



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

A Resolution entitled, “Consent to Amend BIA ROW No. FBOG100314 for the D Loop Expansion Project Submitted by Arrow Pipeline, 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 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. 13-109-VJB (Establishing Standardized Minimum Rates for Oil and Gas Lease Bonus, Royalties and Road and Pipeline Easements), 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), Resolution No. 17-117-FWF (Approval of Fee Structure), and Resolution No. 18-212-FWF (Amending Fee Structure); and
- WHEREAS,** On October 26, 2011, then MHA Nation Tribal Business Council Member and Secretary V. Judy Brugh executed the BIA “CONSENT OF OWNER’S - GRANT RIGHT OF WAY” form for a gathering pipeline for Fort Berthold #148-94-36D-25-2H and Fort Berthold #147-94-1A-12-2H across certain lands on Allotment 832A (3.49% Tribal interest), located in the North of Section 1, Township 147 North, Range 94 West in Dunn County, North Dakota; and



- WHEREAS,** On December 20, 2011, the Bureau of Indian Affairs (“BIA”) granted to Arrow Pipeline, LLC (“Arrow”), BIA ROW No. FBOG100314 for a ROW for a Gathering Pipeline for Fort Berthold #148-94-36D-25-2H and Fort Berthold #147-94-1A-12-2H for the purpose of installing one (1) six inch (6”) gas pipeline, one (1) six inch (6”) oil pipeline, and one (1) four inch (4”) water pipeline excavated to a depth sufficient to maintain a minimum of forty-eight inches (48”) of ground coverage over pipelines, on Allotment 832A (3.17% Tribal interest), located in Section 1, Township 147 North, Range 94 West in Dunn County, North Dakota; and
- WHEREAS,** D Loop Expansion is more particularly described to be 609.19 feet in length, fifty feet in width (120 feet during installation) and .699 acres across the aforementioned trust property; and
- WHEREAS,** BIA ROW No. FBOG100314 was granted for a term of twenty (20) years from the date of approval subject to re-negotiation for an additional 20-year term prior to the expiration date, provided that the ROW renewal involves no change in the location or status of the original ROW grant and in accordance with the consent and compensation requirements set forth in governing BIA regulations; and
- WHEREAS,** On October 30, 2018, Arrow submitted a ROW application and request consent for the D Loop Expansion Project for one (1) flexsteel produced water pipeline, and one (1) 50 foot by 50 foot launcher site and above ground appurtenances to connect and expand Arrow’s existing system across certain tracts on Allotment 832A (3.49% Tribal interest) in Section 1 of Township 147 North, Range 94 West, in Dunn County, North Dakota as more particularly described in Appendix A.1.; and
- WHEREAS,** The total acreage for this ROW application is 1.66 acres encompassing 0.498 permanent acres and 1.162 temporary acres; 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 \$289.92; and
- WHEREAS,** The ROW application, submitted by Arrow Pipeline for the D Loop Expansion 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 November 13, 2018, at a duly held meeting of the Natural Resources Committee (“NRC”), the MHA Nation Energy Division recommended approval of Arrow Pipeline’s ROW application and consent request for the D Loop



Expansion more fully described herein, and in the attached Appendix A.1., and the NRC approved Arrow Pipeline's application and forwarded it to the Tribal Business Council for final action.

NOW THEREFORE BE IT RESOLVED, Subject to Arrow Pipeline's agreement to and 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:

- Arrow Pipeline –for the D Loop Expansion Project for one (1) flexsteel produced water pipeline, and one (1) 50 foot by 50 foot launcher site and above ground appurtenances to connect to and expand Arrow's existing system across certain tracts on Allotment 832A (3.49% Tribal interest) in Sections 1 of Township 147 North, Range 94 West, in Dunn County, North Dakota; and

BE IT FURTHER RESOLVED, In accordance with the MHA Nation Standard Terms and Conditions for Right-of-Ways, the Tribal Business Council consents to the ROW application and consent request for the D Loop Expansion Project, as described herein, provided that such ROW 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 Tribal Business Council consents to the estimated compensation for this ROW application in the amount of \$289.92, which is based on the MHA Nation ROW compensation and application fees established and set forth in Resolution No. 17-117-FWF; and

BE IT FURTHER RESOLVED, In accordance with governing MHA Nation law and policy as well as applicable federal ROW regulations, all ROW grantees must obtain the prior written approval from the MHA Nation before assigning any ROW that contains any Tribal interest, and therefore, the Tribal Business Council does not pre-consent to an assignment of the ROW for the D Loop Expansion Project; and

BE IT FURTHER RESOLVED, The Tribal Business Council does not consent to waive any bond, insurance, or alternative form of security; and

BE IT FURTHER RESOLVED, The MHA Nation Standard Terms and Conditions for Right-of-Ways, executed by Arrow Pipeline 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 D Loop Expansion 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

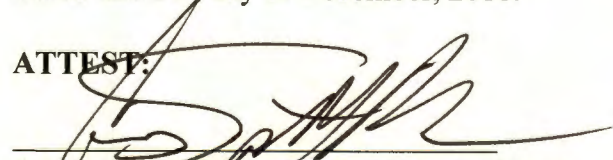
BE IT FINALLY RESOLVED, That the Chairman is hereby authorized to execute such documents and take such further actions as are necessary to carry out the terms and intent of this Resolution.

CERTIFICATION

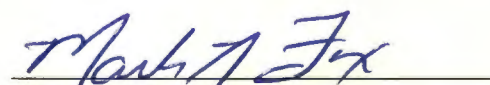
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 6 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 20th day of December 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 [] Voting. [X] Not Voting.

Dated this 20th day of December, 2018.

ATTEST:


Acting Tribal Secretary, Cory Spotted Bear
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 >