



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

*A Resolution entitled, "Consent to an Assignment of Right-of-Way of BIA ROW No. FBOG101369 from WPX Energy Williston, LLC to Arrow Pipeline, LLC for the Pipelines for the Wolverine 21-22H Well Location, and Consent to an Assignment of Right-of-Way of BIA ROW No. FBOG101370 from WPX Energy Williston, LLC to McKenzie Electric Cooperative, Inc. for the Utilities for the Wolverine 21-22H Well Location, Submitted by WPX Energy 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 September 12, 2019, pursuant to Resolution No. 19-219-FWF, the MHA Nation approved a ROW application and consent request for a right-of-way for the Wolverine 21-22H Pad Project submitted by WPX Energy Williston, LLC to construct a Well Pad, four (4) Well Bores, Multi-Use Access Road and Utilities, and Oil and Gas Pipelines, across Tribal Tract No. T1721 (100% Tribal interest), located in Section 20, Township 148 North, Range 93 West, in Dunn County, North Dakota; and

**WHEREAS,** Pursuant to fees established and set forth in Resolution No. 18-212-FWF, the Tribal Business Council consented to the projected compensation of \$46,006.00, in addition to a one-time application fee and an annual rental fee starting on the first day anniversary of the Grant of Easement for the term of the grant; and

**WHEREAS,** On September 30, 2019, the Bureau of Indian Affairs (“BIA”) granted to WPX Energy Williston, LLC ROW No. FBOG101369, an easement “for a right-of-way for the PIPELINE(S) FOR THE WOLVERINE 21-22H WELL LOCATION” over and across the land embraced within a right-of-way situated on the following described lands located in the County of Dunn in the State of North Dakota” on the Fort Berthold Indian Reservation:

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

Allotment No. 1874 – W½, of Section 20  
(1,535.06 feet or 1.057 acres of permanent pipeline disturbance and  
2.327 acres of temporary pipeline disturbance)

Tribal Tract No. T-1721 (100% Tribal Interest) – E½, of Section 20  
(3,019.14 feet or 2.079 acres of permanent pipeline disturbance and  
4.893 acres of temporary pipeline disturbance); and

**WHEREAS,** BIA ROW No. FBOG101369 is limited to and more particularly described to be a pipeline corridor 4,554.20 feet in length, 30 feet in permanent width and 70 feet in temporary width, and contains 3.136 acres of permanent disturbance and 7.220 acres of temporary disturbance, more or less; and

**WHEREAS,** BIA ROW No. FBOG101369 lists the following purposes of the easement granted, for the installation of oil, natural gas, fresh water and produced water pipelines, as follows:

- All gathering pipelines will be coated with 14 to 16 millimeters of fusion-bonded epoxy;
- Oil, gas, and water pipelines will be buried in two 2.5-foot-wide trenches, spaced 5.0 feet apart, or one 5.0-foot-wide trench;



- Oil and gas pipelines will be no greater than 8 inches in diameter and constructed of steel;
- Water pipeline will be no greater than 8 inches in diameter;
- Technical descriptions for the materials, corrosion rates, spill response plans, pipeline marking procedures, quality assurance/control. Valve locations, boring locations and reclamation plans are Arrows' specific procedures for pipeline construction; and

**WHEREAS,** On September 30, 2019, the Bureau of Indian Affairs (“BIA”) granted to WPX Energy Williston, LLC ROW No. FBOG101370, an easement “for a right-of-way for the UTILITIES, FIBER OPTICS, ELECTRIC & ABOVE GROUND APPURTENANCES TO THE WOLVERINE 21-22H WELL LOCATION” over and across the land embraced within a right-of-way situated on the following described lands located in the County of Dunn in the State of North Dakota” on the Fort Berthold Indian Reservation:

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

Allotment No. 1874 – W½, of Section 20  
(2,259.66 feet or 5.188 acres of disturbance)

Tribal Tract No. T-1721 (100% Tribal Interest) – E½, of Section 20  
(3,036.62 feet or 6.972 acres of disturbance); and

