



**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 CTB-23 and B1 Project and Amending Resolution No. 17-154-FWF, 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, On July 6, 2017, the Tribal Business Council approved Resolution No. 17-154-FWF entitled, “Consent to Approval of a Right-of-Way across Tribal land for the Little Missouri River Unit - East Project Submitted by Missouri River Resources” for a well pad, CTB pad, pipeline, access road, utilities, fiber optics and above ground appurtenances, across the following Tribal tracts located in Dunn County, North Dakota:



- Allotment 1840 (.8373015873 Tribal interest), in Section 23, Township 147 North, Range 93 West; and
- Allotment T2028 (100% Tribal interest), in Section 9, 15, and 16, Township 147 North, Range 93 West; and
- Allotment 1851 (.0533333333 Tribal interest), in Section 14 and 15, Township 147 North, Range 93 West; and
- Allotment 2162 (.4080341394 Tribal interest), in Section 22, Township 147 North, Range 93 West; and
- Allotment 2163, (4080341394 Tribal interest, in Section 22, Township 147 North, Range 93 West; and

WHEREAS, Missouri River Resources seeks an amend Resolution No. 17-154-FWF to remove Allotment T2028 from the ROW for the Little Missouri River Unit - East Project and include Allotment T1700; and

WHEREAS, Missouri River Resources submitted a ROW application for the CTB-23 and B1 Project for an Access Road, Utility, Fiber Optic, Above Ground Appurtenances, across certain Tribal tracts in Allotments 1700 (0.0277777778 Tribal interest), in Section 15, Township 147 North, Range 93 West, in Dunn County, North Dakota as more particularly described in Appendix A.1.; and

WHEREAS, The ROW application, submitted by Missouri River Resources for the CTB-23 and B1 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 their proportionate share of \$732.67.00; and

WHEREAS, On April 11, 2018, 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 for the CTB-23 and B1 Project, 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 CTB-23 and B1 Project, for an Access Road, Utility, Fiber Optic, Above Ground Appurtenances, across certain Tribal tracts in Allotments 1700 (0.0277777778 Tribal interest), in Section 15, Township 147 North, Range 93 West, in Dunn County, North Dakota; and

BE IT FURTHER RESOLVED, Resolution No. 17-154-FWF is hereby amended to remove Allotment T2028 from the ROW for the Little Missouri River Unit - East Project and include Allotment T1700; and

BE IT FURTHER RESOLVED, In accordance with the MHA Nation Standard Terms and Conditions for Right-of-Ways, the ROW for the CTB-23 and B1 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; and

BE IT FURTHER RESOLVED, The MHA Nation Standard Terms and Conditions for Right-of-Ways, executed by Missouri River Resources 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 CTB-23 and B1 Project; and

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); 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.

(SIGNATURE PAGE TO FOLLOW)



CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 6 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 10th day of May 2018; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 6 members, 0 members opposed, 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 10th day of May 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 >