



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

*A Resolution entitled, "Consent to Amend BIA ROW No. FBOG101320 across Tribal land for the Skunk Creek 8-2 Multi-Use Access Road Corridor Project Submitted by RimRock Oil & Gas Williston, LLC."*

**WHEREAS,** This Mandan Hidatsa and Arikara Nation, also known as the Three Affiliated Tribes (the "MHA Nation" or "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 under said Act, and

**WHEREAS,** Pursuant to Article III, Section 1 of the Constitution and By-Laws of the Three Affiliated 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 November 14, 2018, RimRock Oil & Gas Williston, LLC submitted a ROW application for the Skunk Creek 8-2 Multi-Well Pad and Multi-Use Access Road Corridor Project for a ROW consent to construct the Skunk Creek 8-2 Multi-Well Pad, six (6) wellbores (Skunk Creek 8-2-3-4H, Skunk Creek 8-2-3-4H3, Skunk





Creek 8-2-3-4H3U, Skunk Creek 8-2-3-4HA, Skunk Creek 8-2-3-5H3, and Skunk Creek 8-2-36-15HU), and a multi-use access road corridor across certain Tribal tracts in Allotments T64A (100% Tribal interest), T3050-A (100% Tribal interest), and T3141 (100% Tribal interest), in Section 1 and Section 2, Township 148 North, Range 93 West, in Dunn County, North Dakota; and

**WHEREAS,** The ROW for this application consisted of 8.41 total disturbed acres, encompassing 6.95 acres (1.06 acres on Allotment T3050-A, and 5.89 acres on Allotment T3141) for a new well pad, and approximately 3.50 acres (3.34 acres on allotment T64A, 0.16 acres on allotment T3141) for a multi-use access road corridor that will include flowlines that run between the proposed Skunk Creek 8-2 well pad and the existing Skunk Creek 9-2 pad, temporary above ground waterlines, electric lines and pipelines; 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 was \$62,250.00 which includes \$25,000.00 for the well pad plus initial well, \$25,000.00 for five (5) additional well bores (\$5,000.00 for each additional well bore) and \$12,250.00 for multi-use corridor (\$3,500.00 per acre); and

**WHEREAS,** On February 14, 2019, the Tribal Business Council passed Resolution No. 19-016-FWF entitled, "*Consent to Approval of a Right-of-Way across Tribal land for the Skunk Creek 8-2 Multi-Well Pad and Multi-Use Access Road Corridor Project Submitted by RimRock Oil & Gas Williston, LLC*" approving RimRock's ROW application and consent request to construct the Skunk Creek 8-2 Multi-Well Pad, with six (6) wellbores (Skunk Creek 8-2-3-4H, Skunk Creek 8-2-3-4H3, Skunk Creek 8-2-3-4H3U, Skunk Creek 8-2-3-4HA, Skunk Creek 8-2-3-5H3, and Skunk Creek 8-2-36-15HU), and a Multi-Use Access Road Corridor across certain Tribal tracts in Allotments T64A (100% Tribal interest), T3050-A (100% Tribal interest), and T3141 (100% Tribal interest), in Section 1 & 2, Township 148 North, Range 93 West, in Dunn County, North Dakota; and

**WHEREAS,** On February 14, 2019, MHA Nation Tribal Business Chairman Mark Fox executed the Bureau of Indian Affairs ("BIA") "Consent to Approval of a Right-of-Way across Tribal land for the Skunk Creek 8-2 Multi-Well Pad and Multi-Use Access Road Corridor Project Submitted by RimRock Oil & Gas Williston, LLC" across certain Tribal tracts in Allotments T64A (100% Tribal interest), T3050-A (100% Tribal interest), and T3141 (100% Tribal interest), in Section 1 and Section 2, Township 148 North, Range 93 West, in Dunn County; and

**WHEREAS,** On June 12, 2019, the BIA granted to RimRock Oil & Gas Williston, LLC, BIA ROW No. FBOG101320, a right-of-way for the SKUNK CREEK 8-2-3-4H, SKUNK CREEK 8-2-3-4H3, SKUNK CREEK 8-2-3-4H3U, SKUNK CREEK 8-2-3-4HA, SKUNK CREEK 8-2-3-5H3, and SKUNK CREEK 8-2-36-15HU WELL





LOCATION, MULTI-USE ACCESS ROAD, FLOWLINES, AND TEMPORARY ABOVE GROUND WATERLINE, over and across the land embraced within a right-of-way situated on the following described lands located on the Fort Berthold Indian Reservation ("FBIR"), in the County of Dunn, North Dakota:

**Township 148 North, Range 93 West, Fifth P.M.**

Tract T64A (100% Tribal Interest) - located in the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 1 (1446.54 feet or 3.34 acres of multi-use access road, flowlines, powerlines, and temporary waterline disturbance)

Tract T3050-A (100% Tribal Interest), located in Lot 1 of Section 2 (1.06 acres of well pad disturbance)

Tract T3141 (100% Tribal Interest), located in the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 2 (5.89 acres of well pad disturbance and 66.83 feet or 0.16 acres of multi-use access road, flowlines, powerlines, and temporary waterline disturbance); and

**WHEREAS** BIA ROW No. FBOG101320 is limited to and more particularly described to be an access road 1,513.37 feet in length, 100 feet in width, comprising of 3.50 acres of multi-use access road disturbance that includes flowlines, powerline, and temporary waterline disturbance, and 6.95 acres of surface disturbance for a well location; and

