



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

***A Resolution entitled, "Approval of Setback Variance Requested by ONEOK Rockies  
Midstream, LLC for the Atkinson USA CTB."***

- 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,** The Tribal Business Council passed Resolution No. 12-087-VJB entitled "The Missouri River, Badlands, and Sacred Sites Protection Act," which requires a one-half mile setback for well sites/drilling pads from the Missouri River, Little Missouri River, and designated sacred sites or villages in the Badlands; and
- WHEREAS,** The Tribal Business Council passed Resolution No. 12-139-VJB, entitled "Amending the Missouri River and Badlands Protection Act to Allow Variances upon Recommendation by the Tribal Energy Office," which authorizes the MHA Energy Division to consider setback variance requests and make recommendations to the Tribal Business Council to approve such requests "when minerals would be stranded due to the setback provisions or where the applicant has made a clear showing that granting the variance would not cause an adverse environmental effect upon the Missouri River or the Little Missouri River"; and
- WHEREAS,** Applications for setback variances within the exterior boundaries of the Fort Berthold Indian Reservation are subject to other requirements of Tribal law, including 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 February 28, 2019, ONEOK Rockies Midstream, LLC (“ONEOK”) submitted to the MHA Nation Energy Division a request for a Setback Variance, as set forth in Exhibit A; and

**WHEREAS,** The specific Setback Variance requested by ONEOK is, as follows:

**ATKINSON USA CTB:** For a sixteen inch (16”) natural gas low pressure poly pipeline and necessary and incident facilities, equipment and appurtenances, including but not limited to valves and markers, for the transportation of oil, gas, petroleum products, water, brine, and/or any other liquids, gases, or substances which can be transported through pipelines, to connect the Atkinson USA CTB well site to existing pipeline infrastructure.

**LOCATION:** Allotment 397A (0% Tribal interest) and Allotment 397A-A (0% Tribal interest), E½ NW¼ of Section 8, Township 150 North, Range 93 West, 5<sup>th</sup> P.M., Mountrail County, North Dakota.

**ACRES OF DISTURBANCE:** +/- 4.63 acres.

**DRILLING/SPACING UNIT:** N/A.

**DISTANCE FROM WELLPAD/Pipe:** 1482.14 ± feet to the 1854 High Water Line; and

**WHEREAS,** On February 28, 2019 during the environmental and right-of-way on-sites, ONEOK met with the MHA Nation Energy Division to review and consider all other alternatives for the construction and siting of the Atkinson USA CTB; and

**WHEREAS,** The MHA Nation Energy Division reviewed, processed and fully vetted ONEOK’s request for a setback variance for the Atkinson USA CTB pipeline and has determined that ONEOK has made a clear showing that granting the variance would not cause an adverse environmental effect upon the Missouri River or the Little Missouri River; and

**WHEREAS,** On April 17, 2019 at a duly held meeting of the Energy Committee (“EC”), the MHA Nation Energy Division recommended approval of ONEOK’s setback variance request for Atkinson USA CTB and the EC approved ONEOK’s setback variance request for Atkinson USA CTB.



**NOW THEREFORE BE IT RESOLVED**, The Tribal Business Council hereby approves ONEOK's setback variance request for the Atkinson USA CTB project, as set forth in Exhibit A, and more specifically as follows:

**ATKINSON USA CTB:** For a sixteen inch (16") natural gas low pressure poly pipeline and necessary and incident facilities, equipment and appurtenances, including but not limited to valves and markers, for the transportation of oil, gas, petroleum products, water, brine, and/or any other liquids, gases, or substances which can be transported through pipelines, to connect the Atkinson USA CTB well site to existing pipeline infrastructure.

**LOCATION:** Allotment 397A (0% Tribal interest) and Allotment 397A-A (0% Tribal interest), E½ NW¼ of Section 8, Township 150 North, Range 93 West, 5<sup>th</sup> P.M., Mountrail County, North Dakota.

**ACRES OF DISTURBANCE:** +/- 4.63 acres.

**DRILLING/SPACING UNIT:** N/A.

**DISTANCE FROM WELLPAD/Pipe:** 1482.14 ± feet to the 1854 High Water Line.

**BE IT FURTHER RESOLVED**, Pursuant to Resolution No. 18-212-FWF, approval of the setback variance request described herein is subject to a processing fee in the amount of \$3,000.00.

**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.



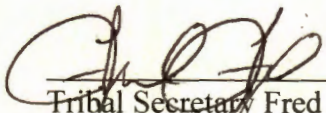


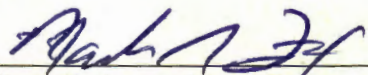
**CERTIFICATION**

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold 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 9<sup>th</sup> day of May, 2019, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 6 members, 0 members opposed, 0 members abstained, 1 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman [ X ] Voting. [ ] Not Voting.

Dated this 9<sup>th</sup> day of May, 2019.

  
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Tribal Secretary Fred Fox  
Tribal Business Council  
Three Affiliated Tribes

**ATTEST:**  
  
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Tribal Chairman Mark Fox  
Tribal Business Council  
Three Affiliated Tribes