



**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 Spirit Banner Production Pad and Multi Use Corridor Project Submitted by Spotted Hawk Development, 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, 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,** Spotted Hawk Development, LLC (“SHD”) submitted a ROW application for the Spirit Banner Production Pad and Multi Use Corridor Project, for a production pad and access road, flow lines, electrical, utilities, fiber optics, and above ground appurtenances corridor, across certain Tribal tracts in Allotments T492A-B (100% Tribal interest), in Section 7, Township 150 North, Range 90 West, 5<sup>th</sup> P.M. in McLean County, North Dakota, 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 \$46,100.00; and

**WHEREAS,** The ROW application, submitted by SHD for the Spirit Banner Production Pad and Multi Use Corridor, 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 1, 2018, at a duly held meeting of the Natural Resources Committee ("NRC"), the MHA Nation Energy Division recommended approval of SHD's ROW application and consent request for the Spirit Banner Production Pad and Multi Use Corridor, more fully described herein, and in the attached Appendix A.1., and the NRC approved SHD's application and forwarded it to the Tribal Business Council for final action.

**NOW THEREFORE BE IT RESOLVED,** Subject to Spotted Hawk Development, LLC'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:

- Spotted Hawk Development, LLC – the Spirit Banner Production Pad and Multi Use Corridor Project, for a production pad and an access road, flow lines, electrical, utilities, fiber optics, and above ground appurtenances corridor, across certain Tribal tracts in Allotments T492A-B (100% tribal interest), in Section 7, Township 150 North, Range 90 West, in McLean County, North Dakota.

**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 Spirit Banner Production Pad and Multi Use Corridor 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 Spotted Hawk Development, LLC and the MHA Nation Energy Division, constituent 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 Spirit Banner Production Pad and Multi Use Corridor 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 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, 7 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 12<sup>th</sup> day of April, 2018, 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 12<sup>th</sup> day of April, 2018.

**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 >