



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

*A Resolution entitled, "Approval of a Setback Variance Requested by ONEOK Rockies
Midstream, L.L.C. for the Ashley USA CTB Pipeline Project"*

- WHEREAS,** The Mandan Hidatsa and Arikara Nation (the "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 Tribes; 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 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,** 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



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WHEREAS, On March 27, 2017, 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, On February 9, 2017, 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. In no event shall a setback of less than 1000 feet be allowed” (“1,000-foot Lake setback restriction”); and

WHEREAS, On March 20, 2024, ONEOK Rockies Midstream, LLC (“ONEOK”) submitted to the MHA Nation Energy Division a Setback Variance Request as follows:

Ashley USA CTB Pipeline: For a pipeline and necessary and incidental facilities, equipment and appurtenances, including but not limited to valves and markers, for the transportation of oil, gas, petroleum products, water, brine, and/or any other liquids, gases, or substances which can be transported through pipelines, to connect the Ashley USA well site to existing pipeline infrastructure.

LOCATION: Private Fee Land, in the NE ¼ of Section 8 and the NW ¼ of Section 9, Township 151 North, Range 93 West, 5th P.M., Mountrail County, North Dakota.

ACRES OF DISTURBANCE: 0.872 Acres

DRILLING/SPACING UNIT: N/A

DISTANCE FROM PIPELINE & PIPELINE INFRASTRUCTURE: 2,517 ± feet (0.477 miles) to the 1854 High Water Line.

WHEREAS, The MHA Nation Energy Division reviewed, processed and fully vetted ONEOK’s request for a setback variance for the Ashley USA pipeline and has determined that ONEOK 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, On April 10, 2024, at a duly held meeting of the Energy Committee, the MHA Nation Energy Division recommended for approval ONEOK’s setback variance



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request for Ashley USA pipeline and the Energy Committee approved ONEOK's setback variance request for the Ashley USA pipeline.

NOW THEREFORE BE IT RESOLVED, the Tribal Business Council hereby approves the setback variance, submitted by ONEOK for the Ashley USA pipeline.

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 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 7th day of April, 2024, 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 15th day of April, 2024.

ATTEST:

Handwritten signature of Fred W. Fox in blue ink.

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

Handwritten signature of Mark N. Fox in blue ink.

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