Standard Terms and Conditions for Right-of-Ways, and/or the MHA Nation Standard Terms and Conditions for Pipeline Right-of-Ways, the ROW for the AOC Monitoring Wells Project will be subject to a twenty (20) year term, from the date of the BIA's execution of the grant of the ROW for said project.

BE IT FURTHER RESOLVED, The MHA Nation Standard Terms and Conditions for Right-of-Ways, and/or the MHA Nation Standard Terms and Conditions for Pipeline Right-of-Ways executed by Crestwood and the MHA Nation Energy Division, constitute a written agreement as part of the MHA Nation's consent to the grant of the ROW, and therefore, as provided in 25 CFR §169.107(a), the Tribal Business Council requests Bureau of Indian Affairs to incorporate these terms and conditions into the ROW grant for the AOC Monitoring Wells Project.

BE IT FURTHER RESOLVED, The Tribal Business Council retains the authority, as well as the delegation of authority to the MHA Nation Energy Division and other Tribal departments, to issue fines and set conditions to address and resolve ROW trespass, abandonment, non-use, and other violations, including violations of applicable MHA Nation Standard ROW Terms and Conditions, and further requests the Bureau of Indian Affairs to defer to these remedies, in accordance with the intent and notice provisions in 25 CFR §169.403(a).



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, 6 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 15th day of March, 2018, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 5 members, 0 members opposed, 0 members abstained, 2 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 March, 2018.

ATTEST:

Tribal Secretary, Fred W. Fox
Tribal Business Council

Tribal 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 >