



**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 (T1835, T1836 & T1976-A) for the Dakota Pad Temporary Water Line Submitted by WPX Energy Williston, LLC."***

- WHEREAS,** This Nation having accepted the Indian Reorganization Act of June 18, 1934, 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. 17-117-FWF, 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); and
- WHEREAS,** WPX Energy Williston, LLC submitted a ROW application for the Dakota Pad Temporary Water Line, across certain tribal tracts in Allotments T1835, T1836 & T1976-A with 1.00 tribal interest in all allotments, located in Sections 11 & 12, Township 149 North, Range 93 West, Dunn County, North Dakota, as more particularly described in Appendix A.1.; 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 WPX Energy Williston, LLC agreement to the execution of the MHA Right-of-Way Application and Terms and Conditions, as listed therein, and payment of ROW fees, the Tribal Business Council hereby approves the following ROW application, attached as Appendix A.1, and ROW consent, as follows:

- WPX Energy Williston, LLC – the Dakota Pad Temporary Water Line, across certain tribal tracts in Allotments T1835, T1836 & T1976-A with 1.0000000000 tribal interest in all allotments, located in Sections 11 & 12, Township 149 North, Range 93 West, Dunn County, North Dakota.

**BE IT FURTHER RESOLVED**, The ROW shall have a 10 year term, from the date of the BIA's grant of the ROW.

**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.

[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 Indian Reservation hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 11<sup>th</sup> day of February, 2021, 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. [ X ] Not Voting.

Dated this 11<sup>th</sup> day of February, 2021.

**ATTEST:**

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

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