**WHEREAS,** BIA ROW No. FBOG101370 is limited to and more particularly described to be a utility, fiber optics, electric & above ground appurtenances corridor 5,296.28 feet in length, 100 feet in width, and contains 12.160 acres, more or less; and

**WHEREAS,** 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

**WHEREAS,** On January 13, 2020, WPX Energy Williston, LLC submitted an application to the MHA Nation Energy Division requesting the consent of the MHA Nation to allow WPX Energy Williston, LLC to (i) Assign to Arrow Pipeline, LLC, BIA ROW No. FBOG101369 for the Pipelines for the Wolverine 21-22H Well Location; and (ii) Assign to McKenzie Electric Cooperative, Inc., BIA ROW No. FBOG101370 for the Utilities, Fiber Optics, Electric and Above Ground Appurtenances to the Wolverine 21-22H Well Location; and

**WHEREAS,** The Pipeline and Utility ROW for this application consists of 6.972 acres for utility, 2.079 acres permanent Pipeline disturbance and 4.893 acres temporary Pipeline



disturbance; the utilities will be 3,036.62 feet in length, and pipelines will be 3,019.14 feet in length; and

**WHEREAS,** Pursuant to fees established and set forth in Resolution No. 18-212-FWF, the projected compensation to the MHA Nation for this application is \$7,000.00 for assignment processing fees (\$3,500.00 ROW assignment processing fee for assignment of the utilities ROW, and \$3,500.00 ROW assignment processing fee for the assignment of the pipelines ROW), in addition to the one-time application fee and an annual rental fee of approximately \$10,395.00 for the pipeline ROWs starting on the first anniversary of the Grant of Easement for the term of said grant, (such responsibility to be assumed by Arrow Pipeline, LLC upon approval of the requested ROW assignment for the pipelines); and

**WHEREAS,** WPX Energy Williston, LLC's application to assign the ROW for the utilities and pipeline for the Wolverine 21-22H Pad Project, described above, has been reviewed 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,** On February 26, 2020, at a duly held meeting of the MHA Nation Energy Committee ("EC"), WPX Energy Williston, LLC representatives appeared and presented WPX's application requesting the consent of the MHA Nation to allow WPX Energy Williston, LLC to (i) Assign to Arrow Pipeline, LLC, BIA ROW No. FBOG101369 for the Pipelines for the Wolverine 21-22H Well Location; and (ii) Assign to McKenzie Electric Cooperative, Inc., BIA ROW No. FBOG101370 for the Utilities, Fiber Optics, Electric and Above Ground Appurtenances to the Wolverine 21-22H Well Location; and the EC approved WPX Energy Williston, LLC's ROW assignment application and forwarded it to the Tribal Business Council for final action.

**NOW THEREFORE BE IT RESOLVED,** The Tribal Business Council hereby consents to the ROW assignment application submitted by WPX Energy Williston, LLC requesting the consent of the MHA Nation to assign to Arrow Pipeline, LLC, BIA ROW No. FBOG101369 for the Pipelines for the Wolverine 21-22H Well Location.

**BE IT FURTHER RESOLVED,** The Tribal Business Council hereby consents to the ROW assignment application submitted by WPX Energy Williston, LLC requesting the consent of the MHA Nation to assign to McKenzie Electric Cooperative, Inc., BIA ROW No. FBOG101370 for the Utilities, Fiber Optics, Electric and Above Ground Appurtenances to the Wolverine 21-22H Well Location.



**BE IT FURTHER RESOLVED,** In accordance with the MHA Nation Standard Terms and Conditions for Right-of-Ways, the Pipelines ROW for the Wolverine 21-22H Well Location will be subject the existing term set forth in BIA ROW FBOG101369.

**BE IT FURTHER RESOLVED,** In accordance with the MHA Nation Standard Terms and Conditions for Right-of-Ways, the ROW the Utilities, Fiber Optics, Electric and Above Ground Appurtenances to the Wolverine 21-22H Well Location will be subject the existing term set forth in BIA ROW FBOG101370.

