



**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 (706A-A, T 743A and 1932) for the Mandaree Pipeline - EOG Project submitted by EOG Resources, Inc.”

- 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 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 and 21-082-FWF (Amending Fee Structure); and
- WHEREAS,** EOG Resources, Inc. submitted a ROW application for the Mandaree Pipeline – EOG for a 30-foot-wide easement consisting of a 20-foot-wide easement for



fiberoptic and utility lines and a 10-foot-wide easement for a temporary above-ground freshwater line and associated above ground appurtenances for constructing, reconstructing, operating, maintaining, inspecting, repairing, replacing, re-purposing, re-laying, changing the size of, and/or removing of an above ground layflat freshwater line, together with such valves, fittings, launchers, receivers, meters, corrosion control devices, wires, cables, fiber optic and electronic telemetry wiring, communications equipment, pipelines operating control devised, and/or other equipment and appurtenances as may be necessary and/or convenient for the gathering and transportation by pipelines of oil, gas, condensate, natural gas liquids, petroleum, and/or any products or byproducts thereof, water, other liquids and gases and mixtures of any of the foregoing, and such additional uses and/or pipelines in the future as may be within the same scope as the use specified herein and that have been authorized pursuant to the landowner(s)' consent for the granting of this easement across allotments: 301-706A-A in Section 4, 301 T743A in Section 9 and 301-1932 in Section 8 of Township 149 North, Range 94 West, of McKenzie 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; and

WHEREAS, The Tribal Ownership identified herein is based on the most current Title Status Report issued by the United States Department of Interior, Bureau of Indian Affairs. If Tribal Ownership changes before the Bureau of Indian Affairs issues the Grant of Right of Way, the Bureau of Indian Affairs and EOG Resources, Inc. shall use the Tribal Ownership interest at the time the Grant of Right of Way is issued, and EOG Resources, Inc. agrees to pay the Tribal Ownership interest at the time of issuance; and

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:

- Mandaree Pipeline - EOG for EOG Resources, Inc. consisting of:
- Allotment 301 706A-A (0.7500000000%) Total Disturbed acres for fiberoptic/utilities is 0.893 acres and 0.504 acres for a temporary layflat freshwater line. Total acres disturbed in allotment = 1.397 acres in Section 4, T149N R94W, 5th P.M., McKenzie County, North Dakota.
- Allotment 301 T743A (Tribal Interest 1.0000000000%) Total Disturbed



acres for fiberoptic/utilities is 0.731 acres and 0.313 acres for a temporary layflat freshwater line. Total acres disturbed in allotment = 1.044 acres in Section 9, T149N-R94W, 5th P.M., McKenzie County, North Dakota.

- Allotment 301 1932 (Tribal Interest 0.0555555556%) Total Disturbed acres for fiberoptic/utilities 0.068 acres and 0.067 acres for a temporary layflat freshwater line = 0.135 acres in Section 8, T149N-R94W, 5th P.M., McKenzie County, North Dakota.
- Total Disturbance for all three (3) Allotments: **2.576 Acres**

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 Tribe does not consent to waive any bond, insurance, or alternative form of security.

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.

[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 13th day of April, 2023, 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 13th day of April, 2023



Tribal Secretary, Fred Fox
Tribal Business Council
Three Affiliated Tribes



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