



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

**A Resolution Entitled, *“Providing Tribal Consent for Communitization Agreement
Implicating Tribal Mineral Interests”***

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(l) 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, The Tribe has spent several months working in close coordination with its federal partners to negotiate revised language for Communitization Agreement NDM 108753 (CA) to allow for the Tribe and tribal member allottees to be paid royalties owed under various leases included under the CA; and

WHEREAS, Following a request submitted to the Department of the Interior to initiate shut-in actions and lease cancellations for leases included under the CA pursuant to Resolution No. 23-195-FWF, the operator of the CA, Enerplus Resources (USA) Corporation, and a lessee WPX Energy Williston, LLC, have recently agreed to sign the CA along with the other lessees, Missouri River Resources and XTO Holdings, LLC, who had previously committed to signing the CA; and

WHEREAS, The Tribal Business Council believes it is in the best interest of the Tribe to provide consent for the CA identified in Attachment A so that the the Tribe and tribal member allottees may be paid oil and gas royalties owed for over seven years.

NOW THEREFORE BE IT RESOLVED, The Tribal Business Council hereby approves and provides tribal consent for CA NDM 108753.



BE IT FINALLY RESOLVED, The Chairman of the Tribal Business Council shall have the authority to execute all documents necessary to provide tribal consent for the CA identified in Attachment A and take such further actions as are necessary to carry out the terms and intent of this Resolution.


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 July, 2023, 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 13th day of July, 2023.

ATTEST:



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



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