**WHEREAS**, On July 24, 2019, RimRock Oil & Gas Williston, LLC submitted a ROW application and consent request to amend BIA ROW No. FBOG101320 to add 1.58 acres to the Skunk Creek 8-2 Well Pad to the Multi-Use Access Road Corridor across certain Tribal tracts in Allotments T64A (100% Tribal interest), and T3141 (100% Tribal interest), in Section 1 and Section 2, Township 148 North, Range 93 West, in Dunn County, North Dakota; and

**WHEREAS**, The ROW for this application consists of 1.58 acres of additional Multi-Use Access Road, encompassing 1.43 acres on Allotment T64A and 0.15 acres on Allotment T3141 for additional multi-use access road corridor; 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 is \$5,530.00 for multi-use access road corridor (1.58 acres times \$3,500 per acre), in addition to the one-time application fee and an annual rental fee for the pipeline ROWs starting on the first anniversary of the Grant of Easement for the term of said grant; and

**WHEREAS**, The ROW application and consent request, submitted by RimRock Oil & Gas Williston, LLC to amend BIA ROW No. FBOG101320 to add 1.58 acres to the





Skunk Creek 8-2 Multi-Use Access Road Corridor, described above, has been reviewed and recommended for approval by the MHA Nation 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,** On August 6, 2019, at a duly held meeting of the Energy Committee ("EC"), the MHA Nation Energy Division recommended approval of RimRock Oil & Gas Williston, LLC's ROW application and consent request to amend BIA ROW No. FBOG101320 for the Skunk Creek 8-2 Multi-Use Access Road Corridor Project, more fully described herein, and in the attached Appendix A.1., and the EC approved RimRock Oil and Gas Williston, LLC's application and forwarded it to the Tribal Business Council for final action.

**NOW THEREFORE BE IT RESOLVED,** Subject to RimRock Oil & Gas Williston, 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 ROW application, attached as Appendix A.1, and ROW consent, as follows:

- RimRock Oil and Gas Williston, LLC – The Skunk Creek 8-2 additional Multi-Use Access Road Corridor Project, to amend BIA ROW No. FBOG101320 to add 1.58 acres to the Skunk Creek 8-2 Multi-Use Access Road Corridor across certain Tribal tracts in Allotments T64A (100% Tribal interest), and T3141 (100% Tribal interest), in Section 1 and Section 2, Township 148 North, Range 93 West, in Dunn County, North Dakota.

**BE IT FURTHER RESOLVED,** In accordance with the MHA Nation Standard Terms and Conditions for Right-of-Ways, the ROW for the Skunk Creek 8-2 additional Multi-Use Access Road Corridor Project will be subject the term of the existing BIA ROW FBOG101320.

**BE IT FURTHER RESOLVED,** The Tribal Business Council consents to the estimated compensation for this ROW application in the amount of \$5,530.00, in addition to the one-time application fee and an annual rental fee for the pipeline ROWs starting on the first anniversary of the Grant of Easement for the term of said grant, which is based on the MHA Nation ROW compensation and application fees established and set forth in Resolution No. 18-212-FWF.

**BE IT FURTHER RESOLVED,** In accordance with governing MHA Nation law and policy as well as applicable federal ROW regulations, all ROW grantees must obtain the prior written approval from the MHA Nation before assigning any ROW that contains any Tribal interest, and therefore, the Tribal Business Council does not pre-consent to an assignment of the BIA ROW No. FBOG101320 or any portion thereof.



**BE IT FURTHER RESOLVED,** The Tribal Business Council does not consent to waive any bond, insurance, or alternative form of security.

**BE IT FURTHER RESOLVED,** The MHA Nation Standard Terms and Conditions for Right-of-Ways, executed by RimRock Oil & Gas Williston, LLC and the MHA Nation Energy Division, constitutes a written agreement as part of the MHA Nation's consent to the grant of the ROW, and therefore, as provided in 25 CFR §169.107(a), the Tribal Business Council requests Bureau of Indian Affairs to incorporate these terms and conditions into the amended BIA ROW No. FBOG101320.

**BE IT FURTHER RESOLVED,** The Tribal Business Council retains the authority, as well as the delegation of authority to the MHA Nation Energy Division and other Tribal departments, to issue fines and set conditions to address and resolve ROW trespass, abandonment, non-use, and other violations, including violations of applicable MHA Nation Standard ROW Terms and Conditions, and further requests the Bureau of Indian Affairs to defer to these remedies, in accordance with the intent and notice provisions in 25 CFR §169.403(a).

**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.





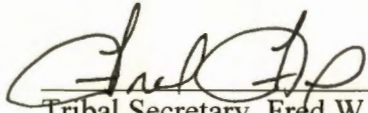
**CERTIFICATION**

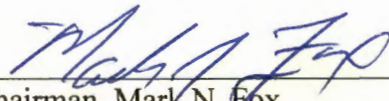
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 12<sup>th</sup> day of September, 2019, 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  Voting.  Not Voting.

Dated this 12<sup>th</sup> day of September, 2019.

**ATTEST:**

  
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Tribal Secretary, Fred W. Fox  
Tribal Business Council

  
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Chairman, Mark N. Fox  
Tribal Business Council