



**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 an Access Road in Multi-use Corridor for Pad 5-4E Submitted by QEP Energy Company.*”**

**WHEREAS,** This Mandan Hidatsa and Arikara Nation (the "MHA Nation"), having accepted the Indian Reorganization Act of June 18, 1934 and 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 its Constitution and By-Laws, the Tribal Business Council is the governing body of the MHA Nation; 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,** The Tribal Business Council has authority to engage in activities on behalf of and for the welfare and benefit of the Tribes and of the enrolled members thereof; 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 (Establishment of the Three Affiliated Tribes 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); and

**WHEREAS,** QEP Energy Company (“QEP”) submitted a ROW application for an access road in a multi-use corridor for Pad 5-4E, across certain tribal tracts in Allotment T5260, with 100% tribal interest, in the SW/4 of Section 33, Township 150 North, Range 91 West, in Dunn County, North Dakota, as more particularly described in



**Resolution No. 16-241-LKH**

Exhibit A, and consisting of a strip of land 150 feet in width and 87.55 feet long and encompassing 0.30 acres of disturbed area; and

**WHEREAS,** In June 2013 and July 2013, during the environmental and ROW on-sites, QEP met with the MHA Nation Energy Division to review and consider all other alternatives for the construction and siting of the multi-well pad 5-4E; and

**WHEREAS,** The MHA Nation Energy Division reviewed, processed and fully vetted QEP's request for ROWs for multi-well pad 5-4E and has determined that QEP has made a clear showing that granting the ROWs would not cause an adverse environmental effects upon the allotments described herein; and

**WHEREAS,** The ROW application, submitted by QEP for the Pad 5-4E 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 \$1,000.00; and

**WHEREAS,** On August 31st, 2016, at a duly held meeting of the Natural Resources Committee ("NRC"), the MHA Nation Energy Division recommended for approval of QEP's ROW application and consent request an access road in a multi-use corridor for Pad 5-4E, more fully described herein, and the NRC approved WPX's application and forwarded it to the Tribal Business Council for final action.

**NOW THEREFORE BE IT RESOLVED,** Subject to QEP Energy Company'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, and ROW consent, as follows:

- QEP Energy Company - for an access road in a multi-use corridor for Pad 5-4E, across certain tribal tracts in Allotment T5260, with 100% tribal interest, in the SW/4 of Section 33, Township 150 North, Range 91 West, in Dunn County, North Dakota, as more particularly described in Exhibit A, and consisting of a strip of land 150 feet in width and 87.55 feet long and encompassing 0.30 acres of disturbed area.

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



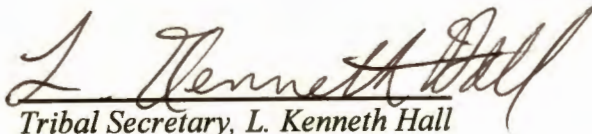
**CERTIFICATION**

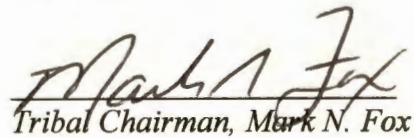
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 7 were present at a Special Meeting thereof duly called, noticed, convened, and held on the 22<sup>nd</sup> day of September 2016; 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 [ X ] voting. [ ] not voting.

Dated this 22<sup>nd</sup> day of September 2016.

**ATTEST:**

  
Tribal Secretary, L. Kenneth Hall  
Tribal Business Council  
Three Affiliated Tribes

  
Tribal Chairman, Mark N. Fox  
Tribal Business Council  
Three Affiliated Tribes