



**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 for the Sarah Yellow Wolf 22-27H Drilling & Production Pad Submitted by WPX Energy Williston, LLC.”

- WHEREAS,** The Mandan Hidatsa and Arikara Nation (MHA 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 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 the Constitution, the Tribal Business Council has the power to adopt Resolutions regulating the procedures of the Tribal Business Council, its agencies and officials; and
- WHEREAS,** Article VI, Section 5(c) of the Constitution specifically authorizes and empowers the Tribal Business Council to administer funds within the exclusive control of the Nation and to make expenditures from available Tribal funds for public purposes for the Nation; 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 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 Bonuses, Royalties, and Road and Pipeline Easements) Resolution No. 14-071-VJB (MHA Nation Application for Rights-of-Way and Use of Rights-of-Way), Resolution No. 14-089-VJB (MHA Nation Pipeline Rights-of-Way Terms and Conditions), 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 and 21-082-FWF (Amending Fee Structure); and

WHEREAS, WPX Energy Williston, LLC submitted a ROW application for the Sarah Yellow Wolf 22-27H Drilling & Production Pad, a 9.391 Acre Pad with 6 Wells (the “well pad project”), an access road 710.50’ in length, 80’ & 140’ in width, 1.538 acres in size, a permanent pipeline 2,693.36’ in length, 30’ in Width, 1.854 and 0.073 acres in size, a temporary pipeline 70’ in Width, 4.458 acres in size, and utilities 3,081.66’ in length, less than 30’, 80’, 100’ & 140’ in Width, 7.055 acres in size, across certain tribal tracts in Allotments 675A in Section 15, 677A in Section 22, T1974-C in Section 21, Township 149 North, Range 91 West, in Dunn County, North Dakota, with 0.3154761905 tribal interest in allotment 675A, and 0.0416666667 tribal interest in allotment 677A, 1.0000000000 tribal interest in allotment T1974-C; 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:

- WPX Energy Williston, LLC – the Sarah Yellow Wolf 22-27H Drilling Pad.
 - including above ground appurtenances and an access road 710.50’ in length, 80’ & 140’ in width, 1.538 acres in size, a permanent pipeline 2,693.36’ in length, 30’ in Width, 1.854 and 0.073 acres in size, a temporary pipeline 70’ in Width, 4.458 acres in size, and utilities 3,081.66’ in length, less than 30’, 80’, 100’ & 140’ in Width, 7.055 acres in size.
 - Total disturbance for the project of 24.369 acres.
- across certain tribal tracts in Allotments 675A in Section 15, 677A in Section 22, T1974-C in Section 21, Township 149 North, Range 91 West, in Dunn County, North Dakota, with 0.3154761905 tribal interest in allotment 675A, and 0.0416666667 tribal interest in allotment 677A, 1.0000000000 tribal interest in allotment T1974-C;

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 MHA Nation Standard Terms and Conditions for Rights-of-Way are incorporated into this consent to approval 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 grant of the ROW.

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 assignment of the Pipeline portion for the Sarah Yellow Wolf 22-27H Drilling & Production Pad to Arrow Pipeline, LLC, and the Utility portion for the Sarah Yellow Wolf 22-27H Drilling & Production Pad to McKenzie Electric Co-Op Inc.

BE IT FURTHER RESOLVED, The Tribal Business Council retains the authority, as well as the delegation of authority to the MHA Nation Energy Division and other Tribal departments, 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.

[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, 7 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 15th day of August, 2022, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 7 members, 0 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.


Chairman [X] Voting. [] Not Voting.

Dated this 15th day of August, 2022.

ATTEST:



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



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