



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

A Resolution entitled, "Approval of Setback Variance Requested by EOG Resources, Inc. for the Liberty 26 NENW 2."

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, 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, The Tribal Business Council has authority to engage in activities on behalf of and for the welfare and benefit of the MHA Nation and of the enrolled members thereof; 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. 15-045-LKH entitled, "Establishing a Procedure for the Approval of Leases, Rights-of-Way, Setback Variances and Permissions to Survey on Tribal Land"; and



WHEREAS, The Tribal Business Council passed Resolution No. 17-038-FWF, entitled “Amending the Missouri River, Badlands, and Sacred Sites Protection Act, 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, On March 9th, 2021, EOG Resources, Inc. (“EOG”) 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 EOG is, as follows:

Liberty 26 NENW 2: For well pad and wellbores: Liberty LR 125-2628H, Liberty LR 126-2628H, Liberty LR 64-2628H, Liberty LR 65-2628H, Liberty LR 66-2628H, and Liberty LR 67-2628H

LOCATION: NENW of Section 26, T151N, R91W

ACRES OF DISTURBANCE: 6.78 Acres

DRILLING/SPACING UNIT(s):

1) West half of Section 26, All of Section 27, 28 and East half of Section 29, T151N, R91W

DISTANCE FROM WELLPAD/Pipe: ± 1,069 feet to the 1854 High Water Line; (See Map “C.2” 1854 High Water Map, in Exhibit A); and

WHEREAS, On May 11th, 2021, during the environmental and right-of-way on-sites, EOG met with the MHA Nation Energy Division to review and consider all other alternatives for the construction and siting of the Liberty 26 NENW 2; and

WHEREAS, The MHA Nation Energy Division reviewed, processed and fully vetted EOG request for a setback variance for Liberty 26 NENW 2 and has determined that EOG 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



Resolution No. 21-167-FWF

WHEREAS, On August 3, 2021, at a duly held meeting of the Energy Committee, the MHA Nation Energy Division recommended for approval EOG's setback variance request for Liberty 26 NENW 2, and the Natural Resources Committee approved EOG's setback variance request for Liberty 26 NENW 2.

NOW THEREFORE BE IT RESOLVED, the Tribal Business Council hereby approves the setback variance, attached as Exhibit A, submitted by EOG for Liberty 26 NENW 2.

BE IT FURTHER RESOLVED, Pursuant to Resolution No. 18-212-FWF, approval of the setback variance request described herein is subject to a processing fee in the amount of \$3,000, which EOG must pay within fifteen (15) days from the passage of this Resolution.

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.]



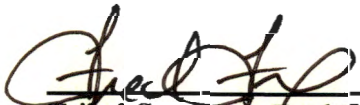
CERTIFICATION

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, 7 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 12th day of August 2021; 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 [] voting. [X] not voting.

Dated this 12th day of August 2021.

ATTEST:



Tribal Secretary, Fred Fox
Tribal Business Council
Three Affiliated Tribes



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