



**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. FBOG100363 (Modification No. 1) across Tribal land (Allotment 1075A) for the Charles Blackhawk 31-30H Pad Project 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,** The Constitution authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the welfare and benefit of the MHA Nation and of the enrolled members thereof; 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, The Tribal Business Council previously consented to a right of way for WPX regarding the Charles Blackhawk Pad Project; and

WHEREAS, On March 6, 2012, the BIA granted to WPX Energy Williston, LLC Row No. FBOG100363 a right-of-way for Charles Blackhawk#31-30HA, 31-30HB, 31-30HC, 31-30HD, 31-30HW, 31-30HX, & 31-30HZ Well Location; and

WHEREAS, WPX Energy Williston, LLC submitted a ROW application to amend ROW No. FBOG100363 for the Charles Blackhawk 31-30H Pad Project:

- To add 2 additional wellbores to existing pad,
- A pipeline ROW being 2,600.73’ in length, 30’ Permanent & 70’ Temporary in width, consisting of 1.791 acres in permanent size and 4.272 acres in temporary size,
- A utility ROW being 2,600.73’ in length, 130’ in Width, 7.727 acres in size, including above-ground appurtenances

across Allotment(s) 1075A in Section 31, Township 148 North, Range 92 West, in Dunn County, North Dakota, with 8.14814815% tribal interest; and

WHEREAS, The ROW application, has been reviewed and recommended for approval in accordance with the MHA Nation’s approved procedure for authorizing ROWs on Tribal Land.

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 amendment for WPX on the Charles Black Hawk Pad Project:

- To add 2 additional wellbores to existing pad,
- A pipeline ROW being 2,600.73’ in length, 30’ Permanent & 70’ Temporary in width, consisting of 1.791 acres in permanent size and 4.272 acres in temporary size,
- A utility ROW being 2,600.73’ in length, 130’ in Width, 7.727 acres in size, including above-ground appurtenances

across Allotment(s) 1075A in Section 31, Township 148 North, Range 92 West, in Dunn County, North Dakota, with 8.14814815% tribal interest; and

BE IT FURTHER RESOLVED, In accordance with the MHA Nation Standard Terms and Conditions for Right-of-Ways, the ROW for the Charles Blackhawk 31030H Pad



Project will remain subject to the original twenty (20) year term, from the date of the BIA's execution of the original grant of BIA ROW No. FBOG100363.

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

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 Utility portion for the Charles Blackhawk 31-30H Pad Project to McKenzie Electric Co-Op Inc., and the Pipeline portion of the Charles Blackhawk 31-30H Pad Project to Arrow Pipeline, LLC;

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 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.

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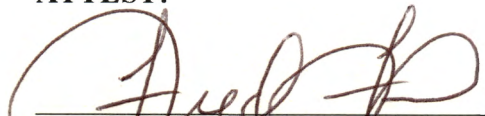
CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 5 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 13th day of August, 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 13th day of August, 2020.

ATTEST:



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



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