



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

A Resolution Entitled, "Approval of Assessment of Civil Fine on WPX Energy Williston, LLC for Trespass Regarding BIA Right-of-Way Grant No. FBOG101072 for the Hidatsa North 14-23."

WHEREAS, This Three Affiliated Tribes having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act and having adopted a Constitution and By-Laws pursuant to said Act; and

WHEREAS, The Constitution of the Three Affiliated Tribes generally authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and

WHEREAS, Article III of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council is the governing body of the Tribes; and

WHEREAS, Article VI, Section 5 (d) of the Constitution of the Three Affiliated Tribes empowers the Tribal Business Council to negotiate with the Federal government on behalf of the Tribes; and

WHEREAS, On January 10, 2017, the Bureau of Indian Affairs ("BIA") granted ROW No. FBOG101072 for construction of the Pipeline for the Hidatsa North 14-23 on the following Tribal tracts on Allotment No. T 203A -A, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ of Section 11, Township 150 North, Range 93 West, of the 5th Principal Meridian, Mountrail County, North Dakota (0.091 acres of disturbance for the Pipeline);

WHEREAS, On or around February 9, 2018, in the course of conducting a survey in preparation for an assignment of BIA ROW No. FBOG101072, WPX Energy Williston, LLC's surveyors discovered excess disturbance (0.111 acres) beyond the parameters of BIA ROW No. FBOG101072; and

WHEREAS, In May 2018, WPX Energy Williston, LLC met with Realty Office of the BIA Ft. Berthold Agency informing them of the Trespass described above, BIA advised WPX to meet directly with the MHA Nation to address this Trespass matter; and

WHEREAS, On June 27, 2018, at a duly held meeting of the Natural Resources Committee ("NRC"), WPX Energy Williston, LLC presented its findings regarding this matter; and





WHEREAS, The NRC considered all of the facts and circumstances provided to the NRC, and imposed a \$30,000.00 civil fine for WPX Energy Williston, LLC's Trespass beyond the parameters of ROW No. FBOG101072, and directed that WPX must pay the \$30,000.00 fine within three (3) weeks; and

WHEREAS, Alternative resolution of violations is consistent with intent and spirit of BIA Right-of-Way Regulations codified at 25 C.F.R. 169 Subpart F, which recognizes deference to Tribal decision-making and negotiated remedies.

NOW THEREFORE BE IT RESOLVED, That the Tribal Business Council hereby approves the attached citation issued by the MHA Nation Energy Division to WPX Energy Williston, LLC for a \$30,000.00 civil fine for Trespass with excess disturbance on the Hidatsa North 14-23 Project.

BE IT FURTHER RESOLVED, Upon receipt of payment from WPX Energy Williston, LLC, the Tribal Business Council directs the MHA Nation Energy Division to inform the BIA that the MHA Nation has provided WPX Energy Williston, LLC an alternative course to resolve the Trespass of ROW No. FBOG101072, consistent with intent and provisions set forth at 25 C.F.R. 169 Subpart F.

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)



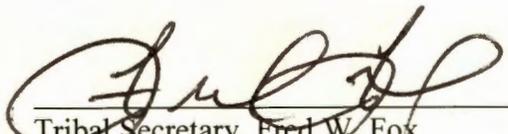
CERTIFICATION

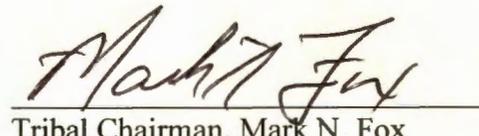
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 11th day of July, 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 [X] Voting. [] Not Voting.

Dated this 11th day of July, 2018.

ATTEST:


Tribal Secretary, Fred W. Fox
Tribal Business Council


Tribal Chairman, Mark N. Fox
Tribal Business Council