

**TO APPROVE THE SETTLEMENT AGREEMENT BETWEEN THE NATION AND ENABLE
MIDSTREAM PARTNERS, L.P.**

IN THE TRIBAL COUNCIL OF THE CHOCTAW NATION

RONALD PERRY INTRODUCED THE FOLLOWING COUNCIL BILL

A COUNCIL BILL

TO APPROVE the Settlement Agreement by and between the Choctaw Nation of Oklahoma and Enable Midstream Partners, L.P. (“Enable”) as attached in Exhibit A.

WHEREAS, in accordance with Article IX, Section 6 of the Constitution of the Choctaw Nation of Oklahoma: “The Tribal Council shall make decisions pertaining to the acquisition, leasing, disposition and management of tribal property”;

WHEREAS in accordance with Article VII, Section 1, of the Constitution of the Choctaw Nation of Oklahoma, the Chief shall perform all duties appertaining to the office of chief executive. He shall sign official papers on behalf of the Nation;

WHEREAS, the Nation brought claims against Enable in *Choctaw Nation of Oklahoma v. Enable Midstream Partners, L.P. et al.*, Case No. 21-CIV-190-SLP (E.D. Okla.) (the “Lawsuit”);

WHEREAS, the claims against Enable included claims for trespass;

WHEREAS, the Lawsuit was mediated by the Nation and Enable on March 28, 2023;

WHEREAS, the Nation and Enable came to a resolution whereby the Nation will release the claims against Enable and dismiss the Lawsuit, with prejudice, and grant a perpetual easement to Enable for the pipelines currently in the ground as of March 28, 2023;

WHEREAS the Nation further agrees not to assert sovereign immunity under certain circumstances in condemnation claims between Enable and allottees for a period of fifty (50) years;

WHEREAS Enable agrees to pay a sum of \$6,000,000 to the Nation; and

WHEREAS, the Tribal Council has determined it is in the best interest of the Nation to approve the Settlement Agreement attached as Exhibit A, and to ratify the Mediation Agreement attached as Exhibit B.

THEREFORE BE IT ENACTED by the Tribal Council of the Choctaw Nation of Oklahoma that this Bill be cited as approval of the Settlement Agreement attached as Exhibit A.

BE IT FURTHER ENACTED by the Tribal Council of the Choctaw Nation of Oklahoma that this Bill be cited as approval by ratification of the Mediation Agreement attached as Exhibit B.

BE IT FURTHER ENACTED by the Tribal Council of the Choctaw Nation of Oklahoma that this Bill be cited as approval for the Chief to enter into this Settlement Agreement on behalf of the Nation, pursuant to Article VII, Section 1, of the Constitution.

CERTIFICATION


I, the undersigned, as speaker of the Tribal Council of the Choctaw Nation of Oklahoma, do hereby certify that the Tribal Council is composed of twelve (12) seats. Eight (8) members must be present to constitute a quorum. I further

TO APPROVE THE DISPOSAL OF SURPLUS CAPITAL ASSETS-EQUIPMENT

certify that twelve (12) members answered roll call and that a quorum was present at the Regular Session of the Tribal Council at Tuskahoma, Oklahoma on April 8, 2023. I further certify that the foregoing Council Bill CB-69 -23 was adopted at such meeting by the affirmative vote of twelve (12) members, zero (0) negative votes, and zero (0) abstaining.



Ronald Perry, Secretary
Choctaw Nation Tribal Council



Thomas Williston, Speaker
Choctaw Nation Tribal Council



Gary Batton, Chief
Choctaw Nation of Oklahoma

Date 4-11-23

**TO APPROVE THE SETTLEMENT AGREEMENT BETWEEN THE NATION AND
ENABLE MIDSTREAM PARTNERS, L.P.**

Purpose/Need of Council Bill: The Nation brought claims in a lawsuit against the pipeline company, Enable Midstream for trespassing on property owned by the Nation by operating pipelines under expired leases. The lawsuit was mediated by the Nation and Enable on March 28, 2023, and the Nation and Enable came to a resolution whereby the Nation will release the claims against Enable and dismiss the lawsuit, and grant a perpetual easement to Enable for the pipelines currently in the ground as of March 28, 2023. The Nation further agrees not to assert sovereign immunity under certain circumstances in condemnation claims between Enable and allottees for a period of fifty (50) years. In exchange for these promises, Enable agrees to pay a sum of \$6,000,000 to the Nation. The Tribal Council finds that it is in the best interest to resolve this dispute pursuant to the agreed upon terms. This Council Bill supports the Nation's strategic goal of strengthening the Nation's Financial Growth and Economic stability as well as protecting, promoting and exercising sovereignty by reaching an agreement which recognizes the Nation's interests and authority over property of the Nation.

**Title of Council Bill: TO APPROVE THE SETTLEMENT AGREEMENT BETWEEN THE NATION AND ENABLE
MIDSTREAM PARTNERS, L.P.**

Agency: Choctaw Nation Finance

Budget: N/A

Match Required: N/A

Request by/Project Director: Brian Danker, SEO Legal