



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

A Resolution entitled, "Consent to Approval of a Right-of-Way across Tribal land (Allotments T1976-A and 2177) for the Dakota Drilling Pad (FKA TAT 15-1) Submitted by WPX Energy Williston, LLC"

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, WPX Energy Williston, LLC submitted a ROW application for the Dakota Drilling Pad, to add an additional 0.926 Acres to the existing Well Pad with 4 additional wells, temporary water line, and pipeline 566.84' in length, 30' permanent & 70' temporary in Width, 0.390 acres in permanent size and 1.067



acres in temporary size, across certain tribal tracts in Allotment T2177 in Section 1, and an additional 0.023 Acres to the existing Well Pad and pipeline 880.80' in length, 30' permanent & 70' temporary in Width, 0.607 acres in permanent size and 1.437 acres in temporary size, across certain tribal tracts in Allotment T1976-A in Section 12, Township 149 North, Range 93 West, in Dunn County, North Dakota, with 100% tribal interest; and

WHEREAS, During review of the above described ROW application the Energy Department Realty Team discovered the construction of the TAT #15-1H Well Location and Access exceeded the acreage granted in the original easement, BIA ROW No. FBOG100007, by 1.085 acres on Tract T2177 and 0.091 acres on Tract T1976-A, for a total of 1.176 acres; and.

WHEREAS, WPX Energy Williston, LLC, seeks formal consent for the additional acres disturbed outside of BIA ROW No. FBOG100007, totaling 1.176 acres, in return for a one time payment by of \$50,000.00 by WPX Energy Williston, LLC; and

WHEREAS, The ROW application has been reviewed and recommended for approval by the Energy Department.

NOW THEREFORE BE IT RESOLVED, Subject to the MHA Nation Standard Terms and Conditions for Right-of-Ways, and payment of applicable ROW fees, the Tribal Business Council hereby approves the ROW application, attached as Appendix A.1, and consents to the following ROW:

- WPX Energy Williston, LLC – the Dakota Drilling Pad including above ground appurtenances, for an additional 0.926 Acres to the existing Well Pad with 4 additional wells, temporary water line, and pipeline 566.84' in length, 30' permanent & 70' temporary in Width, 0.390 acres in permanent size and 1.067 acres in temporary size, across certain tribal tracts in Allotment T2177 in Section 1, and an additional 0.023 Acres to the existing Well Pad and pipeline 880.80' in length, 30' permanent & 70' temporary in Width, 0.607 acres in permanent size and 1.437 acres in temporary size, across certain tribal tracts in Allotment T1976-A in Section 12, Township 149 North, Range 93 West, in Dunn County, North Dakota.

BE IT FURTHER RESOLVED, the ROW shall have a 20 year term, from the date of the BIA's grant of the ROW.

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 are incorporated into this 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 ROW grant.

BE IT FURTHER RESOLVED, The MHA Nation retains the authority 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 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, WPX Energy Williston, LLC requests the consent to an assignment of the Pipeline portion for the Dakota Drilling Pad to Arrow Pipeline, LLC.

BE IT FURTHER RESOLVED, In return for the payment of \$50,000., the Tribal Business Council hereby consents to Amending BIA ROW No. FBOG10007 to expand the acreage disturbance by 1.176 total acres, comprising 1.085 acres on Tract T2177 and 0.091 acres on Tract T1976-A.

BE IT FURTHER RESOLVED, Any applicable Committee procedures are waived.

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.

[Remainder of Page Left Blank, Certification Follows]




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, 5 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 9th day of July, 2020, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 5 members, 0 members opposed, 0 members abstained, 2 members not voting, and that said Resolution has not been rescinded or amended in any way.

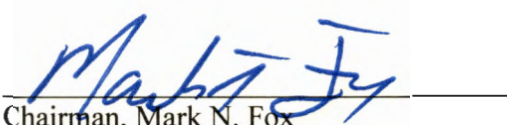
Chairman [X] Voting. [] Not Voting.

Dated this 9th day of July, 2020.

ATTEST:



Tribal Secretary, Fred W. Fox
Tribal Business Council
Three Affiliated Tribes



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



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 >