



**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 (1755) for the Crosby Chase 2-1H Project 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 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,** WPX Energy Williston, LLC submitted a ROW application for the Crosby Chase 2-1H Project, across certain Tribal tract, Allotment 1755 (60% Tribal Interest),



located in Section 4, of Township 150 North, Range 94 West, in McKenzie County, North Dakota as more particularly described in Appendix A.1.; and

WHEREAS, The ROW for this application consists of Pipeline & above-ground appurtenances and Utilities, Fiber Optics, Electric & above-ground appurtenances; 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 – Crosby Chase 2-1H Project:
 - A Pipeline ROW being 2,074.86 feet in length and consisting of 1.429 Permanent acres and 3.335 Temporary construction acres, more or less.
 - Utilities, Fiber Optics, Electric & above-ground appurtenances being 2,074.86 feet in length and consisting of 4.764 acres, more or less.
 - Total Disturbance for this project is 4.764 acres.

Across certain tribal tracts in Allotment 1755 in Section 4, of Township 150 North, Range 94 West, in McKenzie County, North Dakota, with 60% tribal interest.

BE IT FURTHER RESOLVED, That the ROW shall have a 20 year term.

BE IT FURTHER RESOLVED, That the Tribe does not consent to waive any bond, insurance, or alternative form of security.

BE IT FURTHER RESOLVED, That 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, That the Tribe retains the authority to issue fines and set conditions to address and resolve ROW trespass, abandonment, non-use, and other



violations, including violations of the applicable MHA Nation Standard Terms and Conditions for Rights-of-Way, and further requests the Bureau of Indian Affairs to defer to these remedies, in accordance with the intent and notice provisions, as provided in 25 CFR §169.403(a).

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 an assignment of the Pipeline portion for the Crosby Chase 2-1H Pad to Targa Resources Corp. and the Utility portion for the Crosby Chase 2-1H Pad to McKenzie Electric Co-op. Inc.

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.

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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 19th day of October, 2023, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 6 members for, 0 members opposed, 0 members abstained, and 1 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman () Voting, (X) Not Voting.

Dated this 19th day of October 2023.

ATTEST:

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

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