



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

A Resolution entitled, "Approval of Setback Variance for the Charles Blackhawk 31-30H Pad Requested by WPX Energy Williston, LLC"

- WHEREAS,** This Mandan Hidatsa and Arikara Nation (the "MHA Nation"), 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 its Constitution and By-Laws, the Tribal Business Council is the governing body of the MHA Nation; 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 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,** The Tribal Business Council passed Resolution No. 12-087-VJB, entitled, "The Missouri River, Badlands and Sacred Sites Protection Act" which requires a half mile setback for well sites/drilling pads from the Missouri River, Little Missouri River, and designated sacred sites or villages in the Badlands; and
- WHEREAS,** The Tribal Business Council passed Resolution No. 12-139-VJB, entitled, "Amending the Missouri River and Badlands Protection Act to Allow Variances upon Recommendation by the Tribal Energy Office," which authorizes the MHA Nation Tribal Energy Office to consider setback variance requests and make recommendations to the Tribal Business Council to approve such requests "when minerals would be stranded due to the setback provisions or where the applicant has made a clear showing that granting the variance would not cause an adverse environmental effect upon the Missouri River or the Little Missouri River"; and
- WHEREAS,** The Tribal Business Council passed Resolution No. 17-038-FWF, entitled "Amending the Missouri River, Badlands, and Sacred Sites Protection Act,



Resolution No. 20-143-FWF

Concerning Variances,” (Second Amendment) by amending the first Resolved paragraph, section 1 of Resolution 12-139-VJB, as follows:

The Tribal Business Council may, in its discretion, grant a variance from the half mile setback provision upon the recommendation of the Tribal Energy Office. The Tribal Energy Office may recommend a variance when minerals would be stranded due to the setback provisions or where the applicant has made a clear showing that granting the variance would not cause an adverse environmental effect upon the Missouri River of the Little Missouri River; and

WHEREAS, Applications for setback variances within the exterior boundaries of the Fort Berthold Indian Reservation are subject to other requirements of Tribal law, including 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 June 25th, 2020, WPX Energy Williston, LLC Company (“WPX”) submitted to the MHA Nation Energy Division a request for a Setback Variance, as set forth in Exhibit A; and

WHEREAS, The specific Setback Variance requested by WPX Williston is, as follows:

CHARLES BLACKHAWK 31-30H PAD: For 2 additional well bores, Charles Blackhawk 36-25HUL & Charles Blackhawk 31-30HZL which is within 1,000 feet Lake Sakakawea:

LOCATION: T148N, R92W, Section 31, Dunn County, North Dakota

ACRES OF DISTURBANCE: 0 acres

DRILLING/SPACING UNIT: Charles Blackhawk

DISTANCE FROM WELLPAD/Pipe: 856 ± feet to the 1854 High Water Line; (See Map in Exhibit A); and

WHEREAS, The MHA Nation Energy Division reviewed, processed and fully vetted WPX request for a setback variance for Charles Blackhawk 31-30H Pad and has determined that WPX has made a clear showing that granting the variance would not cause an adverse environmental effect upon the Missouri River or the Little Missouri River; and



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WHEREAS Pursuant to fees established and set forth in Resolution No. 18-212-FWF, this setback variance application is subject to a \$3,500 processing fee, in addition to the one-time application fee; and

WHEREAS, On July 23, 2020, at a duly held meeting of the Natural Resources Committee, the MHA Nation Energy Division recommended for approval WPX's setback variance request for Charles Blackhawk 31-30H Pad, and the Natural Resources Committee approved WPX's setback variance request for Charles Blackhawk 31-30H Pad.

NOW THEREFORE BE IT RESOLVED, The Tribal Business Council hereby approves the setback variance, attached as Exhibit A, submitted by WPX for Charles Blackhawk 31-30H Pad.

BE IT FINALLY RESOLVED, That the Chairman is hereby to take such further actions as are necessary to carry out the terms and intent of this Resolution.

[THIS SPACE INTENTIONALLY LEFT BLANK. CERTIFICATION FOLLOWS.]



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