



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

**A Resolution entitled, “*Consent to Assignment of a Right-of-Way across Tribal land (Tracts 373A and T5447)*”**

**WHEREAS,** The Mandan Hidatsa and Arikara Nation (the “Nation”), also known as the Three Affiliated Tribes, having accepted the Indian Reorganization Act of June 18, 1934, the authority under said Act, and having adopted a Constitution and By-laws (the “Constitution”) under said Act, and

**WHEREAS,** Pursuant to Article III, Section 1 of the Constitution, the Tribal Business Council is the governing body of the Tribes; and

**WHEREAS,** Pursuant to Article VI, Section 5(1) of the 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 July 13, 2016, the Tribal Business Council approved Resolution No. 16-139-LKH submitted by QEP Energy Company for a ROW and on October 10, 2019 the Tribal Business Council Approved Resolution 19-255-FWF to Amend the ROW for the Disco Pad Project, for a well location, access road and multi-use corridor, including utilities; and



**WHEREAS,** QEP Energy Company submitted an application to assign the Utility portion of the ROW for the Disco Pad Project to Mountrail-Williams Electric Cooperative; and

**WHEREAS,** The Utility ROW for this application consists of 20.25 acres; and

**WHEREAS,** The ROW assignment request, described above, has been reviewed and recommended for approval in accordance with the MHA Nation's approved procedure for authorizing ROWs on Tribal Land; and

**WHEREAS,** At its meeting on April 29, 2020, the MHA Nation Energy Committee ("EC"), recommended approval of QEP Energy Company's partial assignment application and forwarded it to the Tribal Business Council for final action.

**NOW THEREFORE BE IT RESOLVED,** the Tribal Business Council hereby approves the following ROW assignment(s):

- Partial assignment by QEP Energy Company to Mountrail-Williams Electric Cooperative – of the utility ROW for the Disco Pad Project across certain tribal tracts in Allotment 373A (38.194% Tribal interest), located in Sections 21 and 22, Township 150 North, Range 92 West, and Allotment T5447, located in Sections 21 and 28, Township 150 North, Range 92 West, in Mountrail County, North Dakota.

**BE IT FURTHER RESOLVED,** The assignee shall be subject to all applicable terms and conditions of the ROW for the Disco Pad Project.

**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.

*[Continued Next Page]*



**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 Regular Meeting thereof duly called, noticed, convened and held on the 14<sup>th</sup> day of May, 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 [ X ] Voting. [ ] Not Voting.

Dated this 14<sup>th</sup> day of May, 2020.

**ATTEST:**

Tribal Secretary, Fred W. Fox  
Tribal Business Council

Chairman, Mark N. Fox  
Tribal Business Council



**APPENDIX A.1**

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