



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

A Resolution entitled, "Amendment to Resolution No. 19-078-FWF entitled, Consent to Approval of a Right-of-Way across Tribal land for the Bursheia USA Multi-Well Pad Project Submitted by ONEOK Rockies Midstream, 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 (or "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 May 9, 2019, the Tribal Business Council passed Resolution No. 19-078-FWF entitled, "Consent to Approval of a Right-of-Way across Tribal land for the Bursheia USA Multi-Well Pad Project Submitted by ONEOK Rockies Midstream, LLC," for a sixteen inch (16") natural gas poly pipeline across certain Tribal tracts in Allotment 380A (50% Tribal interest), in the E $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 2, Township



150 North, Range 93 West, 5th P.M., and Allotment 405A (10.38% Tribal interest), in the N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 12, Township 150 North, Range 93 West, 5th P.M. all in Mountrail County, North Dakota; and

WHEREAS, During the pendency of the BIA's processing of the ROW application for the Bursheia USA Multi-Well Pad Project, described above, ONEOK discovered that it had left out the following allotment tract in its ROW application for the Bursheia USA Multi-Well Pad Project: *Allotment 496A (0.2976 Tribal interest), in the N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 12, Township 150 North, Range 93 West, 5th P.M. all in Mountrail County, North Dakota,* and ONEOK filed an application to amend Resolution No. 19-078-FWF to address this omission; and

WHEREAS, Pursuant to fees established and set forth in Resolution No. 18-212-FWF, the projected compensation to the MHA Nation for this ROW application and consent request to amend Resolution No. 19-078-FWF, described above, is \$12,285.90, in addition to the one-time application fee; and

WHEREAS, The application to amend Resolution No. 19-078-FWF, submitted by ONEOK for the Bursheia USA Multi-Well Pad Project, described above, has been reviewed and recommended for approval by the MHA Nation Energy Division in accordance with the MHA Nation's approved procedure for authorizing ROWs on Tribal Land; and

WHEREAS, On August 6, 2019, at a duly held meeting of the Energy Committee ("EC"), the MHA Nation Energy Division recommended for approval of ONEOK's application to amend Resolution No. 19-078-FWF to add the following allotment in the land description for the ROW application for the Bursheia USA Multi-Well Pad Project: *Allotment 496A (0.2976 Tribal interest), in the N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 12, Township 150 North, Range 93 West, 5th P.M. all in Mountrail County, North Dakota,* and the EC approved ONEOK's request and forwarded it to the Tribal Business Council for final action.

NOW, THEREFORE, BE IT RESOLVED, Subject to ONEOK Rockies Midstream, LLC'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 amendments to Resolution No. 19-078-FWF:

- In the last line of page 1, immediately following "5th P.M." add the following text: "and in Allotment 496A (0.2976 Tribal interest) in the N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 12, Township 150 North, Range 93 West, 5th P.M."



- On page 3, strike the second full WHEREAS paragraph and replace it with: “Pursuant to fees established and set forth in Resolution No. 18-212-FWF, the projected compensation to the MHA Nation for this ROW application is \$12,285.90, in addition to the one-time application fee;” and
- On page 2, in the NOW THEREFORE BE IT RESOLVED paragraph describing the ROW application and consent request for the Bursheia USA Multi-Well Pad Project, add the following text immediately after “5th P.M.”: “and in Allotment 496A (0.2976 Tribal interest) in the N½ NW¼ of Section 12, Township 150 North, Range 93 West, 5th P.M.”
- On page 3, in the first full BE IT FURTHER RESOLVED paragraph, replace “\$11,237.90” with “\$12,285.90”.
- On page 3, in the fourth full BE IT FURTHER RESOLVED paragraph, replace the word “constituent” with “constitutes”.

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.

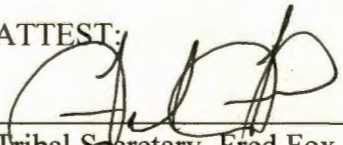
CERTIFICATION

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, 7 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 7th day of August 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.

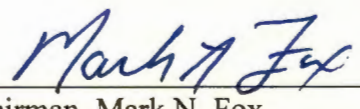
Chairman Voting. Not Voting.

Dated this 7th day of August 2019.

ATTEST:



Tribal Secretary, Fred Fox
Tribal Business Council



Chairman, Mark N. Fox
Tribal Business Council