**BE IT FURTHER RESOLVED,** The Tribal Business Council consents to the estimated compensation to the MHA Nation for this ROW assignment application, which is based on the MHA Nation ROW compensation and application fees established and set forth in Resolution No. 18-212-FWF, in the amount of \$7,000.00 for assignment processing fees (\$3,500.00 ROW assignment processing fee for assignment of the utilities ROW, and \$3,500.00 ROW assignment processing fee for the assignment of the pipelines ROW), and in addition to the one-time application fee and an annual rental fee of approximately \$10,395.00 for the pipeline ROWs starting on the first anniversary of the Grant of Easement for the term of said grant, (such responsibility to be assumed by Arrow Pipeline, LLC upon approval of the requested ROW assignment for the pipelines).

**BE IT FURTHER RESOLVED,** The Tribal Business Council approved WPX Energy Williston, LLC's request for the consent of the MHA Nation to assign to McKenzie Electric Cooperative, Inc., the utilities ROW for the Wolverine 21-22H Pad Project, provided that WPX Energy Williston LLC remits payment of the \$3,500.00 assignment processing fee within in fifteen (15) days from the passage of this Resolution, and provided further, that McKenzie Electric executes the MHA Nation's ROW standard terms and conditions and agrees to fully adheres to such terms and conditions.

**BE IT FURTHER RESOLVED,** The Tribal Business Council approves WPX Energy Williston, LLC's request for the consent of MHA Nation to assign to Arrow Pipeline, LLC, BIA ROW No. FBOG101369, the Pipelines ROW for the Wolverine 21-22H Well Location, provided that WPX Energy Williston LLC remits payment of the \$3,500.00 assignment processing fee within in fifteen (15) days from the passage of this Resolution, and provided further, that Arrow Pipeline, LLC/Crestwood Midstream executes and adheres to the MHA Nation's ROW standard terms and conditions for pipelines and agrees to fully adheres to such terms and conditions, including payment of the annual rental fee of approximately \$10,395.00.

**BE IT FURTHER RESOLVED,** The Tribal Business Council approves WPX Energy Williston, LLC's request for the consent of MHA Nation to assign to McKenzie Electric Cooperative, Inc., BIA ROW No. FBOG100370, the ROW the Utilities, Fiber Optics, Electric and Above Ground Appurtenances to the Wolverine 21-22H Well



Location, provided that WPX Energy Williston LLC remits payment of the \$3,500.00 assignment processing fee within in fifteen (15) days from the passage of this Resolution, and provided further, that McKenzie Electric executes and adheres to the MHA Nation's ROW standard terms and conditions and agrees to fully adheres to such terms and conditions.

**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 any further assignment of the BIA ROW No. FBOG101369 and BIA ROW No. FBOG101370, other than what is specifically approved in this Resolution.

**BE IT FURTHER RESOLVED**, The MHA Nation Standard Terms and Conditions for Right-of-Ways, executed by WPX Energy Williston, LLC, McKenzie Electric Cooperative, Inc. and Arrow Pipeline, LLC and the MHA Nation Energy Division, with respect to the assignment of ROWs described and approved herein, constitute written agreements 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 the Bureau of Indian Affairs to incorporate these terms and conditions into the assignment of the Utilities ROW and Pipeline ROW for the Wolverine 21-22H Pad Project.

**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.

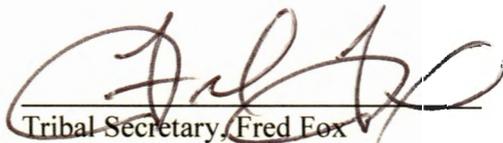


**CERTIFICATION**

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, 6 were present at a Special Meeting thereof duly called, noticed, convened and held on the 8<sup>th</sup> day of April, 2020, 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 8<sup>th</sup> day of April, 2020.

  
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Tribal Secretary, Fred Fox  
Tribal Business Council  
Three Affiliated Tribes

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



**Resolution No. 20-058-FWF**

**APPENDIX A.1**

< Attach: (1) Application Form, (2) Approval Form signed by Department Head and Chairman of NRC per Resolution 15-045-LKH, (3) signed ROW terms and Conditions per Resolution No. 14-089-VJB, (4) map, and (5) other necessary information >